

Upshur County Commission Meeting Agenda

Location of Meeting: Upshur County Courthouse Annex

Date of Meeting: September 19, 2019

- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
• September 12, 2019
- 9:15 a.m. Craig Presar- WVU Extension Service Agent, on behalf of the Community Educational Outreach Services (CEOS) – Presentation of Proclamation for WV Breast Cancer Awareness Day (October 1, 2019) and Breast Cancer Awareness Month (October 2019) Page 5
- 9:30 a.m. Brian Shreves, Director, Upshur County Department of Homeland Security and Emergency Management, request for approval and signature of Homeland Security Grant Program Award, Special Conditions and Assurances, and Certifications. This grant is in the amount of Nine Thousand dollars and no cents (\$9,000.00) to be used to upgrade the Upshur County Emergency Operations Center. Page 6-7
- 12:30 p.m. Pecks Run Watershed Inspection - Hodgesville

Items for Discussion / Action / Approval:

1. Approval and signature of Resolution of Participation for the West Virginia Certified Development Community (CDC) Program for the Upshur County Development Authority. * Page 8
2. Approval and signature of STOP Violence Against Women (VAWA) Grant Program Contract Agreement, Resolution, Certifications, Supplemental Special Conditions and Revised Standard Conditions. This grant award is in the amount of \$28,000. * Page 9-31
3. Approval and signature of Federal Aviation Administration Outlay Request Number 1-Final in the amount of one hundred fifty-two thousand seven hundred twenty-three dollars (\$152,723) for the Airport Improvement Program Project No. 3-54-0039-033-2019 at the Upshur County Regional Airport in Buckhannon, WV. * Page 32
4. Approval and adoption of a revision to the Procedure to Dispatch Wrecker Services pursuant to the meeting held on August 1, 2019 and new E911 CAD system being installed. * Page 33-34
5. Correspondence from Carol J. Smith, Clerk of the Upshur County Commission, requesting to amend the Capital Asset Policy for the Upshur County Commission. * Page 35
6. Correspondence from Carol J. Smith, Clerk of the Upshur County Commission, requesting that the Upshur County Commission establish a schedule of fees or rate of compensation for Fiduciary Commissioners in Upshur County, West Virginia. * Page 36

7. Correspondence from David H. Coffman, Upshur County Sheriff, requesting the employment of Hurlie William Burnside for a part-time position of Courthouse Security at the pay rate of \$11.00 per hour, effective September 29, 2019. Upon approval, he will work no more than 19.5 hours per week. *
Item may lead to Executive Session per WV Code §6-9A-4 Page 37
8. Correspondence from Carrie Wallace, County Administrator, requesting Michael Haler's pay rate be raised to seventeen dollars (\$17.00) per hour, effective September 29, 2019. This is a twenty cent (\$0.20) per hour increase to his current rate of pay. * Page 38
9. Correspondence from Carrie Wallace, County Administrator, requesting the employment of Christopher D. Alkire as a Maintenance Technician at the pay rate of seventeen dollars (\$17.00) per hour, effective September 29, 2019. *
Item may lead to Executive Session per WV Code §6-9A-4 Page 39
10. Correspondence from Carol J. Smith, Upshur County Clerk, requesting the employment of Lois Marsh as part-time Deputy County Clerk at the pay rate of \$10.50 per hour, effective September 23, 2019, pending background check. This is a part-time position not to exceed 1039 hours in a calendar year. *
Item may lead to Executive Session per WV Code §6-9A-4 Page 40
11. Correspondence from Carol J. Smith, Upshur County Clerk, requesting approval to hire an additional part-time Deputy County Clerk at the pay rate of \$10.50 per hour working no more than 1039 hours in a calendar year. * Page 41
12. Correspondence from Cheyenne Troxell, Program Director for Community Corrections, requesting approval to hire Andrew Pinkney as a part-time Drug Court Counselor, in lieu of the contract position that was approved at the September 12, 2019 Commission meeting. Upon approval, his pay rate will be \$30.00 per hour working up to 19.5 hours per week, effective immediately. *
Item may lead to Executive Session per WV Code §6-9A-4 Page 42
13. Approval of Lewis-Upshur Animal Control Facility Volunteer Lora Bragg. * Under separate Cover
14. Approve Invoices for Payment, Purchase Card Invoices for Payment, Budget Revisions / Financial Reports or Information, Correction of Erroneous Assessments, Exonerations/Refunds, Grant Updates / Requests for Reimbursements, Final Settlements, Vacation Orders, Consolidation of Land Tracts, Facility Maintenance Concerns or Updates, Road Name Requests, Project Reports / Updates, Request to Attend Meetings, Request for Day(s) Off.

