

# **Program Description**

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## **Overview**

The Courthouse Facilities Improvement Fund was created by the West Virginia Legislature with the enactment of House Bill 2844 dated April 14, 2001. The West Virginia Code reference is Chapter twenty-nine, Article twenty-six (§29-26-1). The Courthouse Facilities Improvement Authority (hereinafter referred to as “the Authority”) was created to administer the Courthouse Facilities Improvement Fund (hereinafter referred to as “the Fund”), whose primary purpose is to provide funding assistance to counties for the improvement of existing courthouse facilities or the construction of new courthouse facilities. The enclosed information provides program clarification and funding application guidelines.

## **Funding Areas**

Courthouse Facilities Improvement Funds may be used for one (1) of the following funding areas to create improvements to courthouse facilities:

1. Life Safety / Building Code Compliance
2. Accessibility
2. Roof
2. Structural
2. Electrical
2. Communications Cabling
3. Exterior Improvements
3. Interior Improvements
3. Mechanical (HVAC/Plumbing)
3. Windows / Doors
4. New Space

## **Areas which Do Not Qualify for Funding Assistance**

Courthouse Facilities Improvement Funds may not be used in the following areas:

1. General Operating Expenses including, but not limited to, personnel, general facility maintenance and upkeep, training, inmate expenses, vehicles, utilities, service of debt, etc.
2. Improvement to facilities not owned by the county or improvements to facilities which are not occupied by offices of county and judicial officials or by courtrooms, county jails, or detention centers, etc.
3. Improvement projects funded (or scheduled to be funded) by other state or federal programs. This requirement is designed to reduce confusion and possible “overlapping” of programs.
4. Decisions will be made on a case by case basis in reference to improvement funding requests made to fund counties portion of “co-pay” programs established with other funding entities.
5. Courthouse Security will not be included because there is a separate grant program that focuses on this issue.
6. Generators, phones, and furnishings can not be funded.
7. Professional fees (architects/engineers) are only covered up to 5% of the grant total.

## **Courthouse Facilities Eligible for Improvement Funding**

West Virginia Code §29-26-2 defines “courthouse facility” as buildings or structures which are occupied exclusively by offices of county and judicial officials or by courtrooms, county jails, or detention centers. The Authority interprets this section to mean any facility owned by the county that is used for county administration and includes offices of county elected officials and staffs performing the functions of administration, judicial, and law enforcement.

“Courthouse facilities” include, but are not limited to, the following examples:

1. Existing operational courthouses;
2. Jails scheduled for renovation and use by the county for office space or records storage;
3. Existing or planned courthouse annexes; and
4. County owned buildings currently being occupied by or scheduled to be used by courthouse personnel.

Any funding applications for facilities of questionable eligibility will be addressed individually on a case by case basis.

## Funding Program Application Guidelines

Applications for funding assistance are initiated by completing the appropriate application and submitting it to the Authority. Applications requesting improvement funds should be submitted by each respective County Commission wherein the project is located, with letters of recommendation from various elected county officials whose areas of responsibility are affected by the requested improvements. **The total number of pages, exclusive of the application, should not exceed fifty (50) pages. Please submit the original application and two (2) copies. That is three total.**

Upon receipt, applications will be promptly reviewed for completeness. In cases where an application may be incomplete, the Authority will contact the applicant and request the required information. If the requested information is not received prior to the postmark deadline, the application will NOT be considered for funding.

All applications must provide the following information:

1. The type, location, and description of the proposed improvement or addition of a courthouse facility;
2. The estimated total cost of the proposed improvement;
3. The amount and type of funding assistance requested and the specific use of the funds; Maximum Grant award is \$100,000 – county must provide 20% match;
4. Information providing any other sources of funding available or potentially available for the modification or construction;
5. Information demonstrating or explaining the need for the improvements and the anticipated positive impact to the efficient and economic operation of the courthouse facility;
6. Proof that SHPO has been contacted; and
7. **Before photographs of the project on a thumbdrive or via email. CDs are no longer accepted.**

The Authority will notify the applicant county of the results of the evaluation of the funding request. The written response will include, but not be limited to, the following:

1. The Authority's recommendation as to the improvement or construction financing, in terms of the kind, amount, and source of funding, for which the applicant county is eligible; funding assistance may take the form of a loan, loan guarantee, grant, or other forms of financial support; or
2. The Authority's determination that the proposed improvement or construction of a courthouse facility is not eligible for funding assistance and the reasons thereby.

