

STATE OF WEST VIRGINIA

RANDOLPH COUNTY COMMISSION SS:

At a regular session of the County Commission in and for the aforesaid County and State, at the James F. Cain Court House Annex, on the 18th day of June, 2024 at 1:30 p.m.

Present: Randolph County Commission President Chris Siler and Commissioners David Kesling and Chris See

Meeting called to order by Commissioner Siler

PUBLIC COMMENT: None

MINUTES:

Commissioner Kesling moved to approve the minutes from the special meeting that was held on May 20, 2024 to Canvass the Primary Election results, as submitted. All yes – Motion passed unanimously

Commissioner Kesling moved to approve the minutes from the regular meeting that was held on June 6, 2024, as submitted. All yes – Motion passed unanimously

REPORTS:

911/OEM Director Michael Miller gave a handout to each Commissioner of his report. He said he had a meeting today about radio coverage or lack of coverage within the County. He said he is looking for cheaper options to get communications for the Fire Departments. He said they are going to have a Ham radio class on August 3rd and 4th at the 911 Center. He said they had a Region 4 Emergency Managers meeting and discussed getting grants. He said he is working with Peggy Ross to try to get any grants they can possibly get. He said they held a class on Rail Car incident response. He said the K-9 recertification classes are going on now at the 911 Center.

Erin Golden, North Central Community Corrections Director gave a report to the Commission about the program. She said they currently have 116 participants on the program and the program has saved the County \$1,625,409.31 in regional jail bills so far this fiscal year.

Sheriff Elbon reported that the last couple of weeks had been pretty rough. He said DJ Kelley's daughter passed away in a motorcycle accident and then last Friday his officers had to work on the Elkins City Police Officer, Ramon Goux's case. He said it has been rough times for his officers. He said he has offered professional counseling to the Law Enforcement Officers and Court Security Personell and he just wanted the Commission to be aware of that.

Commissioner Kesling gave a report on the Pool. He said he talked to Stan Teets from the Elks and he said they have had over 1,500 paid admissions at the pool so far. He said they have 37 parties booked already and Stan has sold 16 jars of pickles so far. He said the pool is doing very well.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Siler announced that the next meeting of the Randolph County Commission will be held on Wednesday July 3, 2024 at 1:30 pm. This is due to the 4th of July Holiday on Thursday.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER RATIFICATION OF THE PROCLAMATION FOR LOWERING THE COURTHOUSE FLAG IN HONOR OF JOSEPH E. MARTIN, III (See copy attached)

Commissioner Kesling said the Commission was contacted by the Governor's Office about this. He said all the State Offices were ordered to lower the flags to half staff. He said this was for Saturday June 15th. Commissioner Kesling read the Proclamation out loud. Commissioner Kesling moved to approve the

ratification of signature on the Proclamation to lower the courthouse flag in honor of Joseph E. Martin, III. All yes – Motion passed unanimously

CONSIDER APPROVAL OF THE REVISION OF THE COUNTY HANDBOOK POLICY 2.3 (See copy attached)

Commissioner Kesling said they are working on a whole new County Handbook and it is almost ready to bring to the Commission meeting for approval. He said this revision needed done now since the new timeclocks have been installed. He said once they get the new policy ready and approved it will be added to each employee's computer dashboard that has the time sheets software. He said the policy today just clarifies that employees should clock in no more than seven minutes before the time they actually start working and clock out no later than seven minutes after they actually stop working. Commissioner See said the handbook that they are using now has been around for quite a while so it needs updated. Commissioner Kesling moved to approve the revision to the County Handbook Policy 2.3, as presented. All yes – Motion passed unanimously

CONSIDER APPROVAL OF CAIN ANNEX COURTROOM EXPANSION PROJECT

Commissioner Kesling said this is the expansion for the new Circuit Court Judge that will be coming in January, 2025. He said they got back the drawings from the Supreme Court and now the Commission has to get it out to an Architect and then get it out to bid. He said in WV State Code 5-G-1-4 it says the Commission can declare an exception since it's under \$250,000.00. He said they want to do that because they have such a short time frame to get all this done. He said they checked with the State and was told they could do this. He said that means they don't have to bid it out for an Architect firm. He recommends getting Thrasher Engineering. He said they can do it really fast and they would also do all the work of putting it out to bid for the contractor and everything. He said the Commission would just open the bids and decide on them when they come back. Commissioner Kesling moved that per State Code 5-G-1-4 the Commission can declare an exception and hire Thrasher Engineering as the Architect firm for the Cain Annex Courtroom expansion project. All yes – Motion passed unanimously