For Your Information:

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Correspondence from State Auditor John B. McCuskey providing notice of the 2019 State Auditor's Training Seminar for County and Municipal Boards and Authorities. Page 43-45
2. Public Notices:
 - a. Newsletters and/or Event Notifications:
 - Family Movie Night - Upshur County Foster Care/Adoption Peer Group is having a PJ and Popcorn evening with Secret Life of Pets 2, on Monday, September 23, 2019 from 6 p.m. to 8 p.m. at Stockert Youth Center (upstairs). Page 46
 - Veterans Memorial Wall Ceremony – Sponsored by the Southern Upshur County Business Association (SUBA) on Wednesday, October 2, 2019 at 6:00 p.m. at the intersection of

b. Agendas and/or Notice of Meetings:

- | | | |
|---|--------------------|----------------|
| • Upshur County Fire Board, Inc. | September 17, 2019 | <u>Page 48</u> |
| • Upshur County Community Corrections Board | September 18, 2019 | <u>Page 49</u> |
| • Upshur County Farmland Protection Board | September 19, 2019 | <u>Page 50</u> |

c. Meeting Minutes:

- | | | |
|-------------------|-----------------|-------------------|
| • Hodgesville PSD | August 14, 2019 | <u>Page 51-52</u> |
| • Tennerton PSD | August 6, 2019 | <u>Page 53-54</u> |

d. Meetings:

- 09/03/19 5:30 p.m. Elkins Road PSD
- 09/03/19 4:00 p.m. Hodgesville PSD
- 09/05/19 7:00 p.m. Banks District VFD
- 09/05/19 7:00 p.m. Selbyville VFD
- 09/09/19 12:00 p.m. Upshur County Family Resource Network
- 09/09/19 4:30 p.m. Upshur County Solid Waste Authority
- 09/09/19 5:30 p.m. Buckhannon-Upshur Recreational Park Advisory Board
- 09/09/19 6:00 p.m. Lewis-Upshur Community Corrections Board-Lewis County
- 09/10/19 7:30 p.m. Adrian VFD
- 09/05/19 6:00 p.m. Buckhannon-Upshur Board of Health
- 09/25/19 7:00 a.m. Upshur County Development Authority – Full Board
- 09/18/19 12:00 p.m. Upshur County Senior Center Board
- 09/12/19 3:00 p.m. Upshur County Conventions & Visitors Bureau
- 09/11/19 7:00 p.m. Warren District VFD
- 09/12/19 10:00 a.m. Adrian PSD
- 09/11/19 3:00 p.m. Tennerton PSD
- 09/12/19 4:00 p.m. Upshur County Safe Sites & Structures Enforcement Board
- 09/12/19 7:30 p.m. Buckhannon VFD
- 09/12/19 4:00 p.m. Buckhannon Upshur Airport Authority
- 09/19/19 6:30 p.m. Upshur County Youth Camp Board
- 09/15/19 6:00 p.m. Washington District VFD
- 09/16/19 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 09/18/19 4:00 p.m. Upshur County Public Library Board
- 09/17/19 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development Council
- 09/17/19 6:30 p.m. Upshur County Fire Board, Inc.
- 09/24/19 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 09/11/19 7:00 p.m. Ellamore VFD
- 10/16/19 12:00 p.m. Lewis Upshur LEPC --- Lewis location
- 09/19/19 2:00 p.m. Upshur County Farmland Protection Board
- 09/25/19 10:00 a.m. James W. Curry Advisory Board
- 09/18/19 7:00 p.m. Upshur County Fire Fighters Association
- 09/11/19 6:00 p.m. Buckhannon River Watershed Association - WVWC
- 09/23/19 10:00 a.m. Mountain CAP of WV, Inc., a CDC
- 09/13/19 11:00 a.m. Region VI Local Elected Officials

