

110 Center Avenue
Weston, WV 26452
Phone: (304)269-8200
Fax: (304)269-2416
Email: lewiscountycommission@lewiscountywv.org
Website: lewiscountywv.org



COMMISSIONERS:
PATRICK D. BOYLE
President
AGNES QUEEN
Commissioner
ROD WYMAN
Commissioner

LEWIS COUNTY COMMISSION
110 CENTER AVENUE, 2nd FLOOR
WESTON, WV 26452
MEETING AGENDA
TUESDAY, February 21, 2017

SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

1. **10:00 AM Call Meeting to Order** (*action required*)
2. **10:05 AM John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments
Draft copies will be available for review Thursday, February 16, 2017 upon request. (*action required*)

APPOINTMENTS

3. **10:10 AM Rebekah Lockwood and Trenton Harrison**
RE: Ms. Lockwood and Mr. Harrison were hired as Lewis County Deputy Assessors by the Lewis County Commission on February 6, 2017 and February 10, 2017 respectively. The oaths of office will be administered. (*action required*)
4. **10:30 AM John Cobb**
RE: Mr. Cobb will address the commission on matters relating to the construction and impact of pipelines. (*information only*)
5. **10:45 AM Debbie Anderson, Human Resource Development Foundation**
RE: The Lewis County Commission had previously entered into a contract with the Human Resource Development Foundation for stream clean up. This contract has expired. Ms. Anderson requests the commission consider renewal. (*information only*)
6. **11:00 AM Cheyenne Walters, Lewis Upshur Community Corrections**
RE: Annual report of activities of the Lewis Upshur Community Corrections Program. (*information only*)
7. **1:30 PM Estate of Judy C. Oldaker**
RE: The appraisalment form for the estate of Judy C. Oldaker has not received in the one year time frame required. The Lewis County Commission will address the matter in regard to future administration. (*action required*)
8. **1:45 PM Estate of George W. Riffle**
RE: The appraisalment form for the estate of George W. Riffle has not received in the one year time frame required. The Lewis County Commission will address the matter in regard to future administration. (*action required*)

CORRESPONDENCE

9. **Upshur County Commission Meeting Agendas:** Upshur County Commission Agendas for February 12 and February 19th, 2017 *(information only)*
10. **West Virginia Regional Jail and Correctional Facility Monthly Invoice:** January 2017 monthly invoice for Lewis County inmates housed in the Regional Jail System: 1,767 inmate days X \$48.25 per diem = \$85,257.75. *(information only)*
11. **Sheriff's Monthly Vehicle Report:** Report of maintenance and mileage for Sheriff's Fleet of vehicles. *(information only)*
12. **Sheriff's Monthly Settlement:** Sheriff Adam Gissy submits the January 2017 Monthly Settlement (reconciliation) of Lewis County financial accounts. *(information only)*
13. **Lewis-Gilmer Emergency 911 Monthly Call Report:** Report of calls and disposition by agency received by the Lewis Gilmer Emergency 911 Center for the month of January 2017*(information only)*
14. **Lewis-Gilmer Monthly Emergency 911 Addressing Report:** Addressing report including phone calls, walk-ins and addresses issued in January, 2017. *(information only)*
15. **Jane Lew Public Service District Meeting Agenda:** Meeting Agenda for February 9, 2017 Jane Lew Public Service District regular meeting. *(information only)*
16. **West Virginia Culture and History Records Management and Preservation Grant Award:** Lewis County has been awarded at 2018 Records Management and Preservation Grant. This grant will provide \$5,000 for indexing in the County Clerk's Office and \$5,000 for scanning in the Circuit Clerk's Office. This requires a 10% county match. *(information only)*
17. **Suddenlink Communications Cable Franchise Fee Remittance:** Cable Franchise fees for the last quarter of 2016 (October, November and December) from Suddenlink Communications in the amount of \$1,385.02 were received.*(information only)*
18. **West Virginia State Auditor's Audit for the Lewis County Magistrate Court:** Audit for Lewis County Magistrate Court for the year ending December 2015. The following findings were identified: 1) Segregation of duties; 2) Bonds need to be receipted when collected and when released be adjusted to fines, costs and/or refunds; 3) Receipted amounts including non-sufficient funds need to be included on the receipt report; 4) Software should be modified to provide account balance reports; 5) Software should be modified to make sure changes to the local court records cannot be done without approval of the local court; 6) Checks should contain two or more signatures; 7) Financial record reporting system should be equipped with a credit card machine rather than stand alone as it is now; 8) Reporting of unpaid fines and costs to the State Tax Department; 9) Software program needs to have a control to assure appropriate costs are assessed; 10) Timely reporting of Motor Vehicle Suspensions to the Department of Motor Vehicles; 11) Order of restitution should be applied when restitution is ordered; 12) Suspensions of Motor Vehicle Licenses should be recorded; 13) Identification needs to be checked to verify correct address; 13) Worthless Check Warrants should be issued in a timely manner.*(information only)*
19. **West Virginia State Auditor's Office General County Budget Revision Approval:** The West Virginia State Auditor's office has approved the Lewis County General Fund Budget Revision number 4. *(information only)*

BUSINESS

20. **Board(s) and Committee(s) Reports:** Reports by Commissioners of any board or committee(s) attended including: Board of Equalization; Personal Policy Work Session; Goal Work Session with Elected Officials and Department Heads; County Commissioner's Association of West Virginia Legislative Meeting; County Commissioner's Association of West Virginia Legislative Conference Call; West Virginia Auditor's Office Budget Training Workshop; Lewis County Fire Board. *(information only)*
21. **Lewis County Economic Development Authority Board Appointment Request:** The Lewis County Economic Development Authority requests the reappointments of Kim Gum, Cline Craig, Denver Turner, Greg Cunningham and Ray Smith to the Authority. If approved the reappointments will expire December 31, 2019. Additionally, the appointment of Kevin Stalnaker, Stephanie Wolverton and Shannon Cunningham as new members. If approved one term of office will expire on December 31, 2017 and two will expire December 31, 2019. *(action required)*
22. **Lewis County Economic Development Authority Report:** Report of activities of the Lewis County Economic Development Authority by Director Michael Herron. *(information only)*.
23. **Request to Transfer Annual/Compensatory Leave to Sick Leave per Lewis County Personnel Policy Manual***(action required)*
 - a) Ed Clark 28 Hours Annual Leave to Sick Leave
24. **Timesheets and Leave Requests** *(action required)*
 - a) Barbara Winans Annual Leave February 9, 2017
 - b) Lucinda A Whetsell January Monthly Time Sheet

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

25. **Actions of the Clerk:** County Clerk Cynthia S. Rowan presents actions of the clerk in recess of the county commission for approval. Draft copies will be available for review upon request on Thursday, February 16, 2017. *(action required)*
26. **Approval of Estate Settlements:** County Clerk Cynthia S. Rowan presents the estates ready for settlement to the Lewis County Commission for approval. Draft copies will be available for review upon request Thursday, February 16, 2017. *(action required)*
27. **Presentation by County Clerk of the Orders of Prior Meeting(s) for consideration.** Draft copies will be available for review upon request Thursday, February 16, 2017. *(action required)*
28. **Expenses for the current period presented for consideration of payment.** Draft copies will be available for review upon request Thursday, February 16, 2017. *(action required)*

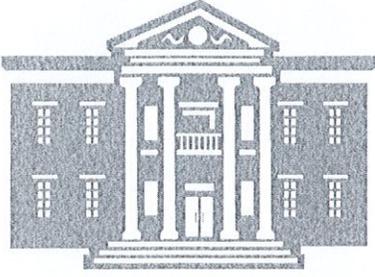
ADJOURNMENT:

29. **With no further action being required by the Lewis County Commission, the meeting will be adjourned.** *(action required)*

**LEWIS COUNTY COMMISSION
MEETING MANAGEMENT**

- Regular meeting agendas will be posted and available to the public before closure two (2) business days prior to the meeting date.
- Agenda matters to be reviewed and/or considered during the meeting are at the discretion of the Lewis County Commission.
- Appointments to speak with the county commission must be scheduled before 10 AM three (3) business days prior to the meeting. Appointments will be given a ten (10) minute time allowance.
- Open discussion by Commission unless executive session is motioned per WV Code §6-9A-4.
- Input or recommendation from constitutional officers, staff or public that is not listed by name on the agenda will only be allowed if requested by the commission or required by statute.
- Those not scheduled on the agenda may sign up for public comment at a minimum fifteen (15) minutes prior to the start of the meeting. Public comment is limited to five (5) minutes per speaker.
- Motion required for consideration of vote.
- All votes unanimous unless otherwise stated.

*Roberts Rules of Order is utilized as a guide only.
The Commission controls meeting management, discussion and input.*



Cynthia S. Rowan

Lewis County Clerk

110 Center Avenue
Weston, WV 26452

(304) 269-8215 Fax: (304) 269-8202

January 17, 2017

Samuel J. Oldaker, III
221 Lee Street
Weston, WV 26452-2139

RE: Judy Carolyn Oldaker, deceased

Dear Mr. Oldaker:

On June 19, 2013, you qualified to be the Administrator of the Estate of Judy Carolyn Oldaker, deceased. Our office has made various attempts to contact you but, to date, we have not received the appraisal for said estate. The deadline for you to have furnished this information to our office is seriously past due and, according to West Virginia Code §44-1-14, failure to comply with this requirement is a misdemeanor.

Therefore, if we have not received said appraisal by February 17, 2017, you will be required to appear before the Lewis County Commission for a hearing on February 21, 2017, at 1:30 p.m. The cost for recording this document will be approximately \$11.00.

If you have any questions, feel free to contact us at 304-269-8215.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia S. Rowan". The signature is written in black ink and is positioned above the typed name.

Cynthia S. Rowan
Lewis County Clerk

cc:

Lewis County Commission
110 Center Avenue
Weston, WV 26452



Cynthia S. Rowan

Lewis County Clerk

110 Center Avenue

Weston, WV 26452

(304) 269-8215 Fax: (304) 269-8202

January 18, 2017

David E. Paugh
305 Belleview Avenue
Weston, WV 26452

RE: George W. Riffle Estate

Dear Mr. Paugh:

On July 12th, 2013, you qualified to be the Executor of the Estate of George W. Riffle, deceased. Our office has made various attempts to contact you but, to date, we have not received the appraisal for said estate. The deadline for you to have furnished this information to our office is seriously past due and, according to West Virginia Code §44-1-14, failure to comply with this requirement is a misdemeanor.

