

A G E N D A
PRESTON COUNTY COMMISSION
SEPTEMBER 5, 2023
9:30 A.M.

Call to order by President and Pledge of Allegiance.

Roll call of Commissioners.

Recognition of Public.

Review of Bills.

Assessor's Office - Nothing at this time

Tax Correction List-

Apportionments -

Recognition of Scheduled Appointments –

- 9:31 a.m. Lisa Leishman, Circuit Clerk – Employee Hire
- 9:35 a.m. Duane Hamilton, OEM/E911 – Payroll Adjustment

Approval of Minutes – Nothing at this time

Estate Settlements List – August 21, 2023 – August 25, 2023

ESTATE NAME: IZETTA EDITH JEFFRIES

ESTATE NAME: CAROLYN J LISTON

ESTATE NAME: JAMES E. MCDANIEL

Proceedings in Vacation/Clerk's Fiduciary Report – August 24, 2023 through August 30, 2023

Fiduciary Commissioner Report –

MOTION TO APPROVE FIDUCIARY COMMISSIONER RECOMMENDATIONS/ORDER,

September 5, 2023.

Estate of Daniel Aaron Wolfe - dated August 22, 2023 filed by Woodrow E. Turner, Fiduciary Commissioner.

Old Business – Consideration and/or action

- A. Approve Order Addressing Monthly Financial Statement

New Business – Consideration and/or action

Facility Manager's Report – Consideration and/or action

- A. Update Panhandle/Sheriff's Building

County Administrator's Report – Consideration and/or action

- A. H.E. Neuman Co – Maintenance Agreement for Building Environment Systems
- B. PSD #1 Expansion – Updated Schedule
- C. Budget Revision
- D. Miscellaneous Correspondence

Personnel Matters- Consideration and/or action

- A. Executive Session

Legal Matters- Consideration and/or action

Information -

- A. Miscellaneous Correspondence

Commissioners' Comments

STATE OF WEST VIRGINIA, COUNTY OF PRESTON, Ss:

The Preston County Commission met in Regular Session at 9:30 a.m., September 5, 2023 in the County Commission Meeting room.

The meeting was called to order by President Samantha Stone who invited those present to join in the Pledge of Allegiance.

Commissioner Stone then declared the following Commissioners present: Don Smith, Hunter Thomas and Samantha Stone.

Recognition of Public

Also, present was Administrator Nathan Raybeck and County Clerk Linda Huggins.

The following persons registered their attendance during the meeting:

- | | |
|-----------------------|-------------------------------|
| Jennifer Graham – DP | Steve Santilli – WV News |
| Connie Ervin-Assessor | Duane Hamilton-OEM/911 |
| Nicole Larew | Joe Larue |
| Deanna Lively | Lisa Leishman – Circuit Clerk |
| Melissa Hardy | Justin Wolfe-OEM/911 |

No one registered their attendance prior to the meeting to address the Commission:

Review of Bills

Commissioner Thomas made a motion to pay the bills that have been properly presented and reviewed. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Assessor’s Office – Nothing at this time

Tax Correction List –

Apportionments –

Recognition of Scheduled Appointments –

9:31 a.m. Lisa Leishman, Circuit Clerk – Employee Hire

Commissioner Thomas moved to approve the hire of Mary E. Likens to fill the full-time position as a Deputy Circuit Clerk to be effective September 18, 2023 @ \$13.31 per hour. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried. (See attached).

Lisa Leishman
 Circuit Clerk
 101 W. Main St., Room 301
 Kingwood, WV 26537
 Phone: 304-329-0047
 Fax: 304-329-1417

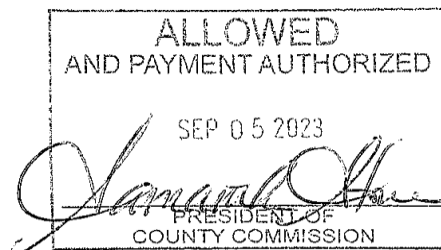
September 5, 2023

Honorable Preston County Commission
 106 W. Main St.
 Kingwood, WV 26537

Re: Appointment of Deputy Circuit Clerk

Dear Commissioners:

Please consider this my request to hire, Macy E. Likens, to fill the full time position as a Deputy Circuit Clerk to be effective on September 18, 2023. Ms. Likens will receive a starting salary of \$13.31 an hour.