# **Financial Requirements**

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## **Pre-funding Statement of Need**

The county applicant should explain as thoroughly as possible the facility history as pertains to the funding request, and current conditions that justify and support the request for improvement funding assistance. Where applicable, both written dialogue and photographs should be provided with the funding application. It is in the best interest of the Authority and the county applicant to have a complete understanding of the project need. When deemed advisable, the Authority staff members, and/or project specialists employed by the Authority, will schedule site visits with county representatives to gain additional information required to better understand and evaluate the applicant’s request for improvement assistance.

## **Project Audits**

State and local governments are subject to the Single Audit Act of 1984 and OMB Circular A-128, “Audits of State and Local Governments.”

## **Suspension or Termination of Funding**

Before imposing sanctions, the Authority will provide reasonable notice to the fund receiver of its intent to impose sanctions and will attempt informally to resolve any problems.

The West Virginia Courthouse Facilities Improvement Authority may, in whole or part, suspend or terminate funding or impose other sanctions on a receiver of funds for the following reasons:

1. Failure to comply substantially with the requirements and objectives of the Courthouse Facilities Improvement Authority, guidelines issued thereunder, or other provisions of federal, state, or local law;
2. Failure to adhere to the requirements, standards, conditions or special conditions;
3. Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding;
4. Failure to submit required reports in a timely manner;
5. Filing a false certification in this application or other report or document; or
6. Other good cause shown.

## **Contractual Obligations**

Each loan, loan guarantee, grant, or other assistance made or provided by the Authority must be evidenced by a loan, loan guarantee, grant, or other assistance agreement between the Authority and the county applicant. The agreement will include the following provisions to the extent applicable:

- I. The estimated cost of the project, the amount of the loan, loan guarantee, or grant or the nature of the assistance, and in the case of a loan or loan guarantee, the terms of repayment and the security available;
- II. The specific purposes for which the loan or grant proceeds shall be expended or the anticipated benefits to accrue from such loan guarantee or other assistance, and the conditions and procedures for disbursing loan or grant proceeds;
- III. The duties and obligations imposed upon the county applicant regarding the acquisition, construction, improvement, or operation of the project; and
- IV. The agreement of the county applicant to comply with all applicable federal and state laws, and all rules and regulations issued or imposed by the Authority or other federal, state, or local bodies regarding the acquisition, construction, improvement, or operation of the project and granting the Authority the right to appoint a receiver for the project if the county applicant should default on any terms of the agreement.

## **Required Project Reports**

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### **Progress Reports**

Progress reports shall be utilized to report progress, achievements, and results pertaining to specific funded improvements. Comments should relate directly to the objectives and time line(s) of the project(s). Any project delays or concerns should be detailed in this report. The progress report should be submitted quarterly to the Authority. These reports are required for the continuance of the contract. Any delay in submission will be a violation of the contract. Email submission of the report is preferred to [shelly.murray@wvcfia.com](mailto:shelly.murray@wvcfia.com). Progress reports are required quarterly for every active grant, even if no activity has occurred on the project during that quarter. If no activity has occurred during the quarter, then the progress report should state why there has been no activity. Progress Report must be submitted also with any request for reimbursement.

### **Reimbursement Requests**

No more than three reimbursement requests may be submitted within a contracted period. Each request must be signed by the County Commission President in blue ink. A progress

report must accompany each reimbursement request. Each request can only be reimbursed at 80% of the submitted amount, not to exceed a total of \$100,000 or the approved project total. Invoices and proof of payment must accompany each request.

### **Project Completion Report**

This report is to be submitted to the Authority within thirty (30) days of the date of the completion of the funded improvement project(s) as stated in the signed contract. A final reimbursement request shall not be processed until this report has been received. This report should consist of detailed financial expenditures, project completion dates, and an in-depth comparison between the completed project and the intent of the original funding request and application. Areas of interest include, but not limited to, the following:

- A. Cost comparisons;
- B. Quality of workmanship;
- C. Quality of materials used;
- D. Employee/Courthouse visitor benefits;
- E. Timeliness of contractors/materials;
- F. Problem areas; and
- G. County applicants project overview/recommendations
- H. Pictures of the completed project provided on CD or via email

For additional information, please contact:

Shelly L. Murray, Executive Director  
WV Courthouse Facilities Improvement Authority  
2003 Quarrier Street  
Charleston, WV 25311

(304) 558-5435 – Office Phone

(304) 380-4032 – Cell

(304) 558-9174 – Fax

[Shelly.Murray@wvcfi.com](mailto:Shelly.Murray@wvcfi.com) – email

[www.cfia.wv.gov](http://www.cfia.wv.gov) - website