Therefore, if we have not received said appraisal by February 17, 2017, you will be required to appear before the Lewis County Commission for a hearing on February 21, 2017, at 1:30 p.m. The cost for recording this document will be approximately \$11.00.

If you have any questions, feel free to contact us at 304-269-8215.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia S. Rowan". The signature is written in black ink and is positioned above the typed name.

Cynthia S. Rowan
Lewis County Clerk

cc:

Lewis County Commission
110 Center Avenue
Weston, WV 26452

Upshur County Commission Agenda

Location of Meeting: Upshur County Courthouse Annex

Date of Meeting: February 9, 2017

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance

Approval of Minutes:

- January 26, 2017
- February 2, 2017



9:15 a.m. Jason Westfall -- Discussion regarding the Upshur County Youth Baseball Association lease for property known as the Wellness Complex located on Brushy Fork Road.

9:30 a.m. Cheyenne Walters, Program Director for Community Corrections – 2016 Community Corrections Report

9:45 a.m. Rodney Rolenson, Corporal and Home Confinement Supervisor – 2016 Home Confinement Report

10:00 a.m. Lindsay Bever, Buckhannon-Upshur Youth Leadership Association – Presentation of draft “Save the Bees” Bill

10:15 a.m. John Gygas – Public recreation suggestions for Upshur County

10:30 a.m. Discuss property located in Banks Tax District – Tax Map 2Q – Parcel Number 46 – Case Number 041212-01.

Items for Discussion / Action / Approval:

1. Approval of James W. Curry Scholarship Announcement and Application for 2017.
2. Correspondence from Lori B. Ulderich Harvey, Upshur County Family Resource Network Director, requesting permission to place blue light bulbs in the candles displayed in the Upshur County Courthouse windows and “plant” pinwheels in the flower beds during the month of April for Child Abuse and Neglect Awareness Month.
3. Correspondence from Todd Payne requesting consideration to be appointed to the Upshur County Farmland Protection Board. The current vacancy is an unexpired term set to expire on June 30, 2019 and requires the member to be a farmer.
4. Approval and signature of correspondence to Dr. Burton Abel, Dr. Timothy Reese and Kress Eyecare Associates requesting their consideration to join the SPECTERA Vision Network.
5. Approval of Seasonal Concession Stand Manager Advertisement. Applications must be received by the close of business on March 10, 2017. This is a temporary full-time position with no benefits. The wage rate will be \$10 per hour, beginning mid-May through Mid-August.

6. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Ora L. Ash, Deputy State Auditor, regarding the levy estimate (budget) 2017-2018 and enclosing a budget sequence of events.
2. Correspondence from Joseph N. Geiger, Jr., Director of the WV Archives and History, announcing the award of \$10,000 to be used by the Circuit Clerk's office to digitize chancery and law case files and requesting a response with the Commission's intent to pursue the records project.
3. News from the Attorney General's Office – January 19, 2017 – “Grandparent” scam
4. News from the Attorney General's Office – January 29, 2017 – “Can You Hear Me Now” scam
5. Correspondence from Chris Garrett, R.S., Upshur-Buckhannon Health Department Sanitarian, providing a monthly progress report for the Rick Carrier Property - Safe Structures and Sites Case #061214-02.
6. Correspondence from Tabatha Perry, Assistant County Administrator, to Charlie Heater regarding his property located in Banks Tax District – Tax Map 2Q – Parcel Number 46 and the Commission's decision on January 26th to provide him with a 60 day extension to bring the property into full compliance with the Ordinance.
7. Upshur County Building Permits – January 2017
8. Upshur County E911 Communication Reports ---January 2017
 - Monthly Call Summary Report
 - Monthly Department Summary Report
 - Monthly and YTD Wrecker Report
9. Newsletters and/or Event Notifications:
 - Buckhannon-Upshur Chamber of Commerce—February 6, 2017
 - Upshur County Administrative Annex Ribbon Cutting – February 10, 2017 from 12:00 p.m. to 1:00 p.m.
 - Buckhannon Police Department Community Meeting -- February 23, 2017
10. Agendas and/or Notice of Meetings:
 - Lewis-Upshur Community Corrections Board February 6, 2017
 - Upshur County Safe Structures and Sites Enforcement Board February 9, 2017
 - Buckhannon-Upshur Airport Authority February 9, 2017
 - Upshur County Solid Waste Authority February 13, 2017

11. Meeting Minutes:

- 26th Judicial Community Corrections Board

October 17, 2016

12. Meetings:

- 03/07/17 5:30 p.m. Elkins Road PSD
- 03/07/17 4:00 p.m. Hodgesville PSD
- 03/02/17 7:00 p.m. Banks District VFD
- 03/02/17 7:00 p.m. Selbyville VFD
- 02/13/17 12:00 p.m. Upshur County Family Resource Network
- 02/13/17 4:30 p.m. Upshur County Solid Waste Authority
- 02/13/17 5:30 p.m. Buckhannon-Upshur Recreational Park Advisory Board
- 03/06/17 6:00 p.m. Lewis-Upshur Community Corrections Board-Upshur County
- 02/14/17 7:30 p.m. Adrian VFD
- 03/02/17 6:00 p.m. Buckhannon-Upshur Board of Health
- 02/15/17 7:00 a.m. Upshur County Development Authority – Executive Board
- 02/08/17 12:00 p.m. Upshur County Senior Center Board
- 02/09/17 3:00 p.m. Upshur County Conventions & Visitors Bureau – UCDA Office
- 02/08/17 6:00 p.m. Upshur County Citizens Corp – CERT
- 02/08/17 7:30 p.m. Warren District VFD
- 02/09/17 1:00 p.m. Adrian PSD
- 02/08/17 3:00 p.m. Tennerton PSD
- 02/09/17 4:00 p.m. Upshur County Safe Sites & Structures Ordinance Board
- 02/09/17 7:30 p.m. Buckhannon VFD
- 02/09/17 4:00 p.m. Buckhannon Upshur Airport Authority
- 02/16/17 6:30 p.m. Upshur County Youth Camp Board – WVU Extension Office
- 02/19/17 6:00 p.m. Washington District VFD
- 02/20/17 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 02/21/17 4:00 p.m. Upshur County Public Library Board
- 02/28/17 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development
- 02/21/17 6:30 p.m. Upshur County Fire Board
- 02/21/17 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 02/08/17 7:00 p.m. Ellamore VFD
- 02/15/17 12:00 p.m. Lewis Upshur LEPC --- Upshur location
- 03/22/17 10:00 a.m. James W. Curry Advisory Board
- 02/16/17 3:00 p.m. Upshur County Farmland Protection Board – Farm Bureau Office
- 02/27/17 6:00 p.m. Upshur County Fire Fighters Association
- 02/08/17 7:00 p.m. Buckhannon River Watershed Association - Board of Directors
- 02/27/17 10:00 a.m. Mountain CAP of West Virginia, CDC

13. Appointments Needed or Upcoming:

- Mountain CAP of West Virginia, CDC -- Commissioner
- Upshur County Building Commission (Joe Malcolm – 11-10-16) --- Commission
- Upshur County Farmland Protection Board (unexpired term – 6-30-2019) – Farmer
- Upshur County Safe Structures and Sites Enforcement Board (unexpired term – 6-30-2018) – Community Member

14. Board of Review & Equalization Meeting Schedule

- 02/01/2017 1:00 p.m. No appointments ---Review Property Books
- 02/03/2017 9:00 a.m.
- 02/06/2017 1:00 p.m. Coal, Oil & Gas and Industrial Appointments (3:00 p.m.)
- 02/09/2017 1:00 p.m.
- 02/14/2017 9:00 a.m.
- 02/16/2017 9:00 a.m. Adjournment

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

The County Commission will sit as the Board of Review & Equalization beginning at 1:00 p.m. on the 1st day of February, 2017, and shall continue until the work is complete but will adjourn no later than the close of business on the 16th day of February, 2017.

Next Regular Meeting of the Upshur County Commission
February 16, 2017 --- 9:00 a.m.
Upshur County Courthouse Annex

Upshur County Commission Agenda

Location of Meeting: Upshur County Courthouse Annex
Date of Meeting: February 16, 2017

- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• February 9, 2017
- 9:15 a.m. Christine Mitchell and Ben Hardesty, Dominion Resources, Inc. – Atlantic Coast Pipeline Update
- 9:30 a.m. Judith Williams, James W. Curry Public Library Head Librarian – 2016 Year in Review and Presentation and Approval of FY 18 Curry Library and Curry Park Budgets
- 9:45 a.m. David H. Coffman, Upshur County Sheriff – Discuss future Court Bailiff vacancy and announcement of R.W. Kitzmiller’s resignation effective April 15, 2017
Item may lead to Executive Session per WV Code §6-9A-4
Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or
- 10:00 a.m. Brandi Miller – Discussion regarding land owner rights and consideration of economics regarding the pipeline
- 1:00 p.m. Board of Review and Equalization - Adjournment

Items for Discussion / Action / Approval:

1. Review and approval of Recommendation to Appoint Debra Dean as Administratrix with the Will Annexed in the Estate of Susan J. Osborn, deceased. Daya Masada Wright, Fiduciary Commissioner, recommends for Debra Dean to be appointed to serve as Administratrix with the Will Annexed, for Ms. Dean to receive no Administratrix fee for her efforts and for the Sheriff of Upshur County to turn over all documentation regarding the Estate within ten days of entry of the Order.
2. Correspondence from Kelly Workman, CDBG Program Manager, regarding the recent Community Development Block Grant award of \$283,434 to assist in Design and Administration of the Elkins Road Public Service District, Phase III Water System Improvement Project. Approval and signature of CDBG-Small Cities Block Grant Agreement and Resolution.
3. Approval and signature of correspondence to Patrick Morrissey, West Virginia Attorney General, regarding concerns in relation to inflated gasoline prices in Upshur County compared to surrounding counties.
4. Approval and signature of correspondence to Jessica Bennington providing notification of the existing Safe Structures and Sites Case that is open against her property located in Banks Tax District –Tax Map 2Q – Parcel Number 46 and providing her 60 days to bring the property into compliance with the Safe

Structures and Site Ordinance. Further review of the condition of this property will take place during the regularly scheduled Commission Meeting on Thursday, April 6, 2017 at 9:15 a.m.