Sincerely,

Lisa Leishman

Lisa Leishman
Circuit Clerk

9:35 a.m. Duane Hamilton, OEM/E911 – Payroll Adjustment

At 9:34 a.m., Commissioner Thomas moved to go into Executive Session for personnel matters. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Those in attendance for the Executive Session were: Nate Raybeck, Hunter Thomas, Don Smith, Samantha Stone, Justin Wolfe and Duane Hamilton.

EXECUTIVE SESSION

At 9:41 a.m., Commissioner Thomas made a motion to come out of Executive Session and reenter open session. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

President Stone advised that no action was taken as a result of the Executive Session.

Commissioner Smith made a motion to approve and accept the salary adjustment for Moriah Moury, for a \$.35 per hour reduction in pay for change of duties. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried.

Approval of Minutes – Nothing at this time

Estate Settlements – August 21, 2023 thru August 25, 2023

Commissioner Thomas moved that the proceeding estate settlements and/or waivers thereof, having been filed for a period of ten (10) days prior to the commencements of this term and there being no exceptions or objections filed thereto, be approved and confirmed. (See attached.)

United States of America



State of West Virginia

County of Preston, ss:

Settlement List

Notice is hereby given that the following estate(s) have been submitted for settlement from 08/21/2023 thru 08/25/2023 in the Preston County Clerk's Office at 106 West Main Street, Suite 103, Kingwood, WV 26537-1131. For approval by the Preston County Commission on Tuesday, September 5, 2023.

ESTATE NUMBER: **4516**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: August 22, 2023
ESTATE NAME: **IZETTA EDITH JEFFRIES**
ADMINISTRATOR: JEFFREY SCOTT JEFFRIES

ESTATE NUMBER: **4097**
SETTLEMENT TYPE: Report of Receipts, Disbursements and Distribution; Affidavit
SETTLEMENT RECORDED: August 21, 2023
ESTATE NAME: **CAROLYN J LISTON**
ADMINISTRATRIX: DENISE RADCLIFF
FIDUCIARY COMMISSIONER: OLIVIA S HARRIS DEVALL
303 E MAIN ST
KINGWOOD, WV 26537-1217

ESTATE NUMBER: **4533**
SETTLEMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLEMENT RECORDED: August 25, 2023
ESTATE NAME: **JAMES E. MCDANIEL**
EXECUTRIX: TERESA MCDANIEL
ATTORNEY: WOODROW E. TURNER
GAYDOS & TURNER
P.O. BOX 585
KINGWOOD, WV 26537-0585

Subscribed and sworn to before me on 08/30/2023.

Linda Huggins

Linda Huggins
Clerk of the Preston County Commission

By *Tammy Johnson*

Tammy Johnson
Deputy Clerk/Probate

Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Proceedings in Vacation – August 24, 2023 thru August 30, 2023

Commissioner Smith moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on August 24, 2023 thru August 30, 2023 inclusive, and to approve and confirm the same as presented by the County Clerk, there having been no exception or objections filed thereto. (See attachment.)

United States of America



State of West Virginia

County of Preston, ss:

Clerk's Fiduciary Report

Estates from Thursday, August 24, 2023, through Wednesday, August 30, 2023

The County Commission of Preston County this 5th day of September, 2023 proceeded to examine the report of the Clerk of the Commission of the Fiduciary and Probate matters had before her during the vacation of the Commission, and it appearing to the Commission that all of the proceedings had therefore ordered that the said report and matters thereto contained be and the same is hereby ratified and confirmed. Said report is in words and figures as follows, to-wit:

On, Thursday, August 24, 2023, the following matters were disposed of in the presence of the Clerk:

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **DAVID P. CALE** was appointed and qualified as **AFFIANT** of the Ancillary Affidavit Intestate of **DONALD P. CALE**, deceased. No bond was required.

The last will and testament of **LORIN R. BOWMAR**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record and a Small Estate Affidavit Testate was filed.

BLAIN A. BOWMAR was named **SUCCESSOR** thereof, qualified as such. No bond was required.

On, Friday, August 25, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **ADAM J. CLINE**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record and a Small Estate Testate was filed.

The previous Small Estate Affidavit Intestate filed for said decedent is hereby **REVOKED**.

VIRGINIA WOLFE, remains **SUCCESSOR** thereof, qualified as such. No bond was required.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **SARAH HYRE** was appointed and qualified as **ADMINISTRATRIX** of the estate of **FRANKLIN DUANE COLE**, deceased. No bond was required.

On, Monday, August 28, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **ROBERT B. MEISSNER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SHIRLEY ANNE HARTLEY, who was named in the last will and testament of **ROBERT B. MEISSNER**, deceased, as **EXECUTRIX** thereof, qualified as such. No bond was required.