1. Appointments Needed or Upcoming:

Tabled Items

(Certain Items May Require Discussion, Action and/or Approval by the Commission)

1. Hearing upon the Petition/Complaint of the Upshur County Safe Sites and Structures Enforcement Agency -- Chapman Case Number 101118-01 (Warren Tax District – Tax Map 6B Parcel Number 11).

Next Regular Meeting of the Upshur County Commission
September 26, 2019 --- 9:00 a.m.
Upshur County Courthouse Annex

****The regularly scheduled Upshur County Commission Meeting on October 17, 2019 is CANCELLED**

PROCLAMATION

West Virginia Breast Cancer Awareness Day and Breast Cancer Awareness Month

In 2019, an estimated 1,470 West Virginia women will be diagnosed with breast cancer and approximately 290 women will die from the disease. Breast cancer continues to be a leading cause of cancer related deaths among WV women. A woman has about a 1 in 8 (12%) chance of developing breast cancer in her lifetime and about a 1 in 38 (2.6%) chance of dying from the disease.

Currently, the best method to reduce deaths due to breast cancer is through early detection of the disease. Women age 50 and older should have a mammogram every year. Women ages 40-49 should talk with their health care provider about their screening schedule. Clinical breast exams by a physician or nurse are recommended every three years for women in their 20s and 30s and every year for women 40 and over. Breast self-exam (BSE) is an option for women starting in their 20s. Women should be told about the benefits and limitations of BSE.

Clinical breast exams, breast self-exams, and mammograms can save lives. Women should talk to their health care provider about their individual screening schedule.

In recognition of the important lifesaving early detection practices available for breast cancer, we the Commissioners of Upshur County, do hereby proclaim October 1, 2019, as West Virginia Breast Cancer Awareness Day and October 2019 as Breast Cancer Awareness Month. We urge all Upshur County women to become aware that they are at risk for developing breast cancer and to discuss screening with their health care providers.

Terry Cutright

Sam Nolte, President

Kristie Tenney

Date

State of West Virginia

Division of Homeland Security and Emergency Management

Homeland Security Grant Program 6

CFDA Number:

97.067

OASIS - GRTAWD Document ID

Sub-Grant Award

Sub-Grantee Name and Address

FEIN

55-6000406

Upshur CO Commission

91 W Main ST STE 101

Buckhannon WV 26201-0001

DUNS

02-8608099

OASIS ID#

000000212313

Sub-Grant #

19-SHS-

Federal Grant Number

EMW-2019-SS-00006-S01

Sub-Grant Period

From: 10/1/2019

To: 8/31/2022

Major Program: HSGPHS

Program: HSLMIR

Program Period: HS 2019

Total Grant Award Amount:

\$9,000

EHP Required

By signing and accepting this award the sub-grantee agrees to comply with all special conditions and assurances included in the application. I certify that this project will be implemented as described in the attached application.

Sub-Grantee Authorized Official:

(Agency Head - Mayor, Commission President, etc)

Title: Commission President

Date: 9/19/2019

For DHSEM Use Only Below

Homeland Security Grant Program Certification

The attached application has been reviewed, and the proposed project and expenditures as described in the application fall within all state and federal guidelines which govern the Homeland Security Grant Program and sufficient funds exist to make this award.

I have reviewed this sub-grant award. All project activities fall within West Virginia's Homeland Security Strategy Goals and Objectives and the proposed expenditures are within the grant guidelines.

HSGP Grant Representative:

Date:

I hereby authorize the awarding of funds to support the project as described in the attached application.

