

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 5th day of October, 2022 at 1:30 p.m.

Present: Randolph County Commissioners, David Kesling and Chris Siler. Commission President Chris See was absent.

Meeting called to order by Commissioner Kesling

PUBLIC COMMENT:

Richard DeBias appeared before the Commission. He said he has attended about 25 meetings and wanted to come back to recap some issues. He said he asked for a public apology but never received it from anybody. He didn't expect it from the hypocrites. He said the Sheriff and the Prosecuting Attorney do not follow the rules on FOIA requests. He said the City of Elkins does it right and they always answer him. He said the County needs to hire someone to do it for them. He said there is no website for the County and there needs to be one like the City has. He is fed up with all of their policies, he is done and it's a waste of time.

MINUTES:

Commissioner Siler moved to approve the minutes from the regular meeting that was held on September 15, 2022, as submitted. All yes – Motion passed unanimously

REPORTS:

Randolph County Clerk, Brenda Wiseman reported on the General Election. She said the last day to register to vote or make any changes on your voters card is October 18th. She said the poll worker training will be held on October 18th in the courtroom. She said early voting will begin on October 26th and run thru November 5th and it will be held at the Wees Annex and the Russell Memorial Public Library in Mill Creek. She said on Election Night the results will be read in the Courtroom and the canvass will be held on November 14th here in the meeting room beginning at 9 a.m.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Kesling announced that the next regular meeting will be held on Thursday October 20, 2022 at 1:30 p.m. He also announced that the courthouse complex will be closed on Friday October 7th for the Forest Festival and Monday October 10th for Columbus Day.

Commissioner Kesling said Cody Thompson from the House of Delegates is here today to give us a check from the Governor for \$5,000.00 towards the pool/splash pad project. (See attached copy)

ITEMS FOR DISCUSSION/ACTION:

CONSIDER APPROVAL OF FUNDING REQUEST FROM THE MOUNTAIN STATE FOREST FESTIVAL (See attached copy)

Commissioner Kesling said the Commission received a letter from Robert L. Morris, Jr. who is the Director General of the Mountain State Forest Festival requesting funding. They are requesting \$10,000.00 total. Commissioner Kesling said that \$5,000.00 is already in the budget for them and the other \$5,000.00 would be taken out of Hotel/Motel Tax funds. Commissioner Siler moved to approve the funding request in the amount of \$10,000.00 with \$5,000.00 out of the line item and \$5,000.00 out of hotel/motel tax funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF REVISED BUDGET FOR VOCA GRANT

Allyson Smoak from the Randolph County Prosecuting Attorney's Office appeared before the Commission. She said the federal funds for the VOCA grant have been decreased again this year. The State of West Virginia is going to help with funding like they did last year. She said she has the paperwork that needs signed and sent in for the State funds. She said the State funds will cover the loss of the federal funds for this year. She said she doesn't know how much longer this will continue. Commissioner Siler moved to approve the revised VOCA grant budget, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF RECOMMENDATION FROM FIDUCIARY COMMISSIONER ON THE ESTATE OF SCHONNA WHITE (See attached copy)

Randolph County Fiduciary Commissioner, John Wallace, IV appeared before the Commission. Randolph County Clerk, Brenda Wiseman presented the Commission with the report and recommendation. Mr. Wallace said that he recommends the Administrator of this estate be removed and someone else appointed to complete the duties. He said Mr. Michael S. White, who was appointed Administrator, has had plenty of time to complete the Appraisal and file it and has not done so. Commissioner Siler moved to approve the recommendation of the Fiduciary Commissioner on the estate of Schonna White, as presented. All yes – Motion passed unanimously

CONSIDER APPROVAL OF RESOLUTION REGARDING THE COMMISSIONS MISSION AND GOALS (See attached copy)

Commissioner Kesling said this is a Resolution that is needed for a Grant. Commissioner Siler moved to approve the Resolution, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF LOCAL SERVICES AGREEMENT WITH CITYNET

Commissioner Kesling said the contract the County had with Frontier has ended and they need a new contract signed. He said they found out that CityNet can save them quite a bit of money so they are going to switch the service to CityNet. He thanked Administrative Assistant, Brooke Hinzman for

researching this and saving the County money. Commissioner Siler moved to approve the local services agreement with CityNet, as presented. All yes – Motion passed unanimously

CONSIDER APPROVAL OF MCGP GRANT RESOLUTION (See attached copy)

Commissioner Kesling said this is a Resolution that is needed for Peggy Ross who works on grants for the County. He said she is trying to get another school resource officer for the County and that is what this grant would do, if approved. Commissioner Siler moved to approve the signing of the MCGP Grant Resolution, as submitted. All yes – Motion passed unanimously

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Siler moved to approve the (5) Final Settlements, as submitted.

