

COUNTY COMMISSION OF LEWIS COUNTY

110 Center Avenue
Weston WV 26452
Phone: (304)269-8200
FAX: (304)269-2416
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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 -- June 26, 2018**

SILENT MEDITATION AND PLEDGE OF ALLEGIANCE

- 1. 10:00 AM Call Meeting to Order**
- 2. 10:05 AM John Breen, Lewis County Assessor**
RE: Exonerations, Consolidations, Apportionments
Draft copies will be available for review Thursday, June 21, 2018.
(*action required*)

APPOINTMENTS

- 3. NONE**

CORRESPONDENCE

- 4. Upshur County Commission Meeting Agenda:** Upshur County Commission Meeting Agenda for June 21, 2018. (*information only*)
- 5. Lewis County Senior Citizens Center Correspondence:** Correspondence from the Lewis County Senior Center regarding new federal and state requirements and decreased funding for services. (*information only*)
- 6. Lewis County Parks and Recreation Meeting Agenda and Minutes:** Agenda for June 25, 2018 Lewis County Parks and Recreation Board Meeting and minutes of the May 29, 2018 meeting. (*information only*)

BUSINESS

- 7. Board(s) and Committee(s) Reports:** Reports by Commissioners on any board(s) or committee(s) attended including: Lewis County Firefighters Association; Retirement Celebration for Ginny Ruble; National Association of Counties Conference Call; West Virginia University Community Leadership Academy Planning Meeting; IMPACT Graduation Ceremony.
- 8. Travelers Insurance Renewal of Property and Casualty Insurance:** Chris Heater, GJ Garton Insurance, has presented to the Commission the Travelers Insurance Policy 2018-19 renewal information for the county. The premium for Fiscal Year 2019 will be \$267,946.00. This is an increase of less than \$5,000 from the prior year. The county has added several new vehicles to the policy. (*action required*)

9. Naming of County Depositories per West Virginia Code § 7-6-1: West Virginia Code §7-6-1 requires the County Commission on or before June 30 of each year, by order, designate all of the banking institutions, as defined by West Virginia Code §31A-2-1, as depositories of public moneys. The Lewis County Commission is asked to execute an order declaring: Citizens Bank; United Bank; Huntington Bank as depositories of public moneys. *(action required)*

10. Time Sheets and Leave Requests

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

11. 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 Thursday, June 21, 2018. *(action required)*

12. Approval of Estates: 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, June 21, 2018. *(action required)*

13. Presentation by the County Clerk of the Orders of Prior Meeting(s): The Lewis County Clerk presents the Orders (minutes) of previous Lewis County Commission meeting(s) for approval. Draft copies will be available for review upon request Thursday, June 21, 2018. *(action required)*

14. Expenses for the Current Period Presented for Consideration of Payment: Draft copies will be available for review upon request Thursday, June 21, 2018. *(action required)*

ADJOURNMENT:

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

WIS 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.

Upshur County Commission Agenda

Agenda packets are available electronically at http://www.upshurcounty.org/agenda_and_minutes/index.php or by request to the Upshur County Commission Office at 304-472-0535

Location of Meeting: Upshur County Courthouse Annex

Date of Meeting: June 21, 2018

- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• June 7, 2018
- 9:05 a.m. Lori Ulderich Harvey, Upshur County Family Resource Network Director – Requesting the approval of the World Elder Abuse Awareness Day Proclamation designating June as Elder Abuse Awareness Month
- 9:30 a.m. Discuss Rule 8 “Expenditures from magistrate court fund” of the WV Judiciary Administrative Rules for the Magistrate Courts
- 10:30 a.m. Doyle Cutright, E-911 Communication Center Director and representatives of Staley Communication, Inc. – Presentation of E-911 Center upgrade options at the Emergency Operations Center

Items for Discussion / Action / Approval:

1. Approve County Financial Institutions as Depositories as Required by WV Code §7-6-1 --- Freedom Bank, First Community Bank, JP Morgan-Chase Bank, Premier Bank, Community Bank and Citizens Bank of WV.*
2. Approval of “Request for Bids” for one Super Duty Regular Cab Chassis Truck for the Upshur County Maintenance Department. Sealed bids must be received no later than 4:00 pm on July 18, 2018 at the Administrative Annex located at 91 W. Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed and read aloud by the Commission at 9:05 am on Thursday, July 19, 2018.*
3. Approval of “Request for Proposals” for janitorial services for various Commission owned properties. A mandatory pre-bid conference will be held on Monday, July 9, 2018 at 2:30 pm. Sealed bids must be received no later than 4:00 pm on July 18, 2018 at the Administrative Annex located at 91 W. Main Street, Suite 101. Proposals received by the deadline will be publicly opened, reviewed and read aloud by the Commission at 9:15 am on Thursday, July 19, 2018.*
4. Approval and signature of the No Term, Non-Exclusive SaaS Agreement for use of Government Window’s Online Payment System. Upon approval, a non-exclusive license will be provided for the following departments: (1) Addressing & Mapping, Building Permit & Floodplain Management Office, (2) Assessor’s Office, (3) Commission Office, (4) E-911 Communication Center, (5) James W. Curry Library and Park and (6) Lewis-Upshur Animal Control Facility. All costs are covered by service fees charged to the End-User’s clients/customers upon using any of the Licensed Items.*

5. Correspondence from Mark D. Holstine, P.E. Executive Director of the WV Solid Waste Management Board regarding James Hollen's term expiration. The Commission has the option to either reappoint Mr. Hollen or appoint someone new to replace him. Upon approval, Mr. Hollen's reappointment to the WV Solid Waste Management Board would be effective July 1, 2018 for a four year term ending on June 30, 2022. The Upshur County Solid Waste Authority has verbally recommended the reappointment of Mr. Hollen.*
6. Correspondence from the Elkins Road PSD Board of Directors requesting the reappointment of Carey A. Wagner to the Elkins Road PSD Board of Directors. Upon approval, her term will renew on October 1, 2018 and expire on September 30, 2024. The Board voted to recommend Ms. Wagner's reappointment during a regular monthly meeting held on June 5, 2018.*
7. Approval of Application for Donated Leave and the granting of leave under the Family and Medical Leave Act*
Item may lead to Executive Session per WV Code §6-9A-4
8. Correspondence from Kimbra L. Wachob, Upshur County Emergency Communications Center Assistant to the Director, requesting the employment of Margie D. Parsons as full-time telecommunicator, effective June 25, 2018. Upon approval, Ms. Parsons' rate of pay will be \$11.00 per hour.*
9. Correspondence from David H. Coffman, Upshur County Sheriff, requesting the employment of James W. Vance and Douglas K. White for the part-time positions of Courthouse Security at the pay wage rate of \$11.50 per hour, effective July 1, 2018. Upon approval, these individuals will be required to perform all Courthouse Security/Bailiff duties and will work no more than 19 ½ hours per week.*
10. Correspondence from Jennifer Knicely Bennett, on behalf of the Splasher's Board of Directors, announcing the resignation of Tess Betler as Splasher's Swim Coach, effective June 7, 2018 and further requesting the employment of Kailyn Bosley as Splasher's Swim Coach, effective June 8, 2018. Upon approval, Ms. Bosley will be paid \$1,500 for the season which will be reimbursed to the County in full by "Splashers".*
11. 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 Michael Sutphin, Project Manager for the WV DEP, announcing the acceptance of a previously filed Voluntary Remediation Program Application for the Upshur County Youth Camp Archery Range in Selbyville, WV and setting forth the next steps of the program.
2. Correspondence from Judge Gary Johnson, WV Court Security Board Chairperson, approving a Court Security Fund Grant in the amount of \$12,888 for the purpose of enhancing the County's court security.
3. Statewide Transportation Improvement Program (STIP) FFY 2016-2021 Program Amendment #19 dated June 11, 2018.

4. Correspondence from Timothy VanReenen, on behalf of the WV Association of Conservation Districts, informing the Commission that the Upshur County Youth Camp Project was not chosen to be part of the grant funding.
5. Lewis-Upshur Animal Control Facility Adoption Financial Transactions – May 2018
6. Lewis-Upshur Animal Control Facility Cat Report for the month of May 2018
7. Upshur County Animal Control/Humane Officer Monthly Dog Report for the month of May 2018
8. Appointments Needed or Upcoming:
 - Upshur County Public Library Board (term expires June 30, 2018) – Commission Appointment

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Tabled Items

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

1. Discuss property owned by Thomas Moates located in Warren Tax District – Tax Map 6C – Parcel Number 41 (*last extension was approved during April 5th meeting*)
2. Discuss property owned by Todd Spencer Walter Gould located in Washington Tax District – Tax Map 7J – Parcel Number 11 (*last extension was approved during April 5th meeting*)
3. Discuss property owned by Frank Kelley located in Washington Tax District – Tax Map 7J – Parcel Number 11.1 (*last extension was approved during April 5th meeting*)

