

# COUNTY COMMISSION OF LEWIS COUNTY

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Weston WV 26452  
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**COMMISSIONERS:**  
Rod Wyman, President  
Patrick Boyle, Commissioner  
Agnes Queen, Commissioner

**LEWIS COUNTY COMMISSION**  
**110 Center Avenue, 2nd Floor**  
**Weston, WV 26452**  
**Meeting Agenda**  
**Tuesday, August 11, 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, August 7, 2020  
(*action required*)

## **APPOINTMENTS**

- 3. 10:15AM**                      **Keith Talbert, Lewis County Firefighter's Association**  
**RE: Funding for Lewis County Fire Departments**
- 4. 10:30 AM**                      **Cynthia S. Rowan, County Clerk**  
**RE: Request to hire an employee**

## **CORRESPONDENCE**

- 5. Upshur County Commission Meeting Agenda:** The Upshur County Commission Meeting Agenda for Thursday, July 30, 2020 presented for review. (*information only*)
- 6. West Virginia Regional Jail and Correctional Facility Monthly Invoice:** The July 2020 monthly invoice for Lewis County inmates housed in the Regional Jail is 785 inmate days X \$48.25 per diem totaling \$37,876.25 is presented for review. (*information only*)
- 7. Sheriff's Monthly Vehicle Report:** The Sheriff's July Monthly Vehicle Report of fleet mileage is presented for review. (*information only*)
- 8. Building and Rebuilding Monuments to American Heroes:** President Donald Trump has signed an Executive Order that has created a task force to propose options for the creation of a national garden of statues. They are requesting any Lewis County locations that meet the criteria be submitted for review. (*information only*)
- 9. SHENTEL Cable Franchise Fee Remittance:** SHENTEL Cable remits the Quarterly Franchise Fee for the months of April, May and June 2020 in the amount of \$9,846.62. Last quarter the county received \$9,107. 58. (*information only*)

- 10. Monongalia County Solid Waste Authority:** Request by the Mon County Solid Waste Authority to support SB 139 in the 2020 Legislative session. SB139 is to shift \$1.00 from the current \$3.50 fee of WV Department of Environmental Protection (DEP) Landfill Closure Assistance Program and distribute the \$1.00 to the 55 Solid Waste Authorities based upon their 2010 population. The shift of funds would mean no new taxes or fees for county residents. *(information only)*

## **BUSINESS**

- 11. Board(s) and Committee(s) Reports:** West Virginia State Auditor's Office Annual Training; County Commissioner's Association of West Virginia Annual Meeting; Oath of Office Ceremony for Sheriff Whitt; Lewis County Health Department and First Responder COVID19 Conference Calls; Lewis Gilmer E911. *(information only)*
- 12. Resignation of James McAtee, Lewis County Court Security:** James McAtee has tendered his resignation as a court security officer effective July 31, 2020. The Lewis County Commission is asked to accept his resignation. *(action required)*
- 13. Corridor H Highway Authority Annual Contribution Request:** The Corridor H Highway Authority requests the Lewis County Commission remit an annual contribution to the Authority. In the past, the County has split the \$5,000 annual contribution with the Lewis County Economic Development Authority. The County Commission will be asked to consider the annual contribution. *(action required)*
- 14. Request to Advertise for Lewis Gilmer E911 Telecommunicators:** William F. Rowan, Lewis Gilmer E911 and Office of Emergency Management Director requests permission to advertise for telecommunicators. The center presented has two vacant position. *(action required)*
- 15. Appointment of Michael Cayton as Lewis County Sheriff's Department Chief Deputy:** Lewis County Sheriff Dayton Whitt appointed Michael Cayton as his Chief Deputy effective August 1, 2020. Chief Cayton will hold this position until December 31, 2020 then will return to his position as Sergeant assigned as the Prevention Resource Officer at Lewis County High School. The Lewis County Commission is asked to approve this job reassignment. *(action required)*
- 16. Request for Carry Over of Unused Sick Leave for Michael Francis:** The Lewis County Commission is asked to consider allowing the transfer of unused sick leave from the Lewis County Board of Education to the Lewis County Commission for Michael Francis. At the close of employment Mr. Francis had 5.5 days of sick leave. *(action required)*
- 17. Timesheets and Leave Requests:** Rick Stout 8 hours Annual Leave

## **ACTIONS, ESTATE SETTLEMENTS, ORDERS AND PAYMENT OF EXPENDITURES:**

- 18. 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, August 7, 2020. *(action required)*
- 19. 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, August 7, 2020. *(action required)*
- 20. 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, August 7, 2020. *(action required)*

**21. Expenses for the Current Period Presented for Consideration of Payment:** Draft copies will be available for review upon request Friday, August 7, 2020. *(action required)*