The last will and testament of **CAROL SUE FORMAN**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

AMANDA L. CHAMBERS, who was named in the last will and testament of **CAROL SUE FORMAN**, deceased, as **ADMINISTRATRIX CTA** thereof, qualified as such. Bond was 2,000.00.

On, Tuesday, August 29, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **ELEANOR MARIE BREWER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SANDRA SUE WOLFE, who was named in the last will and testament of **ELEANOR MARIE BREWER**, deceased, as **EXECUTRIX** thereof, qualified as such. No bond was required.

The last will and testament of **RICHARD LEE STONE**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

MICHAEL TODD STONE, who was named in the last will and testament of **RICHARD LEE STONE**, deceased, as **EXECUTOR** thereof, qualified as such. No bond was required.

The last will and testament of **MARY K. STONE**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record and a Small Estate Affidavit Testate was filed.

MICHAEL TODD STONE was named **SUCCESSOR** thereof, qualified as such. No bond was required.

On, Wednesday, August 30, 2023, the following matters were disposed of in the presence of the Clerk:

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, **MAURICE RIGGLEMAN** was appointed and qualified as ADMINISTRATOR of the estate of **ROSE MARY RIGGLEMAN**, deceased. Bond was 500.00.

A duly exemplified copy of the last will and testament of **MARY HARDER**, deceased, a late resident of WYOMING CO., NY, was admitted to record and an Ancillary Affidavit Testate was filed with Terry G. Harder named as Affiant.

Subscribed and sworn to before me on 08/30/2023.

Linda Huggins

Linda Huggins
Clerk of the Preston County Commission

By *Tammy Johnson*
Tammy Johnson
Deputy Clerk/Probate

Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith and Thomas voting yes. Motion carried.

Fiduciary Commissioner Report –

MOTION TO APPROVE FIDUCIARY COMMISSIONER RECOMMENDATION/ORDER,

September 5, 2023

Estate of Daniel Aaron Wolfe – dated August 22, 2023 filed by Woodrow E. Turner, Fiduciary Commissioner.

MOTION TO APPROVE FIDUCIARY COMMISSIONER RECOMMENDATIONS/ORDER,

September 5, 2023.

(Retain one copy for minutes; return completed copy to Clerk with original settlements)

It was moved by Commissioner Thomas that the following Fiduciary Commissioner Report and Recommendations/Order be approved and confirmed, having no Objections filed thereto.

Estate of Daniel Aaron Wolfe - dated August 22, 2023 filed by Woodrow E. Turner, Fiduciary Commissioner.

Said motion was seconded by Commissioner Smith.

Discussion called for. Question called for. A roll call vote was taken with Commissioners

Thomas, Smith and Stone voting yes. Motion carried.

Old Business- Consideration and/or action

A. Approve Order Addressing Monthly Financial Statement

Commissioner Smith moved to approve and authorize the President to sign this order. Commissioner Thomas seconded the motion. Discussion called for.

There was discussion amongst the Commissioners, County Clerk Linda Huggins and Chief Tax Deputy regarding the understanding of when the order would begin.

Melissa Hardy noted that neither she nor the Sheriff have a copy of the order to know what the order says.

Commissioner Stone stated the Order recites the code and puts the date of the 10th into place for moving forward for financial statements and gives them the authority to take action. Not taking any action, just putting the order into place.

Ms. Hardy stated the comment was made that this has nothing to do with the past, it's just moving forward. She said she couldn't move forward until she got what's past.

Commissioner Thomas said they understand the situation and will be lenient but they are saying moving forward so they never get into this situation again.

The commissioners were in agreement that things were moving forward in a positive direction, not caught up yet, but moving in the right direction.

A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached.)

ORDER OF THE PRESTON COUNTY COMMISSION DIRECTING THE SHERIFF OF PRESTON COUNTY TO PROVIDE MONTHLY FINANCIAL STATEMENTS PURSUANT TO WEST VIRGINIA CODE §6-8-6

At a meeting of the County Commission of Preston County, West Virginia, held on the 5th day of September 2023 as provided by law, the following order was made and entered of record, to wit:

The County Commission of Preston County hereby **FINDS** that West Virginia Code §6-8-6 provides that the “[S]heriff shall from time to time make to the [County Commission] of his county ... such reports as such [County Commission] may direct, respecting [the Sheriff’s] receipts and disbursements, and the state of the county treasury; or any other matter committed to [the Sheriff’s] charge, or pertaining to the finances of the county.” The County Commission of Preston County further **FINDS** that previous to the last fiscal year, the Preston County Sheriff’s Office routinely, and on a monthly basis, did provide financial statements that satisfied the requirements of West Virginia Code §6-8-6 but that during the last fiscal year and in the current fiscal year the Sheriff’s Office has failed to regularly provide financial statements which has caused fiscal and budgeting issues that hamper the County Commission’s and County Clerk’s ability to comply with their fiscal responsibilities. The County Commission of Preston County further **FINDS** the West Virginia State Auditor’s Office has provided guidance which states that pursuant to West Virginia Code §6-8-6, the Sheriff should provide a financial statement by the 10th of each month to the County Commission and County Clerk which adheres to a particular format set forth in “Exhibit A” attached hereto.