5. Correspondence from Hillary Woofter, WV Conservation Agency District Manager, requesting the 2017 fiscal year funds for the operation and maintenance of the Pecks Run Channel. Per the agreement dated February 24, 2000, Tygarts Valley Conservation District is to be paid \$3,900 annually.
6. Approval of Request for Bids for the Grounds Keeping Contract for 2017. Grounds keeping will commence on or around March 27, 2017 and will conclude on or around September 29, 2017. All sealed bids must be received no later than 8:00 a.m. on March 16, 2017. Sealed bids received by the above deadline will be opened, reviewed, and read aloud by the Upshur County Commission at 9:15 a.m. on Thursday, March 16, 2017.
7. Correspondence from Rick Harlow, President of the Upshur County Firefighter's Association, recommending the appointment of Patrick Traxler to the Enhanced Emergency Telephone Advisory Board, effective immediately. Upon approval, Mr. Traxler would fill the unexpired term previously occupied by Bennie Nazelrod that is through June 30, 2018.
8. Correspondence from Carol J. Dean, E911 Supervisor, announcing her resignation as a supervisor for the 911 Center, effective March 1, 2017 and requesting to remain as a front line telecommunicator.
Item may lead to Executive Session per WV Code §6-9A-4
Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or
9. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from Charles K. McKinney, Assistant Chief Inspector of the Chief Inspector Division, including a copy of the audit report of the Upshur County Commission for the fiscal year ended June 30, 2015. This report is available for inspection in the office of the Upshur County Commission.
2. Correspondence from Chris Garrett, R.S., Upshur-Buckhannon Health Department Sanitarian, providing a monthly progress inspection report for the Rick Carrier Property, Safe Structures and Sites Case #061214-02. The inspection found progress towards correction of the health hazard.
3. Lewis-Upshur Animal Control Facility Cat Report – January 2017
4. Upshur County Animal Control Officer Dog Report – January 2017
5. Lewis-Upshur Animal Control Facility Adoption Financial Transactions – January 2017

6. Upshur County Mileage Reports – January 2017

- Upshur 911
- Maintenance
- Emergency Management
- Sheriff
- Addressing and Mapping
- Community Corrections
- Dog Pound

7. Newsletters and/or Event Notifications:

- 10th Annual WV Scholar Program Application Announcement
- Buckhannon-Upshur Chamber of Commerce Newsletter February 13, 2107
- Upshur County Family Resource Network Newsletter February 2017

8. Agendas and/or Notice of Meetings:

- Upshur County Family Resource Network February 13, 2017
- City Council of Buckhannon – Special Session February 16, 2017
- City Council of Buckhannon February 16, 2017
- Upshur County Fire Board, Inc. February 21, 2017
- WesMonTy RC&D Board of Directors February 21, 2017
- Mountain Lakes Preservation Alliance Community Meeting February 23, 2017

9. Meeting Minutes:

- Upshur County Solid Waste Authority January 9, 2017
- Upshur County Family Resource Network January 9, 2017
- Upshur Citizen Corp Council January 10, 2017
- Elkins Road PSD January 10, 2017
- Upshur County Safe Structures and Sites Enforcement Board January 12, 2017
- Upshur County Public Library Board January 17, 2017
- Upshur County Safe Structures and Sites Enforcement Board January 20, 2017

10. Meetings:

- 03/07/17 5:30 p.m. Elkins Road PSD
- 03/07/17 4:00 p.m. Hodgesville PSD
- 03/02/17 7:00 p.m. Banks District VFD
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- 03/08/17 12:00 p.m. Upshur County Senior Center Board
- 03/09/17 3:00 p.m. Upshur County Conventions & Visitors Bureau – UCDA Office
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- 03/08/17 7:30 p.m. Warren District VFD

- 03/09/17 1:00 p.m. Adrian PSD
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- 03/09/17 7:30 p.m. Buckhannon VFD
- 03/09/17 4:00 p.m. Buckhannon Upshur Airport Authority
- 02/16/17 6:30 p.m. Upshur County Youth Camp Board – WVU Extension Office
- 02/19/17 6:00 p.m. Washington District VFD
- 02/20/17 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 02/21/17 4:00 p.m. Upshur County Public Library Board
- 02/21/17 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development – Tygarts Valley Conservation District Office
- 02/21/17 6:30 p.m. Upshur County Fire Board
- 02/21/17 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 03/08/17 7:00 p.m. Ellamore VFD
- 02/15/17 12:00 p.m. Lewis Upshur LEPC --- Upshur location
- 03/22/17 10:00 a.m. James W. Curry Advisory Board
- 02/16/17 3:00 p.m. Upshur County Farmland Protection Board – Farm Bureau Office
- 02/27/17 6:00 p.m. Upshur County Fire Fighters Association
- 03/08/17 7:00 p.m. Buckhannon River Watershed Association - Board of Directors
- 02/27/17 10:00 a.m. Mountain CAP of West Virginia, CDC
- 03/10/17 11:00 a.m. Reunion VI – Local Elected Officials – Doddridge County – The Fairview

11. Appointments Needed or Upcoming:

- Mountain CAP of West Virginia, CDC -- Commissioner
- Upshur County Building Commission (Joe Malcolm – 11-10-16) --- Commission
- Upshur County Safe Structures and Sites Enforcement Board (unexpired term – 6-30-2018) – Community Member

12. Board of Review & Equalization Meeting Schedule

- 02/01/2017 1:00 p.m. No appointments ---Review Property Books
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- 02/09/2017 1:00 p.m.
- 02/14/2017 9:00 a.m.
- 02/16/2017 9:00 a.m. Adjournment

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

The County Commission will sit as the Board of Review & Equalization beginning at 1:00 p.m. on the 1st day of February, 2017, and shall continue until the work is complete but will adjourn no later than the close of business on the 16th day of February, 2017.

Next Regular Meeting of the Upshur County Commission
February 23, 2017 --- 9:00 a.m.
Upshur County Courthouse Annex

STATE OF WEST VIRGINIA



WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

1325 VIRGINIA STREET, EAST
CHARLESTON, WV 25301-3011
(304) 558-2110
FAX: (304) 558-2115

Jim Justice
Governor

Jeff S. Sandy, CAMS, CFE
Cabinet Secretary

THE HONORABLE AGNES QUEEN, PRESIDENT
LEWIS COUNTY COMMISSION
LEWIS COUNTY COURTHOUSE
WESTON, WV 26452

Statement Number: 11172a8e
Statement Date: 2/8/2017
Month Of Service: January, 2017

Pursuant to subsection 10, Article 20, Chapter 31 of the West Virginia Code, the West Virginia Regional Jail and Correctional Facility Authority hereby provides you with a monthly statement of charges and costs of inmate maintenance and operational costs for LEWIS for the month of January, 2017.

The costs per day for inmate maintenance and operation were determined by the Authority according to criteria, procedures, and regulations promulgated in the code of state Regulations at 94 CSR 7, in accordance with article 3, Chapter 29a of the West Virginia Code.

Detail information, including names of inmates and the number of days of inmate maintenance, to support this invoice is attached.

Month: January

NUMBER OF INMATE DAYS: 1767

PER DIEM RATE: \$48.25

AMOUNT DUE - January, 2017 \$85,257.75

This statement amount is due and payable upon receipt.

Please Remit Payment to:
WV Regional Jail and Correctional Facility Authority
P O Box 40258
Charleston, WV 25364

JANUARY 2017 MILEAGE REQUEST

UNIT LIC.

150 Gissy 6LB698 / 14 CHARGER 20,084

151 Hyre Temp / 14 EXPLORER 35,832

152 Moneypenny 3170 / 13 POLICE INTERCEPTOR 53,540

153 Carpenter 3169 / 13 POLICE INTERCEPTOR 64,048

154 Moran 1643 / 11 TAHOE 58,821

155 Lopez 1910 / 13 POLICE INTERCEPTOR 45,100

156 Tonkin 1234 / 13 POLICE INTERCEPTOR 32,306

157 Clark 2824 / 11 TAHOE 83,287

158 Hendershot 2829 / 11 TAHOE 70,295

159 Carey 2726 / 11 TAHOE 141,357

160 Hummel 2966 / 12 CAPRICE 74,975

161 Minney 2868 / 10 TAHOE 116,748

162 VanMeter 1232 / 07 CROWN VIC 90,631

170 Cayton 3184 / 09 RAM TRK 115,385

171 Kirkpatrick 2727 / 10 TAHOE 98,099

Spare 2511 / 07 CROWN VIC 115,510

174 Bush 1233 / 10 DODGE NITRO 30,830

1500 Deputy Reserves 1696 / 03 DURANGO 122,162

Spare 2001 JEEP NO CHANGE

2007 Chevy Sub. 74,107

1995 JEEP CHEROKEE NO CHANGE

2007 Ford Explorer NO CHANGE

There have been a number of vehicle reassignments. Need actual mileage from each unit.

Thank You

Lewis County, West Virginia
 Sheriff's Monthly Settlement
 January 31, 2017

LEWIS COUNTY COUNTY CLERK
 02/06/2017
 10:47:18 AM

	Beginning Balance	All Other Revenues	All Taxes Collected	Less: Orders Issued	Ending Balance
General County	3,320,674.68	252,373.09	186,508.59	685,503.37	3,074,052.99
Coal Severance	14,913.83	6,358.12	0.00	0.00	21,271.95
General School	0.20	3,206.50	0.00	0.00	3,206.70
Magistrate Court	597.06	969.45	0.00	458.64	1,107.87
Worthless Check	59,405.62	125.00	0.00	839.67	58,690.95
Dog and Kennel	6,645.80	197.10	0.00	1,362.98	5,479.92
Home Detention	2,899.58	7,959.14	0.00	106.47	10,752.25
Emergency 911 Fund	2,847,525.68	215,812.86	0.00	60,643.26	3,002,695.28
Lewis County Aquatic Fund	419,127.60	8,696.49	11,378.80	0.00	439,202.89
Citizens Education	9,424.92	2,650.00	0.00	0.00	12,074.92
Federal Equitable	0.71	0.00	0.00	0.00	0.71
Fire Fees	0.00	760.24	0.00	760.24	0.00
LC Flood Relief Fund	2,104.27	0.00	0.00	2,104.27	0.00
NTIA Broadband Project	0.00	0.00	0.00	0.00	0.00
North West Acquisition Project	0.00	0.00	0.00	0.00	0.00
Sheriff Special Account-state	17,344.42	12,887.59	0.00	33.40	30,198.61
Aquatic Excess Levy	0.00	279.18	8,380.42	8,659.60	0.00
County Building	569,906.32	31.27	0.00	0.00	569,937.59
Board of Health	378,496.42	39,448.15	0.00	20,673.73	397,270.84
Tax Lien	781,446.70	0.00	3,282.06	380,963.15	403,765.61
Delinquent Nonentered	14,174.92	0.00	0.00	0.00	14,174.92
Concealed Weapons	65,692.73	980.12	0.00	370.36	66,302.49
Assessor Valuation	182,542.48	5,300.24	0.00	13,775.27	174,067.45
Voters Registration	5,151.84	0.00	0.00	0.00	5,151.84
State Current	0.00	0.08	1,266.11	1,266.19	0.00
Criminal Charges	0.00	1,028.28	0.00	1,028.28	0.00
Court Reporter	0.00	75.00	0.00	75.00	0.00
State Police	0.00	375.00	0.00	375.00	0.00
Vehicle License	0.00	17,791.00	0.00	17,791.00	0.00
State Fines	0.00	200.00	0.00	200.00	0.00
State Jury	0.00	0.00	0.00	0.00	0.00
WV Deputies Fund	928.00	639.00	0.00	917.00	650.00
General Current Expenses	0.00	3,273.59	95,652.49	98,926.08	0.00
Excess Levy	0.00	1,741.51	52,417.15	54,158.66	0.00
Weston Current	0.00	0.59	9,233.08	9,233.67	0.00
Jane Lew Current	0.00	0.07	1,144.54	1,144.61	0.00
TOTALS	8,699,003.78	583,158.66	369,263.24	1,361,369.90	8,290,055.78