WV DHSEM Director:

Date:

Homeland Security Grant Program

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Applicant: Upshur County Dept of Homeland Security and Emergency Mgt

Jurisdiction Name: Upshur CO Commission

Project Title: EOC UPGRADE

	<u>Matching Funds</u>	<u>Requested Funds</u>	<u>Total Approved</u>
Planning	\$0	\$0	\$0
Equipment	\$0	\$9,200	\$9,000
Training	\$0	\$0	\$0
Exercise	\$0	\$0	\$0
	<u>\$0</u>	<u>\$9,200</u>	<u>\$9,000</u>

Grant Amount: \$9,000 **Law Enforcement?** No

Core Capability 1: Operational Coordination

Core Capability 2: N/A

Core Capability 3: N/A

Project Description: (including gap) This project is to upgrade the Upshur County Emergency Operations Center. With this grant we would purchase a new mobile weather station and service subscription. To replace our inoperable current weather station. This will give us the ability to monitor real time weather in the EOC during incidents planned or emergent. We would also purchase 2 large screen television to project the weather station information/ wv information, E TEAM for the EOC staff to see. We would also replace 2 outdated computers in the EOC We will also purchase a EOC Command dry erase board and EOC flag kit. This will allow us to have working groups and have Incident Command information on hand at the EOC. This will increase accountability on scene. This Gap is under Operational Coordination.

Stipulations / Requirements: Sub-recipient is authorized to spend up to \$9,000 for the equipment listed. Any additional expense is the responsibility of the sub-recipient including maintaining service subscriptions.

WEST VIRGINIA
CERTIFIED DEVELOPMENT COMMUNITY (CDC)
PROGRAM

RESOLUTION OF PARTICIPATION

WHEREAS, the governing body of Upshur County is interested in the economic well being of its citizens and community at-large; and

WHEREAS, the governing body is prepared to support appropriate efforts within the community to become attractive to businesses and industry promising economic development; and

WHEREAS, the West Virginia Chamber of Commerce, the West Virginia Economic Development Council and the Governor's Office of Community and Industrial Development are offering a program that is especially designed to help West Virginia communities become better prepared for industrial and related economic development; and

WHEREAS BE IT RESOLVED, by the Upshur County Commission that our community and/or region wishes to participate in the Certified Development Community program and that the leadership of this community fully realizes this program requires dedicated efforts; and

BE IT FURTHER RESOLVED, that by making entry into this program, we are pledging our honest efforts to continue to be designated a "Certified" community, and

BE IT FURTHER RESOLVED, that the program requires the existence or formation of a Local Economic Development Organization, and this governing body designated the Upshur County Development Authority is representing our community for the purpose of participation in this program.

This resolution is in full effect upon its adoption the 19th day of September, 2019.

Approval:

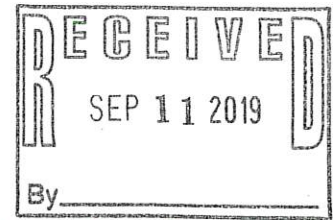
Attest:

SAMUEL R. NOLTE
President, Upshur County Commission

CAROL J. SMITH
Clerk, Upshur County Commission



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State of West Virginia
Division of Administrative Services
DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY

1201 Greenbrier Street
Charleston, WV 25311
(304) 558-2350

JEFF S. SANDY, CFE, CAMS
CABINET SECRETARY

DENNY RHODES
DIRECTOR

September 5, 2019

The Honorable Samuel R. Nolte
President
Upshur County Commission
Upshur County Administration Annex
91 West Main Street, Suite 101
Buckhannon, West Virginia 26201

Re: Approved Funding – \$28,000.00
STOP Violence Against Women Act (VAWA) Grant Program
Project Number: 16-VAW-029

Dear Commissioner Nolte:

Congratulations on your recent STOP Violence Against Women Act (VAWA) Grant Award. Enclosed you will find:

- A Contract with Attachment A (copy of completed application);
- A Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
- EEOP Certification – Two (2) forms – one completed form to the Office for Civil Rights and one completed form returned to the Division of Justice and Community Services (signed by Authorized Official)
- Revised Standard and Federal Conditions and Assurances; and,
- A sample resolution.