At a regular meeting of the Preston County Commission, after all parties were given an opportunity to be heard, the Commission voted to direct the Prosecuting Attorney to draft this Order. Now having fully reviewed and considered the Order drafted by the Prosecuting Attorney, the County Commission of Preston County, West Virginia accordingly **ORDERS** as follows:

1. That pursuant to West Virginia Code §6-8-6, the Sheriff of Preston County shall prepare and provide, no later than the 10th of each month, a complete financial statement that meets the requirements and in the form provided by the State Auditor’s guidance which is attached hereto as “Exhibit A.” A current financial report shall be filed on the 10th of September, 2023 and on the 10th of each month thereafter;

2. That pursuant to West Virginia Code §6-8-6 at the end of the fiscal year, no later than the 10th of each month of June of any given fiscal year, the Preston County Sheriff shall render to the Preston County Commission, whether especially requested or not, a full statement of the Sheriff's account for that fiscal year, showing the balance due by or to the Sheriff at the commencement of the account, the amount of money collected by the Sheriff during the year, and from what sources, and the date and amount of every county order paid, and to whom it was paid, together with such other particulars, if any, as the County Commission may specially require;
3. That if the County Commission upon an examination of such report, finds the account to be correctly stated therein, it shall approve the same and cause it to be entered, in full, in a proper record book to be kept for the purpose in the office of the Preston County Clerk. But if said account be found incorrect, the County Commission shall make a restatement thereof, correcting the errors and omissions in the account as stated by the Sheriff, which corrected account shall be entered in full on such record book. In either event, the County Commission shall cause the county orders listed in such statement to be cancelled in some way not easily obliterated, but not so as to render them illegible; and the same shall then be filed and preserved in the office of the County Clerk. A certified copy of the entry in such record book shall be delivered by the County Clerk to the Sheriff, which copy shall operate as a receipt to the Sheriff for the county orders named in such account and cancelled as aforesaid. Before the making of any such settlement as aforesaid, the Sheriff shall return and file a written statement of every draft, order and claim paid by him, for which he claims a credit, and of the true amount actually and in good faith paid by him thereon, together with the drafts and orders upon which such payments were made, and shall append to such statement his affidavit that the same is true; and, until he does so, no credit shall be allowed him for any such payment;
4. That pursuant to West Virginia Code §6-8-6, if the affidavit required above be falsely made, the Sheriff making same shall be guilty of neglect of official duty, and, on conviction thereof, his office shall become vacant and he shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not less than one month nor more than one year, or by both such fine and imprisonment;

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5. That pursuant to West Virginia Code §6-8-3, if the Sheriff fails to make settlement of his accounts required by Article 8, Chapter 6 of the West Virginia Code within the time required, the Sheriff shall forfeit one half his salary, and shall moreover, be subject to a fine of not less than \$100 nor more than \$1,000, for the use of the school fund, which salary, if already paid to the Sheriff, and such fine, shall be recoverable by motion, upon ten days' previous notice, in the Preston County Circuit Court of and from the Sheriff and the sureties on his bond;

For all of the foregoing reasons and for the other reasons set forth by the County Commission of Preston County during discussion of implementation of this Order, the County Commission of Preston County hereby **ORDERS** that effective immediately, the Sheriff of Preston County shall comply with all components of this Order, including all components of Exhibit A attached hereto, which are incorporated by reference herein as binding provisions of this Order, under penalty of forfeiture, fines, imprisonment, or removal from office.

So Ordered:
Preston County Commission

By 
Samantha Stone,
Preston County Commission President

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**ORDER OF THE PRESTON COUNTY COMMISSION DIRECTING THE SHERIFF OF
PRESTON COUNTY TO PROVIDE MONTHLY FINANCIAL STATEMENTS
PURSUANT TO WEST VIRGINIA CODE §6-8-6**

EXHIBIT A

Understanding the Sheriff's Monthly Financial Statement

West Virginia State Auditor's Office
Local Government Services
Tiffany Hess Budget-Finance Specialist

WV Code §6-8-6 "The sheriff shall from time to time make to the county court of his county, or other tribunal in lieu thereof, such reports as such court or tribunal may direct, respecting his receipts and disbursements, and the state of the county treasury; or any other matter committed to his charge, or pertaining to the finances of the county."