Next Regular Meeting of the Upshur County Commission
June 28, 2018 --- 9:00 a.m.
Upshur County Courthouse Annex

**The Commission meeting on Thursday, July 5, 2018 has been cancelled **

**The Commission meeting on Thursday, August 2, 2018 has been cancelled **



171 WEST SECOND STREET
WESTON, WV 26452
June 14, 2018

E-MAIL: LCSC.INFO@LCSENIORCENTER.ORG
WEB SITE: WWW.LCSENIORCENTER.ORG

PHONE: 304-269-5738
FAX: 304-269-7329

Patrick Boyle, President
Lewis County Commission
117 Court Ave
Weston WV 26452

Dear President Boyle:

PLEASE TAKE TIME TO READ THIS CORRESPONDENCE IN ITS ENTIRITY.

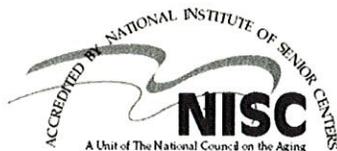
Never before have services for West Virginia's elderly population been as important as right now. At the crux of being able to adequate address the needs are Senior Center's, the leader in the aging network and focal points for community, and the continued lack of funding for services that allow seniors to live purposeful and safe lives in their own homes.

According to the 2010 census, West Virginia has the 4th highest median age of any state at 41.3 (compared to a national median of 37.2), as well as the second highest percentage of older adults in the nation (17.8% over 65, over 320,000 individuals out of a total state population of 1.85 million, compared to 14.1% of the total U.S. population of 319 million). Moreover, as the "baby boom" generation ages these trends will only accelerate (U.S. Census Bureau).

It is estimated that the U.S. percentage of senior citizens will equal 20% (72 million) by the year 2030. The most rapidly expanding demographic group continues to be the "oldest old" or those people over the age of 85. In 2010 there were 5.5 million Americans over 85 and by 2050, it is estimated that there will be 19 million Americans over the age 85 as the baby boomers age. In West Virginia it is estimated that the 85+ population will increase 68% from 31,779 to 53,375 from the year 2000-2030 (Christadi, Deskins & Lego, 2014).

These trends have left our State with an older than average population and has contributed to the second highest elderly dependence ratio in the country at 25.0 (national average = 20.5) meaning that the burden on working persons to care for the elderly is higher in West Virginia than in any other state besides Florida (File & Kominski).

As a State, we have not taken measures to address current needs or proactively plan for the future needs of our elderly citizens. The very agencies that were created to provide services and assistance to seniors are now in jeopardy of curtailing services and closing up shop.



Senior Centers have seen increasing state and federal mandates without the corresponding funds to support those requirements. For example, pre-employment criminal background checks required for all direct service delivery employees once cost \$18 per employee. Background checks have increased to \$58 and must be completed on all employees every three years. Since 2015, the minimum wage has increased from \$7.25 per hour to \$8.75 along with corresponding increases in the costs of benefits such as Workers' Compensation, Unemployment, and health care costs. Utilities, liability insurance, gasoline, building maintenance, and virtually ALL other expenses have increased. Funding for equipment and infrastructure projects dried up a few years ago with the elimination of Community Partnership Fund grants which helped fund Senior Center repairs and renovations. Regulations related to our Inhome Programs have grown and the related costs are skyrocketing. We must bear the entire costs of training our employees and in addition we must pay \$25 per employee for training verification.

We continue our level best to provide stable, quality services while funding continues to dwindle. We are not alone in our plight. Many Senior Centers across West Virginia have reduced their serving days, closed sites, reduced home delivered meal routes, and changed their menus to include frozen or shelf stable meals. While these are difficult but sound business decisions that are being made, it is not enough. Folks in Lewis County are generous when it comes to contributing toward the cost of services and by making generous donations and providing assistance with fundraising. Nevertheless, a large shortfall remains.