To formalize your acceptance of this grant award, please sign the contract, certification, Conditions and Assurances and affect a resolution (if necessary) and return the **originals** to this office by September 30, 2019.



Justice &
Community
Services

1124 Smith Street, Charleston, WV 25301
Phone: 304-558-8814

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The Honorable Samuel R. Nolte
September 5, 2019
Page 2 of 2

Additional information regarding the administrative procedures that govern this grant program will be sent directly to your designated Project Director in the near future. In the interim, should you have questions concerning the contract or other enclosures, please contact me at (304)558-8814, Extension 53314, or via email at Samantha.L.Morse@wv.gov. I look forward to working with you on this project and feel confident that our efforts will prove tremendously beneficial to the State of West Virginia.

Sincerely yours,



Samantha L. Morse
Justice Program Specialist

SLM/amw

C: Mr. David E. Godwin (*all attachments*)
Grant File (*all attachments*)
Enclosures

GRANT CONTRACT AGREEMENT
BETWEEN
DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE AND COMMUNITY SERVICES SECTION
AND

Upshur County Commission

16-VAW-029

This **AGREEMENT**, entered into this **20th Day of August 2019**, by the Deputy Director of the Division of Administrative Services, Justice and Community Services Section, hereinafter referred to as "JCS", and the Upshur County Commission, hereinafter referred to as "Grantee."

WHEREAS, JCS is the recipient of a STOP Violence Against Women Program Grant from the United States Department of Justice, and

WHEREAS, the Grantee is an eligible applicant who is desirous of receiving funds: **These funds provide for the enhancement and the continuation of the Upshur County STOP Team to improve the criminal justice system's response to victims of domestic violence, sexual assault, stalking and dating violence. The core Team includes the Upshur County Prosecutor's Office, Women's Aid in Crisis, and the Buckhannon Police Department.**

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2019** and shall continue those services/activities until **June 30, 2020**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$28,000.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.

6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. It is the understanding of all parties to this Agreement that JCS has determined that the Grantee **will not** receive an upfront scheduled allocation of funds.
8. If the Grantee is not receiving an upfront scheduled allocation of funds: To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Reimbursement of Funds once per month to JCS. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
9. If the Grantee is receiving an upfront scheduled allocation of funds, the Grantee hereby agrees to adopt a schedule of payments dictated by JCS: To be eligible for any and all scheduled allocation of funds of the total grant amount, the Grantee shall submit a Request for Funds to JCS which adheres to the schedule of payments. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
10. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
11. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that JCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
12. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the JCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the JCS reasons for taking said action.
13. JCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.

14. If for any reason funds received by JCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.
15. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to JCS a final report on forms provided by JCS. Said reports shall reflect actual costs incurred or expended during the terms of this Agreement.
16. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
 - a. Justice and Community Services Section
1124 Smith Street, Suite 3100
Charleston, West Virginia 25301-1323
 - b. **Grantee Mailing Address:**

Upshur County Commission
Upshur County Administration Annex
91 West Main Street, Suite 101
Buckhannon, West Virginia 26201
17. The Grantee shall hold and save JCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

IN WITNESS WHEREOF, the parties hereto attach their signatures representing that each is acting with full authority.

Samuel R. Nolte, President
Upshur County Commission

Joseph C. Thornton, Deputy Director
Justice and Community Services Section

RESOLUTION

The County Commission of Upshur County met on _____ (date) with a quorum present and passed the following resolution.

Be it resolved that the County Commission hereby authorizes Samuel R. Nolte, President of the Upshur County Commission, to act on its behalf to enter into a contractual agreement with the Division of Administrative Services, Justice and Community Services section to receive and administer grant funds pursuant to provisions of the STOP Violence Against Women Grant Program.

Signed: _____

County Clerk



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE & COMMUNITY SERVICES SECTION
STANDARD CONDITIONS & ASSURANCES**

Effective: July 23, 2019

Revision History: N/A

The following Standard Conditions and Assurances apply to all Grant Programs that the Division of Administrative Services, Justice and Community Services (JCS) Section administers. The application of these Assurances is applicable regardless of the source of funding and/or whether the recipient receives an upfront allocation of funds or is operating under a request for reimbursement process.

