

STATE OF WEST VIRGINIA
RANDOLPH COUNTY COMMISSION SS:

At a regular session of the Randolph County Commission in and for the aforesaid County and State, at the James F. Cain Court House Annex, on the 18th day of February, 2016 at 1:30 P.M.

PRESENT: Michael Taylor, President of the Randolph County Commission and Chris See and Joyce Johns, Randolph County Commissioners thereof.

Meeting called to order by Commissioner Taylor

PUBLIC COMMENT:

Terry Ogden spoke about the fire fee issue. He said they were led to believe the State Fire Marshall put in the boundaries for the fire departments, but it looks like now that the fire departments did the boundaries themselves. He said they were misled by that and he wanted to bring it to everyone's attention. He asked if the City of Elkins came to the Commission to try to annex more property into the city limits? Commissioner Taylor said no. He asked if the other fire departments came to the Commission about getting a county wide fire fee? Commissioner Taylor answered yes they have. Commissioner Taylor then told Mr. Ogden that this was not a question and answer session and there will be a public hearing down the road.

MINUTES:

Commissioner Johns moved to approve the minutes from the last regular meeting that was held on February 4, 2016, as submitted.

All yes – Motion passed unanimously

REPORTS: None

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Taylor announced that the County Commission will be meeting with the elected officials and department heads on Monday February 22nd starting at 10:00 to go over budget requests. These meetings will be open to the public.

ITEMS FOR DISCUSSION/ACTION:

CLARIFY METHOD BY WHICH A COUNTY WIDE FIRE FEE CAN BE INITIATED

Commissioner Taylor said there has been some confusion in the community of how a county wide fire fee can be established. This is going to be an informational meeting, not a question and answer session, he said. He presented a power point presentation. (See copy attached) He gave a brief explanation as to why he was giving this clarification. He said the City of Elkins has implemented a fire fee for their first due area. The County Commission has received several calls about it and they wanted to explain the difference in the state code of how a city municipality can establish a fire fee and how a county wide

fire fee can be established. Commissioner Taylor said what the City of Elkins did was legal. The people feel they have no voice in the matter, but there is nothing that the County Commission can do to stop it. Commissioner Taylor said we need to gather together and do a county wide fire fee to support all the fire departments in the county. He said there was an article in the Inter Mountain newspaper that someone that spoke at the last City of Elkins council meeting that it was apparent that one of the speakers, in speaking in opposition of the City of Elkins fire fee, had been coached by the County Commission. He said that is not true. No one was told by this Commission of what to say or how to say their feelings about the City fire fee. He said as Commissioners they were asked questions by constituents about the fire fees and how the process worked and yes, they did provide answers to their questions. As their duly elected officials, he offers no apologies to anyone, regarding their desire to serve our citizens that they were elected to represent.

RECEIVE UPDATE FROM RANDOLPH COUNTY FIRE PROTECTION ASSOCIATION REGARDING PROPOSED COUNTY WIDE FIRE FEE

Several fire chiefs were present at the meeting. Chief, Jeff Pritt of the Beverly Volunteer Fire Department spoke on their behalf. He said they were there today to update everyone as to what they have done as the Randolph County Fire Protection Association and the Randolph County Fire Board, and to clear the air on some issues. He said back in 1996 the Randolph County Fire Protection Association instituted a Fire Board for the first time in Randolph County. At that time the ten acting chiefs, members of the state fire commission, had the approval of them and they petitioned the County to obtain signatures to initiate a fire fee for the first time. We were successful in obtaining 10% of the signatures and brought the signatures to the Commission that was sitting at that time. The Randolph County Commission in 1996 voted our proposed fire fee down. We did the work we had to do by the law. One of the commissioners voted yes the other two voted no. At that time the fire fee pretty much took a back burner for several years. In 2001 discussion came up on the floor again for the need for a county wide fire fee. He said he cannot express enough to the citizens of how expensive fire fighting is and the operations of a fire department. They are not allowed to bill. They can bill an insurance company for a structure fire and that's about the extent of their billing. He said they continued to work on this and it never really left the floor of the Randolph County Fire Association up until 2008. In 2008 in a meeting they voted and passed to begin pursuit of a county wide fire fee for the second time. It sounds like from 2008 to 2016 is a long time. The amount of information they have to gather just to begin the process of a fire fee is astronomical. It takes years. We started in 2008 getting some tax data, we started getting some rough numbers of where we need to be, how we needed to split this money up, ten ways, eleven ways, twelve ways, we wanted to make sure every entity was covered and make it fair for everybody and not make anybody feel slighted. In 2010 they started the process and came up with their plan of what they wanted to do. They continued to have bi monthly meetings regarding this until the fall of 2013. In the fall of 2013 they petitioned the Randolph County Commission to revamp the fire board. At one of their regular meetings the Randolph County Commission appointed the six member fire board who currently serves the residents of Randolph County. At that same time with all ten fire chiefs present and voted to continue the process and to draft the paperwork up for the first