Prior to 1992, seniors and persons with disabilities who needed help with basic activities of daily living such as bathing, toileting, walking, and transferring were on their own at home due to not having any family members who could assist them. There were limited beds available in nursing homes. At the time, Senior Centers could only provide a telephone call to these people to check on their wellbeing. We witnessed many elderly dying alone at home. With the funding of Inhome Personal Care services in West Virginia in 1992, seniors and persons with disabilities finally regained some dignity and peace of mind by having a safety net in place should they need assistance to remain in their own homes. At that time, the reimbursement rate for personal care services was \$26 per hour. The actual average cost to provide the service was roughly \$9.41 per hour. The additional revenues did not remain in the coffers at these agencies. Some of the funds were paid back to the State of West Virginia in the form of a provider tax. For the ensuing years, Senior Centers used these funds to provide additional inhome services and offset the continued rising costs attributed to the program. Currently, the reimbursement rate is \$16 per hour. This rate has not changed since **2011**. Lewis County's actual average cost per hour is \$17.45. The Medicaid Waiver program pays a reimbursement rate of \$15 per hour. Our current actual cost per hour is \$16.77. We cannot continue operating the programs at such a deficit. More hard decisions will have to be made regarding the provision of inhome services. This would be an injustice to West Virginia's elderly and disabled populations.

On the horizon is a proposed mandate from the State of West Virginia to initiate a system for inhome care providers to use GPS-enabled devices to call in their arrival and departure times for

clients. Start-up costs for this rollout is at a minimum of \$10,000 for each Center. There are no monies available at a state level to help us with these costs. We are expected to bear the entire cost burden. At the same time, we are still waiting and hoping for funds to replace a roof and a 1993 hot/cold meal vehicle. After three years of donations and fundraising, we were recently able to replace unsafe kitchen equipment.

In the last few years, the Affordable Care Act has posed additional worries for Centers across the State. We would have been out of business had we offered health insurance to all employees. We still are putting our agencies at risk with ensuing penalties for not offering coverage to those who are deemed eligible for health insurance coverage. Most personal care providers make at or slightly above minimum wage. Therefore even cost sharing of health care premiums was out of the question for this class of employees. It continues to take every dollar they earn to feed and clothe their families.

We do provide a travel reimbursement to these employees for travel between clients. We offer participation in a 403(B) retirement plan after one year of service. However, not many participate because the 4.5% employee contribution is needed for their most basic necessities.

If the information I have shared with you seems grim – that is because it is and is a reality in a majority of Senior Center's across the State. We are at a critical juncture. There are no cuts left to make without greatly reducing or eliminating the very services that allow the elderly and disabled to live independently in their homes with minimal assistance.

In the past few years, there has been a large turnover in the number of Senior Center Directors. The situation is hopeless for these incoming new leaders and they quickly prepare their exit. The aging network is ripe with mandates and regulations with no financial means to carry them out.

We are required to collect at least \$1.50 from clients per hour from Lighthouse or FAIR inhome services received. We are then required to provide additional services to other clients with the sliding fees collected. However, the reimbursement from the State (FAIR at \$14 per hour and Lighthouse at \$16 per hour) do not cover the entire cost of the services in the first place. We have one year to provide additional services with the sliding fees collected. If unused, FAIR or Lighthouse dollars that equal the dollar value of the sliding fees collected must be returned to the State. This is a system that is designed for failure when the actual cost of service is \$22 per hour. The policy to provide additional services with sliding fee dollars is mandated by the WV Bureau of Senior Services. This policy can be changed immediately – allowing Center's to use the sliding fees to pay already incurred costs in the delivery of this service.

We are cognizant of the fact that everyone in the State of West Virginia is looking to government for a handout due to escalating costs and diminishing resources. It is evident when looking at the age and other demographics of West Virginia that now and upcoming years present new challenges in terms of caring for a large and dynamic population of elderly residents. It has

never been more imperative that we work toward solutions to improve the lives of those who need us most.

I welcome further discussion with you about the state of affairs at Senior Center's across the State. I urge you to call the Lewis County Senior Center and speak with **Dinah Mills, Director at 304-269-5738**. We have an opportunity to lead the charge in beginning to address needs for the elderly in our State who presently need services and to design a system to be in place and operable for future generations.

Respectfully,



Michael Wimer, President
Lewis County Senior Citizens Center, Inc. BOD

LEWIS COUNTY PARKS AND RECREATION AGENDA

Monday June 25, 2018 @ 6:00 pm at the Park

- 1) Call to Order**
- 2) Reading of the Minutes**
- 3) Treasurer's Report**
- 4) Public Comment**
- 5) Director's Report**
- 6) Old and Unfinished Business**
- 7) New Business**
- 8) Adjourn**

If unable to attend, please contact Gene Edwards at 304-269-4836

MINUTES OF THE LEWIS COUNTY PARK BOARD OF DIRECTORS

Meeting Date of May 29, 2018

Present: Gene Edwards, President, Barbara Paugh, Vice President, Betty Hill, Treasurer, Josie Britton, Secretary, John Shaffer, Director, Tom Alkire, Maintenance, Andrea Clem, Member, Alyce Henry, Member, Shirley Taylor, Member, Richard Messenger, Member, Agnes Queen, County Commissioner, and Rod Wyman, County Commissioner

The meeting was called to order by Gene Edwards. Minutes from the previous meeting were approved by Barbara Paugh, seconded by Alyce Henry.

The treasurer's report was given by Betty Hill. There were no questions concerning the report. It was approved by Richard Messenger, seconded by Andrea Clem.

There were no public comments or concerns.

The director's report was given by John Shaffer. The pool opened for the 2018 season this past weekend. On Saturday there was a total of 260+ who enjoyed some fun in the sun. Sunday brought in 240+ and Monday saw more than 550 to end the Memorial Day weekend. John has hired several new employees this season with many returning from the prior year. Jordan Stafford is the head life guard. A mock drowning was performed recently and John stated that overall it went well and he plans to have further drills throughout the current season. Shentel Under the Stars will again hold a free movie at the park. It is scheduled for May 22, 2018 with free drinks and popcorn also available.

Tom Alkire reported that the ditch to the #1 shelter has been cleaned out. He will be putting in a 12" drain to alleviate the problems that the

heavy rains cause in that area. He also reported that he got the parts to replace the water line for the camping area. A ramp from the pool deck to the gazebo was added to help with the water issues in that area from the rain waters. A bracket needed repaired on one of the diving boards. The concession stand floor has been waxed. There is a split in the hose of the whale, located in the kiddy pool. They are trying to fix it. Both the slide and health inspections passed. Tom also asked the Commissioners if there was a way to increase the hours for his helpers, as they are overwhelmed with trying to keep up now that the pool is opened. Agnes refused his request, stating she could not change the rules but was willing to double check with PEIA.

Old and unfinished business was discussed. Agnes reported that the new Weston Transfer charges have been adjusted. During the months of April thru September we will pay \$534+fees per month. They will allow us to have a 6 day a week pickup during these months. From October thru March we will only be charged \$50+fees per month. There will be a \$150 charge for any extra pickups. John still has not been able to get in contact with Joe Frazier regarding some lighting issues. We also discussed that a letter needs to be written and submitted to the Board of Education regarding the use of the tennis courts for next season.

We had a few new items to discuss at the meeting. First, Agnes met with West Virginia American Water concerning a main break that they say is the Park's fault. They claimed we opened 2 hydrants to fill the pool which created the break in their line and some other issues. According to Tom, the 2 hydrants were flushed but not used to fill the pool. That water came directly from the meter only. He says that is how it has always been done. Agnes informed Tom that in the future we must call the water company to come flush those hydrants before filling the pool. John also had a couple of new matters to discuss. He says there is a boys home in the Shadybrook area that has requested a

deal for season pool passes. They have approximately 10 residents that would benefit from the passes. The Board proposed to only charge each pass at \$45 instead of the normal \$50 charge. Alyce Henry made the motion to accept that proposal and Betty Hill seconded. And the last request for the evening was that Dan Hoover from Horizon's Church wanted some sort of discount for a pool party that he has been advertising for as a "free swim for everyone". He has distributed many flyers throughout the school system and Horizon's Church before contacting John with his request. The Board did not feel obligated to discount any amount since Mr. Hoover did not come to us prior to advertising his event. A motion was made to deny the request for a discount by Shirley Taylor, seconded by Betty Hill.

The next meeting will be Monday June 25, 2018 @ 6:00 pm. We will meet at the Park.

Respectfully submitted by Josie Britton, Secretary

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 6. COUNTY DEPOSITORIES.**§7-6-1. Designation of depositories.**

On or before June 30, of each year, the county commission of every county shall, by order of record, designate all of the banking institutions, as defined in section two, article one, chapter thirty-one-a of this code, situated in the county and duly incorporated under the laws of any state, or organized under the laws of the United States, as depositories of public moneys: *Provided*, That in any county where no such banking institutions exist, or where such banking institutions fail, refuse or neglect to comply with all the provisions and conditions of this article, the county commission shall designate some qualified banking institution in some other county of this state convenient to the county seat. Risk and expense of making deposits in county depositories located outside of the county seat shall be borne by the banking institution in which the deposits are made. When any banking institution, designated by the county commission as provided by this section, has complied with all of the requirements and provisions of this article, the commission shall declare it a county depository.

§7-6-2. Bond of depositories.