CONSIDER APPROVAL OF SUPPORT LETTER TO THE HIGHLANDS TRAIL FOUNDATION

Commissioner Kesling said the Commission was contacted by the Highlands Trail Foundation asking for a letter of support. He said they are applying for a \$250,000.00 Transportation Enhancement/Recreational Trails program grant to support improvements on the Allegheny Highlands Trail. Commissioner Kesling moved to approve doing a letter of support for the Highlands Trail Foundation. All yes – Motion passed unanimously

CONSIDER APPROVAL OF IOOF LODGE #62 USE OF SIDEWALK IN FRONT OF THE WEES ANNEX FOR THE FOREST FESTIVAL GRAND FEATURE PARADE

Commissioner Kesling said this is something the Commission does every year. He said the IOOF Lodge uses the funds they make from selling the chairs to help needy families in the County. Commissioner Kesling moved to approve the request from IOOF Lodge #62 to use the sidewalk in front of the Wees Annex for the Forest Festival Grand Feature Parade. All yes – Motion passed unanimously

CONSIDER APPROVAL OF REPORT AND RECOMMENDATION OF FIDUCIARY COMMISSIONER ON THE ESTATE OF THEODORE M. YOKUM (See copy attached)

John J. Wallace, IV Fiduciary Commissioner for Randolph County, appeared before the Commission. He said Theodore M. Yokum passed away on December 8, 2023 and a long time friend filed a claim against his estate. Mr. Wallace said she believes that Mr. Yokum had two Certificates of Deposit which were payable on death to her. He said at the time of Mr. Yokum's death he did not have those Certificate of Deposit's anymore. He said the Appraisal was filed and everything the decedent had at the time of death was listed on there and signed under oath to be true and lawful. He recommends that the claim be denied. Commissioner See moved to approve the Report and Recommendation of Fiduciary Commissioner, John Wallace IV, on the estate of Theodore M. Yokum, as presented. All yes – Motion passed unanimously

CONSIDER APPROVAL OF DEPUTY WOLFE MOVING FROM PART TIME TO FULL TIME EFFECTIVE JULY 1, 2024. (See copy attached)

Sheriff Elbon appeared before the Commission. He said his department has been using Deputy Wolfe as a part time Officer and now he would like to move him up to a full time Officer effective July 1, 2024. He said this would be a full time benefited position, that he already has money in his budget for. He said his beginning certified salary would be \$47,133.00. Commissioner Siler said he needs to see better numbers out of the Sheriff's Office. He said he doesn't see the need for more manpower. Sheriff Elbon said he would like to sit down with Commissioner Siler and Chief Deputy Sharp and go over the numbers with them and see exactly what Commissioner Siler wants. Commissioner Kesling moved to approve moving Deputy Wolfe from part time to full time status effective July 1, 2024, as presented. All yes – Motion passed unanimously

CONSIDER THE APPROVAL OF NEW HIRE FOR COMMUNITY CORRECTIONS (See copy attached)

Erin Golden, Director of North Central Community Corrections, appeared before the Commission. She said she is losing employee Rayna Smith. She said she took a position at Beverly Elementary School. She said her last day will be July 19th. She said a few months ago the Board agreed to do a contract with Mr. Rodney Vandevender to come in and do drug screenings, etc. She said they needed a male in the office to do those. She said now that Ms. Smith is leaving they would like to hire Mr. Vandevender full time. She said he would be a full time DRC Officer and he would begin working on July 8, 2024 at the wage of \$14.42 per hour with full benefits with a 90- day probationary period. She said this position is already budgeted for in the 151 account. Commissioner Kesling moved to approve the hiring of Rodney Vandevender for North Central Community Corrections, as presented. All yes – Motion passed unanimously

CONSIDER THE APPROVAL OF A WAGE INCREASE FOR NORTH CENTRAL COMMUNITY CORRECTIONS EMPLOYEES (See copy attached)

Erin Golden, Director of North Central Community Corrections, appeared before the Commission. She said this item was requested to be put on the Board meetings Agenda. She said it was discussed and agreed upon at the Board meeting. Commissioner Kesling said he sits on that Board and they discussed it and since Community Corrections has money in their account and can afford it they all agreed. He said they are losing employees because of the wages. Commissioner Kesling moved to approve the wage increase for the North Central Community Corrections employees, as presented. All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Kesling moved to approve the (3) Final Settlements, as submitted.