**ADJOURNMENT:**

**22. 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](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 1-717-275-8940 or 1-712-832-8330  
Access Code: 898 8882 to enter the conference call
- Date of Meeting: August 6, 2020
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
• July 23, 2020
- 9:15 a.m. Laura B. Meadows, Executive Director of the Upshur County Convention and Visitors Bureau – Annual Report
- 9:30 a.m. Kevin Nicholson on behalf of the Upshur County Youth Soccer Association, Inc. – Request to renew Wellness Complex Property Use Agreement per the initial lease agreement dated September 28, 2017. \*
- 9:45 a.m. Consider Request for Hearing filed by Chester Chewning --- Case Number 101019-02 (Warren Tax District – Tax Map 7C – Parcel Number 42.10) \*

### Items for Discussion / Action / Approval:

1. Approval of “Request for Bids” and Minimum Vehicle Specifications for one police sport utility vehicle. Sealed Proposals must be received no later than 4:00 p.m. on September 2, 2020 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 10:00 a.m. on Thursday, September 3, 2020. \*
2. Approval and signature of an Order to Permit the Lawful Holding of Upshur County Circuit Court at the Event Center at Brushy Fork for Jury Selection in August, September, October, November and December, 2020, pursuant to WV Code §51-3-7. Occupying the existing Court space is not feasible for the purpose of a jury selection without creating a substantially increased risk of transmission of the COVID-19 virus. \*
3. Approval and signature of the Help America Vote Act (HAVA) Subgrant Agreement in the amount of \$23,591.28. These emergency funds have been made available for the purpose of preventing, preparing for, and responding to COVID-19, for the 2020 federal election cycle. \*
4. Approval and signature of the FY21 Community Corrections Day Report Center Grant (Project No. 21-CC-27) Contract Agreement, Resolution, Certifications and Standard and Federal Conditions and Assurances. The grant award is in the sum of \$161,500 to be used for the continued operation of a community corrections program in Upshur and Lewis Counties. \*

5. Approval and signature of the esri renewal quote in the amount of \$4,450 for term period October 1, 2020 to September 30, 2021. Of this amount, \$1,200 is to be paid by the Assessor's Revaluation Fund. \*
6. Approval and signature of verifications for Answers/Responses to various First Sets of Interrogatories on Liability to County and Municipal Plaintiffs in the consolidated opioid litigation. \*
7. Adopt Policy Extending Emergency Absentee Voting. \*
8. Signature of Order to approve the Number of Election Officials and Election Commissioners for the November 3, 2020 General Election. \*
9. Signature of Order to approve the Number of Sets of Emergency Absentee Voting Commissioners for the November 3, 2020 General Election. \*
10. Consider Resignation of Employee \* Under separate cover  
*Item may lead to Executive Session per WV Code §6-9A-4*
11. Consider Resignation of Employee \* Under separate cover  
*Item may lead to Executive Session per WV Code §6-9A-4*
12. Correspondence from David H. Coffman, Upshur County Sheriff, requesting the employment of Timothy P. Bennett as a part-time Court Security Officer. Upon approval, Mr. Bennett will begin employment on August 9, 2020 at the pay wage rate of \$11 per hour. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
13. Correspondence from Kimbra Wachob, Upshur County Emergency Communications Center Assistant Director, requesting the employment of Evan Carpenter as full-time telecommunicator, effective August 17, 2020. Upon approval, Mr. Carpenter's rate of pay will be \$11.00 per hour. \*  
*Item may lead to Executive Session per WV Code §6-9A-4*
14. 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 Katie Loudin announcing her resignation from the Buckhannon Upshur Parks and Recreation Advisory Board, effective immediately. Ms. Loudin is a Board of Education representative and this term expires on June 30, 2021.
2. Upshur County Sheriff's Settlement, Reconciliation of Cash and Commission – Fiscal Year Ending June 30, 2020
3. Correspondence from 26<sup>th</sup> Judicial Circuit Court Judge Kurt W. Hall to WV Supreme Court of Appeals Court Administrator Joseph Armstrong requesting the approval of an expenditure in the amount of eight thousand six hundred ten dollars (\$8,610) from the Upshur County Worthless Check Fund to cover the cost of bailiff services for the Upshur County Magistrate Court for fiscal year 2020.

4. Correspondence from WV Supreme Court of Appeals Court Administrator Joseph Armstrong approving the request to expend eight thousand six hundred ten dollars (\$8,610) from the Upshur County Worthless Check Fund to cover the cost of bailiff services for the Upshur County Magistrate Court for fiscal year 2020.
5. Correspondence from Samantha L. Woods, Assistant Director of the WV State Auditor Chief Inspector Division, enclosing the Report on Applying Agreed-Upon Procedures of the Upshur County Magistrate Court for the period ending December 31, 2019. Report is available for public review in the Upshur County Commission Office. Under separate cover
6. Upshur County Building Permits for July, 2020
7. Upshur County Mileage Reports -- June, 2020
  - Upshur 911
  - Maintenance
  - Emergency Management
  - Sheriff
  - Addressing and Mapping
  - Community Corrections
  - Dog Pound
8. 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 (Mary L. Gower – 6-30-2020) --- Conservation District
  - 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](mailto: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](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  
August 13, 2020 --- 9:00 a.m.  
Upshur County Courthouse Annex