Balance in county depositories - At End of Month	\$	8,523,484.39	Bank errors	
Less: Orders Outstanding	-	(405,131.45)	Bank errors	
Add: Deposits in Transit	+	168,202.84		
Cash in Office at End of Month	+	3,500.00		
Misc. Adjustments (+ or -)		0.00		
			Bank errors	
Total in county Depositories and Office	\$	8,290,055.78	Total	0.00
			True Balance \$	8,290,055.78

I, Adam M. Gissy, Sheriff of Lewis County, West Virginia, do hereby certify that the foregoing is a true and correct statement of the finances of Lewis County, West Virginia, for the month ending referenced above. The amount received, the amount distributed and the amount remaining in the Treasury and County Depositories.

Adam M. Gissy, Sheriff & Treasurer, Lewis County

Dated and sworn to on this date.

Difference (0.00)

2017 LEWIS-GILMER E-911 TELETYPE REPORT

LEWIS			TOTAL
SWJS PARK	10-27	0	0
	10-28	0	0
	III & CIB	0	0
	OTHER	0	0
	DVP	0	0
DAY REPORT	10-27	4	4
	10-28	0	0
	III & CIB	15	15
	OTHER	26	26
	DVP	0	0
TOTAL TRANSACTIONS			1810

2017 LEWIS-GILMER E-911 TELETYPE REPORT

GILMER		JAN.	FEB.	MAR.	APR.	MAY.	JUN.	JULY.	AUG.	SEP.	OCT.	NOV.	DEC.	TOTAL
COUNTY	10-27		30											30
	10-28		37											37
	III & CIB		45											45
	OTHER		0											0
CITY	10-27		70											70
	10-28		81											81
	III & CIB		22											22
	OTHER		4											4
STATE	10-27		54											54
	10-28		115											115
	III & CIB		20											20
	OTHER		3											3
DNR	10-27		30											30
	10-28		75											75
	III & CIB		0											0
	OTHER		1											1
PROSECUTOR	10-27		0											0
	10-28		0											0
	III & CIB		16											16
	OTHER		2											2
CAMPUS	10-27		1											1
	10-28		108											108
	III & CIB		4											4
	OTHER		2											2
													Total Transactions	720



Call Center Overview

From: 01/01/2017 00:00:00
To: 01/31/2017 23:59:59

Call Distribution Summary

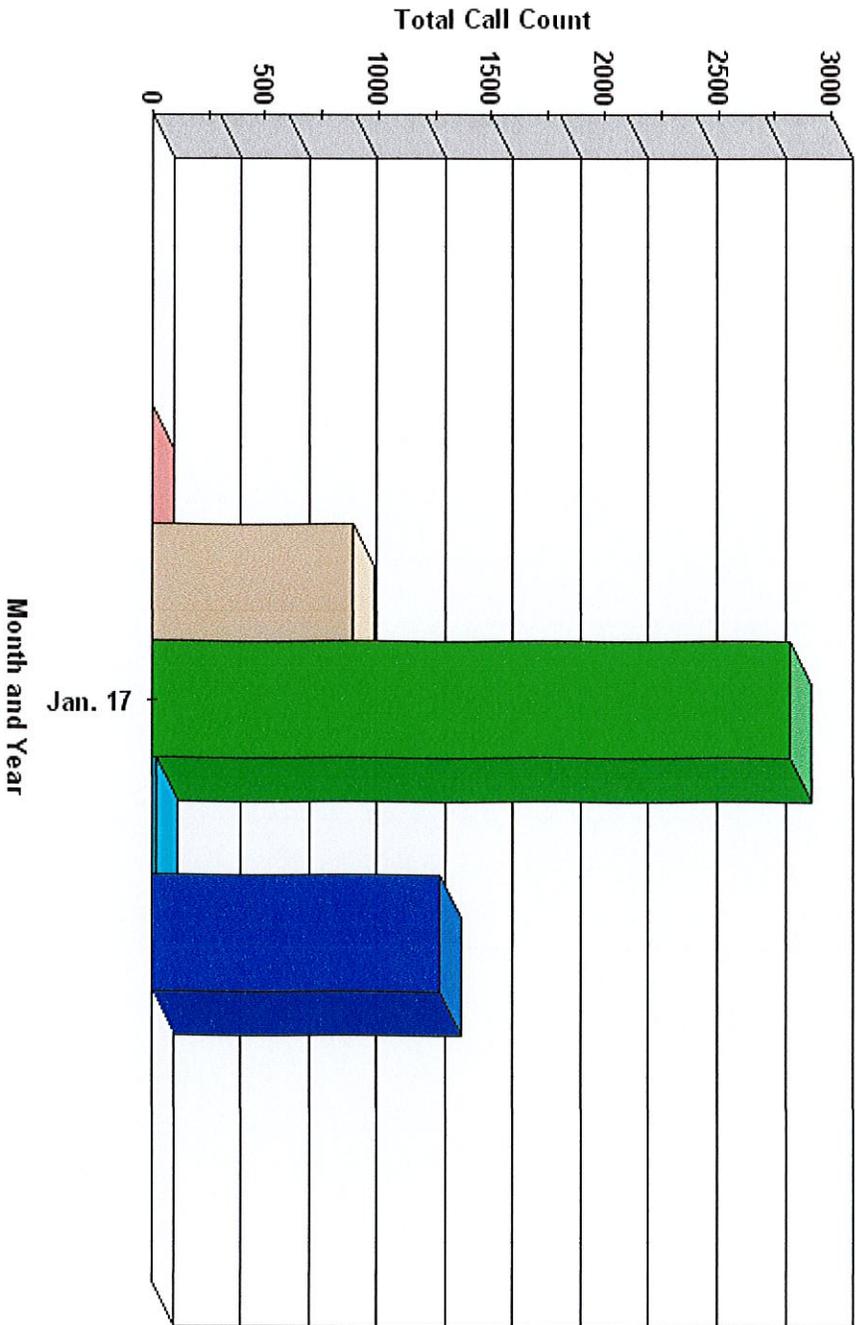
Call Type	Count	Percent of Total
All Calls	4,991	
Inbound Calls	3,668	73.5%
Land Line Calls	3,066	61.4%
Abandoned Land Line Calls	42	0.8%
Wireless Calls	497	10.0%
Abandoned Wireless Calls	63	1.3%
Hit Calls	0	0.0%
Outbound Calls	1,323	26.5%



Call Center Overview

From: 01/01/2017 00:00:00
To: 01/31/2017 23:59:59

Total Calls by Month





Call Count Comparison Detail

From: 01/01/2017 00:00:00
 To: 12/31/2017 23:59:59

Trunk & Line Group	Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
11 Group	Land	288	15											303
	Wrts	559	19											578
	Aban	42	0											42
	Out	2	0											2
	Total	891	34											925
dmin Group	Land	2758	141											2899
	Wrts	1	0											1
	Aban	0	0											0
	Out	55	2											57
	Total	2814	143											2957
efault Line Group	Land	0	0											0
	Wrts	0	0											0
	Aban	0	0											0
	Out	0	0											0
	Total	0	0											0
tercom Group	Land	6	0											6
	Wrts	0	0											0
	Aban	0	0											0
	Out	1266	69											1335
	Total	1272	69											1341
EM Group	Land	14	3											17
	Wrts	0	0											0
	Aban	0	0											0
	Out	0	0											0
	Total	14	3											17



