AGENDA PRESTON COUNTY COMMISSION **OCTOBER 24, 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

Tax Correction List- None

Apportionments - None

Recognition of Scheduled Appointments -

9:31 a.m. Justin Wolfe, OEM/E911 Employee Hire & Document Signatures 9:35 a.m. Lisa Leishman, Circuit Clerk, Budget Revision & Request for Additional Staff

Approval of Minutes - September 26, 2023, October 2, 2023 (Special Session) and October 3, 2023

Estate Settlements List – October 10, 2023 thru October 13, 2023

ESTATE NAME: JEFFREY R. DELANEY

ESTATE NAME: LYDIA MARDELLE FORMAN, AKA MARDELLE H. FORMAN

ESTATE NAME: WARREN FRANKLIN MARTIN

ESTATE NAME: PHYLLIS ANN JOHNSON SHAFFER, AKA PHYLLIS A.

JOHNSON ESTATE NAME: JUSTIN RYAN TODD

Proceedings in Vacation/Clerk's Fiduciary Report - October 12, 2023 through October 18, 2023

Fiduciary Commissioner Report - None.

Old Business - Consideration and/or action

A. JH Consulting Agreement

New Business - Consideration and/or action

A. Emergency Response Plan (ERP) Non-binding Agreement with Panhandle Cleaning & Restoration

OEM Central Garage Report - Consideration and/or action

County Administrator's Report - Consideration and/or action

- A. Resolution for Operation Green Light for Veterans
- B. VOCA Budget Revision
- C. Terra Alta Water Treatment Plant Reallocation of ARPA Funds
- D. Work Session Update-EMS contract
- E. Facilities Updates
- F. 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., October 24, 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: Hunter Thomas and Samantha Stone. Commissioner Smith was absent.

Recognition of Public

Also, present was Administrator Nathan Raybeck and Assessor Connie Ervin.

The following persons registered their attendance during the meeting:

Jennifer Graham – DP

Steve Santilli - WV News

Nichole Larew

Deanna Lively

Justin Wolfe-OEM/E911

Lisa Leishman

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

Assessor's Office

Tax Correction List - None

Apportionments – None

Recognition of Scheduled Appointments –

9:31 a.m. Justin Wolfe, OEM/E911 Employee Hire & Document Signatures

Commissioner Thomas moved to approve the hire of Ravyn S. VanVleet as a Regular Part-time 911 Public Safety Dispatcher for Preston County E-911 effective immediately. Ms. Van Vleet will start at \$17. /hr. with pro-rated benefits. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas and Stone voting yes. Motion carried. (See attached.)



300 Rich Wolfe Dr. Kingwood, WV 26537 Phone: 1-304-329-1855 Fax: 1-304-329-2530

Director: Duane Hamilton

Asst. Director: Justin Wolfe

October 24, 2023

Preston County Commission 106 W. Main St., Suite 202 Kingwood, WV 26537

Re: New Hire

I am requesting approval to hire Ravyn S. VanVleet as a Regular Part-Time 911 Public-Safety Dispatcher for Preston County E-911, effective immediately.

Upon your approval, Ms. VanVleet will start at \$17/hr. with pro-rated benefits.

Respectfully,

Justin R. Wolfe

Commissioner Thomas moved to authorize the President of the County Commission to sign the EMPG 2021 Grant. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas and Stone voting yes. Motion carried. (See attached.)

Conditions and Assurances

This program is conditioned upon and subject to compliance with the following Conditions and Assurances. By attaching a signature to page one (1) of this grant application, the applicant certifies and assures that it will comply with the following Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the Homeland Security State Administrative Agency (HS SAA), as further clarified in the Policies and Procedures Manual for this program; U.S. Department of Homeland Security guidance; and all other relevant Federal/State regulations, policies, and guidelines. These Conditions and Assurances apply to all Emergency Management Performance Grants federal and agency funds expended for purposes associated with this project. All correspondence to the HS SAA, which is This program is conditioned upon and subject to compliance with the following Conditions and Assurances. By attaching a signature to equired and/or occurs as a result or action of any of the following Conditions and Assurances, or as a result of the administration of any HS SAA grant program, should be addressed to:

> **Homeland Security State Administrative Agency** 1124 Smith St, Suite 3201, Charleston, WV 25301

Laws of West Virginia:

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the HS SAA.