Purpose of the Statement

- Record of receipts and disbursement of each fund
- Reconciliation of book balances to bank balances

Frequency of Reporting

- Financial Statement should be prepared monthly
- Preferably by the 10th day of each month
- Copy should be given to the County Clerk & to the County Commission

Format of Statement

- Should contain 6 columns
 - Name of Fund
 - Beginning Balance
 - All Taxes Collected
 - All Other Revenues
 - Less: Orders Issued
 - Ending Balance
- Each county fund should be listed
- Each column is totaled
- Money in the depositories (bank) & on hand is shown at the bottom
- Totals should match

Format of Statement

- Beginning Balance
 - Should match back to ending balance of prior month statement
- All Taxes Collected
 - Includes all property taxes collected both personal & real for current year & prior years
- All Other Revenues

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- Miscellaneous receipts of the county; anything that is received that is not property tax revenue
- Less: Orders Issued
 - Includes all checks written for the month
- Ending Balance
 - The remaining balance in the fund at the end of the month
- Balance in county depositories at the end of the month
 - Balances as shown on the bank statements
 - Includes all county bank accounts both checking & savings
- Outstanding Orders
 - Total of all checks that have been issued but have not yet cleared the bank
 - These are subtracted from the bank balances
- Deposits in Transit
 - Total of all money that has been deposited in the bank but has not yet been credited by the bank (often happens on last day of the month)
- Cash on Hand
 - Daily till (money in cash drawers)
 - Jury/witness vouchers not yet reimbursed
 - NSF checks
- Miscellaneous Adjustments
 - Should only include extraordinary adjustments
 - Should be documentation on hand to back up these adjustments
- Difference
 - This is the difference, if any, between the total funds & the total reconciled bank balances
 - This should be zero
 - If there is a difference, it should be investigated and explained.

Monthly Balancing of Cash

- The Statement itself should balance
 - total Ending Balance of the funds should equal the total reconciled

Balance of County Depositories & cash on hand

- The Sheriff's records & the County Clerk's records should balance
 - These 2 offices should be comparing this report to the County Clerk's trial balances to be sure they match.
- Discrepancies should be investigated, and any errors found should be corrected immediately.

Common Reasons for Differences

- If there is more money showing in the ending fund balances than in the bank
 - A receipt could have been recorded twice.
 - An order issued may have not been recorded.
 - A check could have been duplicated on the outstanding list.
 - A cash item or cash on hand could have been excluded.

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Common Reasons for Differences

- If there is more money showing in the bank than in the ending fund balances
 - A receipt could have not been recorded
 - Could be an error in tax collection receipting
 - An order issued (check) could have been recorded twice
 - A deposit in transit could have been listed twice
 - An outstanding check could have been excluded from the list

Uniform Accounting System

Each County maintains a set of accounts known as funds. These funds are either required by West Virginia Code or have been created by an order from the county commission. Each fund has its own set of special requirements. Every County fund should be listed on the Sheriff's Monthly Financial Statement.

General County Fund

- Fund 1
- WV Code §7-5-1
- Budget must be approved by Auditor's office each year
- Revenues:
 - All public money authorized by WV Code, and all public money collected by county officials are to be deposited into this fund, unless authorized to be receipted into another fund by WV Code or by order of the County Commission creating a special fund.
- Expenditures:
 - All legal and proper claims filed against the county, as authorized by the County Commission, and properly signed by the County Clerk and the Sheriff.

Coal Severance Fund

- Fund 2
- WV Code §11-13A-6(h) & (i)
- Budget must be approved by Auditor's office each year
- Revenues:
 - Money distributed to the County from the State Treasurer's office
- Expenditures:
 - Can be used for the same purposes as the General fund with the exception that no more than 25% can be used for salaries

Dog and Kennel Fund

- Fund 3
- WV Code §19-20-10
- Revenues:
 - All registration fees, head taxes, and fees and costs for impounding and disposing of dogs
- Expenditures:
 - To pay the actual expenses incurred in carrying out the provisions of this

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article – To pay for the services and/or expenses of the dog warden, his deputies, pound keepers, and other such employees
– To pay for the purchase, procurement, rental, construction, operation, maintenance, and repair of any property, devices or facilities reasonably necessary and required to carry out the provisions of this article

General School Fund

- Fund 4
- WV Code §7-5-15
- Revenues:
 - Fines levied and collected in the Magistrate Court and various other fines and penalties as set out in WV Code
- Expenditures:
 - Cost of auditing the accounts of the magistrates
 - Amounts of costs and fees paid into the regional jail for care of prisoners
- Special Note:
 - All expenses of this fund should be paid prior to 12/31 each year so that the remaining balance can be forwarded to the State.