Donald Roger Arbogast

Judith Ann Showalter

Mary Elizabeth Armentrout

Jonathan Edward Riffle

Eddie Davisson Currence

All yes – Motion passed unanimously

BUDGET REVISIONS: (See copies attached)

Commissioner Siler moved to approve one In House Budget Revision for VOCA supplies in the amount of \$338.00. All yes - Motion passed unanimously

Commissioner Siler moved to approve one In House Budget Revision for the Task Force in the amount of \$900.00 moving it from one fund to another. All yes – Motion passed unanimously

Commissioner Silver moved to approve one In House Budget Revision for the Sheriff's Office in the amount of \$1,350.33 for forfeited property. All yes – Motion passed unanimously

Commissioner Siler moved to approve one State Budget Revision in the amount of \$82,500.00 for the 911 Center. This is money for contractual services. Commissioner Siler voted yes – Commissioner Kesling voted yes - Motion passed

DIVISION OF PROPERTY/ERRONEOUS ASSESSMENTS:

Commissioner Siler moved to approve the divisions of property and erroneous assessments, as submitted. All yes – Motion passed unanimously

DISTRESSED PROPERTIES: None

FIRE FEE ADJUSTMENTS:

Commissioner Siler moved to approve the (2) fire fee adjustments, as submitted. All yes – Motion passed unanimously

PAYMENT OF BILLS:

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

ADJOURN THE MEETING:

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

Attest: _____



Jim Justice
Governor of West Virginia

September 21, 2022

The Honorable Christopher See
Randolph Co Commission
4 Randolph Ave Ste 102
Elkins, WV 26241

Dear Commissioner See:

Congratulations on the Local Economic Development Assistance Grant you have been awarded by the West Virginia House of Delegates. Please find enclosed a check for \$5,000 as requested by the West Virginia House of Delegates to be used for construction of pool and splash. If you should have any questions, comments, or concerns related to your grant please contact the West Virginia House of Delegates Finance Committee at 304-340-3230.

Thank you for your commitment to doing great work for the State of West Virginia.

Sincerely,



Jim Justice
Governor

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



Mountain State
**FOREST
FESTIVAL**

P.O. BOX 388 • ELKINS, WV 26241 • OFFICE: (304) 636-1824 • FAX: (304) 636-4020 • WWW.FORESTFESTIVAL.COM

October 3, 2022

Chris See, President
Randolph County Commission
4 Randolph Avenue, Suite 102
Elkins, WV 26241

RE: Financial Assistance

For the current fiscal year the Randolph County Commission graciously allocated ten thousand Dollars (\$10,000) to the Mountain State Forest Festival, \$5,000 from the general budget, and \$5,000 from the hotel/motel tax fund. Please accept this letter as our official request for those funds. Please mail to us at our new address: 10 11th Street, Suite F, Elkins, WV 26241.

As always, we appreciate the long-standing relationship we have had with the Randolph County Commission and appreciate your support. If you would like to discuss this request further or require additional information, please do not hesitate to contact us.

Sincerely,

Robert L. Morris, Jr.
Director General

Stacy Schulman-Kopp
Executive Director

\$5000⁰⁰
CINE ITEM

\$5000⁰⁰
HOTEL/MOTEL



**BEFORE THE FIDUCIARY COMMISSIONER OF THE
COUNTY COMMISSION OF RANDOLPH COUNTY, WEST VIRGINIA**

In re: Schonna Louise White
DoD: May 14, 2021

REPORT AND RECOMMENDATION

On August 18, 2022 came Claimant Loren Sturms, by his Counsel Jefferson L. Triplett, Esq., Administrator Michael S. White, by his counsel, Steven B. Nanners, Esq. Nancy Yokum, Sherry Streets, Anita Sturms and Milla Scott also appeared pro se to address Claimant's *Objection and Petition to Remove Michael S. White as Administrator of the Estate*.