Legal Authority:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or 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 authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

Relationship:

The relationship of the sub-grantee to the HS SAA shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the HS SAA for any obligation or expense without the express prior written approval from the HS SAA

Operational Within 90 Days:

lf the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to HS SAA explaining the delay in implementation. Upon receipt of the 90-day letter, HS SAA may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

Civil Rights Compliance:

Sub-grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

Written Approval of Changes:

The sub-grantee must obtain prior written approval from HS SAA for all project changes (programmatic, fiscal or otherwise).

elease of information pertaining to this sub-grant must include the following information:

- Grant amount;
- State involvement (WV Emergency Management Division); and,
- Federal involvement (U.S. Dept. of Homeland Security).

Compliance with Federal Rules and Regulations:

Sub-grantee will comply with Title 2, Part 200 of the Code of Federal Regulations (<u>Super Circular</u>). The Super Circular superseder Circulars A-21, A-89, A-102, A-110, A-122, A-133.

9 Program Accountability – Federal Audit Requirement – Super Circular:

If an audit must be conducted pursuant to the Super Circular, a copy of the audit shall be submitted to HS SAA as well as to the Federal clearinghouse.

The Federal clearinghouse address is as follows:

Federal Audit Clearinghouse Bureau of the Census 1201 E. 10th Street Jeffersonville, IN 47132

10 Program Accountability – State Audit Requirements:

Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. and state government. If applicable, this paid shall adhere to the above the republic of the considered state funds. All funds disbursed by HS SAA are appropriated by the WV Legislature; therefore all funds disbursed are considered state funds. The HS SAA will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

The HS SAA will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements or the WV Code. As of 9/13/05, the requirements set forth by \$12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub-grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the HS SAA a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or sub-grant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or sub-grant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or sub-grant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with HS SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12.

Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

11 Access to Records, Equipment, Training, & Exercises:

The HS SAA, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, equipment, training, and/or exercises related to the sub-grant and to relevant books and records of contractors.

12 Conflict of Interest:

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any private/public benefit to tha individual or that individual's immediate family.

13 National and State Evaluation Efforts:

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

14 Political Activity:

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office

15 Obligation of Project Funds:

Funds may not, without prior written approval from the HS SAA, be obligated prior to the effective start date or subsequent to the termination date of the project period. All invoices must be dated within the approved sub-grant period.

16 Elements of a Viable Continuity Capability:

The Continuity Plan is the roadmap for the implementation and management of the Continuity Program. The National Continuity Policy: Federal Continuity Directive 1 and Federal Continuity Directive 2 outline the following ten (10) overarching continuity requirements: Essential Functions, Orders of Succession, Delegations of Authority, Continuity Facilities, Continuity Communications, Vital Records Management, Human Capital, Tests-Training-Exercises, Devolution of Control & Direction, and Reconstitution. If utilizing sub-grant funding for the development of a Continuity Plan, the Plan must address each of these ten (10) elements in order to be eligible to be reimbursed for approved/allowable costs.

17 Use of Funds:

Funds awarded through the HS SAA may be expended **ONLY** for the purposes and activities specifically covered by the subgrantee's approved project description and budget. Any change in the project or the budget must receive PRIOR approval from HS

18 Release of Information:

All records, papers and other documents kept by recipients of grant funds are required to be made available to the HS SAA. These records and other documents submitted to the HS SAA and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act. 5, U.S.C. 5552

The HS SAA recognizes that some information Act, 5. U.S.C. §552.

The HS SAA recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information <u>under federal control</u> is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the HS SAA regarding concerns or questions about the release of potentially sensitive information under state and local laws.

19 Allowable and Unallowable Costs:

Allowable costs incurred under this grant shalf be determined in accordance with the Super Circular.

20 Non-supplanting:

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds.

21 Matching Contribution:

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

22 Project Income:

All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

23. Consultant Fees:

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the HS SAA.

24 Purchasing:

25 Reports:

When making purchases relevant to the sub-grant, the sub-grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.

Each sub-grantee shall submit reports as deemed reasonably necessary by the HS SAA for monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

Environmental & Historical Preservation (EHP):

26 Environmental & Historical Preservation (EHP):

Sub-grantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

27 Suspension of Funding:

HS SAA may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other just cause.