Worthless Check Fund

- Fund 6
- WV Code §61-3-39h
- Revenues:
 - Costs collected by magistrate court for issuance of worthless check notices
- Expenditures:
 - Pay or defray the expenses of providing a deputy sheriff to serve warrants for worthless check offenses or providing additional deputy clerks in the magistrate office to process worthless check cases
 - After these expenses have been paid or determined unnecessary, money can be used for bailiff, service of process, magistrate court rent, or other expenses of magistrate office
- Special Note:
 - All expenses of this fund must be approved by the court administrator's office of the supreme court of appeals

Home Confinement Fund

- Fund 8
- WV Code §62-11B-7
- Revenues:
 - All home incarceration fees remitted
- Expenditures:
 - To administer a home incarceration program, including the purchase of electronic monitoring devices and other supervision expenses

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Concealed Weapons Fund

- Fund 59
- WV Code §61-7-4
- Revenues:
 - The application fee for a license to carry a deadly weapon and any fees for replacement of lost or stolen licenses received by the Sheriff. The fund shall be interest-bearing with interest earned to be credited to the fund.
- Expenditures:
 - To be expended by the Sheriff to pay the costs associated with issuing concealed weapons licenses. Any surplus on hand at the end of the fiscal year may be expended for other law-enforcement purposes or operating needs of the Sheriff's office, as the Sheriff may deem appropriate.

Jury & Witness Fees Fund

- Fund 71
- WV Code §52-1-17 to §52-1-20
- Revenues:
 - Reimbursement for payments made to jurors and witnesses. Statement must be submitted to Supreme Court for reimbursement.
- Expenditures:
 - To make payments to jurors and witnesses
- Special Note:
 - Can be included as cash items as mentioned before

Community Criminal Justice Fund

- Fund 72
- WV Code §62-11C-8
- Revenues:
 - All fees remitted by the municipal, magistrate and circuit clerks pursuant to §62-11C-7 and all funds appropriated by a county commission §62-11B-7 and all funds provided by the subcommittee for approved community corrections programs (day report centers)
- Expenditures:
 - To be expended by order of the County Commission upon recommendation of the Community Criminal Justice Board in furtherance of the operation of the community corrections program

Special Law Enforcement Investigation Fund

- Fund 73
- WV Code §60A-7-706 & 707
- Revenues:
 - Proceeds from property that was seized and then forfeited and interest earned on all deposits
- Expenditures:
 - To defray the costs of protracted or complex investigations, to provide additional technical equipment or expertise, to provide matching funds to

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obtain federal grants or for such other law-enforcement purposes as deemed appropriate.

–Not to be used for regular operating needs.

Motor Vehicle License Fund

- Fund 311 ▪ WV Code §17A-3-17
- Revenues:
 - License fees from motor vehicle collections
- Expenditures:
 - Remitted to state each month
 - County's share deposited to General County fund

Criminal Charges Fund

- Fund 312
- WV Code §62-5-5
- Revenues:
 - Costs that are taxed in a court order and paid by the defendant, such as jury costs, court appointed attorney charges, witness fees, drug testing fees, etc.
 - Money comes from Circuit Court or Magistrate Court
- Expenditures:
 - Remitted to state each month

Court Reporter Fund

- Fund 313
- WV Code §6-9-3 and §51-7-6
- Revenues:
 - Fee for the service of a state court reporter in both civil and misdemeanor cases
 - Collected by the clerk of the court & remitted to Sheriff
- Expenditures:
 - Remitted to state each month

State Fine Fund

- Fund 314 ▪ WV Code §62-4-1
- Revenues:
 - Fines levied by the Circuit Court –Collected by the Circuit Clerk & remitted to Sheriff
- Expenditures:
 - Remitted to state each month

State Police Fund

- Fund 315
- WV Code §61-7-4
- Revenues:
 - Before any approved concealed weapons license shall be issued or become effective, the applicant shall pay to the sheriff a fee of \$15

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- Expenditures:
 - Remitted to the WV State Police within 30 days of receipt