Judy Pearl Johnson

Sandra Kay Vandevender

Danny Jerome Waybright

All yes – Motion passed unanimously

BUDGET REVISIONS: (5)

Commissioner Kesling moved to approve an In-House Budget Revision for the County Commission Office in the amount of \$6,900.00. This would be to decrease extra help and subscriptions and dues and increase FICA, Retirement, Insurance and Medicare lines. All yes – Motion passed unanimously

Commissioner Kesling moved to approve an In-House Budget Revision for the Prosecuting Attorney's Office in the amount of \$32,000.00. This would be to decrease wages and increase FICA etc. All yes – Motion passed unanimously

Commissioner Kesling moved to approve an In-House Budget Revision for the Sheriff's Office in the amount of \$8,000.00 to decrease contingency line and increase investigations line. All yes – Motion passed unanimously

Commissioner Kesling moved to approve an In-House Budget Revision for the Sheriff's Law Enforcement in the amount of \$5,000.00 to increase LE Overtime and decrease LE Insurance. All yes – Motion passed unanimously

Commissioner Kesling moved to approve an In-House Budget Revision for the Sheriff's Law Enforcement in the amount of \$8,450.00 to increase LE Uniforms. All yes – Motion passed unanimously

DIVISION OF PROPERTY/ERRONEOUS ASSESSMENTS:

Commissioner Kesling moved to approve one division of property, as submitted. All yes – Motion passed unanimously

Commissioner Kesling moved to approve one erroneous assessment for tax year 2023, as submitted. All yes – Motion passed unanimously

Commissioner Kesling moved to approve twenty- nine erroneous assessments for tax year 2024, as submitted. All yes – Motion passed unanimously

DISTRESSED PROPERTIES: None

FIRE FEE ADJUSTMENTS: None

PAYMENT OF BILLS:

Commissioner Kesling moved to pay the bills, as submitted. All yes – Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Kesling moved to adjourn the meeting. All yes – Motion passed unanimously

Attest: _____

Randolph County Commission



Commissioners

David L. Kesling

Chris See

Christopher Siler

Proclamation by Randolph County Commission

June 15th, 2024

To honor the life legacy and public service of Joseph E. Martin III, the Randolph County Commission will fly the flag at the main courthouse at half staff on Saturday June 15th, 2024. Martin's public service as a leader in the state and the local government has spanned decades. He was not only an Elkins City Council member but the Mayor and West Virginia's first Homeland Security advisor. Join us in celebration of his life and legacy on June 15th on what would have been his 76th birthday.

Signature _____

A handwritten signature in black ink, appearing to read 'Cris Siler', written over a horizontal line.

Cris Siler, President

POLICY 2.3
HOURS OF WORK

The work week for County employees begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on the following Sunday.

Normal hours for the County are 8:00 a.m. to 4:30 p.m. Monday through Friday. Not all departments maintain the same working hours. If your department operates under a different work schedule you are to follow that work schedule.

Employers are required by applicable federal, state, and local laws to keep accurate records of hours worked by certain employees. To ensure that the County has complete and accurate time records and that employees are paid for all hours worked, nonexempt employees are required to record all working time using the County's time-keeping system. Speak with your department head, elected official, or designee of specific instructions.

You must accurately record all of your time to ensure you are paid for all hours worked, and must follow established County procedures for recording your hours worked. Time must be recorded as follows:

- Immediately before starting your shift.
- Immediately after finishing work, before your meal period.
- Immediately before resuming work, after your meal period.
- Immediately after finishing work.
- Immediately before and after any other time away from work.
- Other compensable time required by state law such as time taken waiting to undergo and undergoing mandatory screenings.

If you are required to clock in, you should clock in no more than seven minutes before the time you actually start working and clock out no later than seven minutes after you actually stop working.

Notify your department head, elected official, or designee of any pay discrepancies, unrecorded or misrecorded work hours, or any involuntarily missed meal or break periods.

Accurate time records apply to exempt employees as well. The time system will prepopulate the expected hours worked for each exempt employee. Exempt employees must record leave time (sick leave, vacation, FMLA, etc.) according to County policies, each pay period.