28 Sanctions for Noncompliance:

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the HS SAA may impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

29 Immigration and Naturalization Verification:

The sub-grantee agrees to complete and keep on file, as appropriate, applicable immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

30 Use of Grant Funds to Enact Laws:

Sub-grantee understands and agrees that shall not use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

31 Property Accountability:

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the HS SAA. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the HS SAA. Sub-grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the HS SAA. The HS SAA reserves the right to inspect and review any equipment purchased with this sub-grant

32 Communications Equipment:

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

Communications equipment shall be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Statewide

Interoperable Radio Network. Per WV Code §15-14-4, all communications equipment requests must be reviewed and approved by the Statewide Interoperability Coordinator. www.sirn.wv.gov

33 Equipment:

Sub-grantees purchasing equipment with grant funds shall adhere to the established bidding procedures for their respective units of government and/or agencies. All equipment shall have a primary function of being used for homeland security purposes, and be available statewide (if practical) for use during emergencies and training/exercise events.

34 Marking of Equipment and Publications:

Sub-grantee shall ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WV EMD."

35 Patents and/or Copyrights and Rights in Data:

Sub-grantee acknowledges that the HS SAA, and subsequently the U.S. Department of Homeland Security; reserves a royalty-free non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-grantee shall consult with the HS SAA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

36 Time Extensions:

Time extensions are allowable; however, the HS SAA will review and approve extension requests on a case by case basis only if the extension is warranted. Lack of planning by the sub-grantee is not a justified reason for an extension.

37 Equal Employment Opportunity Plan:

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan.

38 Veterans Preference:

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. HS SAA defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

39 Submission/Release of Proposed Publications:

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the HS SAA twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security and the WV Emergency Management Division. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the State of West Virginia."

40 Purchase of American-made Equipment/Products:

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act, as well as the desire of HS SAA thatto the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

41 Personnel Training:

The HS SAA reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant-funded equipment shall be provided, upon request within 10 business days.

42 Accounting Requirements:

Sub-grantee shall record all project funds and costs following <u>generally accepted accounting procedures</u>. A unique account number or cost recording shall separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income shall be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, shall be retained and be available for audit purposes.

43 Financial Guide:

Sub-grantee shall comply with all requirements as set forth in the Financial Guide which governs this program,

44 Davis-Bacon and Related Acts:

Subgrantee agrees to comply with the Davis-Bacon and Related Acts, which applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act prevailing wage provisions applies to the "Related Acts." under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts. For more information, check the following US Department of Labor website link. https://www.dol.gov/whd/govcontracts/dbra.htm

45 Contractor Planning Requirements:

All subgrants utilizing a contractor will submit copies of agendas, notes/minutes, and sign-in sheets for meetings between subgrantee and contractor(s). Subgrantees MUST include a list of planned and completed meeting dates. These documents MUST be submitted with monthly progress reports. Copies of all final work products (i.e. plans, SOPs/SOGs, exercise documentation) must be submitted prior to the final request for reimbursement.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1680-0001). NOTE: Do not send your completed form to this address.

olicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the ructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification uirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension inprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation act upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or perative agreement.

LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative acreement.
- (b) If any other funds than Federal appropriated funds have been paid or paid to any other person for influencing or attempting to influence an or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure Lobbying Activities," in accordance with its instruction
- c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose
- Standard Form-LLL "Disclosure of Lobbying Activities" attached (This form must be attached to certification if nonappropriated funds are to be used to influence activities.)
- 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and mplemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

- A. The applicant certifies that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, tempting to obtain, or perform a public a public (Federal ,State, or local) ansaction or contract under a public transaction; violation of Federal or ate antitrust statutes or commission of embezziement, theft, forgery, ibery, falsification or destruction of records, making false statements, or oribery, falsification or des receiving stolen property;

- (c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- (a) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default; and
- B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEE OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.615 and 17 620-

- A. The applicant certifies that it will continue to provide a drug-free workplace by;
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a):
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
 - (1) Abide by the term of the statement; and
 - (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring ion the workplace no later than five calendar days after such convictions;

FEMA Form 20-16C, OCT 04

PREVIOUS EDITION OBSOLETE

(f) Taking one of the following actions, within 30 calendar days of received notice under subparagraph (d)(2), with respect to any employee who is

- (1) Taking appropriate personnel action against such an amployee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or
- (2) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Check here.	If there are workplaces on file that are not identified
Section	s 17.630 of the regulations provide that a grantee that is a ay elect to make one certification in each Federal fiscal

Date:

Signature of Authorized Official: X Aman I fine

9:35 a.m. Lisa Leishman, Circuit Clerk, Budget Revision & Request for Additional Staff

Circuit Clerk Lisa Leishman presented budget revisions needed for her office. This budget revision will be considered after other budget revisions are presented.