All correspondence to JCS, which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be mailed to the following address:

Justice and Community Services Section
1124 Smith Street, Suite 3100
Charleston, West Virginia 25301-1323

1. **LAWS OF WEST VIRGINIA:** This grant 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 JCS, regardless of the original funding source. At the sole discretion of JCS, this grant can be based on a "reimbursement bases" mechanism, or a mechanism which awards an "upfront allocation" of funds on a quarterly or semi-annual basis. Upon timely notification to the grantee, JCS reserves the express right to commute an upfront allocation mechanism to a request for reimbursement mechanism for a recipient of funds, at any time during a grant period.
2. **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 if applicable.
3. **RELATIONSHIP:** The relationship of the grantee to JCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind JCS for any obligation or expense without the express prior written approval from JCS.
4. **COMMENCEMENT WITHIN 60 DAYS:** This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to JCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. **OPERATIONAL WITHIN 90 DAYS:** If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to JCS explaining the delay in implementation.
6. **SUSPENSION OF FUNDING:** The grantee acknowledges that acceptance of an award is not a guarantee of funds. Further, by accepting this award, the grantee acknowledges and agrees that JCS may suspend in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:
- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
 - 60 or more days late in submitting reports;
 - Failure to submit reports;
 - High Risk Grantee as determined by the JCS High Risk Assessment; or
 - Any other cause shown.
7. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, JCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:
- Withholding of payments to the grantee until the grantee complies or, if reports are more than 60 days late, the funding for that month is forfeited and may not be recouped or remedied;
 - Cancellation, termination or suspension of the contract, in whole or in part;
 - Refraining from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received;
 - If the grantee is receiving funds on an upfront basis, JCS can commute the transfer of funds mechanism to a reimbursement only process for the remainder of the grant period;
 - If the grantee is receiving funds on an upfront basis and a determination is made by JCS that funds were intentionally or unintentionally misused, misappropriated, misspent or otherwise not consistent with the intents and purpose of the grant, the grantee automatically forfeits any remaining funds from the grant program, and any other awarded funds from any other program, until a satisfactory resolution has been achieved;
 - If a grantee is indebted to JCS for any amount of funds at the close of an applicable quarter, semi-annual or end of a grant period, and the debt is not resolved within 30 days following the close of those periods, the grantee acknowledges and agrees that it is automatically ineligible to receive or apply for funds from JCS for any grant program; and
 - Grantee agrees and acknowledges that under no circumstances may it commute a debt to be applied as matching funds; or, will JCS reduce a future quarterly or semi-annual allotment or future award as repayment of the debt. Repayment must be from a general account or an account unrelated to the grant award.
8. **ACCOUNTING REQUIREMENTS:** Grantee agrees to record all project funds and costs following generally accepted accounting principles. A unique account number or cost recording

must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material must be retained and be available for audit purposes. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources; further, funds received on an upfront basis from JCS for one program may not be comingled with funds received on an upfront basis for another JCS program.

9. **REPORTS:** Regardless of an award being on an upfront or reimbursement basis, each grantee shall submit all reports as JCS requires necessary to the execution of monitoring, stewardship, and evaluation of programmatic and fiscal responsibilities.
10. **WRITTEN APPROVAL OF CHANGES:** The grantee must obtain prior written approval from JCS for all project changes (programmatic, fiscal or otherwise) before those changes are executed.
11. **OBLIGATION OF PROJECT FUNDS:** Funds may not, without prior written approval from JCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.
12. **USE OF FUNDS:** Funds awarded through JCS may be expended only for the purposes and activities specifically covered by the grantee's approved project scope and budget. By attaching their signature, the grantee recognizes that any deviations from the original grant budget are unallowable.
13. **ALLOWABLE AND UNALLOWABLE COSTS:** Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards, state guidelines, and federal guidelines pursuant to the specific grant program.
14. **PURCHASING:** When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or another agency. See 148CSR1 of the West Virginia State Code.
15. **PROJECT INCOME:** All income earned by the 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 for grant funds by JCS. All 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.
16. **MATCHING CONTRIBUTION:** The grantee will have available, and will expend as required, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by JCS. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, 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. Matching contributions are subject to the same expenditure guidelines as grant funds for this program. All grantees must maintain records that clearly show the source, the amount, and the timing of all matching contributions. In addition, Federal grant dollars from any source may not be utilized as matching funds.