time and get signature cards out to the county. In February 2014 the supreme court upheld the decision for the first due fire fee act. Shortly thereafter Chief Meader of the Elkins Fire Department came to the fire association and to one of the fire board meetings and let them know what his plan was for the residents of the City of Elkins and the Elkins first due area. At that time the fire association voted to continue their plan to enact the fire fee in Randolph County. He said those signature cards have been out in the county since January 2014. He said they need roughly 1,800 signatures. The people that sign have to be registered voters and those signatures have to be checked by the County Clerk's Office. By state code they are not allowed to obtain signatures from anyone who already pays a fire fee so that means we cannot get signatures from people that live in the City of Elkins or in the Elkins first due area now. He said they are still working on it. They are not giving up. He said he wants to clarify that they do have an active fire board in Randolph County. They have a fire association that includes all ten fire departments in Randolph County. He said regardless of what the people on social media are saying all ten fire departments continue to work together and we always will. He said they are planning to hold a public event with all ten fire departments and they will give people a chance to ask questions. He said the information has been out there. They were well aware of what the City of Elkins was going to do. Commissioner Taylor thanked Mr. Pritt for clarifying things for people.

CONSIDER REQUEST FROM RANDOLPH COUNTY BOARD OF EDUCATION TO PLACE EXCESS LEVY ON THE MAY PRIMARY BALLOT (See attached copy)

Superintendent of Randolph County Schools, Pam Hewitt appeared before the Commission. Also present were Brad Smith and Donna Auvil. Mrs. Hewitt said they were there today to ask the Commission to place the excess levy on the ballot in the May primary election. She said they had a special election in November 2015 and it was not successful. She said they have made several changes and have reduced the amount. The levy will only be for 3 years now instead of 5 years.

Commissioner See moved to approve the request of the Randolph County Board of Education and place the excess levy on the ballot for the May 10, 2016 Primary Election. All yes – Motion passed unanimously

CONSIDER/APPROVE ANNUAL LEAVE AND SICK LEAVE FOR ASSISTANT PROSECUTOR'S AND THE VICTIMS COORDINATOR IN THE PROSECUTOR'S OFFICE (See attached letter)

Prosecuting Attorney, Michael Parker said as the County Commission is aware, we had a work session several months ago, and they employed the services of a law firm to update the employment manual and when they were doing that there was some discussion and concern that the assistant prosecutor's and victims coordinator in his office were not accruing annual leave and sick leave which he said in a lot of other counties they do. He said he has been working with the Commission and the payroll clerk and was able to come up with some figures to take care of that and hopefully alleviate any issues that they may have with that in the future. He has also met with the affected employees and they have agreed with the figures. Commissioner Johns moved to approve the annual/sick leave for the assistant prosecutors and the victim service coordinator, as submitted.

All yes – Motion passed unanimously

CONSIDER APPROVAL TO PUT OUT FOR BID UPGRADE TO AS400
COMPUTER SYSTEM LINKING COUNTY CLERK, CIRCUIT CLERK, ASSESSOR
AND SHERIFF'S OFFICE

Commissioner Taylor said all the offices are linked together with a computer system called an AS400. It is needing some repairs. We can either upgrade the old one or purchase a new one with more storage. Sheriff Brady said there are actually two AS400's. One is in the Sheriff's Office and one is in the Circuit Clerk's Office. The one in the Circuit Clerk's office is down. If we purchase a new one then all the offices can be logged onto this new one with more storage and there will not be a need to have two. Commissioner See moved to approve to put out for bid the contract for a new AS400. All yes – Motion passed unanimously

CONSIDER/APPROVE MEMORANDUM OF UNDERSTANDING BETWEEN
RANDOLPH COUNTY COMMISSION AND THE STATE OF WEST VIRGINIA'S
DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT ON
BEHALF OF THE STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE
FOR THE USE OF THE WEST VIRGINIA STATEWIDE INTEROPERABLE RADIO
NETWORK

911/OEM Director Cindy Hart appeared before the Commission. She said this is a contract from the State regarding the two Siron towers that we have now. They are located on Ware's Ridge and Rich Mountain. This allows the Siron committee to negotiate with people who want to put things on the tower for funds. The prosecuting attorney has reviewed the contract and has approved it. Commissioner Johns moved to approve the memorandum of understanding, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF RESOLUTION TO DESIGNATE THE RANDOLPH
COUNTY DEVELOPMENT AUTHORITY AS THE LEAD ECONOMIC
DEVELOPMENT ORGANIZATION FOR RANDOLPH COUNTY

(See copy attached)

Commissioner See moved to approve the signing of Resolution 01-2016 designating the Randolph County Development Authority as the lead economic development organization in Randolph County.

All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Johns moved to approve the seven final settlements/annual accountings, as submitted.

Marion F. Bonner

Gary L. Kreps

Josephine Cutright

Victor Lane Weese

Neva Dovie Riley

Donald Eugene Shelkey

Ruth Ann Fitzpatrick

All yes – Motion passed unanimously

BUDGET REVISIONS: (See attached copy)

Commissioner See moved to approve the one budget revision, as submitted.

All yes – Motion passed unanimously

ERRONEOUS ASSESSMENTS/DIVISIONS OF PROPERTY:

Commissioner Johns moved to approve the erroneous assessments/divisions of property, as submitted.

All yes - Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Johns moved to pay the bills, as submitted.

All yes - Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Johns moved to adjourn the meeting.

All yes - Motion passed unanimously

Attest: _____