Ms. Leishman also expressed interest in hiring additional staff for the Circuit Clerk's Office and stated the last time additional staff was added to the Circuit Clerk's Office was June 29, 2007 and explained that the last hire was asked by Judge Shaffer to be in the courtroom during all the hearings and when a second judge is hired in 2025 if he requests a clerk then her office will be down two deputies. There was discussion.

Commissioner Thomas offered to discuss the request and get back to her.

Approval of Minutes – September 26, 2023, October 2, 2023 (Special Session) and October 3, 2023

Commissioner Thomas made a motion to approve the minutes of September 26, 2023, October 2, 2023 (Special Session) and October 3, 2023. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas and Stone voting yes. Motion carried.

Estate Settlements – October 10, 2023 thru October 13, 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 Wirginia

County of Preston, ss:

Settlement <u>Lis</u>t

Notice is hereby given that the following estate(s) have been submitted for settlement from 10/10/2023 thru 10/13/2023 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, October 24, 2023.

ESTATE NUMBER: 4632
SETTLMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLMENT RECORDED: October 13, 2023
ESTATE NAME: JEFFREY R. DELANEY
EXECUTRIX: KARIN SPHAR

ESTATE NUMBER: 4627
SETTLMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLMENT RECORDED: October 10, 2023
ESTATE NAME: LYDIA MARDELLE FORMAN, AKA MARDELLE H. FORMAN
EXECUTRIX: JOYCE ANN BERNATOWICZ
FIDUCIARY COMMISSIONER: WOODROW E. TURNER

P.O. BOX 585 KINGWOOD, WV 26537-0585

ESTATE NUMBER: 4650
SETTLMENT TYPE: Affidavit and Waiver of Final Settlement
SETTLMENT RECORDED: October 10, 2023
ESTATE NAME: WARREN FRANKLIN MARTIN
ADMINISTRATRIX: JANET F. MARTIN

ESTATE NUMBER: 4372
SETTLMENT TYPE: Report of Receipts, Disbursements and Distribution; Affidavit
SETTLMENT RECORDED: October 13, 2023
ESTATE NAME: PHYLLIS ANN JOHNSON SHAFFER, AKA PHYLLIS A. JOHNSON
CO EXECUTOR: TINY ANN DAVIS
CO EXECUTOR: MICHAEL ALLEN JOHNSON

ESTATE NUMBER: 4518
SETTLMENT TYPE: Report of Receipts, Disbursements and Distribution; Affidavit
SETTLMENT RECORDED: October 11, 2023
ESTATE NAME: JUSTIN RYAN TODD
ADMINISTRATRIX: CHERYL TODD
FIDUCIARY COMMISSIONER: WOODROW E. TURNER

P.O. BOX 585 KINGWOOD, WV 26537-0585

Subscribed and sworn to before me on 10/18/2023.

Linda Huggi Linda Huggins

Clerk of the Preston County Commission

By Amy Ourse

Tammy Johnson

Deputy Clerk/Probate

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

Proceedings in Vacation/Clerk's Fiduciary Report – October 12, 2023 thru October 18, 2023

Commissioner Thomas moved to dispense with the reading in open court of the Proceedings of the Clerk of this Commission, had in vacation on October 12, 2023 thru October 18, 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, October 12, 2023, through Wednesday, October 18, 2023

The County Commission of Preston County this 24th day of October, 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, October 12, 2023, the following matters were disposed of in the presence of the Clerk:

The last will and testament of HARRY G. DAVIS, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

MICHELLE Y. EDWARDS, who was named in the last will and testament of HARRY G. DAVIS, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

The last will and testament of EDITH ISABELLE HOWELL-CLARKE, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SUAN ELAINE BEAN, who was named in the last will and testament of EDITH ISABELLE HOWELL-CLARKE, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

On, Friday, October 13, 2023, the following matters were disposed of in the presence of the Clerk:

The Small Estate Affidavit of SHAUN L. MCCLURG, deceased, was AMENDED, as further assets were located. JESSICA M. MCCLURG was named SUCCESSOR thereof, qualified as such. No bond was required.