State Current Fund

- Fund 316
- WV Code §6-9-3
- Revenues:
 - Property tax collections, interest earned, and other revenues collected by the Sheriff for the State of WV
- Expenditures:
 - Remitted to the State of WV by Nov. 15 & Apr. 15

Tax Lien Fund

- Fund 364
- WV Code §11A-3-11
- Revenues:
 - Money from the tax lien sale in excess of the amount of taxes, interest and charges due
- Expenditures:
 - If the property is redeemed, the money is returned to the purchaser of the tax lien.
 - If the property is not redeemed, the surplus shall be distributed by the Sheriff in the manner provided by law for the distribution of property taxes collected

Delinquent & Nonentered Land Fund

- Fund 365
- WV Code §11A-3-64
- Revenues:
 - Proceeds of all redemptions and sales paid to the Sheriff for delinquent nonentered land
- Expenditures:
 - Out of the total proceeds of each sale or redemption, the Sheriff shall pay the cost for preparing and publishing the notice of auction, the deputy commissioner’s fees, state auditor’s fees, sheriff’s sale costs and fees, & taxes and interest

Tax Distribution Funds

- Fund 316, 373-376, 378-402
- WV Code Chapter 11
- Revenues:
 - Property tax collections, interest earned, and other revenues collected by the Sheriff
- Expenditures:
 - Money is remitted to each designated taxing entity by the 10th of the month following collection
 - Must provide details to the taxing entities

~ 10 of 10 ~

New Business – Consideration and/or action

Facility Manager’s Report – Consideration and/or action

A. Update Panhandle/Sheriff’s Building

Facilities Manager, Joe Larue, said things were moving along nicely. Breaker boxes have been ordered and will be replaced as soon as possible. All the electrical on the first has been upgraded and old wiring in the ceiling has been removed. All lights on the first floor are working, receptacles are being replaced, main floor painting is complete and some floor tiles were reglued.

Later in the meeting, Mr. Larue updated the commission on a recent event from the Sheriff’s Office and stated that due to recent accusations made about unsafe electrical conditions, the State Fire Marshal made a surprise visit to the Sheriff’s Office this morning and found “No” situations, problems or dangers to any employees at the Sheriff’s Office. The fire marshal representative assured the deputies that although progress is slow, everything was up to code and looking great.

County Administrator’s Report-Consideration and/or action

President Stone recognized Nate Raybeck with the County Administrator’s Report.

A. H.E. Neumann Co – Maintenance Agreement for Building Environment Systems

Commissioner Smith made a motion to approve and authorize the President to sign the Maintenance Agreement for Building Environmental Systems with H.E. Neumann Company in the amount of \$9,250.00 per year. Commissioner Thomas seconded the motion. A roll call vote was taken with Commissioners Smith, Thomas and Stone voting yes. Motion carried. (See attached).

MAINTENANCE AGREEMENT FOR BUILDING ENVIRONMENTAL SYSTEMS

Proposal Date	Proposal Number	Agreement No.
08/30/2023	PC-05221	

BY AND BETWEEN:

H.E. Neumann Company
 100 Middle Creek Road
 Triadelphia, WV 26059

AND

Preston County Commission
 106 West Main Street, Ste 202
 Kingwood, WV 26537

hereinafter CONTRACTOR

hereinafter CUSTOMER

SERVICES WILL BE PROVIDED AT THE FOLLOWING LOCATION(S):

Courthouse, Annex, Sheriff Office & Animal Shelter

Contractor will provide the services described in the maintenance program indicated below, which are attached hereto and made a part of this Agreement, in accordance with the terms and conditions set forth on the following maintenance program pages.

MAINTENANCE PROGRAM: **Customized Professional Maintenance II**
 and associated Terms and Conditions

AGREEMENT coverage will commence on October 01, 2023 (date). The AGREEMENT price is \$9,250.00 per year, payable \$2,312.50 per Quarter in advance beginning on the effective date of _____.

IN WARRANTY ONLY: During the warranty, the AGREEMENT price will be _____ per _____. It is understood that the warranty expires on _____ (date).

SCHEDULES INCLUDED:
 1-Inventory of Equipment
 5-Special Services/Provisions

This proposal is the property of Contractor and is provided for Customer's use only. Contractor guarantees the price stated in this Agreement for thirty (30) days from proposal date above. This proposal will become a binding Agreement only after acceptance by Customer and approved by an officer of Contractor as evidenced by their signatures below. This Agreement sets forth all of the terms and conditions binding upon the parties hereto; and no person has authority to make any claim, representation, promise or condition on behalf of Contractor which is not expressed herein. This annual Agreement shall continue in effect from year to year unless either party gives written notice to the other of intention not to renew thirty (30) days prior to any anniversary date.

CONTRACTOR

Signature (Sales Representative) _____
 Approved For Contractor _____
 Signature _____
 Name & Title Jeff Shepherd-GM
 Date _____

CUSTOMER
 Signature (Authorized Representative) _____
 Name (Print/Type) Samantha Stone
 Title President Preston Co Commission
 Date 9/5/2023

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CUSTOMIZED PROFESSIONAL MAINTENANCE PROGRAM II

Proposal Date	Proposal Number	Agreement No.
08/30/2023	PC-05221	

Our Customized Professional Maintenance II (CPM-II) is designed to provide the Customer with an ongoing maintenance program. The CPM-II program will be initiated, scheduled, administered, monitored and updated by the Contractor. The service activities will be directed and scheduled, on a regular basis, by our comprehensive equipment maintenance scheduling system based on manufacturers' recommendations, equipment location, application, type, run time, and Contractor's own experience. The Customer is informed of the program's progress and results on a continuing basis via a detailed Service Report, presented after each service call for Customer's review, approval signature and record.

CONTRACTOR WILL PROVIDE THE FOLLOWING PROFESSIONAL MAINTENANCE SERVICES FOR THE BUILDING ENVIRONMENTAL MECHANICAL SYSTEM(S) COMPRISED OF THE EQUIPMENT LISTED ON SCHEDULE 1 (INVENTORY OF EQUIPMENT):

TEST AND INSPECT: Job labor, travel labor and travel and living expenses required to visually INSPECT and TEST equipment to determine its operating condition and efficiency. Typical activities include:
 -TESTING for excessive vibration; motor winding resistance; refrigerant charge; fan RPM; refrigerant oil (acid); water condition; flue gas analysis; safety controls; combustion and draft; crankcase heaters; control system(s), etc.
 -INSPECTING for worn, failed or doubtful parts; mountings; drive couplings; oil level; rotation; soot; flame composition and shape; pilot and igniter; steam, water, oil and/or refrigerant leaks, etc.

PREVENTIVE MAINTENANCE: Job labor, travel labor and travel and living expenses required to clean, align, calibrate, tighten, adjust, lubricate and paint equipment. These activities are intended to extend equipment life and assure proper operating condition and efficiency. Typical activities include:
 -CLEANING coil surfaces; fan impellers and blades; electrical contacts; burner orifices; passages and nozzles; pilot and igniter; cooling tower baffles, basin, sump and float; chiller, condenser and boiler tubes, etc.
 -ALIGNING belt drives; drive couplings; air fins, etc.
 -CALIBRATING safety controls; temperature and pressure controls, etc.
 -TIGHTENING electrical connections; mounting bolts; pipe clamps; refrigerant piping fittings; damper sections, etc.
 -ADJUSTING belt tension; refrigerant charge; super heat; fan RPM; water chemical feed and feed rate; burner fuel/air ratios; gas pressure; set point of controls and limits; compressor cylinder unloaders; damper close-off; sump floats, etc.
 -LUBRICATING motors; fan and damper bearings; valve stems; damper linkages; fan vane linkages, etc.
 -PAINTING, for corrosion control, as directed by our scheduling system and on an as-needed basis.

B. PSD #1 Expansion – Updated Schedule

The Public Hearing has been moved to Monday, September 11, 2023 at 9:30 a.m. in the Preston County Commission Meeting Room.

C. Budget Revision- none

D. Miscellaneous Correspondence

Personnel Matters – Consideration and/or action

A. Executive Session

At 10:00a.m., Commissioner Thomas made a motion to go into Executive Session for personnel matters. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

Those in attendance for the Executive Session were Commissioners Don Smith, Hunter Thomas and Samantha Stone and Administrator Nate Raybeck.

EXECUTIVE SESSION

At 10:03 a.m., Commissioner Thomas made a motion to come out of Executive Session. Commissioner Smith seconded the motion. A roll call vote was taken with Commissioners Thomas, Smith and Stone voting yes. Motion carried.

President Stone advised that no action was taken as a result of the Executive Session.

Legal Matters - Consideration and/or action

Information

A. Miscellaneous Correspondence

Commissioners’ Comment

There was discussion regarding updating the county reimbursement rate policy. Commissioner Smith offered to write a policy letter for the commission to send to department heads. All commissioners were in agreement.

At 10:13 a.m. there being no further business to come before the Commission, President Stone declared the Regular Session adjourned.

Commissioner

Commissioner

Commissioner

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09/05/2023