Call Count Comparison Detail

From: 01/01/2017 00:00:00
To: 12/31/2017 23:59:59

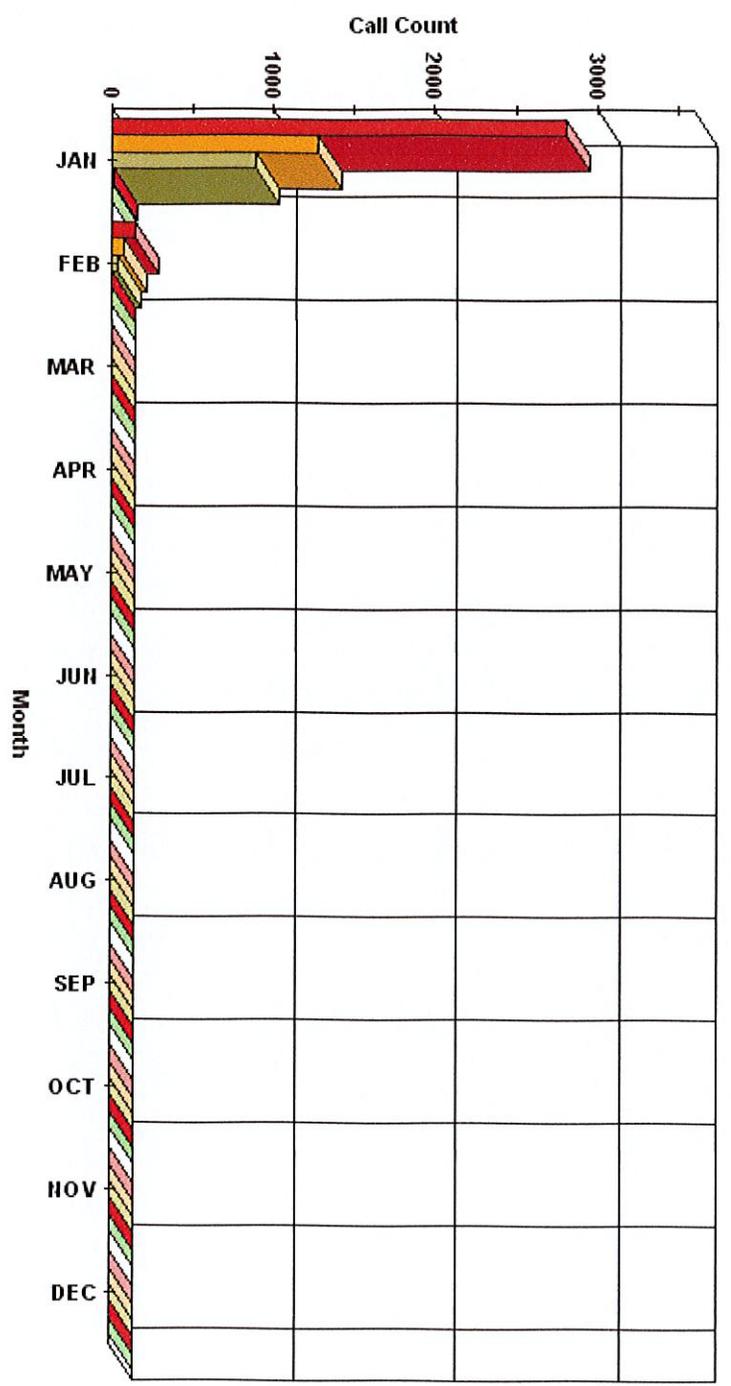
Report Totals													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Reporting Year - Monthly Totals	4991	249											5240
Reporting Year - Monthly Totals	5872	5100											10972
Monthly % Change	-15.00%	-95.12%											-52.24%
Reporting Year - YTD Totals	4991	5240											5240
Reporting Year - YTD Totals	5872	10972											10972
YTD % Change	-15.00%	-52.24%											-52.24%



Call Count Comparison Detail

From: 01/01/2017 00:00:00
To: 12/31/2017 23:59:59

Monthly Call Counts for Reporting Year



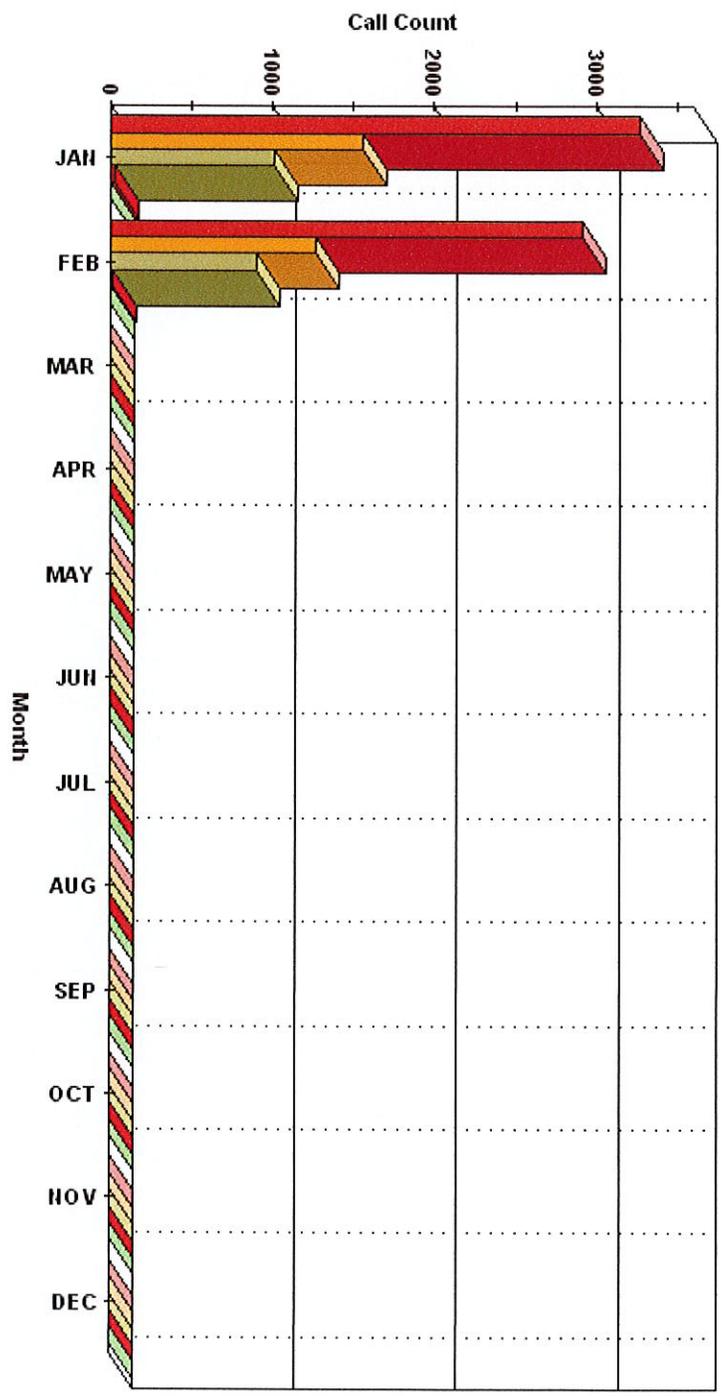
- Admin Group
- Intercom Group
- 911 Group
- OEM Group
- Default Line Group



Call Count Comparison Detail

From: 01/01/2017 00:00:00
To: 12/31/2017 23:59:59

Monthly Call Counts for Prior Year

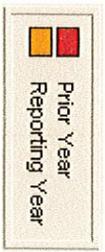
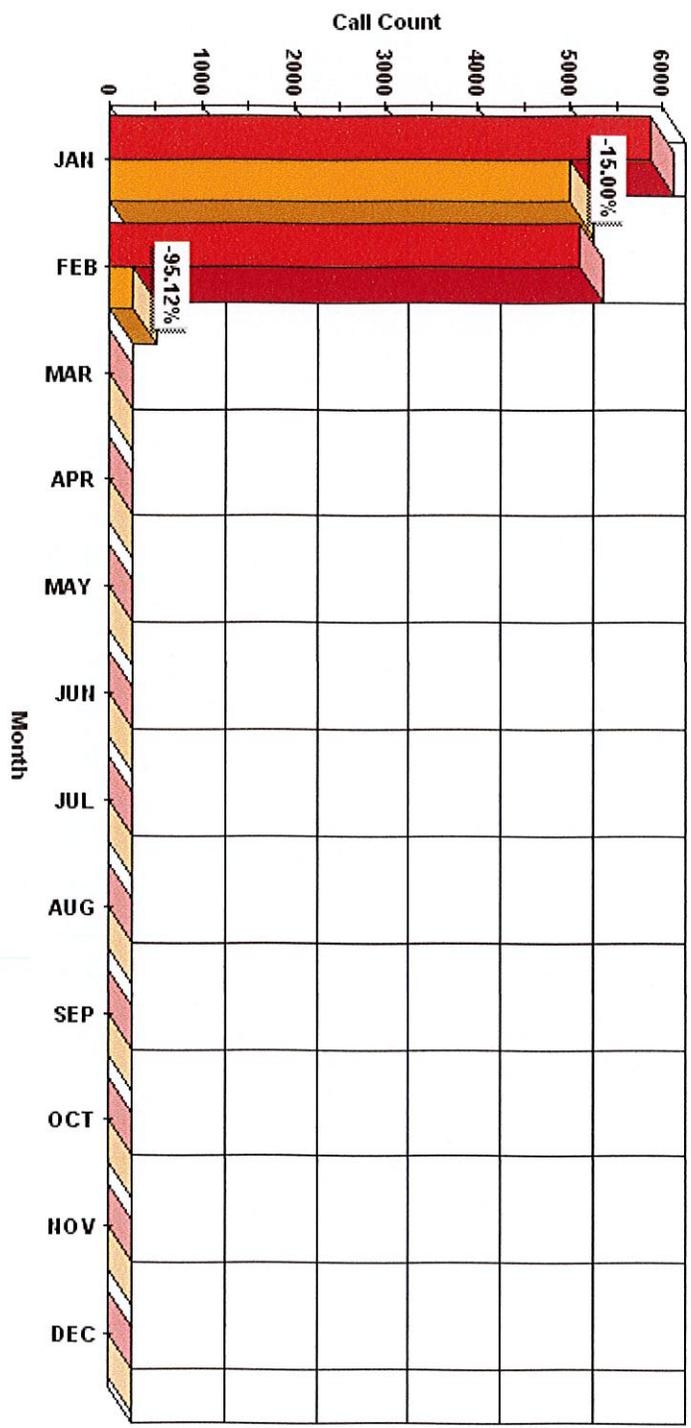