No designation is binding on any county, nor shall any public money be deposited thereunder in excess of the amount insured by an agency of the federal government, until the banking institution designated executes a bond with good and sufficient sureties, to be accepted and approved by the county commission, payable to the State of West Virginia, in a sum as the county commission shall direct, and which may not be less than the amount of the deposit that exceeds the amount insured by an agency of the federal government in the depository at any one time. The bond shall be executed by at least four resident freeholders as sureties owning in the aggregate unencumbered real estate having an assessed valuation thereon equal to the penalty of the bond, or by a fidelity or indemnity company authorized to do business within the state, satisfactory to, and acceptable by the county commission, and having not less than \$600,000 capital; and the bond shall be conditioned for the receipt, safekeeping and payment over of all money which may be deposited

in or come under the custody of the banking institution designated a county depository under the provisions hereof, together with the interest thereon at the rate specified by this article; and the bond shall be further conditioned for the faithful performance, by the banking institution so designated, of all the duties imposed by this article upon a depository of public moneys: *Provided*, That the clerk of the county commission shall keep a record of each surety on all personal bonds given as hereinbefore provided and the clerk shall notify the county commission of every recorded conveyance of real estate made by any surety on said personal bond.

An action shall lie on the bond at the instance of the county commission, or the sheriff, for the recovery of any money deposited in the depository, upon failure or default of the depository to fully and faithfully account for and pay over any and all public moneys deposited by the sheriff and of all interests earned and accrued thereon as required by this article. A bond may not be accepted by the county commission until it has been submitted to the prosecuting attorney, and certified by him or her to be in due and legal form, and conformable to the provisions of this article, which certificate shall be endorsed thereon: *Provided*, That the county commission may, in lieu of the bond provided hereinbefore, accept as security for money deposited as aforesaid, interest-bearing securities of the United States, or of a state, county, district or municipal corporation, or of the federal land banks, or endorsed county and district warrants of the county in which the depository is located, or letters of credit of the federal land banks, or federal home loan banks, or any other letters of credit approved by the treasurer; the face value of which securities may not be less than the sum hereinbefore specified as the amount to be named in the bond in lieu of which the securities are accepted; or the county commission may accept the securities as partial security to the extent of their face value for the money so deposited, and require bond for the remainder of the full amount hereinbefore specified, to be named in the bond, and in the bond so required, the acceptance of securities as partial security, and the extent thereof, shall be set forth: *Provided, however*, That a banking institution is not required to provide a bond or security in lieu of bond if the deposits accepted are placed in certificates of deposit meeting the following requirements: (1) The funds are invested through a designated state depository selected by the county; (2) the selected depository arranges for the deposit of the funds in certificates of deposit in one or more banks or savings and loan

associations wherever located in the United States, for the account of the county; (3) the full amount of principal and accrued interest of each certificate of deposit is insured by the Federal Deposit Insurance Corporation; (4) the selected depository acts as custodian for the county with respect to such certificates of deposit issued for the county's account; and (5) at the same time that the county's funds are deposited and the certificates of deposit are issued, the selected depository receives an amount of deposits from customers of other financial institutions wherever located in the United States equal to or greater than the amount of the funds invested by the county through the selected depository. The hypothecation of the securities shall be by proper legal transfer as collateral security to protect and indemnify by trust any and all loss in case of any default on the part of the banking institution in its capacity as depository as aforesaid. All the securities shall be delivered to or deposited for the account of the county commission, and withdrawal or substitution thereof may be permitted from time to time upon approval by the county commission by order of record, but the collateral security shall be released only by order of record of the county commission when satisfied that full and faithful accounting and payment of all the moneys has been made under the provisions hereof. In the event actual possession of the hypothecated securities are delivered to the county commission, it shall make ample provision for the safekeeping thereof and the interest thereon when paid shall be turned over to the banking institution, so long as it is not in default as aforesaid. The county commission may permit the deposit under proper receipt of the securities with one or more banking institutions within or without the State of West Virginia and may contract with any institution for safekeeping and exchange of any hypothecated securities, and may prescribe the rules for handling and protecting the same.

§7-6-2a. Dealer recovery fund created.

(a) There is hereby created a special fund in the State Treasury which is to be designated the "Dealer Recovery Fund." The fund shall consist of certain moneys received from persons engaged in the business of selling new or used motor vehicles, new or used motorcycles, trailers, semi-trailers or recreational vehicles or from grants, gifts, bequests or awards arising out of the settlement or adjudication of a claim. The fund is not to be treated by the Auditor and Treasurer as part of the general revenue of the state. The fund is to be a special revolving fund paid out upon