

STATE OF WEST VIRGINIA
RANDOLPH COUNTY COMMISSION SS:

At a special session of the Randolph County Commission in and for the aforesaid County and State, at the James Cain Court House Annex, on the 21st day of September, 2016 at 6:00 p.m.

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

Meeting called to order by Commissioner Taylor.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER APPROVAL OF RESOLUTION/SIGNING OF VOCA GRANT

Commissioner Taylor said this is a Resolution and grant that needs to be signed for a grant that the prosecuting attorney's office will be receiving in the amount of \$40,436.00 for the victim service coordinator position. Commissioner See moved to approve the signing of the VOCA Grant in the amount of \$40,436.00.

All yes – Motion passed unanimously

SECOND READING OF THE RANDOLPH COUNTY FIRE FEE ORDINANCE

Commissioner Taylor said this is the second reading of the Randolph County Fire Fee Ordinance. He said he is not going to read the whole thing out loud but just some high points. He said in the legal notice it stated that it would be read in title only. He said they will not be starting the public hearing on the Randolph County Fire Fee ordinance.

PUBLIC HEARING REGARDING THE PROPOSED RANDOLPH COUNTY FIRE FEE

Lynn Chidester from Montrose appeared before the Commission. He said the way he understands it is that the County will be collecting a fee for a specified service. He said money has been set aside for this specified service. If we pay them they are no longer volunteer but a paid service. There are responsibilities and liabilities that go along with being a paid service. He said the county residents should be able to drop their coverage from their homeowners policy because the county and the fire departments are taking that on. He said he spoke to someone in the Governor's office and they agreed that Randolph is a huge rural county and residents that live out should be able to sign off on this because they are not going to get there in time so they are paying for a service that nobody can

provide. If that happens he wants to sign the first paper. He said he has asked before to sign off saying he will take care of himself. What happens here today affects us now and all of our kids and grandkids in the future. He said it is \$72.00 now but how much will it be in the future. People are on limited incomes and cannot afford this fee. He questioned the Commission on the money given for the forest festival parade. Commissioner Taylor said that it came out of Hotel/Motel Tax and there are only certain things that money can be used for. He said he wants to sign a paper relieving anybody of any responsibility for him.

Marilyn Moore from Georgetown road in Randolph County appeared before the Commission. She said she is being assessed by the City of Elkins for a fire service fee. She said she has no vote in the City and does not live in the City and wants nothing to do with the City of Elkins. She chose to live out in the country. She said she has no problem with the County but she does with the City. She asked who collects the money from car insurance companies when the fire departments respond to accidents? Jeff Pritt from the Randolph County Fire Association responded and said they receive a stipend of \$1.00 when they file the incident report. He said the fire departments can bill but it is usually not paid unless hazmat is involved. He said there was only one bill paid back in 2012 for \$500.00 that he is aware of. He said the way it works is the fire department that responds sends a bill to the County Commission is supposed to send the bill or approve the bill. He said they do not pay anything for a car wreck. He said the hazmat incidences are paid by the material that you use, you get reimbursed for that. He said for a structure fire you usually get a \$500.00 fee. He said if Beverly is called to assist someone else only the fire department that is in the first due area gets the fees. Ms. Moore asked why wasn't this put on the ballot? Commissioner Taylor said the process is set forth by state statute. He said they were presented a petition with 10% of the registered voters in Randolph County. He said they sent that petition to the County Clerk's Office for validation. He said then the County Commission has the authority to move forward with that. Then there has to be a legal ad run in the paper for two consecutive weeks. If anyone opposes within a 45 day window and gets a petition signed by 30% of registered voters in the affected area then the Commission says it has to go on the ballot. He said the purpose tonight is to have the second reading and have a public hearing on the issue. He said the 45 day window is still open until October 9, 2016. He said after that there will be a third and final hearing to adopt the ordinance and then it would take effect July 1, 2017. He said we are following the procedure as set forth in the state statute. Ms. Moore asked if they are working with the City to exclude certain areas of the County and letting them invade the County? She said she is not paying the City of Elkins. Commissioner Taylor said since she lives in the City of Elkins first due area she will not be getting a bill for the Randolph County Fire Fee. She said she refuses to pay the City of Elkins. She should not be taxed on her service.