**STATE OF WEST VIRGINIA**  
**DEPARTMENT OF HOMELAND SECURITY**  
**DIVISION OF CORRECTIONS**  
**AND REHABILITATION**



**BETSY C. JIVIDEN**  
**COMMISSIONER**

**JEFF S. SANDY, CFE, CAMS**  
**CABINET SECRETARY**

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Office of the Commissioner  
1409 Greenbrier Street  
Charleston, WV 25311  
304-558-2036 – Telephone  
304-558-5367 – Fax

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

**Statement Number: 71202a8e**  
**Statement Date: 8/4/2020**  
**Month Of Service: July, 2020**

Pursuant to the provisions of W.Va. Code §15A-3-16, the Division of Corrections and Rehabilitation hereby provides you with a monthly statement of charges and costs of inmate maintenance and operational costs for LEWIS for the month of July, 2020. The costs per day for inmate maintenance and operation is in accordance with the provisions of W.Va. Code §15A-3-16.

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

Month: July  
NUMBER OF INMATE DAYS: 785  
PER DIEM RATE: \$48.25  
AMOUNT DUE - July, 2020                      \$37,876.25

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

# JULY 2020 MILEAGE REQUEST

UNIT LIC.

150 Gissy 6LB698 / 14 CHARGER 33,090

151

152 Lopez Temp / 18 POLICE INTERCEPTOR 24,743

153 Hendershot 3929 / 18 POLICE INTERCEPTOR 18,425

154 Newbrough 3170 / 18 POLICE INTERCEPTOR 27,312

155 Brightbill 1910 / 13 POLICE INTERCEPTOR 109,871

156 Jones <sup>4106</sup> / 20 EXPLORER 2503

157 Matheny 2727 / 11 TAHOE 122,522

158 Cutright 1643 / 11 TAHOE 102,941

158 Cutright 3370 / 14 EXPLORER 92,058

159 Shipman 2829 / 11 TAHOE 116,000

160

161

170 Cayton 2868 / 09 TAHOE 103,971





THE SECRETARY OF THE INTERIOR  
WASHINGTON

**JUL 23 2020**

Board of Commissioners  
Lewis County  
110 Center Avenue  
Weston, West Virginia 26452-1964

Dear County Commissioners:

On July 3, 2020, President Donald J. Trump signed an Executive Order (EO) on Building and Rebuilding Monuments to American Heroes. Recently, many statues and monuments that preserve the memory of our collective American story have been vandalized, destroyed, or removed. President Trump has made clear that this Administration will not stand for anarchy and allow our Nation's history to be erased. We must preserve the story of America's heroes.

The President has directed me to lead a Task Force that will propose options for the creation of a National Garden of American Heroes, including potential locations for the site. The National Garden will feature the statues of the greatest Americans to ever live and express our noblest ideals: respect for our ancestors, love of freedom, and striving for a more perfect Union. These works of beauty, created as enduring tributes, will show reverence for our past, dignify our present, and inspire those who come to visit this majestic place in the future.

As outlined in the enclosed EO, the "National Garden should be located on a site of natural beauty that enables visitors to enjoy nature, walk among the statues, and be inspired to learn about great figures of America's history." The site should be proximate to at least one major population center and not cause significant disruption to the local community. My preference is that the site be on lands already in Federal ownership.

The Task Force will also develop a process for accepting donations or loans of statues and monuments by States, localities, civic organizations, businesses, religious organizations, and individuals for display at the National Garden of American Heroes. Statues and monuments will include the Founding Fathers, former Presidents of the United States, those who fought for the abolition of slavery, and other great Americans.

I ask that you respond to this letter in your capacity as county officials, and provide any recommendations that answer the following questions:

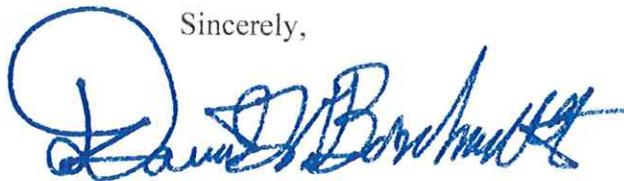
1. Are there locations of natural beauty within your unit of local government that would serve as a reputable location for these monuments, statues, and the National Garden of American Heroes? Please list and describe any such locations consistent with the EO.

2. Are there any statues or monuments your locality can donate or loan to this effort that will honor our nation's heroes? Please list and describe any such statues or monuments consistent with the EO.
3. In addition to the 31 individuals listed in the EO, are there any other American heroes who should be recognized in the National Garden of American Heroes? Please list and describe any such individuals consistent with the EO.