Facts

1. Schonna Louise White (decedent) died intestate May 14, 2021, see Randolph County RoD Book 31 at 299.
2. Decedent's heirs at law were her four children, namely Michael S. White, Sherry Street (sometimes "Streets"), Loren Sturms and Nancy Yokum, and the children of a fifth deceased child Tammy Taylor, namely Jeffrey Taylor, Paige Cononico and Brittany Taylor, see RoF Book 21 at page 144. (Tammy Taylor's children omitted from that filing).
3. Michael S. White was appointed Administrator of Estate of decedent on or about December 2, 2021, see Fiduciary Order Book 32 at page 433.
4. The Petition to remove Mr. White alleges several grounds, including Mr. White's criminal history, his failure to list the property with a realtor pursuant to an order of the Circuit Court of Randolph County, and residing at decedent's real estate without paying rent.
5. The Petition further alleges that Mr. White has failed to file an Appraisement of the Estate.

**** APPROVED BY THE RANDOLPH COUNTY COMMISSION 10-05-2022****

6. Mr. White contends that he has been unable to complete the Appraisal because he had been “working and hadn’t had time to do it.” Further Mr. White indicated that had been repairing decedent’s residence, and compiling the bills of the Estate.

Recommendation

Pursuant to W.Va. Code §44-1-14(a) “[t]he personal representative of an estate of a deceased person shall appraise the deceased’s real estate and personal probate property.” Further, “[t]he original appraisal form . . . shall be returned to the clerk of the county commission . . . within ninety days of the date of qualification of the personal representative.” *Id.* at (f). The ninety-day time limit for filing the Appraisal expired on or about March 2, 2022. It is undisputed that an Appraisal had not been filed as of the August 18, 2022 hearing. The undersigned notes that no Appraisal has been filed as of the date of this Report.


“In cases where the personal representative is nominated by a testator, his desire that a certain person administer his estate should control, if reasonably possible. However, such matters should not prevent the prompt removal of a personal representative who is incompetent, or who fails or refuses to perform his clear duties.” *Welsh v. Welsh*, 136 W.Va. 914, 69 S.E. 2d 34 (1952). In this Estate, Michael White was not nominated by the decedent, but the same principal applies. Absent reasonable cause, the failure to file and Appraisal within the ninety-day timeframe of the code is grounds for removal of a personal representative.

Mr. White alleges that he was busy working and had not had time to complete the Appraisal. While laudable, either his other obligations are too numerous for him to be an effective administrator, or he had the time and didn’t allocate it wisely. In either event, being busy with work is not a reasonable cause which would not prevent removal.

Further, the allegations that Mr. White was gathering bills and repairing decedent's real estate are not persuasive. The Appraisal is a list of assets, as of the decedent's death. The debts of the estate are not part of the Appraisal. Nor does improving the decedent's real estate, after her death, have any bearing on the date-of-death value of that real estate. Even attributing the best possible intentions to Mr. White, the failure to timely file an Appraisal is not excused by a reasonable cause, in this Estate. Accordingly, the undersigned recommends that Mr. Michael White be removed as administrator of the Estate. If he can otherwise qualify and post bond, Loren Sturms should be permitted to replace him.

The undersigned notes that it is unnecessary to consider the criminal history of Mr. White, the preference of the other heirs, or the allegations of misconduct with respect to decedent's bank accounts. The failure to file the Appraisal is sufficient cause for Mr. White's removal, and while the evidence of the other complaints is a part of the record in this matter, it was not relied upon for the instant recommendation.

It is further appropriate for Mr. Michael White to provide an accounting of all estate assets sold or distributed, as well as all expenses paid by the estate, during his time as administrator. The same should be provided within thirty (30) days of the adoption of this Report by the Randolph County Commission, or the entry of any Order on appeal affirming the removal of Mr. White, whichever is later. The parties' exceptions and objections should be preserved as they appear in the record.