Charles Church from Valley Bend appeared before the Commission. He said when the petition was brought to him it was his understanding that he was signing it to have it put on the ballot not to have it brought before the County Commission. The man that gave it to him said this will allow us to put it on the ballot. He said how many other people got misled like that? Can you put it on the ballot if you wanted to? Commissioner Taylor

said we are following the state statute. Mr. Church said there should be an option for the County Commission to put it on the ballot to say let the voters decide. Commissioner Taylor said it does not specify that in the state statute. Mr. Church said he is not saying he is against it but he was led to believe it was going to be on the ballot.

Bon Jones from Elkins appeared before the Commission. He said what amount of money will be gained from this? Is that going to be enough to supply the fire departments or will the County Commission still have to give them money every year as they have been in the past? Jeff Pritt said they are estimating about \$550,000.00 - \$600,000.00. This will be divided ten ways. One way will be going into an administrative costs / rainy day fund. The fire departments are under such burden with the cost of equipment and such. He said the money from the Commission would be returned and that would allow the money to be used for the ambulance authority and emergency services.

Commissioner Taylor said there has been a statewide decline in coal severance money. He said Randolph County is very fortunate, even though we have suffered a decline, we have been able to pick that money up out of general revenue. The problem is to sustain the operations of the fire services that are increasing every year. We have to identify a funding stream so that they have an opportunity to provide the best possible service for the protection of life, property and safety to the citizens of Randolph County. We could sit here and list all of the different activities and services that the fire departments provide but we would be here all night. He said there are no paid volunteer firemen in Randolph County. They spend hours in training, working in the fire house and working out in the community for no pay.

Bob Phillips from Valley Bend appeared before the Commission. He asked how is this money going to be divided? Commissioner Taylor said it would be divided equally. He said he has no problem with it as long as it is divided equally. He said he hopes it does not keep going up every year. He said he thinks that instead of three elected officials having the power to say yes or no it should be put on the ballot for the voters to decide.

Jeff Pritt with the Randolph County Fire Board appeared before the Commission. He said he wanted to answer a few questions that were brought up by the other speakers. He said the paper that was sent out for people to sign said at the top that this was for the adoption of a fire service fee and it did not say it would be put on the ballot. He said he understands the concerns of Ms. Moore regarding the City of Elkins Fire Fee and said the City did not have a meeting for people to voice their opposition before they adopted it. He told Mr. Chidester that there will not be a paid fireman in Randolph County off the money collected off this fee. That is a 100% guarantee. There will not be enough money collected to do this. He said they are not generating \$900,000.00 for one department, they are generating \$600,000.00 split nine ways. He said they will remain volunteer fire departments. He said every department does have insurance to cover their liabilities. He said this is not a fire fee, this is a fire service fee. He said this service fee protects all aspects of a person whether home or on the road as well as their family. He thanked the Commissioners for their support on this issue. He said 1400 people signed the petitions.

for the fire service fee and that allows them to feel they have the support of the citizens of the County.

Ernie George from Coalton Fire Department appeared before the Commission. He said since the fire departments have a 5 rating code it saves homeowners money on their insurance. If they didn't keep their equipment up and so forth their ratings would go up and so would everyone's insurance. He said every time the doors go up it costs money and this should have been in place 10 years ago.

Commissioner See said he is glad to see the turnout tonight and we will see how it goes in the next couple of weeks.

Commissioner Taylor said the Sheriff has presented a request to the Commission to iron out the details of how his office will be collecting the money and the administrative duties and so forth. They will get with the prosecuting attorney and go over this.

Commissioner Johns said as for someone signing off on the service, this is not just for a fire it could be for an accident at the home or anything of that nature. Mr. Chidester said he wants to sign off on all of that. He wants no service at all.

Commissioner Johns moved to approve the second reading of the Randolph County Fire Service Fee Ordinance, as presented.
All yes – Motion passed unanimously

Commissioner Taylor said we will let the people know when the 45 day window has expired and if anyone files any petitions to oppose the fire service fee and have it put on the ballot or if it will come down to a vote by the County Commission as per WV Code Chapter 7 Article 17 Section 12.

ADJOURN THE MEETING
Commissioner Taylor moved to adjourn the meeting.
All yes – Motion passed unanimously

Attest: _____