Falsifying time entries is strictly prohibited. Falsifying time entries includes working "off the clock." If you falsify your own time records, or the time records of co-workers, or if you work off the clock, you will be subject to discipline up to and including termination. Immediately report to department head or elected official any employee, supervisor, or manager who falsifies your time entries or encourages or requires you to falsify your time entries or work off the clock.

BEFORE THE COUNTY COMMISSION OF RANDOLPH COUNTY, WEST VIRGINIA

In re: Theodore McClure Yokum
(DoD) December 8, 2023

REPORT AND RECOMMENDATION

1. Theodore McClure Yokum., (hereinafter "decedent"), died testate December 8, 2023.¹
2. Decedent's children, Ricky Lee Yokum, James Allen Yokum and Teresa Lynn Yokum were the beneficiaries of decedent's entire estate.
3. On or about April 30, 2024 Judy A. Nelson filed, filed a "Claim on the Estate of Theodore McClure 'Ted' Yokum" with the undersigned. (hereinafter "Nelson Claim")
4. The Nelson Claim alleges that decedent owned two (2) Certificates of Deposit, one at Citizens Bank of West Virginia and one at Pendelton Community Bank, which were "pay on death" to Judy A. Nelson.
5. As Exhibits to the Nelson Claim, Ms. Nelson provided account agreements as follows:
 - a. A Citizens Bank of West Virginia twelve (12) month Certificate of Deposit dated January 18, 2011, Account Number ending 4324, pay on death to Judy Nelson.
 - b. A Pendleton Community Bank twelve (12) month Certificate of Deposit dated January 22, 2013, Account Number ending 3700.
6. By letter dated May 9, 2024, counsel for the Estate of decedent responded to the Nelson Claim, alleging that there were no Certificates of Deposit payable to Judy Nelson at the time of decedent's death.
7. By supplemental response, dated June 5, 2024, the Estate provided a twenty four (24) month Certificate of Deposit, purchased on December 28, 2022, from Pendelton Community Bank with account number ending 9068. That Certificate of Deposit was held individually by decedent, and not payable on death to any person or entity.
8. There are three (3) Certificates of Deposit listed on the Appraisalment of the Estate.² There is no Certificate of Deposit from Citizens Bank of West Virginia listed on the Appraisalment of the Estate.

¹ Randolph County ROD Book 33 at page 328.

² Randolph County APP Book 71 at page 224.

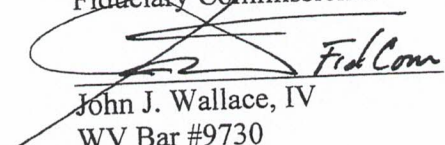
Discussion and Recommendation

A hearing would present a cost to the Estate and/or Claimant. It does not appear testimony would aid in the resolution of the claim.

Pursuant to W.Va. Code §44-1-14(g), [a]n executed and signed appraisal form is prima facie evidence . . . (3) [t]hat the property was received by the personal representative." Conversely, property not listed on the Appraisal was not received by the personal representative. The Executor swore under oath that the Appraisal was "true and lawful," see App. Book 71/228. Claimant has not offered any evidence that the twelve (12) month Certificates of Deposit, purchased in 2011 and 2013, respectively, were in effect at the time of decedent's death in 2023. The fact that decedent, at one time, had CDs which were payable to claimant upon his death, is not evidence that he had them at the time of his death.

There is no evidence that there were Certificates of Deposit, payable on death to claimant, at the time of decedent's death in 2023. Accordingly, the claim of Judy A. Nelson should be denied.

Respectfully submitted this 6th day of
June, 2024: John J. Wallace, IV,
Fiduciary Commissioner


John J. Wallace, IV
WV Bar #9730
P.O. Box 7
Elkins, WV 26241
(304)637-3800

RIGHT TO APPEAL: Please be advised that any party adversely affected by the recommendations herein may have the right to appeal to either the Randolph County Commission and/or Randolph County Circuit Court, subject to time, and other constraints.