On, Monday, October 16, 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, MISTY CHAMBERS was appointed and qualified as ADMINISTRATRIX of the estate of GARY LYNN CHAMBERS, deceased. No bond was required.

More than 30 days since the date of death or the surviving spouse or heir, upon a motion, MATTHEW B. JOHNSON was appointed and qualified as ADMINISTRATOR of the estate of CHARLES HEROY JOHNSON, deceased. Bond was 150,000,00.

On, Tuesday, October 17, 2023, the following matters were disposed of in the presence of the Clerk:

The said estate of THOMAS ALLEN LOUGHRY, deceased was referred to HILARY M. BRIGHT, a FIDUCIARY COMMISSIONER for the Preston County Commission, for settlement thereof.

The last will and testament of **DOUGLAS F. AUVIL**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

SCOTT DOUGLAS AUVIL, who was named in the last will and testament of DOUGLAS F. AUVIL, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

A duly exemplified copy of the last will and testament of WALTER D. PARKS, deceased, a late resident of SUSSEX CO., DE, was admitted to record and an Ancillary Affidavit was established.

Subscribed and sworn to before me on 10/18/2023.

Linda Huggins

Clerk of the Preston County Commission

Linda Huggins

Tammy Johnson

anny ?

Deputy Clerk/Probate

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

Fiduciary Commissioner Report – None

Old Business - Consideration and/or action

A. JH Consulting Agreement

Mr. Raybeck received an Agreement from JH Consulting and explained that Prosecuting Attorney Shay reviewed it and only one simple revision needed made before it can be approved. Subject carried over to next week.

New Business - Consideration and/or action

A. Emergency Response Plan (ERP) Non-binding Agreement with Panhandle Cleaning & Restoration

The agreement signing was tabled until next week. This will give the Prosecutor Shay the time to review it and Commissioner Smith will be back then.

OEM Central Garage Report – Consideration and/or action

County Administrator's Report-Consideration and/or action

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

A. Resolution for Operation Green Light for Veterans

Commissioner Thomas moved to declare the Week of November 6-12, 2023 as Operation Light for Veterans and authorize the commission to sign. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas and Stone voting yes. Motion carried. (See attached.)

Supporting Operation Green Light for Veterans

WHEREAS, the residents of Preston County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS, the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, the Preston County Commission seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and

WHEREAS, veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, active military service members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS, the Preston County Commission appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted; therefore be it

RESOLVED, with designation as a Green Light for Veterans County, the Preston County Commission hereby declares from this date, October 24, 2023 through Veterans Day, November 11th 2023 a time to salute and honor the service and sacrifices of our men and women in uniform transitioning from active service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, the Preston County Commission encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 6th through the 12th, 2023.

October 24, 2023

Samantha Stone, President

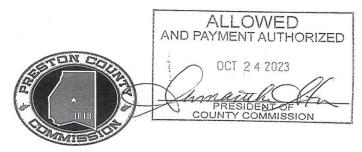
Don Smith, Commissioner

Hunter Thomas, Commissioner

B. VOCA Budget Revision

Nathan Raybeck presented budget revisions needed for the VOCA Grant, October 2023 – July, 2024.

Commissioner Thomas made a motion to approve the budget revisions that have been presented today by Lisa Leishman, Circuit Clerk and Nathan Raybeck, County Administrator. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioner Thomas and Stone voting yes. Motion carried. (See attached.)



MEMORANDUM Preston County Commission

Date:

October 24, 2023

To:

Bookkeeping

From:

Nate Raybeck, Administration

Subject:

VOCA Budget Revision-October, 2023-July, 2024

INCREASE	001-322-016 (Grant Funds)	\$ 44,205
DECREASE	001-401-566 (Contributions)	\$ 3,832
INCREASE	001-442-103-16 (Salary)	\$ 40,919
INCREASE	001-442-104-16 (FICA)	\$ 3,131
INCREASE	001-442-105-16 (Insurance)	\$ 24
INCREASE	001-442-106-16 (Retirement)	\$ 3,683
INCREASE	001-442-221-16 (Travel)	\$ 250
INCREASE	001-442-226-16 (Workers Comp)	\$ 30

LISA LEISHMAN CLERK OF THE CIRCUIT COURT

PRESTON COUNTY

101 WEST MAIN STREET, ROOM 301 KINGWOOD, WEST VIRGINIA 26537

ALLOWED

AND PAYMENT AUTHORIZED

OCT 2 4 2023

PRESIDENT OF COUNTY COMMISSION

Date: October 18, 2023

To: Bookkeeping

From: Lisa Leishman, Circuit Clerk

Subject: Budget Revision-Sherea Turner (part time as needed)

DECREASE INCREASE

01-403-103 (Employee Salary) 01-403-109 (Extra Help)

\$7,560.00 \$7,560.00

RESOLUTION

At a regular session of the county commission, held (Month, day and year) October 24 , 2023 the following order was made and entered:

<u>SUBJECT</u>: The revision of the Levy Estimate (Budget) for the County of PRESTON. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 10, of the General County Fund, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Commissioner Thomas, and duly seconded by Commissioner Stone the vote thereon was as follows:

Sinnenth Ane Yes or No Yes or No

WHEREUPON, President Stone , declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the County Clerk is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

C. Terra Alta Water Treatment Plant Reallocation of ARPA Funds

Administrator Raybeck explained the ask for a necessary change in the ARPA Fund allocation for the Water Tower Demolition and Replacement Project. The request is to move \$16,500 of the ARPA dedicated \$500K, from the commission, for "the sole purpose of demolition and replacement of a water tower" to address the issue the town is having with their underground well that provides water to the water treatment plant.

He presented a quote from Wayne's Water 'n' Wells for the project and stated the reason the ARPA funds are needed for this request is that the other committed project funds listed are not available until the first quarter of 2024 and once said funds become available the \$16,500 being reallocated for the emergency situation will be covered by the remaining funds.

Commissioner Thomas moved to approve Terra Alta Water Treatment Plant reallocation of ARPA Funds in the amount of \$16,500. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioners Thomas and Stone voting yes. Motion carried. (See attached.)

TOWN OF TERRA ALTA 22 PC SLFRP 0016 WATER TOWER DEMOLITION AND REPLACEMENT

The Town of Terra Alta would like to request permission to use ARPA funds to address an emergency situation that has come up at the Water Treatment plant and can impact the ability to provide an adequate amount of quality water to their customers. The ARPA funds would be used to replace the groundwater well pump that provides water to the Terra Alta Water Treatment Plant. This money would be used now and would be replaced once the project funds become available in the first quarter of 2024.

As a brief project update, the project is currently under review at the Public Service Commission (PSC). Once the PSC certificate is obtained, the project team will have all of the necessary items required to get authorization to bid. We plan to bid the project at the end of November.

All funding for this project is committed and includes:
\$500,000 Preston County Commission ARPA Funds
\$500,000 WVIJDC Grant
\$500,000 WVDEP Principal Forgiveness
\$1,140,000 WVDEP Loan @ 1% for 40 yr. w/ 0.25% admin fee
\$800,000 WVWDA Economic Enhancement Grant
\$3,440,000 TOTAL

Where Knowledge Well Drilling AYNE'S Resources, and Talent Togethe Geo Thermal Pumps Conditioning Finish First September 22, 2023 own of Terra Alta 2150 Veterans Memorial Hwy erra Alta, WV 26764 RE: Well No 1 Upgrades Thrasher Project #010-01113 Dear Mr. Young: Thank you for the opportunity to bid on this project. Please review the following options. Option 1: Pull the old pump and install a new Grundfos 300S150-3 230V 3PH Submersible pump, replacing the wire in the well, re-using the existing 4" inch discharge and check valve installed to a depth of 63' would be approximately \$16,144.57. Option 2: After meeting at the site and realizing that the main goal of this project is to decrease the flow going through the plant we wanted to propose a second option which would leave the existing pump in place and install a Franklin Variable Frequency 86A drive in the motor control center room. This option would give you the ability to turn up or down the flow as needed. This option would be approximately \$13,900.00. If you would like to discuss in more details please feel free to call the office. Thank you, we appreciate your business and look forward to serving you. Ŷ Due to unstable demand and daily increases, this estimate is only valid for 7 days. Sincerely, Cobenn Bolden Cobenn Bolden Wayne's Water 'n' Wells, Inc. I agree with the stipulations stated above and would like to proceed with the following option/options. Option 1: _____ Option 2: ___ Accepted by: _ Date: 19139 Garrett Highway • Oakland, MD 21550 • 301-387-7181 www.wayneswells.com • 1-877-YOUR-H2O • Fax: 301-387-5614