The Task Force intends to provide recommendations to the President expeditiously and would ask that you provide your response by July 31, 2020. Please send an electronic copy of your response to Mr. Jeffrey Small at [jeffrey\\_small@ios.doi.gov](mailto:jeffrey_small@ios.doi.gov).

America's heroes are embedded in our hearts and as a result of the President's leadership will forever be embedded in American history. This worthy and appropriate tribute to the legendary figures of the United States of America will transmit our national story to future generations.

Sincerely,

A handwritten signature in blue ink, appearing to read "David D. Bonbright". The signature is stylized and cursive, with a large initial "D" and "B".

Secretary of the Interior

Enclosure

## EXECUTIVE ORDERS

# Executive Order on Building and Rebuilding Monuments to American Heroes

Issued on: July 3, 2020

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By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. America owes its present greatness to its past sacrifices. Because the past is always at risk of being forgotten, monuments will always be needed to honor those who came before. Since the time of our founding, Americans have raised monuments to our greatest citizens. In 1784, the legislature of Virginia commissioned the earliest statue of George Washington, a “monument of affection and gratitude” to a man who “unit[ed] to the endowment[s] of the Hero the virtues of the Patriot” and gave to the world “an Immortal Example of true Glory.” 1 Res. H. Del. (June 24, 1784). In our public parks and plazas, we have erected statues of great Americans who, through acts of wisdom and daring, built and preserved for us a republic of ordered liberty.

These statues are silent teachers in solid form of stone and metal. They preserve the memory of our American story and stir in us a spirit of responsibility for the chapters yet unwritten. These works of art call forth gratitude for the accomplishments and sacrifices of our exceptional fellow citizens who, despite their flaws, placed their virtues, their talents, and their lives in the service of our Nation. These monuments express our noblest ideals: respect for our ancestors, love of freedom, and striving for a more perfect union. They are works of beauty, created as enduring tributes. In preserving them, we show reverence for our past, we dignify our present, and we inspire those who are to come. To build a monument is to ratify our shared national project.

To destroy a monument is to desecrate our common inheritance. In recent weeks, in the midst of protests across America, many monuments have been vandalized or destroyed. Some local governments have responded by taking their monuments down. Among others, monuments to Christopher Columbus, George Washington, Thomas Jefferson, Benjamin Franklin, Francis Scott Key, Ulysses S. Grant, leaders of the abolitionist movement, the first all-volunteer African-American regiment of the Union Army in the Civil

War, and American soldiers killed in the First and Second World Wars have been vandalized, destroyed, or removed.

These statues are not ours alone, to be discarded at the whim of those inflamed by fashionable political passions; they belong to generations that have come before us and to generations yet unborn. My Administration will not abide an assault on our collective national memory. In the face of such acts of destruction, it is our responsibility as Americans to stand strong against this violence, and to peacefully transmit our great national story to future generations through newly commissioned monuments to American heroes.

Sec. 2. Task Force for Building and Rebuilding Monuments to American Heroes. (a) There is hereby established the Interagency Task Force for Building and Rebuilding Monuments to American Heroes (Task Force). The Task Force shall be chaired by the Secretary of the Interior (Secretary), and shall include the following additional members:

- (i) the Administrator of General Services (Administrator);
- (ii) the Chairperson of the National Endowment for the Arts (NEA);
- (iii) the Chairperson of the National Endowment for the Humanities (NEH);
- (iv) the Chairman of the Advisory Council on Historic Preservation (ACHP); and
- (v) any officers or employees of any executive department or agency (agency) designated by the President or the Secretary.

(b) The Department of the Interior shall provide funding and administrative support as may be necessary for the performance and functions of the Task Force. The Secretary shall designate an official of the Department of the Interior to serve as the Executive Director of the Task Force, responsible for coordinating its day-to-day activities.

(c) The Chairpersons of the NEA and NEH and the Chairman of the ACHP shall establish cross-department initiatives within the NEA, NEH, and ACHP, respectively, to advance the purposes of the Task Force and this order and to coordinate relevant agency operations with the Task Force.

Sec. 3. National Garden of American Heroes. (a) It shall be the policy of the United States to establish a statutory park named the National Garden of American Heroes (National Garden).

(b) Within 60 days of the date of this order, the Task Force shall submit a report to the President through the Assistant to the President for Domestic Policy that proposes options for the creation of the National Garden, including potential locations for the site. In identifying options, the Task Force shall:

(i) strive to open the National Garden expeditiously;

(ii) evaluate the feasibility of creating the National Garden through a variety of potential avenues, including existing agency authorities and appropriations; and

(iii) consider the availability of authority to encourage and accept the donation or loan of statues by States, localities, civic organizations, businesses, religious organizations, and individuals, for display at the National Garden.

(c) In addition to the requirements of subsection 3(b) of this order, the proposed options for the National Garden should adhere to the criteria described in subsections (c)(i) through (c)(vi) of this section.