17. **TIME EXTENSIONS:** In general, time extensions will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated. Funds remaining at the end of a project where an upfront allocation will, by the deadline of the final financial and progress report, be remitted back to JCS.
18. **NON-SUPPLANTING:** Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) 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 state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.
19. **TRANSFER OF FUNDS PROHIBITION:** The grantee is expressly prohibited from transferring funds between any JCS programs. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources.
20. **TRAINING:** For projects involving payment of personnel, JCS reserves the right to require training as a condition of the grant before or at any time during the project period.
21. **PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:** To the extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.
22. **MARKING OF EQUIPMENT:** Grantee will ensure that all equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by Justice and Community Services."
23. **PROPERTY ACCOUNTABILITY:** The 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 grant by JCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from JCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to JCS. Property must be used for the intended grant purposes. If the property is not being used in accordance with terms of the grant, said property will revert to JCS.
24. **COMPUTER EQUIPMENT:** Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. Computer equipment must adhere to minimum requirements established by the West Virginia Office of Technology.
25. **LEASE AGREEMENTS:** Grantee agrees to provide JCS with a copy of the lease arrangement if funds are being requested for reimbursement or utilized as match.
26. **PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:** Grantee acknowledges that JCS, or any applicable parent federal agency, 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. Grantee agrees to consult with JCS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

- 27. ACCESS TO RECORDS:** JCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.
- 28. CIVIL RIGHTS COMPLIANCE:** Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a); the Victims of Crime Act (34 U.S.C. §20110(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); the Violence Against Women Act (34 U.S.C. § 12291(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38. Subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity. These laws collectively prohibit grantees from discriminating on the basis of race, color, national origin, sex, disability, age, religion, sexual orientation and gender identity. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of age, disability, race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and Justice and Community Services Section.
- 29. RELIGIOUS ACTIVITIES:** Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary.
- 30. LOBBYING:** Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in the Uniformed Guidelines, Department of Justice Guidelines, and as outlined in §6B-2-5 of the West Virginia State code.
- 31. CONFLICT OF INTEREST:** No public official or employee of the 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 reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family as discussed in the W. Va. Code §§ 6B-1-1 through 6B-3-11).
- 32. FREEDOM OF INFORMATION ACT:** All records, papers, and other documents kept by recipients of grant funds are required to be made available to JCS. These records and other documents submitted to JCS and its grantees, including plans and application for funds,

reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code. JCS 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, personnel, juvenile sensitive, or personal 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 under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, **all** determinations concerning the release of information of this nature are made on a case-by-case basis by JCS and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable federal, state, and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive or protected. Applicants may also consult JCS regarding concerns or questions about the release of potentially sensitive, protected or exempt information applicable to federal, state, and local laws and regulations.

JCS has the authority to release all information which does not meet an exemption to the public without a FOIA.

- 33. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 34. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES:** The grantee must submit one copy of all reports and proposed publications resulting from this agreement to JCS 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 West Virginia Division of Administrative Services, Justice & Community Services Section (or simply "JCS"). 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 State of West Virginia Division of Administrative Services, Justice & Community Services Section or any entity of the Department of Justice." In addition, the grantee agrees not to utilize the JCS logo without written permission.
- 35. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:** Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.
- Deinstitutionalization of status offenders (DSO).
 - Separation of juveniles from adults in institutions (separation).
 - Removal of juveniles from adult jails and lockups (jail removal).
 - Reduction of disproportionate minority contact (DMC), where it exists.