D. Work Session Update - EMS Contract

Last Thursday the commission had a productive work session on the EMS Services Contract where they reviewed and edited sections of the contract. The next work session to continue the editing and revision process will be Wednesday, November 8, 2023 at 6:00 p.m. in the meeting room.

E. Facilities Updates

November 8th will be the official start date of the new Facilities Supervisor, Kevin Likens.

The first change order #9 for \$21,766.89 is the required electrical code upgrades and mandated by the fire marshal.

The second change order is for additional receptacles and lighting estimates and is not required by the fire marshal. Since the change orders were presented yesterday, Mr. Raybeck recommended to hold off on change order #10 (\$19,266.89) until further discussions can be had with the full commission.

Commissioner Thomas moved to approve change order #9 from Panhandle Cleaning and Restoration for the Preston County Sheriff's Office and authorize Samantha Stone, the President of the Commission to sign. Commissioner Stone seconded the motion. A roll call vote was taken with Commissioner Thomas and Stone voting yes. Motion carried. (See attached.)



CHANGE ORDER #	CH	AN	GF	OR	DFR	#
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42 – 38 th Street, Wheeling, V	VV 26003			
JOB NUMBER: M23-11370-C		DATE: 10/19/23		
JOB NAME: Preston County Sheriif	f	C.O.:		
	Payment Terms:	. 3		
А	GREED CHANG	ES	AMOUNT	
Electrical code upgrade (insurance)			\$21,766.89	

		Subtotal	\$21,766.89
		Sales Tax	
We agree to make the change(s) spec	\$21,766.89		
		9	
DATE	Amount Received		
CONTRACTOR SIGNATURE	Received by and Date		

ACCEPTED - The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under the same terms and conditions as specified in the original Agreement unless otherwise stipulated.



Edison Electric LLC

627 Crafts Run Rd Maidsville, WV 26541 **4** (304) 381-4040 □ (304) 641-5002 edisonelectricllc.com Edisonelectric304.doc@gmail.com EST2445

10/16/2023

AMOUNT

Panhandle Cleaning & Restoration - PO#: 121408 - Sheriff Dept

103 W Main Street Kingwood, WV Q 3042003638 swintle@panhandlecr.com

DESCRIPTION QTY RATE

10

MANDATORY CHANGE ORDER; 400A Service Equipment Replacement

CHANGE ORDER REQUIRED PER FIRE MARSHALL & CODE INSPECTOR

BASED ON 2020 NEC

S.O.W

•Remove (2) compromised 3phase 400A FPE electrical panels

•Remove (80) existing circuits
•Install new conduit raceways for new panel location(s)
•Install (2) new 400A 3phase GE electrical panels

Extend & Install (80) circuits

Install (2) new electrical trough(s) for splicing

Install metallic junction boxes for splicing

CUSTOMER REQUEST CHANGE ORDER; Additional Receptacles &

Lighting Estimate: CHANGE ORDER PER CUSTOMER REQUEST

ALL ROOMS ARE FINISHED & MAY REQUIRE DRYWALL/PLASTER REPAIR AND SURFACE MOUNT RACEWAY

BASED ON 2020 NEC

S.O.W

•Install (1) new receptacle location in evidence room

•Install (5) new receptacle locations in mail room
•Install (4) new QUAD receptacle locations in secretary room

•Install (2) new QUAD receptacles in office next to lobby

Install 6/3 MC circuit for kitchen range

F. Miscellaneous Correspondence

Personnel Matters – Consideration and/or action

A. Executive Session

Legal Matters - Consideration and/or action Information -

A. Miscellaneous Correspondence

Commissioners' Comment

At 10:03 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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