Call Count Comparison Detail

From: 01/01/2017 00:00:00
To: 12/31/2017 23:59:59

Monthly Call Count with Percent Change

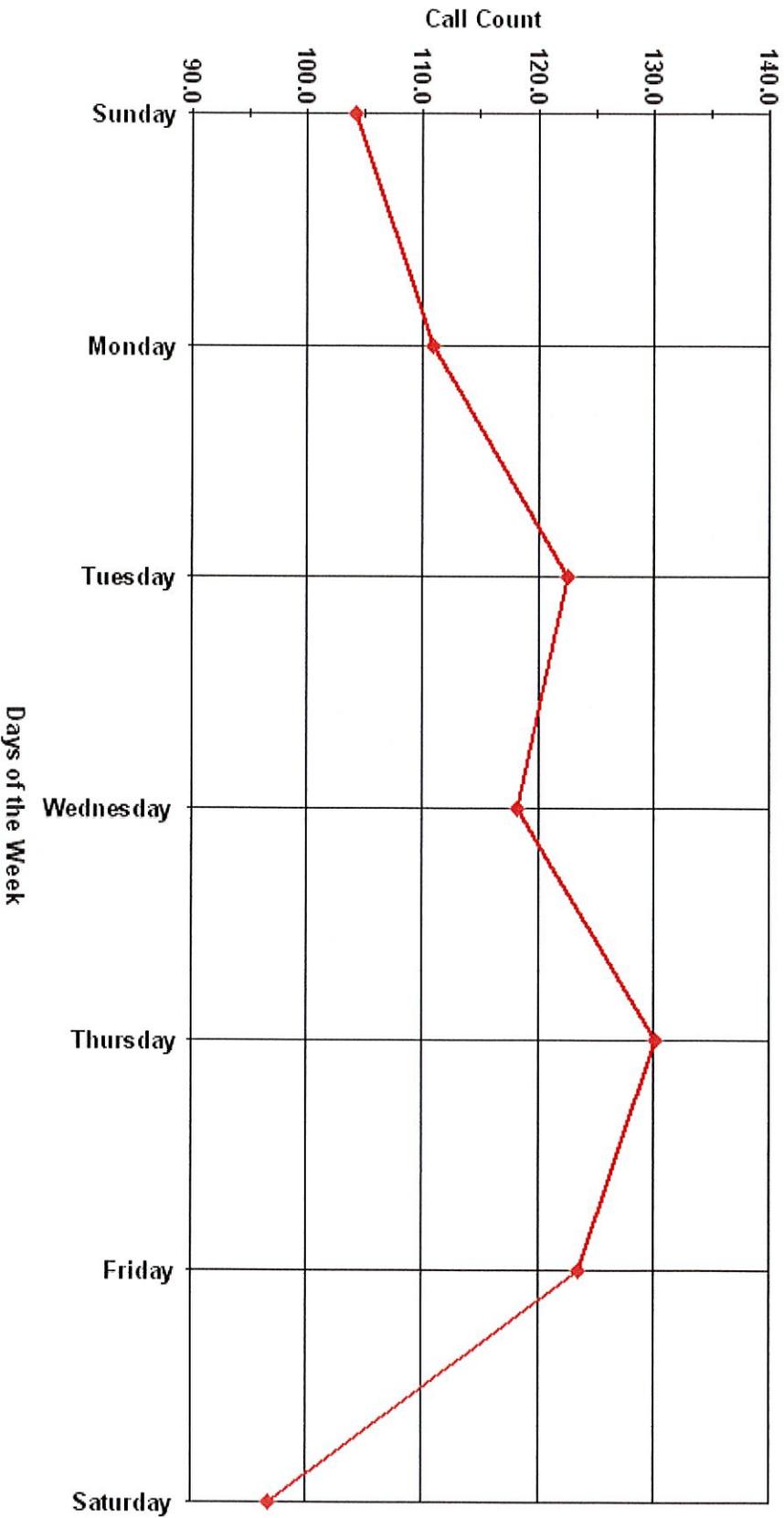




Daily Call Center Overview

From: 01/01/2017 00:00:00
To: 01/31/2017 23:59:59

Average Inbound Calls

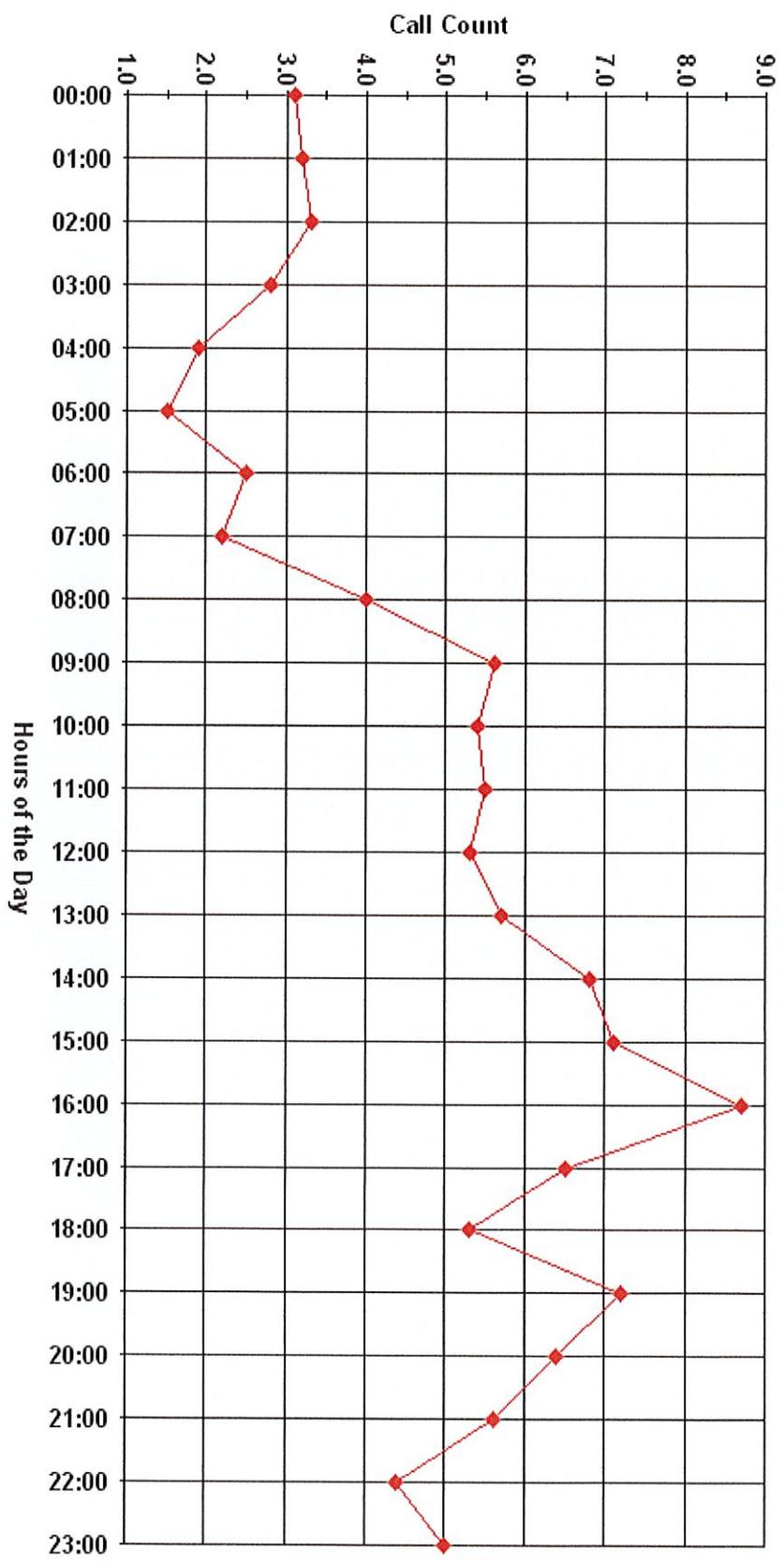




Hourly Call Center Overview

From: 01/01/2017 00:00:00
To: 01/31/2017 23:59:59

Average Inbound Calls





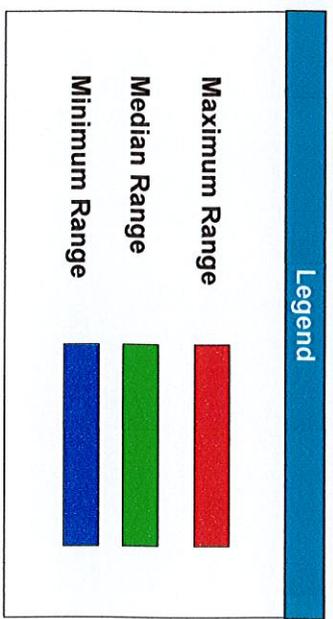
Trunk & Line Utilization

From: 01/01/2017 00:00:00
 To: 01/31/2017 23:59:59

Report Summary

Trunk & Line Description	Call Count	Graphical Representation
8241	1922	
TK 2	412	
TK 1	408	
8243	323	
8242	242	
8245	230	
8244	42	
TK 3	35	
TK 4	34	
8235	14	
2201	5	
2202	1	

Statistics	
Min:	1
Max:	1922
Mean:	305.67
Standard Deviation:	510.66
Count:	12
Sum:	3668
Range:	1921
Median:	136



E-911 Addressing Report

January 1, 2017 – January 31, 2017

	Lewis	Gilmer
Telephone Calls	15	4
Walk Ins	1	0
Addresses Issued/Reissued	8	0
Mileage	15	-
Proof Of Address request	12 Combined	

January has seen an increase in address requests especially in Lewis County. Hydrants in southern Lewis County have been added to the Excel database, the dispatchers mapping will be upgraded shortly as it has to go through a vendor.

Jane Lew Public Service District

Regular Meeting February 09, 2017

~~ Public Board Meeting Agenda ~~

1. Call to Order
2. Minutes (01/12/17)
3. General Manager's January Reports (Gee)
 - A. WATER:
 1. Water Bills
 2. Water Treasury Report
 3. Water Adjustments Report
 4. Water Purchase, Sales & Loss Report
 5. Water Preventive Maintenance Report
 6. Water Repairs Report (*fixing unplanned breakdowns*)
 7. Leak Detection Report
 8. Cross Connections/Backflow Report
 9. New Taps (non-project)
 10. Other
 - B. WASTEWATER:
 1. Wastewater Bills
 2. Wastewater Treasury Report
 3. Wastewater Adjustments Report
 4. Wastewater Treatment Purchase & Sales Report
 5. Wastewater Preventive Maintenance Report
 6. Wastewater Repairs Report (*fixing unplanned breakdowns*)
 7. I & I Report
 8. New Taps (non-project)
 9. Other
4. Announcements:
5. Correspondence:

~~ OLD BUSINESS ~~

6. Update: Phase II Sewer Upgrade - Case # 09-1043-PSD-42T-PC-PW-CN (Gee)
7. Update: Pending Extensions and Road Bores (Gee)
8. Update: PSD Policies and Job Descriptions (Flaxer)
9. Update: Personnel (Gee)
10. Update: Civil Action No. 16-C-74 John H. Brooks, Plaintiff v Jane Lew PSD, Oscar Mills, Dinah Mills, Skylar Bryce Mills, Christy Malena-Marie Mills (Gee)

~~ NEW BUSINESS ~~

11. Late-Received Agenda Items (Gee)
12. Adjournment



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

The Honorable Agnes Queen, President
Lewis County Commission
110 Center Ave.
Weston, West Virginia 26452

Dear President Queen:

The Records Management and Preservation Board recently reviewed your county records grant application and approved a grant award of \$10,000 to the Lewis County Commission to be used as follows:

County Clerk: \$5,000 for personnel costs to index digitized deed and fiduciary books using the county's records management program.

Circuit Clerk: \$5,000 for personnel costs to scan and index criminal case files using the county's records management program.

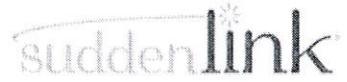
It is essential that counties have an established, proven system for electronic records that includes the creation and preservation of multiple copies and the use of off-site storage, and is maintained and monitored, with long-term planning for software and hardware upgrades and data migration, to ensure that records are not lost or altered.

On behalf of the Board, we ask that you respond within fifteen days from the date of this letter with your intent to pursue your records project at this reduced funding level. Please direct your written reply to me by postal mail or e-mail (joe.n.geiger@wv.gov). **This is only an unofficial offer of partial funding and no activities relating to the grant should be undertaken based on this letter.** The county must provide cash matching funds of at least ten percent for all grant expenditures. This grant would be for the fiscal year July 1, 2017-June 30, 2018.

The Records Management and Preservation Board's grant program functions in accordance with Legislative Rule Title 100 Series 1 (100CSR1) and the grant information and application issued September 2016. If you do not think the Board considered and acted fairly on your grant submission, an appeals process is outlined in 100CSR1, 5.8, which is available on-line at <http://www.wvculture.org/history/rmpb/rmpb100-1.html>. If you have any questions regarding the grant appeal process, or if we can provide any technical assistance to address your immediate records management needs, please contact us by telephone at (304) 558-0230, e-mail, or at the postal address provided below.

Sincerely,

Joseph N. Geiger Jr., Director
West Virginia Archives and History
cc: Cindy Whetsell, County Administrator
Cynthia Rowan, County Clerk
John Hinzman, Circuit Clerk



0000007803
25080.402000.360530

Company: Cequel III Communications II, LLC
d/b/a: Suddenlink Communications
Franchise: Lewis County, WV

01/25/2017

Below is a calculation of the fees due in accordance with our Cable Television Franchise Agreement.

For the Quarter Ending December 2016

Revenue	Oct	Nov	Dec
Basic	839.76	792.90	768.27
Exp. Basic	923.06	906.26	880.21
Digital	72.74	63.08	72.74
Equip. Rental	248.30	208.08	217.95
Other	42.76	40.50	33.50
Bad Debt	0.00	0.00	(243.61)
Total	2,126.62	2,010.82	1,729.06

Total	5,866.50
Rate	.03
Payable	175.97

Amount Due: \$175.97

The above calculations have been prepared in accordance with the terms of our Franchise Agreement. We have prepared all items with due care and believe all to be accurate. Should you have any questions regarding this payment, please contact Becky Shirley, Accounting Manager at (903)579-3101.

Kellie Wheeler
Kellie Wheeler, CPA
Director Corp. Accounting

\$ 1,385.02
Total



0000007803
25080.402000.360540

Company: Cequel III Communications II, LLC
d/b/a: Suddenlink Communications
Franchise: Lewis County, WV

01/25/2017

Below is a calculation of the fees due in accordance with our Cable Television Franchise Agreement.

For the Quarter Ending December 2016

<u>Revenue</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
Basic	2,413.14	2,408.95	2,293.11
Exp. Basic	2,663.03	2,677.44	2,695.55
Digital	394.00	394.00	398.67
Equip. Rental	775.29	762.51	746.50
<u>Other</u>	<u>106.00</u>	<u>105.50</u>	<u>105.00</u>
Total	6,351.46	6,348.40	6,238.83

Total	18,938.69
Rate	.03
<u>Payable</u>	<u>568.15</u>

Amount Due: \$568.15

The above calculations have been prepared in accordance with the terms of our Franchise Agreement. We have prepared all items with due care and believe all to be accurate. Should you have any questions regarding this payment, please contact Becky Shirley, Accounting Manager at (903)579-3101.

Kellie Wheeler, CPA
Director Corp. Accounting



0000007803
25080.402000.363450

Company: Cequel III Communications II, LLC
d/b/a: Suddenlink Communications
Franchise: Lewis County, WV

01/25/2017

Below is a calculation of the fees due in accordance with our Cable Television Franchise Agreement.

For the Quarter Ending December 2016

Revenue	Oct	Nov	Dec
Basic	2,929.19	2,930.51	2,892.39
Exp. Basic	3,028.85	2,988.37	3,010.78
Digital	277.31	282.32	291.54
Equip. Rental	845.98	857.45	869.49
Other	129.06	114.87	126.53
Bad Debt	(88.95)	(121.99)	0.00
Total	7,121.44	7,051.53	7,190.73

Total	21,363.70
Rate	.03
Payable	640.90

Amount Due: \$640.90

The above calculations have been prepared in accordance with the terms of our Franchise Agreement. We have prepared all items with due care and believe all to be accurate. Should you have any questions regarding this payment, please contact Becky Shirley, Accounting Manager at (903)579-3101.

Kellie Wheeler
Kellie Wheeler, CPA
Director Corp. Accounting

640.90
500.15
175.97

1385.02

**LEWIS COUNTY MAGISTRATE COURT
SCHEDULE OF COMMENTS
For the Period Ended December 31, 2015**

Suggestions For Improving Operations

Segregation of Duties

We noted while applying our agreed-upon procedures that duties are not adequately segregated concerning the collection, receipting, depositing and disbursement of money. The magistrate court clerks office collects, receipts and deposits money, makes all disbursements, conducts bank reconciliations and prepares monthly financial statements. The magistrate court clerk is also the keeper of all files and records and has the ability to adjust the dollar amount assessed by the magistrate.

RECOMMENDATION:

To establish a more effective system of internal accounting control, the Administrative Office of the West Virginia Supreme Court of Appeals and the West Virginia Legislature should take the steps necessary to restructure the manner in which the magistrate courts operate, so that fiscal duties are segregated to the extent practical. The same individuals should not be responsible for the collection, deposit and disbursement of money along with the task of completing the bank reconciliation and the preparation of the financial statements.

Software / Automated Data System

We noted while applying our agreed-upon procedures that:

1. Bonds are receipted when collected and then receipted again when disbursed. This practice will overstate current collections for each month and prevent a reconciliation between receipts written and current deposits without an adjustment to the receipt reports.
2. Receipts from prior months that are voided in a subsequent month (non sufficient funds) are subtracted from the current month's receipt report causing an understatement in the total receipts for that month which prevents the reconciliation of the receipts and deposits report.
3. The financial record keeping software allows adjustments to transfer amounts from one account to another without first verifying that sufficient funds are available. This creates a situation in which a cash shortage can inadvertently occur.
4. The software utilized by the magistrate court provides an itemized listing of bonds held by the court at the end of each month, but does not provide a listing of payee, post judgment, and other party collections that are on hand at the end of the month.
5. The financial record keeping software allows adjustments and corrections to be made by supreme court IT staff without the knowledge and approval of the local county. This creates a situation in which a change can be made to the financial records and/or case file without the local courts knowledge.

**LEWIS COUNTY MAGISTRATE COURT
SCHEDULE OF COMMENTS
For the Period Ended December 31, 2015**

Software / Automated Data System (continued)

RECOMMENDATION:

1. We recommend that bonds be receipted when collected and when released be adjusted to fines, costs, and/or refunds. This will ensure that current receipts equal current deposits and help identify the distribution of bonds.
2. We recommend that any receipted amounts, including non sufficient funds, be included on the receipt report. This will ensure that current receipts equal current deposits.
3. We recommend the software utilized by the court be modified to automatically determine whether sufficient funds are available to permit the transfer of funds.
4. We recommend the software utilized by the magistrate court be modified to provide account balance reports.
5. We recommend the software utilized by the court be modified to ensure that no changes are made to the local court records without authorization from the county in which the change is being made granting them access at that time to make corrections.

Check Signatures

We noted while applying our agreed-upon procedures that the checks issued from the magistrate court's checking account were issued with only one signature.

RECOMMENDATION:

All checks should contain two or more signatures indicating that more than one person has reviewed the disbursements.

Credit Card System

We noted while applying our agreed-upon procedures that the credit card system is independent from the magistrate court financial record keeping system. After completing a credit card transaction, the magistrate court's office obtains a credit card receipt which is signed by the credit card holder. The receipting office must then manually record this transaction into the financial record keeping system, generating another receipt. Amounts can be entered in error, or completely omitted, as a result of these independent transactions. The independent transactions/dual receipt entries also increases the risk of fraud and/or theft.

RECOMMENDATION:

The financial record keeping system should be equipped with a credit card system. This system should be able to produce/issue receipts with sequential numbering regardless of whether payment is made using cash, credit card, money order, or check. The financial record keeping system should also produce credit card transaction reports along with other receipt information and reports.

**LEWIS COUNTY MAGISTRATE COURT
SCHEDULE OF COMMENTS
For the Period Ended December 31, 2015**

Reporting to Tax Commissioner for Failure to Pay Fines and Costs

We noted during our application of agreed-upon procedures that the Lewis County magistrate court did not notify the State Tax Commissioner when defendants failed to pay their court imposed assessment within one year of their judgment date. This was due to the magistrate court computer system not being programed to run such a report to be submitted to the tax commissioner. West Virginia Code §50-3-2c states, in part, that:

"(a) if costs, fines, fees, forfeitures, restitution or penalties imposed by the magistrate court upon conviction of a person for a criminal offense as defined by this code, imposed by the circuit court upon judgment on an appeal to circuit court of that conviction, or imposed by either court for failure to appear are not paid within one year of the judgment, the magistrate court clerk or, upon a judgment rendered on appeal, the circuit clerk shall notify the Tax Commissioner that the defendant has failed to pay the costs, fines, forfeitures or penalties assessed by the court."

RECOMMENDATION:

The court's automated system of record keeping should be designed to automatically generate and provide this report to the WV State Tax Commissioner for all unpaid costs that are over one year old on an annual basis at the minimum. We recommend that the court review this code section and implement the creation of this report to help recover unpaid costs owed to the court.

Arrest Fees

We noted while applying our agreed-upon procedures that in three cases from our sample of misdemeanors, the Magistrate Court of Lewis County incorrectly assessed arrest fees. Specifically, two cases were assessed (and the defendant paid) an arrest fee when no warrant was issued for the defendants arrest. Also, in another case an arrest fee was not assessed on a case where an arrest warrant was executed. West Virginia Code § 59-1-14, states, in part, that:

"(a) The county commission shall determine the amount which the sheriff may charge, which charges shall not exceed the following.
For serving on any person an order, notice, summons or other process where the body is taken, except a subpoena served on a witness and making a return thereof..."

RECOMMENDATION:

The software programming for the magistrate court's automated system of record creation should include controls that, based upon the information that is required to be entered into the case file, automatically enters or requires the entry of all appropriate costs when the magistrate's judgment indicates that assessment of these statutory costs is in order.

**LEWIS COUNTY MAGISTRATE COURT
SCHEDULE OF COMMENTS
For the Period Ended December 31, 2015**

Fail to Appear Suspensions Not Timely

We noted during our application of agreed-upon procedures that the Lewis County magistrate court did not timely notify the Division of Motor Vehicles for license suspension when a defendant failed to respond or appear on a citation. This is due to the courts computer giving a defendant ninety days to respond before a suspension is printed for submission to the Division of Motor Vehicles. Rule 7(e) of the *Rules of Criminal Procedures for the Magistrates Courts of West Virginia* states, in part, that:

"(e) Failure to Appear. - The magistrate court clerk on a regular basis shall notify the prosecuting attorney of citations for which the defendant failed to answer or appear. The magistrate court clerk shall notify the Division of Motor Vehicles of all such instances involving a failure to answer or appear in response to a citation charging a violation of any provision of Chapter 17, 17A, 17B, 17C, or 17D of the West Virginia Code, and for any criminal violation charged on or after July 9, 1993, with the exception of parking violations and other violations for which a citation may be issued to an unattended vehicle. Such notification shall be provided in the same form as that provided by Rule 5.3 and Rule 22 of these Rules and shall be sent within 15 days from the scheduled date to answer or appear unless the defendant answers or appears within that time."

RECOMMENDATION:

The court's automated system of record keeping should be directed to automatically cause the generation of suspensions as prescribed by this rule. We recommend that the court review this rule and implement the provisions as stated.

No Order of Restitution

We noted while applying our agreed-upon procedures that, in three cases from our sample examined, the Lewis County Magistrate Court did not complete the order of restitution when a motion for restitution was approved by the court. The Procedural Manual For Magistrate Courts page C-1.12 states, in part, that:

"Upon the prosecutor's or defendant's motion, the magistrate may also decide to order restitution. The assistant should prepare the order of restitution for the magistrate's signature if the motion is granted."

RECOMMENDATION:

The magistrate court should review this procedure and comply with the provisions therein by filling out the order of restitution form and filing it with the case.

**LEWIS COUNTY MAGISTRATE COURT
SCHEDULE OF COMMENTS
For the Period Ended December 31, 2015**

Suspension of Licenses Not Recorded

We noted during our application of agreed-upon procedures, that in one of the cases sampled, that the Division of Motor Vehicles did not have a record of these cases for suspension. Specifically, the file has a copy of the notice to suspend but upon verification with Division of Motor Vehicles it was not recorded. West Virginia Code §50-3-2a states, in part, that:

"(c)(1) If any costs, fines, fees, forfeitures, restitution or penalties imposed by the magistrate court in a criminal case are not paid within one hundred eighty days from the date of judgment and the expiration of any stay of execution, the magistrate court clerk or, upon judgment rendered on appeal, the circuit clerk shall notify the commissioner of the division of motor vehicles of the failure to pay. . . ."

"(d)(1) If a person charged with any criminal violation of this code fails to appear or otherwise respond in court, the magistrate court shall notify the commissioner of the division of motor vehicles thereof within ninety days of the schedule date to appear, unless the person sooner appears and otherwise responds in court to the satisfaction of the magistrate. Upon such notice, the division of motor vehicles shall suspend any privilege the person failing to appear or otherwise respond may have to operate a motor vehicle in this state, including any driver's license issued to the person by the division of motor vehicles, until final judgment in the case and, if a judgment of guilty, until such time that all the costs, fines, fees, forfeitures, restitution or penalties imposed are paid in full. . . ."

RECOMMENDATION:

We recommend that the Supreme Court and the Division of Motor Vehicles review the process by which license suspensions are handled and devise an electronic program that will ensure that all license suspensions for failure to pay or responded are properly remitted and suspended.

Check ID

We noted from a sample of disbursements, that in four instances, the Magistrate Court of Lewis County printed checks to incomplete or wrong addressee. Specifically, in three cases the victim ID selected from the computer contained an insufficient address (name only, no street or box number), so when money was receipted a payable was automatically created to the insufficient address. Also, a bond refund check was issued to an old address and not the new one that was on the bond form.

RECOMMENDATION:

When a payable is automatically created in the system upon payment the sender of the disbursement needs to ensure that the check name and address matches the order in the file.

**LEWIS COUNTY MAGISTRATE COURT
SCHEDULE OF COMMENTS
For the Period Ended December 31, 2015**

Failure to Issue Worthless Check Warrants in a Timely Manner

We noted from a sample of Worthless Check Case files, that in one instance, the Magistrates of Lewis County did not issue the worthless check warrant immediately after the expiration of the ten day worthless check notice period as required.

It was further noted that there was no evidence of any extension being granted that was supported by an agreement signed by all parties or other documented exception as allowed by Rule 26(b) of the *Rules of Criminal Procedure for the Magistrate Courts* of West Virginia. West Virginia Code §61-3-39g states, in part, that:

"Upon receipt of a complaint for a misdemeanor warrant unaccompanied by proof that notice was sent by the payee or holder, the magistrate court shall immediately prepare and mail to the drawer of the check, draft or order a notice . . . This notice shall give the drawer of any such check, draft or order ten days within which to make payment to magistrate court. In the event the drawer pays the total amount set forth in the notice to the magistrate court within the ten-day period, no warrant may issue. . . . In the event the total amount is not so paid the court shall proceed with the issuance of the warrant as is provided by law."

Rule 26(b) mentioned above states that:

"Except as provided in section (c), below, any time limit which has been set by these rules, by the magistrate, or by statute, may be extended in the following circumstances:

- (1) If all parties to the case agree in writing to the extension;
- (2) If the existing period has not expired, upon a showing of good cause;
- (3) If the time period has expired, upon a showing of excusable neglect. Prior to ruling upon a request for an extension, the magistrate shall make a reasonable effort to notify all other parties and provide them with an opportunity to respond to the request."

RECOMMENDATION:

The software programming for the magistrate court's automated system of record creation should include controls that automatically cause a misdemeanor case to be activated once the ten day notice period has expired and no authorized extensions have been entered.

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 827-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 FY: 2016/2017
 Fund: 1
 Rev. No. 4
 Pg. of No. 1 of 1

Lewis County Commission
 GOVERNMENT ENTITY
 110 Center Avenue
 STREET OR PO BOX
 Weston WV 26452
 CITY ZIP CODE

Person To Contact Regarding Request:
 Name: Debra A. Hull
 Phone: 304-269-8215
 Fax: 304-269-8202

RECEIVED
 COUNTY 30 2017
 Government Type

WV State Auditor

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
322	Federal Grants	85,279	3,077		88,356
324	Other Grants	58,793	6,532		65,325
366	Miscellaneous Revenue	12,000	2,278		14,278
382	Refunds/Reimbursements (External Sources)	145,131	2,843		147,774
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 14,530

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
408	Statewide Computer Network	46,635	12,000		58,635
413	Elections-County Clerk	80,360	246		80,606
424	Courthouse	2,097,281	4,275		2,101,556
431	Economic Development	101,583	2,278		103,841
699	Contingencies	907,942		15,784	892,158
700	Sheriff-Law Enforcement	732,363	699		733,062
726	Local Law Enforcement Grant	49,415	3,000		52,415
729	Local Law Enforcement Grant	7,816	7,816		15,632
	#N/A				

NET INCREASE/(DECREASE) Expenditures 14,530

APPROVED BY THE STATE AUDITOR
 BY: Ora Ash/Karen 1/31/2017
 Deputy State Auditor, Local Government Services Div. Date

AUTHORIZED SIGNATURE OF ENTITY
 APPROVAL DATE 01-30-2017

P.O. Box 466
Weston, WV 26452
www.lceda.org



Office: 304.269.4993
Fax: 304.269.2416
info@lceda.org

February 6, 2017

To: County Commission President Pat Boyle
County Commissioner Agnes Queen
County Commissioner Rod Wyman

Re: Appointments to the Lewis County Economic Development Authority

Dear Commissioners:

The Lewis County Economic Development Authority held its Annual Meeting on January 25, 2017 at the Court House. A quorum was present. In accordance with Chapter 7, Article 12, Section 3 of the West Virginia Code, the Lewis County Economic Development Authority voted to submit the following nominees to the Lewis County Commission to serve three-year terms each on the EDA Board of Directors.

The Lewis County Economic Development Authority respectfully requests the following individuals be re-appointed to three-year terms expiring on December 31, 2019. Each candidate has expressed a desire to continue service to the county and I can attest that all five candidates are considered active, engaged, experienced and qualified.

Cline Craig
3152 Big Run Road
Walkersville, West Virginia 26447

Kim Gum
United National Bank
PO Box 470
Weston, West Virginia 26452

Denver Turner
1447 US Highway 33W
Weston, West Virginia 26452

Greg Cunningham
Dominion
2397 Davisson Run Road
Clarksburg, West Virginia 26301

Ray Smith
PO Box 71
Jane Lew, West Virginia 26378

In addition, the Board respectfully requests that County Commissioners appoint the following individuals for three-year terms as first time Board Members. These individuals will bring the Board to a maximum 21 members in accordance with our Bylaws.

Kevin Stalnaker
230 Hospital Place
Weston, West Virginia 26452

Stephanie Wolverton
Stonewall Resort
940 Resort Drive
Roanoke, West Virginia 26447

Shannon Cunningham
Central WV Community Action, Inc.
106 Frederick Street
Clarksburg, West Virginia, 26301

Allow me to thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael D. Herron".

Michael D. Herron
Executive Director

[Print](#) | [Close Window](#)

Subject: Left over annual time
From: Eclark <Eclark@lewiscountywv.org>
Date: Thu, Feb 02, 2017 3:38 pm
To: lwhetsell@lewiscountywv.org

Cindy,
I was informed that I have 28 hours annual time from 2016 that unable to carry over to 2017. I would like to request those 28 annual hours be converted to 28 hours of sick time for the 2017 year. Please contact me if you have any questions.
Thank you,
E. Clark

Sent from my Sprint Phone.

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Lewis County Commission
Commission Employee Vacation/Sick Leave Request Form

I, Barbara Winans, hereby request the following day(s) off:

List day and date (Ex: Monday, May 2, 2005) for each day off. Please indicate if leave involves any
Courtthouse holidays.

Thursday, Feb. 9, 2017

Time off is to be taken from (circle one): Annual Leave Sick Leave Comp Time

Barbara E. Winans 2/1/17
Employee Signature Date

Judy E. Stewart 2/1/17
Supervisor Signature Date

Commission Approval Date