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

BEFORE THE FIDUCIARY COMMISSIONER OF THE
COUNTY COMMISSION OF RANDOLPH COUNTY, WEST VIRGINIA

In re: The Estate of Schonna L. White
DoD: May 14, 2021

Certificate of Service

I, John J. Wallace, IV, Fiduciary Commission, hereby certify that the attached *Report & Recommendation* was served upon parties of record, by U.S. Mail, first class, postage prepaid, on September 20, 2022, in envelopes addressed as follows:

Jefferson Triplett, Esq.
Triplett & Triplett, PLLC
P.O. Box 1365
Elkins, WV 26241
Counsel for Lorren Sturms

Steven B. Nanners, Esq.
45 W. Main St.
Buckhannon, WV 26201
Counsel for Michael White, Admin

Ms. Nancy Yokum
165 Bowman Road
Moorefield, WV 26836

Ms. Sherry Street
Lot 6 Heavner Acres
Elkins WV 26241

Mr. Jeffrey Taylor
4640 Logan Way
Hubbard, OH 44425

Ms. Paige Cononico
2335 Hen Hyde Rd.
Cortland, OH 44410

Ms. Brittany Taylor
6497 Longleaf Dr.
Dublin, OH 43017



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

Randolph County
Brenda Wiseman, Clerk
Instrument 2022013253
10/05/2022 @ 02:50:51 PM
FIDUCIARY ORDERS NO FEE
Book 32 @ Page 770
Pages Recorded 4

WEST VIRGINIA, RANDOLPH COUNTY CLERK'S OFFICE
this instrument was this day presented to me in my office, and
thereupon, together with the Certificate thereto annexed, is
admitted to record.

Teste
Clerk

10/5/22
Brenda Wiseman

Randolph County Commission



Commissioners

David L. Kesling

Chris See

Christopher Siler

RESOLUTION

ADOPTING A NEW MISSION AND GOALS FOR THE RANDOLPH COUNTY COMMISSION

WHEREAS, the foundation of Randolph County's ability to provide good government to its citizens and business community must come through the creation, adoption, and organizational incorporation of a considered and meaningful Mission Statement and Goals; and

WHEREAS, the elected officials of Randolph County met to discuss, reflect upon, internalize, and reach accord on a Mission Statement and Goals to direct its every day operation for the taxpayers and residents of Randolph County; and

WHEREAS, the result of this discussion is memorialized in the attached Randolph County Mission Statement and Goals, as foundational principles to direct the work, service, and culture of each elected official, office, board, department, and employee throughout the county; and

WHEREAS, Randolph County leadership recognizes that the adoption of a new Mission Statement and Goals will be nothing more than words on paper without an intense, comprehensive and unified effort to incorporate its principles into the culture, behavior and work ethic of every elected official, office, board, department, and employee throughout the county; and

WHEREAS, as part of this effort to wholly incorporate the Mission Statement and Goals, elected officials commit to participating in and supporting development of an organizational culture model for all of Randolph County government and its employees; and

WHEREAS, the new Mission and Statement and Goals will be distributed to all Offices, Boards, and Departments of the Randolph County Commission whose respective authoritative person has the responsibility of introducing the new Mission Statement and Goals to its respective staff with the intention to communicate an organizational culture change and carry out the newly adopted Mission Statement and Goals; and

NOW THEREFORE BE IT RESOLVED by the Randolph County Commission, State of West Virginia, that the attached Mission Statement and Goals hereby be adopted as the model and framework by which the County shall operate and adhere to in its service to the taxpayers and residents of Randolph County; and

BE IT FURTHER RESOLVED that the newly adopted Mission Statement and Goals of Randolph County shall be internalized and incorporated into the culture and principles of Randolph County government and the framework through which every elected official, office, board, department, and employee shall serve its citizens.