As well as, 101CSR1 of the West Virginia code. This includes, but is not limited to, completing the annual WV Certification of Non-Secure Facilities and submitting to JCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

- 36. COLLABORATION W/OTHER FEDERAL AND STATE GRANTS:** Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment, and any other resources deemed necessary by JCS.
- 37. USE OF DATA/EXCHANGE OF INFORMATION:** With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:
- a. That all computer programs (software produced under this grant) will be made available to JCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
 - b. To provide a complete copy of the computer programs and documentation, upon requests, to JCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
 - c. That whenever possible all application programs will be written in standardized programming languages or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
 - d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916-392-2550) should be contacted to determine availability of software prior to any development effort.
- 38. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 39. EQUAL EMPLOYMENT OPPORTUNITY PLAN:** The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and JCS. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEO Certification form and, if required, an EEO Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eeop.htm>.
- 40. VETERANS PREFERENCE:** This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. JCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

- 41. IMMIGRATION AND NATURALIZATION VERIFICATION:** The 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 state funds to verify that employees are eligible to work in the United States.
- 42. POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.). Please reference West Virginia Code § 29-6-20 for state restricted activities.
- 43. PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

To the best of my knowledge the applicant has and will comply with all of the attached Standard Conditions and Assurances.

Authorized Official [please print]: Samuel R. Nothe

Authorized Official Signature: _____

Date: 9/19/2019



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE & COMMUNITY SERVICES SECTION
FEDERAL STANDARD CONDITIONS & ASSURANCES**

Effective: July 23, 2019
Revision History: N/A

All correspondence to the Division of Administrative Services, Justice and Community Services Section (JCS), which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be mailed to the following address:

Justice and Community Services Section
1124 Smith Street, Suite 3100
Charleston, West Virginia 25301-1323

1. **CONSULTANT RATES:** Consultant rates in excess of \$650 per day, or \$81.25 per hour, require prior approval by JCS and DOJ is applicable prior to obligation or expenditure of such funds. All contracts must be submitted 90 days prior to training for approval.
2. **FRAUD, WASTE & ABUSE:** Reporting potential fraud, waste, and abuse, and similar misconduct. The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the Department of Justice (DOJ) Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oig>.
3. **USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:** Grantee understands and agrees that it cannot use any 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.
4. **LIMITED ENGLISH PROFICIENCY:** Title VI's prohibition of national origin discrimination includes discrimination against individual who are limited in their English proficiency (LEP) because of their national origin. Under Title VI (and the Safe Streets Act), recipients are required to take reasonable steps to ensure that LEP individuals have meaningful access to the recipient's programs and services. Providing "meaningful access" will generally involve

some combination of oral interpretation services and written translation of vital documents. More information can be found at <http://www.lep.gov>.

5. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantee must support public safety and justice information sharing. This grantee is required to use the Global Justice Data Model specifications and guidelines of this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.
6. **PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:** Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending **Federal** awards. If applicable, this grant shall adhere to the audit requirements set forth at the time of award. (2CFR Part 200 or OMB Circular A-133 – for further information go to OMB Uniform Guidelines at:

https://search.whitehouse.gov/search?affiliate=wh&form_id=usasearch_box&query=Indirect+Costs

§200.501(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub-recipient, approves in advance a program-specific audit.

Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If an audit must be conducted pursuant to the Uniform Guidelines, a copy of the audit shall be submitted to JCS as well as to the Federal clearinghouse.

The Federal clearing house is as follows:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street

Jeffersonville, IN 47132

7. **CONFIDENTIALITY OF RESEARCH INFORMATION:** Research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).
8. **OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:** Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the DOJ/OJP Financial Guide.
9. **CENTRAL CONTRACTOR REGISTRATION:** Grantee agrees to register with the System for Grants Management (SAM) at www.sam.gov and provide documentation to JCS with application for funding.
10. **DATA UNIVERSAL NUMBERING SYSTEM:** Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, www.dnb.com and provide documentation to JCS with application for funding.
11. **BIDDING PROCEDURES:** Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.
12. **COMPLIANCE WITH FEDERAL PROCEDURES:** