

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

LEWIS COUNTY COMMISSION

110 Center Avenue, 2nd Floor

Weston, WV 26452

Meeting Agenda

Tuesday, June 30, 2020

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, June 26, 2020
(*action required*)

APPOINTMENTS

3. None

CORRESPONDENCE

4. **Upshur County Commission Meeting Agenda:** The Upshur County Commission Meeting Agenda for June 25, 2020 is presented for review. (*information only*)
5. **Public Service Commission of West Virginia Notification of Increase in E911 Wireless Subscriber Fees:** Pursuant to Senate Bill 579 the West Public Service Commission of West Virginia is required to annually review Wireless E911 Subscriber Fees. Effective July 1, 2020, the Wireless E911 Subscriber rate will be \$3.47 per month. (*information only*)

BUSINESS

6. **Board(s) and Committee(s) Reports:** Lewis County Health Department; Lewis County Economic Development Authority; Certification of 2020 Primary Election; COVID 19 Community Testing. (*information only*)
7. **Request to hire Seasonal Employee for the Lewis County Park:** Josh Hinchman, Lewis County Park Director, requests to hire Tim Shue as a seasonal maintenance employee for up to 40 hours a week at the pay rate of \$9.00 an hour. (*action required*)
8. **Time Sheets and Leave Requests:** (*action required*)

ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:

- 9. 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 26, 2020(*action required*)
- 10. 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 26, 2020. (*action required*)
- 11. 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 26, 2020. (*action required*)
- 12. Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Thursday, June 26, 2020 (*action required*)

ADJOURNMENT:

- 13. 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.
- Agenda Items may require an executive session.
- 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.
- Commissioners may participate and vote via conference call if two (2) commissioners are in attendance.

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: Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-800-719-6100 (toll free) or 1-717-275-8940 or 1-712-832-8330 Access Code: 898 8882 to enter the conference call
- Date of Meeting: June 25, 2020
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• June 18, 2020
- 9:05 a.m. Approval and signature of FY 21 PRO Grant Application, Agreement and WV DJCS Standard Conditions and Assurances in the amount of \$28,000.00 for the Prevention Resource Officer (PRO) at the Buckhannon-Upshur Middle School.
- 9:30 a.m. Jan Craig – Request for Noise Ordinance pertaining to fireworks
- 10:00 a.m. 2020 Primary Election Certifications – National, State and Multi-County
- 10:15 a.m. Review and announcement of James W. Curry scholarship recipients* Under separate cover
Item may lead to Executive Session per WV Code §6-9A-4
- 11:00 a.m. Meeting with Elected Officials to discuss COVID-19 operations for the Courthouse, Annex and other County facilities

Items for Discussion / Action / Approval:

1. Approval of Upshur County Employee Handbook of Personnel Guidelines revisions. *
Policies revised:
 - Employee Categories / Hours of Work
 - Work Week / On Call / Record Keeping
 - Group Health Insurance & Other Benefits
2. 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.*
3. Approval and signature of a Software Support Agreement with Avenu Government Systems, LLC in the amount of \$11,563.60. Avenu provides software support for the County Clerk's PACE finance, server and payroll licensed software products. Upon approval, the coverage period will be July 1, 2020 through June 30, 2021. *

4. Correspondence from Michelle Strader announcing her resignation from the Upshur County Public Library Board, effective June 17, 2020. Ms. Strader is a Commission appointee and this term expires on June 30, 2021. *
5. 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. Upshur County Sheriff's Financial Statement for period ending May 2020
2. Elkins Road Public Service District Annual Budget July 1, 2020 through June 30, 2021
3. Appointments Needed or Upcoming:
 - Upshur County Fire Board, Inc. (Linn Baxa – 6-30-2020) – Fire Association Representative
 - Hodgesville PSD (Roger Ward – 8-5-2020)
 - Elkins Road PSD (Larry Heater – 9-30-2020)
 - Upshur County Solid Waste Authority (Joyce Harris-Thacker – 6-30-2020) --- Commission
 - Upshur County Solid Waste Authority (Mary L. Gower – 6-30-2020) --- Conservation District
 - Buckhannon-Upshur Airport Authority (Virgil LaRosa – 6-30-2020) --- Commission
 - Buckhannon-Upshur Parks & Recreation Advisory Board (Brett Robinson – 6-30-2020) – BOE

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or trperry@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****

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)

1. Chapman Case Number 101118-01 (Warren Tax District – Tax Map 6B Parcel Number 11)

Next Regular Meeting of the Upshur County Commission
July 9, 2020 --- 9:00 a.m.
Upshur County Courthouse Annex

The regularly scheduled Commission Meeting on July 2, 2020 has been CANCELLED

Public Service Commission of West Virginia

PSC
File

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323



Phone: (304) 340-0300
Fax: (304) 340-0325

June 5, 2020

TO ALL COMMERCIAL MOBILE RADIO SERVICE IN WEST VIRGINIA

Barbour County Commission
Barbour County Courthouse
8 North Main Street
Philippi, WV 26416

Clay County Commission
Clay County Courthouse
PO Box 190
Clay, WV 25043

Berkeley County Commission
Berkeley County Courthouse
400 W. Stephen St., Suite 201
Martinsburg, WV 25401

Doddridge County Commission
Doddridge County Courthouse
118 E Court Street, Room 102
West Union, WV 26456

Boone County Commission
Boone County Courthouse
206 Court Street
Madison, WV 25130

Fayette County Commission
Fayette County Courthouse
100 Court Street
Fayetteville, WV 25840

Braxton County Commission
Braxton County Courthouse
PO Box 486
Sutton, WV 26601

Gilmer County Commission
Gilmer County Courthouse
10 Howard Street
Glennville, WV 26351

Brooke County Commission
Brooke County Courthouse
201 Courthouse Square
Wellsburg, WV 26070

Grant County Commission
Grant County Courthouse
5 Highland Avenue
Petersburg, WV 26847

Cabell County Commission
Cabell County Courthouse
750 5th Avenue, Suite 300
Huntington, WV 25701

Greenbrier County Commission
Greenbrier County Courthouse
912 Court Street, N.
Lewisburg, WV 24901

Calhoun County Commission
Calhoun County Courthouse
PO Box 230
Grantsville, WV 26147

Hampshire County Commission
Hampshire County Courthouse
PO Box 806
Romney, WV 26757

Hancock County Commission
Hancock County Courthouse
PO Box 485
New Cumberland, WV 26047

Hardy County Commission
Hardy County Courthouse
204 Washington Street
Moorefield, WV 26836

Harrison County Commission
Harrison County Courthouse
301 W. Main Street
Clarksburg, WV 26301

Jackson County Commission
Jackson County Courthouse
PO Box 800
Ripley, WV 25271

Jefferson County Commission
Jefferson County Courthouse
100 E. Washington Street
Charles Town, WV 25414

Kanawha County Commission
Kanawha County Courthouse
407 Virginia Street, E.
Charleston, WV 25301

Lewis County Commission
Lewis County Courthouse
110 Center Avenue
Weston, WV 26452

Lincoln County Commission
Lincoln County Courthouse
PO Box 497
Hamlin, WV 25523

Logan County Commission
Logan County Courthouse
300 Stratton Street
Logan, WV 25601

Marion County Commission
Marion County Courthouse
200 Jackson Street
Fairmont, WV 26554

Marshall County Commission
Marshall County Courthouse
PO Drawer B
Moundsville, WV 26041

Mason County Commission
Mason County Courthouse
200 Sixth Street
Point Pleasant, WV 25550

McDowell County Commission
McDowell County Courthouse
90 Wyoming Street
Welch, WV 24801

Mercer County Commission
Mercer County Courthouse
1501 Main Street
Princeton, WV 24740

Mineral County Commission
Mineral County Courthouse
150 Armstrong Street
Keyser, WV 26726

Mingo County Commission
Mingo County Courthouse
75 East 2nd Avenue, Room 308
Williamson, WV 25661

Monongalia County Commission
Monongalia County Courthouse
243 High Street
Morgantown, WV 26505

Monroe County Commission
Monroe County Courthouse
PO Box 350
Union, WV 24983

Morgan County Commission
Morgan County Courthouse
PO Box 28
Berkeley Springs, WV 25411

Nicholas County Commission
Nicholas County Courthouse
700 Main Street
Summersville, WV 26651

Ohio County Commission
Ohio County Courthouse
1500 Chapline Street
Wheeling, WV 26003

Pendleton County Commission
Pendleton County Courthouse
PO Box 187
Franklin, WV 26807

Pleasants County Commission
Pleasants County Courthouse
301 Court Lane
St. Marys, WV 26170

Pocahontas County Commission
Pocahontas County Courthouse
900-C 10th Avenue
Marlinton, WV 24954

Preston County Commission
Preston County Courthouse
101 W Main Street
Kingwood, WV 26537

Putnam County Commission
Putnam County Courthouse
3389 Winfield Road
Winfield, WV 25213

Raleigh County Commission
Raleigh County Courthouse
PO Box 2518
Beckley, WV 25802

Randolph County Commission
Randolph County Courthouse
2 Randolph Avenue
Elkins, WV 26241

Ritchie County Commission
Ritchie County Courthouse
115 E. Main Street
Harrisville, WV 26362

Roane County Commission
Roane County Courthouse
200 Main Street
Spencer, WV 25276

Summers County Commission
Summers County Courthouse
PO Box 97
Hinton, WV 25951

Taylor County Commission
Taylor County Courthouse
214 W Main Street
Grafton, WV 26354

Tucker County Commission
Tucker County Courthouse
215 First Street
Parsons, WV 26287

Tyler County Commission
Tyler County Courthouse
PO Box 66
Middlebourne, WV 26149

Upshur County Commission
Upshur County Courthouse
38 W Main Street
Buckhannon, WV 26201

Wayne County Commission
Wayne County Courthouse
PO Box 248
Wayne, WV 25570

Wirt County Commission
Wirt County Courthouse
PO Box 53
Elizabeth, WV 26143

Webster County Commission
Webster County Courthouse
2 Court Square
Webster Springs, WV 26288-1049

Wood County Commission
Wood County Courthouse
#1 Court Square
Parkersburg, WV 26101

Wetzel County Commission
Wetzel County Courthouse
Po Box 156
New Martinsville, WV 26155

Wyoming County Commission
Wyoming County Courthouse
PO Drawer 309
Pineville, WV 24874

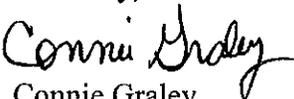
RE: General Order No. 187.55
In the matter of Rules Governing Emergency Telephone Service, 150 C.R.S.
Series 25, to provide guidance regarding E-911 fee billing requirements

Ladies/Gentlemen:

Enclosed is a copy of a Commission order issued today in the above-styled proceeding.
Please note all other parties have agreed to receive this order via electronic notification.

If you have provided an email address you will automatically receive notifications as documents are filed in this proceeding. The email notifications allow recipients to view a document within an hour from the time the filing is processed. If you have not provided your email address, please send an email to caseinfo@psc.state.wv.us and state the case number in the email subject field.

PLEASE NOTE: The Public Service Commission has adjusted its filing procedures during COVID-19 Pandemic: All public utilities and parties to Commission cases are to follow the directives in General Order 262.3, issued April 7, 2020. Filings of 30 pages or less should be filed in formal cases via email sent to caseinfo@psc.state.wv.us. All filings over 30 pages should be sent by U.S. Postal Service or other commercial courier services, whenever possible. Individuals who are unable to file via email may file via fax or file paper copies. The Commission will continue to receive hand-delivered filings prior to 3:30 p.m. if at all possible.

Sincerely,

Connie Graley
Executive Secretary

CG/jn
Enc.

**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 5th day of June 2020.

GENERAL ORDER NO. 187.55

In the matter of Rules Governing Emergency Telephone Service, 150 C.S.R. Series 25, to provide guidance regarding E-911 fee billing requirements.

COMMISSION ORDER

The Commission provides guidance regarding Senate Bill 579 that requires commercial mobile radio service providers to separately bill for and collect the wireless enhanced 911 fee, wireless tower fee, West Virginia State Police public safety fee and Division of Homeland Security and Emergency Management public safety fee from in-state, two-way service subscribers.

BACKGROUND

On March 6, 1998, the Commission promulgated rules regarding wireless enhanced 911 (E-911) fee requirements in the Commission's Rules Governing Emergency Telephone Service, 150 C.S.R. Series 25 (Emergency Telephone Service Rules). Since that time, the Emergency Telephone Service Rules have been revised pursuant to provisions of W.Va. Code § 24-6-6b and legislation. In 2018, the Commission last promulgated the Emergency Telephone Service Rules that took effect on December 3, 2018. See, In re Rules Governing E-911 Fees, General Order No. 187.52. (Comm'n Order Nov. 1, 2018).

On March 6, 2020, the West Virginia Legislature passed Senate Bill 579 to become effective on June 4, 2020. Senate Bill 579 (2020 Regular Session). The purpose of the legislation is to ensure that monies generated from the wireless enhanced 911 (E-911) fee are properly collected and only used for purposes authorized under W.Va. Code § 24-6-6b. Presently, the E-911 fee is \$3.86 that consists of (i) a wireless enhanced 911 fee, (ii) a public safety fee, and (iii) a wireless tower fee. Senate Bill 579 requires that the single E-911 fee be separated into (i) the actual E-911 fee, (ii) the wireless enhanced 911 fee, (iii) West Virginia State Police public safety fee, and (iv) the Division of Homeland Security and Emergency Management public safety fee, so that each fee is individually identified. The legislation requires commercial mobile radio service (CMRS) providers to list the fees as separate line items in billing statements. Senate Bill 579 also provides additional instruction to the Commission for separately maintaining and dispensing monies generated by the fees.

DISCUSSION

The Commission intends to initiate a rulemaking proceeding to revise the Emergency Telephone Service Rules in accordance with Senate Bill 579. This Order, however, will serve to provide guidance until the rulemaking is completed.

Pursuant to Senate Bill 579, on June 4, 2020, CMRS providers should begin collecting an adjusted E-911 fee of \$3.47 per month from subscribers. The adjusted E-911 fee amount reflects the removal of the wireless tower fee and the public service fees. The legislation requires that on July 1, 2020, CMRS providers begin listing each fee that comprises the E-911 fee as separate line items on billing statements. W.Va. Code § 24-6-6b(a)-(e) (2000). Specifically,

Wireless Enhanced 911 fee of \$3.47 per month
Wireless tower fee of \$0.08 per month
WV State Police public safety fee of \$0.10 per month
Division of Homeland Security public safety fee of \$0.19

CMRS providers should collect and maintain the monies collected for each fee separately and remit the funds of each fee to the Commission separately. The Commission encourages CMRS providers to notify their subscribers of the impending change to billing statements and assure customers that the total amount of fees being charged remain the same as previously paid, only now each fee is listed separately.

On a quarterly basis, the Commission will distribute all monies received from the collection of E-911 fees to the counties according to the formula set forth in W.Va. Code § 24-6-6b(c)(2000). The Commission will distribute \$0.10 of the public safety fee amount collected per subscriber to the West Virginia State Police and \$0.19 cents to the Division of Homeland Security and Emergency Management. Id. § 6b(d). The Commission will deposit monies generated from the wireless tower fee into an account administered by the Commission entitled, Wireless Tower Access Assistance Fund (Wireless Tower Fund), to be used to subsidize the construction of wireless towers. Id. § 6b(e). The legislation requires the Commission to issue an "E-911 wireless tower matching grant order" that provides the terms and conditions governing expenditures from the Wireless Tower Fund. Id.

FINDING OF FACT

On March 6, 2020, the Governor signed Senate Bill 579 requiring, *inter alia*, CMRS providers to list the E-911 fee, wireless tower fee, and public safety fees, as separate line items on billing statements and remit each fee separately to the Commission. Senate Bill 579 (2020 Regular Session).

CONCLUSIONS OF LAW

1. Pursuant to Senate Bill 579, on and after June 4, 2020, CMRS providers will be required to separately bill for and collect the adjusted E-911 fee from subscribers in the amount of \$3.47 per month. Senate Bill 579 (2020 Regular Session).

2. Pursuant to Senate Bill 579, on and after July 1, 2020, CMRS providers will be required to separately bill for and collect the wireless tower fee of \$0.08 per month, WV State Police public safety fee of \$0.10 per month, and Division of Homeland Security public safety fee of \$0.19 from subscribers. Id.

ORDER

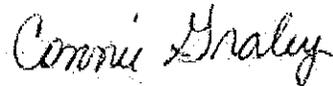
IT IS THEREFORE ORDERED that effective June 4, 2020, the wireless enhanced 911 fee is \$3.47 per month, per each in-state, two-way service subscriber.

IT IS FURTHER ORDERED that effective July 1, 2020, all commercial mobile radio service providers shall list as separate items on monthly billing statements and separately collect a wireless enhanced 911 fee of \$3.47, wireless tower fee of \$0.08, West Virginia State Police public safety fee of \$0.10, and Division of Homeland Security and Emergency Management public safety fee of \$0.19 and separately remit monies collected for each fee to the Commission.

IT IS FURTHER ORDERED that this proceeding shall be removed from the Commission docket of active cases on entry of this Order.

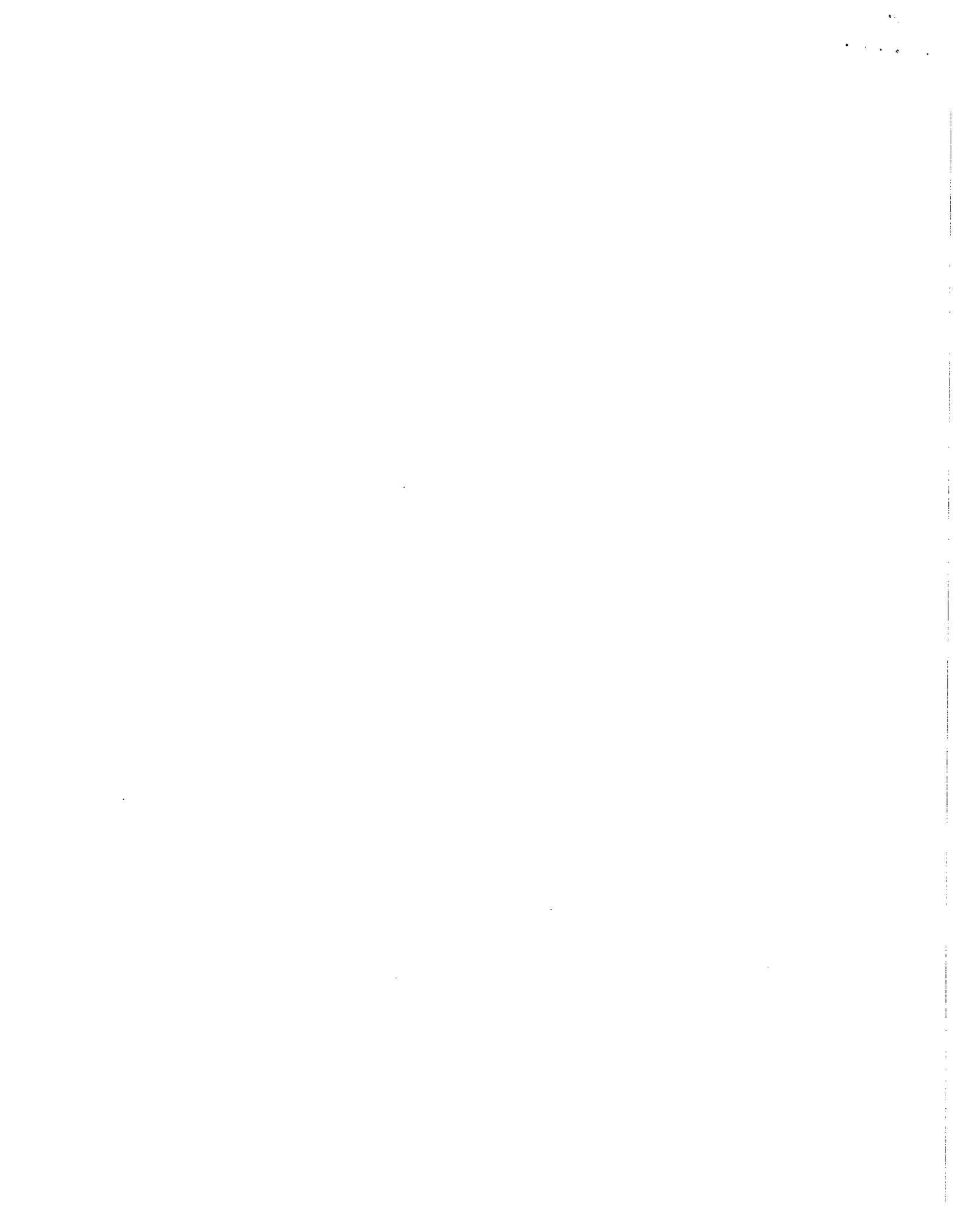
IT IS FURTHER ORDERED that the Executive Secretary of the Commission shall serve by United States First Class Mail a copy of this Order by electronic service on each County Commission and each provider of commercial mobile radio service in West Virginia, and on Commission Staff by hand delivery.

A True Copy, Teste,



Connie Graley, Executive Secretary

NET/sc
187.55c



New employee approval for next week commission meeting

From: jhinchman@lewiscountywv.org (jhinchman@lewiscountywv.org)

To: cindywhetsell@yahoo.com; lewiscountycommission@lewiscountywv.org

Cc: chaught@lewiscountywv.org

Date: Wednesday, June 24, 2020, 03:49 PM EDT

Request to hire Tim Shue for a seasonal maintenance position of up tp 40 hours a week at the pay rate of \$9.00 an hour.

Joshua Hinchman
Director
Lewis Co Park