

General Program Information

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Program Description

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) or more of the following funding areas to create improvements to courthouse facilities:

1. General Exterior
2. General Interior
3. Exterior Walls
4. Roof
5. Windows and Doors
6. Fire Safety
7. ADA Compliance/Americans with Disabilities Act
8. Structural Integrity
9. Security
10. Electrical
11. Mechanical
12. Work Safety
13. Space Requirements/Document Storage

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.

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, or to be purchased, 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 three (3) copies.**

Applications are available upon request from the Authority.

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 within thirty (30) days, the application will be considered pending until such time as the information is received. All information must be received prior to the closing of the current funding cycle.

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;
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; and
6. **Before photographs of the project on a cd.**

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.

General Program Criteria

The funding assistance available to counties for courthouse improvements represent various types of funding programs. The basic types of assistance include, but are not limited to, the following:

1. Loans - The interest rate on any loan made to any county applicant can not exceed five percent (5%) per annum. The Authority may limit loans to county applicants to whatever amount it deems desirable to advance the intent and purpose of WV Code §29-26;
2. Loan Guarantees - The Authority may also guarantee loans initiated by the county applicant for improvement/construction projects approved by the Authority for funding assistance;
3. Grant - Any monies distributed from the fund in the form of grants may not exceed twenty-five percent (25%), per approved project, of the total funds available for the funding of projects. Provided that no county applicant shall receive grant money from the Authority in an amount in excess of eighty percent (80%) of the total cost of the project;
4. General - The Authority may use various combinations of methods to provide financial, technical, or other assistance as necessary to support the financing of the costs of projects to be undertaken by a county applicant; and
5. Other Assistance - The Authority, at its discretion, may provide other forms and methods of assistance in addition to loans and grants, including, but not limited to, bond and loan guarantees and the purchase of insurance for the bonds.

Financial Requirements

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

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.

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.

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.

Project Reports

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 monthly to the Authority. These reports are required for the continuance of the contract. Any delay in submission will be a violation of the contract.

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. 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 be 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