CERTIFICATE OF SERVICE

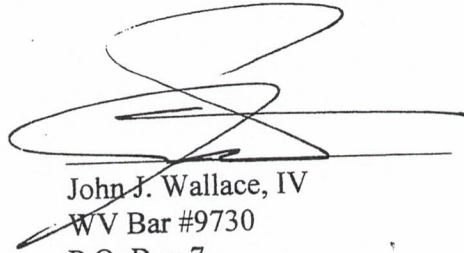
I, John J. Wallace, IV, Fiduciary Commissioner, hereby certify that the foregoing *Report and Recommendation* was served upon parties of record on this 6th day of June, 2024 by depositing a true and correct copy in the United States Mail, postage prepaid, in an envelope addressed as follows:

Ms. Judy A. Nelson
P.O. Box 104
Harman, WV 26270
Claimant

Rebecca A. Judy, Esq.
Judy Law Office, PLLC
P.O. Box 784
Elkins, WV 26241
Counsel for the Estate of T.M. Yokum

Mr. James A. Yokum
P.O. Box 35
Harman, WV 26270

Ms. Teresa Cooper
5296 Briery Branch Rd.
Dayton, VA 22821



John J. Wallace, IV
WV Bar #9730
P.O. Box 7
Elkins, WV 26241
(304)637-3800

Office of the
SHERIFF OF RANDOLPH COUNTY



Law Enforcement
32 Randolph Avenue
Suite 201
Elkins, WV 26241

Web: RandolphSheriff.wv.gov
Phone: (304) 636-2111
Fax (304) 630-0467

Tax Office
4 Randolph Avenue
Suite 100
Elkins, WV 26241

Web: wvpropertytaxes.com
Phone: (304) 636-2100
Fax (304) 636-2093

Robert R. Elbon Jr., Sheriff

June 17, 2024

To: The Randolph County Commission
RE: Request to Hire James Wolfe as a Full Time Certified Deputy Sheriff

I respectfully request the approval to hire James Wolfe as a full time benefited certified Deputy Sheriff. If approved Mr. Wolfe's beginning certified salary will be \$47,133.00 annually/\$22.66 per hour.

Mr. Wolfe is current certified law enforcement officer, and already works part time with our Office. He previously worked full time as a Deputy Sheriff, and has applied to the Randolph County Deputy Sheriff's Civil Service Commission to be reinstated to a full time Deputy position. Mr. Wolfe is resident of Randolph County, and is able to begin full time work with the Sheriff's Office Monday July 01, 2024.

Respectfully,

Robert R. Elbon Jr.
Sheriff

North Central Community Corrections

Randolph County Office
5 Randolph Ave. Suite 2
Elkins, WV 26241

Zach Judy
DRC Officer

Rodney Vandevender
DRC Assistant



Phone: 304-636-5273
Fax: 304-636-7576

Kimberly Collins
DRC Officer

Rayna Smith
DRC Officer

ERIN N. GOLDEN
EXECUTIVE DIRECTOR

June 17, 2024

Randolph County Commission
4 Randolph Ave.
Courthouse Annex
Elkins WV, 26241

Dear Commissioners,

This Letter is a request for approval by the Randolph County Commission to hire Rodney Vandevender for the North Central Community Corrections for a full time DRC Officer position. With this request to start on July 8, 2024 at the wage of \$14.42 an hour (\$30,000.00 a year) with full benefits with a 90-day probation period. This will fill the vacancy of our DRC Officer position from Rayna Smith resignation. This position has been budgeted in 151 account. Please contact our office with any question or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin N. Golden".

Erin N. Golden
Executive Director
North Central Community Corrections

North Central Community Corrections

Randolph County Office
5 Randolph Ave. Suite 2
Elkins, WV 26241

Zach Judy
DRC Officer

Rodney Vandevender
DRC Assistant



Phone: 304-636-5273
Fax: 304-636-7576

Kimberly Collins
DRC Officer

Rayna Smith
DRC Officer

ERIN N. GOLDEN
EXECUTIVE DIRECTOR

June 17, 2024

Randolph County Commission
4 Randolph Ave.
Courthouse Annex
Elkins WV, 26241

Dear Commissioners,

This is a request from the North Central Community Corrections Board, for all North Central Community Corrections employees to receive the 5% wage increase for the 2024-2025 FY, that was approved at the Community Corrections meeting on June 13, 2024. Those included would be Kimberly Collins, Rayna Smith, and Erin Golden that are paid out of the 151 account and Zachary Judy who is paid out of the 072 account. Please contact our office with any question or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Golden".

Erin N. Golden
Executive Director
North Central Community Corrections