I, Brenda Wiseman, Clerk in and for Randolph County, West Virginia, do hereby certify that the foregoing

Resolution was duly passed by the Randolph County Commission on the 5 day of October, 2022

and hereunto set my hand and affixed the seal of Randolph County on this 5 day of October, 2022

Brenda Wiseman

Brenda Wiseman, Clerk of Randolph County, West Virginia

COUNTY SEAL

Randolph County Commission



Commissioners

David L. Kesling

Chris See

Christopher Siler

RESOLUTION

The **Randolph County Commission** (WV) met on October 5, 2022 with a quorum present and passed the following resolution:

Be it resolved that the **Randolph County Commission** hereby certifies that it has legal authority to apply for and administer funds through the **FY 2023 Medical Cannabis Grant Program / WV Justice and Community Services**; that a resolution has been duly passed as an official act of the applicant's governing body, authorizing the filing of the application including all understandings and assurances contained therein, and directly authorizing the **President of the Randolph County Commission**, the official county representative of the applicant to enter into a contractual agreement with the **FY 2023 Medical Cannabis Grant Program / WV Justice and Community Services**, to receive and administer funds pursuant to the provision of the **FY 2023 Medical Cannabis Grant Program / WV Justice and Community Services**.

Brenda Weseman

Randolph County Clerk

Office of the SHERIFF OF RANDOLPH COUNTY



Law Enforcement
32 Randolph Avenue
Suite 201
Elkins, WV 26241

Web: rcsowv.org
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

9/26/2022

The Sheriff's Office respectfully requests the following budget revisions.

IN-HOUSE BUDGET REVISION

Reason for Revision: To correct two erroneous deposits by moving money from fund076 to fund075. See attached letter from Task Force Commander VanMeter

REVENUES:

ACCOUNT NUMBER	Account Name	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
076 000	Increase beginning balance budgeted from last year receipts		\$ 900.00		

TOTAL INCREASE/(DECREASE) REVENUE: \$ - \$ 900.00 \$ - \$ 900.00

EXPENDITURES:

ACCOUNT NUMBER	Account Name	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
076-404-5-66-00	Transfer or other fund		\$ 900.00		\$ 900.00

\$ - \$ 900.00 \$ - \$ 900.00

TOTAL INCREASE/(DECREASE) EXPENDITURES: \$ 900.00

REVENUE CHANGE LESS EXPENDITURE CHANGE \$ -

Respectfully,

Robert R. Elbon Jr.
Sheriff/Treasurer

10-5-2022
C Siler moved
C Siler yes
D Kesling yes
C See Absent

Office of the
SHERIFF OF RANDOLPH COUNTY

Law Enforcement

32 Randolph Avenue
Suite 201
Elkins, WV 26241

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Robert R. Elbon Jr., Sheriff

9/26/2022

The Sheriff's Office respectfully requests the following budget revisions.

IN-HOUSE BUDGET REVISION

Reason for Revision: To distribute shares from forfeitures per the Task Force MOU.

REVENUES:

		PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
ACCOUNT NUMBER	Account Name				
075-368-90-0	TF Portion of Forfeited property		\$1,350.33		

TOTAL INCREASE/(DECREASE) REVENUE: \$0.00 \$1,350.33 \$0.00 \$1,350.33

EXPENDITURES:

		PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
ACCOUNT NUMBER	Account Name				
075-404-5-67-00	TF Distribution of shares	\$0.00	\$1,350.33		\$1,350.33

\$0.00 \$1,350.33 \$0.00 \$1,350.33

TOTAL INCREASE/(DECREASE) EXPENDITURES: \$1,350.33

REVENUE CHANGE LESS EXPENDITURE CHANGE \$0.00

Respectfully,

Robert R. Elbon Jr.
Sheriff/Treasurer

10-5-2022
C siler moved
C siler yes
D Kesling yes
C see Absent

Reason for Revision:

State BUDGET REVISION **10/5/22**
 911 contractual services

REVENUES:		PREVIOUSLY APPROVED	INCREASE	DECREASE	REVISED
ACCOUNT NUMBER	Account Name	AMOUNT			AMOUNT
388-900-01	Transfer from general county		82,520.00		

EXPENDITURES:					
ACCOUNT NUMBER		PREVIOUSLY APPROVED	INCREASE	DECREASE	REVISED
		AMOUNT			AMOUNT
007-712-2-30	Contractual		\$82,520.00		

Total: \$82,520.00

10-5-2022
 C siler moved
 C siler yes
 D kasling yes
 C see Absent