COUNTY COMMISSION OF LEWIS COUNTY

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

COMMISSIONERS:
Agnes Queen, President
Patrick Boyle, Commissioner
Rod Wyman, Commissioner

LEWIS COUNTY COMMISSION
110 CENTER AVENUE, 2ND FLOOR
WESTON, WV 26452
MEETING AGENDA
TUESDAY, MAY 28, 2019

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 on Friday, May 24, 2019.
   (*action required)*

APPOINTMENTS

3. **NONE**

CORRESPONDENCE

4. **Upshur County Commission Meeting Agenda:** The Upshur County Commission Meeting Agenda for Thursday, May 23, 2019 is presented for review. *(information only)*
5. **West Virginia Public Service Commission Notification of Increase of Wireless E911 Fees:** The West Virginia Public Service Commission has signed General Order Number 187.50. This order increases the wireless E911 fees from $3.34 to $3.83 per month per subscriber, effective July 1, 2019.*(information only)*
6. **Lewis County Park and Recreation Board Meeting Agenda and Minutes:** The Lewis County Park Board Meeting Agenda for Thursday, May 30, 2019 at 6:00 PM and minutes of April 22, 2019 are presented for review. (*information only)*

BUSINESS

7. **Board(s) and Committee(s) Report(s):** Commissioners will give report(s) on any board(s) or committee(s) meeting attended including: Broadband Tower Meeting at Jackson Mill and Jane Lew; Fire Board; Census Bureau; Chamber After Hours; Citizens Bank Work Session; Lewis County Economic Development; WV American Water Public Comment Meeting; Memorial Day Festivities. *(information only)*

8. **Certification of Fiscal Year 2020 Personal and Real Property Tax Books:** The Lewis County Commission will be presented with the real estate and personal property tax books for Fiscal Year 2020 for consideration of acceptance and certification. *(action required)*
9. **Northwest Water Small Cities Block Grant Funding Rquest:** Approval and Signature on the Small Cities Block Grant Request for Funds for Northwest Lewis Water Line Extension Project in the amount of $30,000.00 is presented for approval. *(action required)*
10. **Approval and Signature of the COPS Technology Grant:** The Lewis County Commission will be asked to approve and sign the COPS Technology Grant for FY 2019-2020. This is a joint venture between the Lewis County and Upshur County Boards of Education and will provide interior and exterior door locking systems that are alike for all schools in Lewis and Upshur Counties. *(action required)*
11. **Estate of Patty Williams:** Gary Morris, Lewis County Fiduciary Commissioner sends notification to the Lewis County Commission that the requested accounting for the Estate of Patty Williams has not be remitted. The date for this remission has passed. The County Commission will be presented with options to consider in order to proceed with the administration of this estate. Possible action may be taken. *(information only)*
12. **Timesheet and Leave Requests:** *(action required)*

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

13. **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 Friday, May 24, 2019. *(action required)*
14. **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 Friday, May 24, 2019. *(action required)*
15. **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 Friday, May 24, 2019. *(action required)*
16. **Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, May 247, 2019. *(action required)*

ADJOURNMENT:

17. **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.

Upshur County Commission
Meeting 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: May 23, 2019

9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
- May 16, 2019

9:05 a.m. Review and announcement of James W. Curry scholarship recipients*
Item may lead to Executive Session per WV Code §6-9A-4

9:15 a.m. Emiel Butcher "Butch", President of Micrologic Inc. – Review Lewis and Upshur County COPS Camera Surveillance Project Change Orders*

Items for Discussion / Action / Approval:

1. Approval and signature of EBSO Employee Health Reimbursement Plan Amendment #4, effective July 1, 2019.

2. Approval of "Request for Proposals" for the Upshur County Former Jail Facility Project funded by the WV Courthouse Facilities Improvement Authority. All sealed bids must be received no later than 4:00 p.m. Tuesday, June 25, 2019. Sealed bids will be opened, reviewed and read aloud by the Upshur County Commission at 9:15 a.m. on June 27, 2019.*

3. Correspondence from Jerry R. Lewis, Upshur County Community Corrections Case Manager, announcing his resignation effective June 30, 2019.*
Item may lead to Executive Session per WV Code §6-9A-4

4. 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. Public Service Commission of West Virginia Corrective Order increasing the wireless enhanced 911 fee from $3.34 to $3.86 per month, per subscriber, effective July 1, 2019.

2. Correspondence from Ora L. Ash, Deputy State Auditor for the Office of the State Auditor Local Government Services, announcing this year's In-Service Training Seminar location and times. According

to WV Code §7-7-2, each official and, at his or her option, one or more of his or her employees shall participate in the program established by the State Auditor.

3. Upshur County Sheriff's Financial Statement for Period Ending April 2019

4. Appointments Needed or Upcoming:
    a. Buckhannon-Upshur Parks and Recreation Advisory Board (7/1/19 – 6/30/2021 County Rep.)

Newsletters and/or Event Notifications, Agendas and/or Notices of Meetings, Meeting Minutes and Scheduled Meetings can all be found by visiting: http://www.upshurcounty.org/agenda_and_minutes/index.php

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

Next Regular Meeting of the Upshur County Commission
June 6, 2019 --- 9:00 a.m.
Upshur County Courthouse Annex

The regularly scheduled Commission Meeting on May 30, 2019 is CANCELLED

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 14th day of May 2019.

GENERAL ORDER NO. 187.50
In the matter of wireless enhanced 911 fees.

COMMISSION ORDER

As directed by statute, the Public Service Commission increases the wireless enhanced 911 fee from $3.34 to $3.83 per month, per subscriber, to become effective July 1, 2019.

BACKGROUND

County Commissions derive revenues to operate enhanced emergency telephone systems from two different sources, the first being that County Commissions are authorized by statute to impose a fee (Enhanced 911 Fee) on consumers of local exchange service as well as voice over internet protocol (VoIP) service within their respective counties. W.Va. Code §7-1-3cc. This fee is placed on the bills of the telephone providers and the monies received by the providers are distributed directly to the County Commissions. Other than establishing rules, as directed by the Legislature, for the payment and collection of VoIP fees, the Commission has no role in establishment, administration, or collection of these fees. Rules and Regulations Governing Emergency Telephone Service, 150 C.S.R. 25, (Emergency Telephone Rules).

The second source of 911 revenues for County Commissions comes from the wireless enhanced 911 fee (Wireless E-911 Fee). This fee was established by statute at a minimum of $3 per month for each valid retail commercial mobile radio service subscription. W.Va. Code §24-6-6b(b).

The Wireless E-911 Fee is paid by customers to the service providers who, in turn, remit the fees to the Commission. The Commission retains none of the fees and distributes the monies received according to instructions contained in statute. Specifically,

- One million dollars is placed in a fund, each year, to subsidize the construction of wireless towers.

- Ten cents of the amount collected per subscriber is distributed to the West Virginia State Police to be used for equipment upgrades for improving and integrating their communications efforts with those of the enhanced 911 systems.

- Five percent of the fees are deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrade of the West Virginia Interoperable Radio Project.

- The remainder of the money is distributed to the counties according to the formula set forth in W.Va. Code §24-6-6b(b) and (d).

W.Va. Code §24-6-6b(c) provides that

> Beginning in the year [1997], and every two years thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as of the first day of March of the respecification year, of all the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance.

If the weighted average of the Enhanced 911 Fees exceeds the statutory minimum $3 per month Wireless E-911 Fee, the Commission must increase the Wireless E-911 Fee to the weighted average of the Enhanced 911 Fees but not by more than twenty-five percent of the Wireless E-911 Fee at the beginning of the respecification year.

Commission Staff calculated the weighted average of Enhanced 911 Fees imposed by the County Commissions during the respecification years (which are the odd years). The weighted average of the Enhanced 911 Fees has been below the Wireless E-911 Fee in each of those years until 2017. The annual data received by Staff shows that the total number of landline subscribers has trended downward over time. Recent weighted average calculations of the Enhanced 911 Fees in odd years resulted in fees of $2.38 (2011), $2.30 (2013), $2.63 (2015) and $3.34 (2017). The 2019 data submitted to Staff from the providers of landline service and VoIP service show the number of subscribers per county and the Enhanced 911 Fee imposed by each County Commission. Staff calculated a weighted average Enhanced 911 Fee of $3.83 as of March 1, 2019. See, 2019 Staff Audit of Wireless Enhanced 911 Fees, Attachment A, May 2, 2019.

Emergency Telephone Rule 11.1 provides that if it is necessary for the Commission to recalculate the Wireless E-911 Fee, the new rate takes effect July 1 of the respecification year.

As previously stated, the statute directs the Commission to recalculate the fee if the weighted average of the Enhanced 911 Fee exceeds the $3 statutory minimum Wireless E-911 Fee.

Accordingly, effective July 1, 2019, under the provisions of W.Va. Code §24-6-6b(c), the Commission is required to establish a Wireless E-911 Fee of $3.83 per month.

FINDINGS OF FACT

1. The Enhanced 911 Fees imposed by the County Commissions are authorized by W.Va. Code §7-1-3cc.

2. Staff calculates the weighted average of Enhanced 911 Fees during the respecification years (which are the odd years). The weighted average cost of the Enhanced 911 Fees was below the Wireless E-911 Fee in each of those years until 2017.

3. The annual data received by Staff shows that the total number of landline subscribers has trended downward over time.

4. The landline and VoIP service data showing the number of subscribers per county and Enhanced 911 Fees result in a weighted average Enhanced 911 Fee of $3.83 as of March 1, 2019. 2019 Staff Audit of Wireless Enhanced 911 Fees, Attachment A, May 2, 2019

CONCLUSIONS OF LAW

1. W.Va. Code §24-6-6b(c) provides that,

> Beginning in the year [1997], and every two years thereafter, the Public Service Commission shall conduct an audit of the wireless enhanced 911 fee and shall recalculate the fee so that it is the weighted average rounded to the nearest penny, as of the first day of March of the respecification year, of all the enhanced 911 fees imposed by the counties which have adopted an enhanced 911 ordinance.

2. If the weighted average of the Enhanced 911 Fees exceeds the statutory minimum $3 per month Wireless E-911 Fee, then the Commission must increase the Wireless E-911 Fee to the weighted average of the Enhanced 911 Fees but not by more than twenty-five percent of the Wireless E-911 Fee at the beginning of the respecification year.

3. If it is necessary for the Commission to respecify the Wireless E-911 Fee, that fee takes effect July 1 of the respecification year. Emergency Telephone Rule 11.1.

4. The statute requires the Commission to recalculate the Wireless E-911 Fee if the weighted average of the Enhanced 911 Fee exceeds the statutory minimum $3 per month Wireless E-911 Fee. W.Va. Code §24-6-6b(c).

5. Because the weighted average of the Enhanced 911 Fee exceeds the statutory minimum $3 per month Wireless E-911 Fee, the Commission must establish a Wireless E-911 Fee of $3.83, in lieu of $3, per subscriber, per month, effective July 1, 2019.

ORDER

IT IS THEREFORE ORDERED that the Wireless E-911 Fee is $3.83 per month, per subscriber, to become effective July 1, 2019.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on each County Commission and each provider of commercial mobile radio service that has filed an e-service agreement, by United States First Class Mail on each County Commission and each provider of commercial mobile radio service that has not filed an e-service agreement, and on Staff by hand delivery.

IT IS FURTHER ORDERED that on entry of this Order, this case shall be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Teste,

Ingrid Ferrell

Ingrid Ferrell
Executive Secretary

JJW/sc
GO 187.50.sca.doc

LEWIS COUNTY PARKS AND RECREATION AGENDA

Thursday, May 30, 2019 @ 6:00 pm at the LC 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 April 22, 2019

Present: Gene Edwards, President, Barbara Paugh, Vice President, Betty Hill, Treasurer, Josie Britton, Secretary, Shirley Taylor, Member, Glen Brown, Member, Alyce Henry, Member, Richard Messenger, Member, Josh Hinchman, Park Director, Agnes Queen, County Commissioner and Rod Wyman, County Commissioner

The meeting was called to order by Gene Edwards. Minutes from the previous meeting(April 22, 2019) were approved by Barbara Paugh, seconded by Betty Hill.

Betty Hill went over the treasurer's report. Josh Hinchman commented that once the new software is implemented there will be no need to have an operating account and a concession account. All monies will be going into the same account but the report can still reflect the different totals as it does now. The report was approved by Shirley Taylor, seconded by Alyce Henry.

There was no public comment.

Josh Hinchman went over the director's report. Mowing and weed eating has begun for the season. Mulch has been put down on the playgrounds. The ice machine in the concession stand has been moved outside to make more room. All pavilions are now open. 84 Lumber is working on some different options and pricing for the stage makeover. There is still $1800.00 available in the 84 Lumber account to cover the cost. The Walt Disney grant information has been submitted for blacktopping the walking trail, ADA equipment, and disc golf. There is another grant (Recreational Trails grant) that Josh is interested in applying for that could be used for blacktopping, lighting, and

Gene Edwards adjourned the meeting after determining the next meeting will be THURSDAY, May 30, 2019 at the Lewis County Park.

Respectfully submitted by Josie Britton, Secretary

COUNTY COMMISSION OF LEWIS COUNTY

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COMMISSIONERS:
Agnes Queen, President
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Rod Wyman, Commissioner

May 28, 2019

Mr. Todd Goddard
WV Development Office
Building 3, Suite 700
1900 Kanawha Boulevard, East
Charleston, WV 25305-0311

RE: Lewis County Commission—Northwest Lewis Water Line Extension Project
Small Cities Block Grant Project #14SCBG0001X
Request for Funds #12

Dear Mr. Goddard:

In accordance with the drawdown procedures established by the State, this letter of transmittal contains a progress report on the above-referenced project to support the enclosed Request for Payment:

1. **Administration**— Region VII continues to assist LCC and LCEDA as construction is finalizing.

2. **Engineering**— Engineering services is finalizing as construction is completing. Amount requested is $30,000.00.

3. **Construction**— Construction is finalizing with Contract #1 (Chojnacki) being approximately 99% complete and Contract #2 (Dan's Marine) being 100% complete. Amount requested is $0.00.

The total amount of this request is $30,000.00. If you have any questions or comments, please contact our project administrators at 304-472-6564.

Sincerely,

Agnes Queen
President

Enclosure

Gary Morris, Lawyer
P. O. Box 329
Weston, West Virginia 26452

May 15, 2019

Lewis County Commission
110 Center Ave
Weston, WV 26452

RE: Patty Williams Estate

Dear Ladies and Gentlemen:

Despite my request for additional time for Mr. Williams, the Executor of this Estate to file an accounting, as we have discussed on more than 1 occasion, no such accounting has been forthcoming, although it is anticipated that the amounts involved number in the hundred of thousand dollars, and the concern of heirs about the same has been expressed, resulting in my appointment to this estate.

You may wish to contact me to discuss this matter. If you call and I am not in, please leave your name and a number at which I can reach you.

Thanking you in advance for your kind cooperation, I am

Very Truly Yours,

Phone (304) 269-4652 **email: garymorrislawyer@hotmail.com**