(i) The National Garden should be composed of statues, including statues of John Adams, Susan B. Anthony, Clara Barton, Daniel Boone, Joshua Lawrence Chamberlain, Henry Clay, Davy Crockett, Frederick Douglass, Amelia Earhart, Benjamin Franklin, Billy Graham, Alexander Hamilton, Thomas Jefferson, Martin Luther King, Jr., Abraham Lincoln, Douglas MacArthur, Dolley Madison, James Madison, Christa McAuliffe, Audie Murphy, George S. Patton, Jr., Ronald Reagan, Jackie Robinson, Betsy Ross, Antonin Scalia, Harriet Beecher Stowe, Harriet Tubman, Booker T. Washington, George Washington, and Orville and Wilbur Wright.

(ii) The National Garden should be opened for public access prior to the 250th anniversary of the proclamation of the Declaration of Independence on July 4, 2026.

(iii) Statues should depict historically significant Americans, as that term is defined in section 7 of this order, who have contributed positively to America throughout our history. Examples include: the Founding Fathers, those who fought for the abolition of slavery or participated in the underground railroad, heroes of the United States Armed Forces, recipients of the Congressional Medal of Honor or Presidential Medal of Freedom, scientists and inventors, entrepreneurs, civil rights leaders, missionaries and religious leaders, pioneers and explorers, police officers and firefighters killed or injured in the line of duty, labor leaders, advocates for the poor and disadvantaged, opponents of national socialism or international socialism, former Presidents of the United States and other elected officials, judges and justices,

astronauts, authors, intellectuals, artists, and teachers. None will have lived perfect lives, but all will be worth honoring, remembering, and studying.

(iv) All statues in the National Garden should be lifelike or realistic representations of the persons they depict, not abstract or modernist representations.

(v) The National Garden should be located on a site of natural beauty that enables visitors to enjoy nature, walk among the statues, and be inspired to learn about great figures of America's history. The site should be proximate to at least one major population center, and the site should not cause significant disruption to the local community.

(vi) As part of its civic education mission, the National Garden should also separately maintain a collection of statues for temporary display at appropriate sites around the United States that are accessible to the general public.

Sec. 4. Commissioning of New Statues and Works of Art. (a) The Task Force shall examine the appropriations authority of the agencies represented on it in light of the purpose and policy of this order. Based on its examination of relevant authorities, the Task Force shall make recommendations for the use of these agencies' appropriations.

(b) To the extent appropriate and consistent with applicable law and the other provisions of this order, Task Force agencies that are authorized to provide for the commissioning of statues or monuments shall, in expending funds, give priority to projects involving the commissioning of publicly accessible statues of persons meeting the criteria described in section 3(b)(iii) of this order, with particular preference for statues of the Founding Fathers, former Presidents of the United States, leading abolitionists, and individuals involved in the discovery of America.

(c) To the extent appropriate and consistent with applicable law, these agencies shall prioritize projects that will result in the installation of a statue as described in subsection (b) of this section in a community where a statue depicting a historically significant American was removed or destroyed in conjunction with the events described in section 1 of this order.

(d) After consulting with the Task Force, the Administrator of General Services shall promptly revise and thereafter operate the General Service Administration's (GSA's) Art in Architecture (AIA) Policies and Procedures, GSA Acquisition Letter V-10-01, and Part 102-77 of title 41, Code of Federal Regulations, to prioritize the commission of works of art that portray historically significant Americans or events of American historical significance or illustrate the ideals upon which our Nation was founded. Priority should be given to public-facing monuments to former Presidents of the United States and to individuals and events relating to the discovery

of America, the founding of the United States, and the abolition of slavery. Such works of art should be designed to be appreciated by the general public and by those who use and interact with Federal buildings. Priority should be given to this policy above other policies contained in part 102-77 of title 41, Code of Federal Regulations, and revisions made pursuant to this subsection shall be made to supersede any regulatory provisions of AIA that may conflict with or otherwise impede advancing the purposes of this subsection.

(e) When a statue or work of art commissioned pursuant to this section is meant to depict a historically significant American, the statue or work of art shall be a lifelike or realistic representation of that person, not an abstract or modernist representation.

Sec. 5. Educational Programming. The Chairperson of the NEH shall prioritize the allocation of funding to programs and projects that educate Americans about the founding documents and founding ideals of the United States, as appropriate and to the extent consistent with applicable law, including section 956 of title 20, United States Code. The founding documents include the Declaration of Independence, the Constitution, and the Federalist Papers. The founding ideals include equality under the law, respect for inalienable individual rights, and representative self-government. Within 90 days of the conclusion of each Fiscal Year from 2021 through 2026, the Chairperson shall submit a report to the President through the Assistant to the President for Domestic Policy that identifies funding allocated to programs and projects pursuant to this section.

Sec. 6. Protection of National Garden and Statues Commissioned Pursuant to this Order. The Attorney General shall apply section 3 of Executive Order 13933 of June 26, 2020 (Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence), with respect to violations of Federal law regarding the National Garden and all statues commissioned pursuant to this order.

Sec. 7. Definition. The term "historically significant American" means an individual who was, or became, an American citizen and was a public figure who made substantive contributions to America's public life or otherwise had a substantive effect on America's history. The phrase also includes public figures such as Christopher Columbus, Junipero Serra, and the Marquis de La Fayette, who lived prior to or during the American Revolution and were not American citizens, but who made substantive historical contributions to the discovery, development, or independence of the future United States.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;  
or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
July 3, 2020.

**Service Supplier:** Shenandoah Cable Television LLC  
**Tax ID Code:** 54-1159109  
**Tax Period:** April 01, 2020 - June 30, 2020  
**Location ID:** 490410000 200365

Lewis County Commission  
110 Center Ave, FL2  
Weston, WV 26452

Jurisdiction	Tax Type	Taxable Revenue	Rate	Gross Tax	Collection Allowance (0.00%)	Net Tax Due
LEWIS	Franchise Tax (Cable)	302,877.00	3.000 %	9,086.31	0.00	9,086.31
<b>Total Remitted</b>		<b>302,877.00</b>		<b>9,086.31</b>	<b>0.00</b>	<b>9,086.31</b>

*Clas + gtr* 9109.58

I hereby certify that I have read the above return and certify it to be correct to the best of my knowledge.

Date: 07/31/2020

Preparer: Peter Madara

Prepared By: Ernst & Young, LLP FEIN: 34-6565596

Title: SVP-Tax



Please Refer All Inquiries to: Ernst & Young LLP  
18101 Von Karman, Suite 1700  
Irvine, California 92612  
Ph: 949794-2300 Fx: 949-437-0593

For rate changes please e-mail:  
[rosa.salvador@ey.com](mailto:rosa.salvador@ey.com)



**MONONGALIA COUNTY SOLID WASTE AUTHORITY**

3788 Morgantown Industrial Park

Morgantown, WV 26501

304-292-3801

**FY 2020  
Board of  
Directors**

Hayward  
Helmick,  
Chair

H. R. Scott  
Vice –Chair

Eldon Callen,  
Board  
Member

David  
Custer,  
Board  
Member

Robert  
McConnell,  
Board  
Member

July 23, 2020

Lewis County Commission  
Lewis County Courthouse  
110 Center Avenue, 2nd Floor  
Weston, WV 26452

Dear County Commission President:

During the 2020 Legislative session, an important solid waste issue bill, that could generate approximately \$2 million among all county Solid Waste Authorities (SWAs), was introduced by Senator Blair. Senate Bill 139's main focus is to shift \$1.00 from the current \$3.50 fee of WV Department of Environmental Protection's (DEP) Landfill Closure Assistance Program (LCAP) and distribute the \$1.00 fee to the 55 SWAs based upon their 2010 population. *This shift of funds would mean no new fees or taxes for county residents.* The DEP opposed the bill and raised difference of opinions resulting in SB 139 being deferred to the 2020 interims for further study.

**Background**

There is a state mandated assessment fee of \$8.25 placed on the tonnage of all solid waste disposed in state landfills to aid in funding programs administered by the DEP and WV Solid Waste Management Board (SWMB) (SWMB 8-1). From this fee \$3.50 is distributed to the Closure Cost Assessment Fee/Closure Fund per *W Va. Code 22-16-4* (SWMB 8-3). In FY 2018, \$7,432,540 was allocated for the LCAP with 28, of the original 30 landfills, in post-closure status and in the 30-year monitoring period (SWMB 4-19).

**Expenses Reported**

In FY2018, expenses of \$6,239,129 were reported to the WV Joint Committee on Government and Finance (*DEP FY2018 Annual Report*) and for FY2019, expenses were \$6,642,543 with an ending balance of \$20,500,567 (*DEP FY2019 Annual Report*).

**2020 Legislature Statements**

Before the WV Legislature, the DEP testified that all capping activities for the last few landfills will be 100% funded in 2023 and agreed that a phased reduction could start now with an increase up to the \$1.00 per ton reduction. Testifying before the House Government Organization Chairman, the DEP's Scott Mandirola, Deputy Cabinet Secretary, agreed to these points and did not object to the bill amendment to do a phased reduction.

**Questions to Consider**

A major concern to clarify, what happens to the annual expense funding source after the 30-year monitoring period? Secondly, will this burden be placed upon our residents perpetually in assessment fees or taxation? Lastly, the real question to ask is, how does this affect your county?

**Request to Consider**

As commissioners, your contacts and relationships with legislators, state officials and other community representatives are immeasurable. We are asking that you talk to your delegates and legislators to support SB 139. With your support and assistance, we can get SB 139 passed in the next legislative session.

Feel free to contact us with your questions at 304-292-3801 or [moncountyswa@gmail.com](mailto:moncountyswa@gmail.com).

Sincerely,

Monongalia County Solid Waste Authority Board of Directors

**Enclosures:**

Enc 1: West Virginia Solid Waste Management Plan 2019, Solid Waste Disposal Fees, pages 8-1, 8-3

Enc 2: West Virginia Solid Waste Management Plan 2019, LCAP Summary, page 4-19

Enc 3: West Virginia Department of Environmental Protection Annual Report, FY2018

Enc 4: West Virginia Department of Environmental Protection Annual Report, FY2019

## **Chapter 8: Solid Waste Disposal Fees**

### **8.1 Assessment Fees**

The state has imposed assessment fees on the disposal of solid waste as a mechanism to fund solid waste management programs. These fees are collected on a rate per ton basis by the solid waste disposal facility and are remitted to the Department of Tax and Revenue monthly. The Auditor's Office and the Department of Tax and Revenue have jointly developed a system which deposits the dollars directly into the appropriate funds.

The \$8.25 assessment fee is distributed among three separate agencies, Department of Environmental Protection (DEP), Division of Natural Resources (DNR) and the Solid Waste Management Board (SWMB).

The Solid Waste Assessment Fee (DEP) - provides funding for the Solid Waste Reclamation and Environmental Response Fund, Solid Waste Enforcement Fund and the Solid Waste Management Board Reserve Fund, for bond reserve.

Solid Waste Assessment Interim Fee – (SWMB Solid Waste Planning Fund) provides funding for

grants and monthly operations for the 50 local solid waste authorities (SWAs) and SWMB administration costs and grants.

The Recycling Assessment Fee funds the DEP's REAP Recycling Assistance Program, Solid Waste Reclamation and Environmental Response Fund, Hazardous Waste Emergency Response Fund, a portion of DNR's Police Officer's salaries, and local solid waste authority assistance. Closure Cost Assessment Fee (DEP), is primarily used for expenses associated with proper landfill closure.

"Commercial Recyclers" may receive a special exemption, resulting in a \$2.00 Recycling Fee. To receive the exemption Commercial Recyclers must have DEP certification that 70% of the waste received at the disposal facility is recycled. The remaining 30% being disposed of at a landfill will be assessed \$2.00 per ton.

This section describes the fees the state collects and distributes to environmental agencies and programs. Table 8-1 represents the distribution of fees effective since July 1, 2005.

- The **Prichard Landfill (50)** in Wayne County closed in 1996 due to its inability to compete with Kentucky facilities offering lower tipping fees. The facility has been capped and is in post-closure monitoring;
- The **Webster County Landfill's (37)** permit was revoked by the DEP in 2004. PSC denied the facility a CON the following year. The facility's problems were related to decreasing tonnage and income. The Webster County Landfill ceased operation in 2002;
- The **Elkins/Randolph Landfill (24b)** closed in the fall of 2011, unable to generate enough income to cover cost due to the low tonnages. Closing cost for the facility was estimated by Environmental Solutions, Inc. during July 2012 at \$6,080,310;
- The **City of Huntington's Landfill (47)** was ordered closed in 1994 by the DEP because it was unable to comply with state and federal regulations requiring multiple liners and a comprehensive leachate management system.

#### 4.6.2 LCAP Summary

The closure cost mentioned for the above LCAP facilities was for expenses up to and including the final cap and does not include cost associated with the 30-year monitoring period.

Of the original 28 facilities in the LCAP program and the 2 other facilities that were later added, 28 are in post-closure phase, three are in pre-closure and the remaining two are in closure phase.

The two facilities in the closure phase are Clarksburg and Elkins/Randolph. The three

facilities in pre-closure are Wheeling-North Park, Kingwood and Webster County. All others are in Post-Closure.

For FY 2018, \$7,432,540 of the \$17,708,481 collected by the state in landfill assessment fees was designated for the LCAP program.

DIGITAL VERSION: [Click here](#) for an interactive map of the state's nonoperational landfills and tire monofills.

#### 4.7 Transfer Stations

As of November 2018, West Virginia currently has 17 municipal solid waste transfer stations. Most of these facilities are either in the eastern panhandle or the southwestern part of the state, commonly known as the coalfield counties. Transfer stations allow garbage from packer and smaller trucks to be transferred to larger trucks in areas where a long haul to the nearest landfill is necessary. On average, one large vehicle can haul 4 times the load of one standard size garbage truck saving time, wear and tear on the trucks and fuel. Transfer stations are an essential part of the waste management system.

In 2017, West Virginia's (then) 16 operational transfer stations collected and transferred 270,218 tons of waste, approximately 14% of the total volume going into the state's landfills. They process and transfer residential waste, non-hazardous commercial waste, bulky goods, construction and demolition waste and a few tires.

The following transfer stations are currently operational in West Virginia.

**West Virginia Department of Environmental Protection  
Office of Environmental Remediation  
Landfill Closure Assistance Program  
Annual Report FY2019  
Per WV Code 22-16-12(h)**

**Fund 3328 - Closure Assistance Fund**

**Beginning Cash at July 1, 2019** **18,248,740**

**Revenues:**

Solid Waste Assessment Fees	7,888,342
Investment Earnings	443,420
Miscellaneous	562,608

**TOTAL REVENUE** **8,894,370**

**Expenditures:**

Personal Services	709,599
Benefits	208,552
Unclassified	5,724,392

**TOTAL EXPENDITURES** **6,642,543**

**Ending Cash at June 30, 2020** **20,500,567**

July 16, 2020

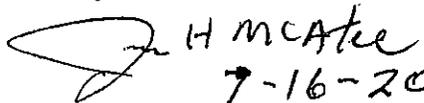
Dear Lewis County Sheriff's Department/Lewis County Commission

Please accept this letter as formal notice of my resignation from my position as Security Officer at the Lewis County Sheriff's Department. My last day of employment will be July 31, 2020.

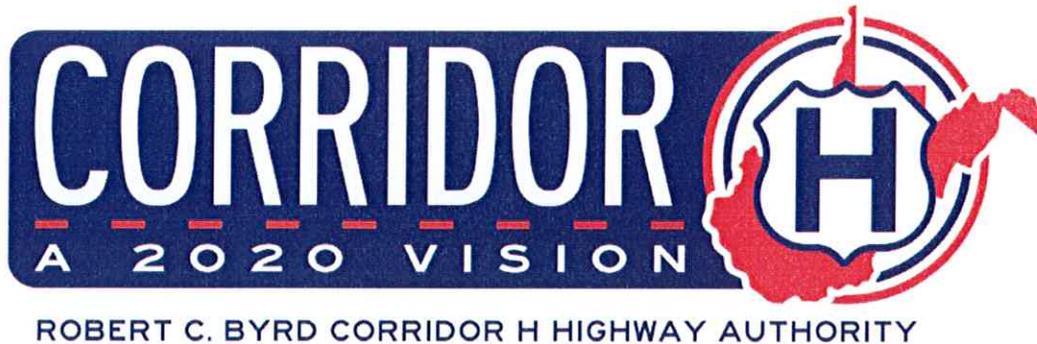
Thank you for giving me the opportunity to work in this position. I have thoroughly enjoyed working here and appreciate the opportunities you have given me.

If there is anything I can do to help with the transition of my departure, please let me know.

Sincerely,

 J. H. McAtee  
7-16-20

James A. McAtee



July 22, 2020

Lewis County Commission  
110 Center Avenue, 2<sup>nd</sup> Floor  
Weston, West Virginia 26452

Re: FY 2021 Funding Allocation

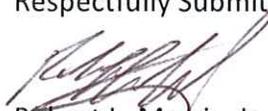
Dear Commissioners:

On behalf of the Robert C. Byrd Corridor H Highway Authority I would like to thank you for your continued support of our organization and our efforts to complete Corridor H as quickly as possible. We recently held the annual meeting of the organization and have our work plan for the year. Items that highlight our planned activities include:

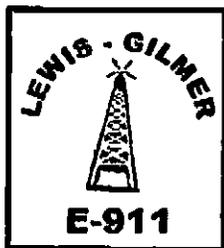
- Continued advocacy for additional funding from the federal government.
- Continued push for completion of the Wardensville to the State Line section and Parsons to Davis section.
- Engagement with Virginia elected officials on the local, state, and federal levels for design and completion of the State Line to I-81 section.
- Engagement of business/industry leaders in West Virginia and Virginia that will benefit from a fully completed Corridor H.
- Update of our website and mapping.

Lewis County graciously allocated Five Thousand Dollars (\$5,000.00) to us for FY '21. I would respectfully request those funds be sent to us at the address referenced below at your convenience. We greatly appreciate your continued support and look forward to working with you throughout the year. If you have any questions or need additional information, please do not hesitate to contact me.

Respectfully Submitted,



Robert L. Morris, Jr.  
Chairman



# Lewis - Gilmer E-911

*William F. Rowan, Director*

TTY - Phone: (304) 269-8243 • Fax: (304) 269-8203 • Email: LCE911@LCE-911.com

201 Orchard Street • Weston, WV 26452

Commissioners,

We are formally requesting permission to advertise and hire two (2) full time employees , for the Lewis-Gilmer E-911 center as Telecommunicator to fill vacant positions. Starting salary will be \$12.50 an hour.

Thank you

A handwritten signature in black ink, appearing to read "William F. Rowan".

William F. Rowan

Director



# Lincoln County Sheriff's Department State of West Virginia

117 Court Avenue  
Weston, WV 26452  
Telephone: (304) 2698251

LAW ENFORCEMENT 304-269-8251  
304-269-8245

TAX OFFICE 304-269-8222  
304-269-8223

FAX 304-269-2644

July 31, 2020

Effective August 1, 2020, Sgt. Mike Cayton will be appointed Chief Deputy. He will hold this position until December 31, 2020.

  
Dayton Whitt  
Sheriff

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lcs0AGissy@yahoo.com

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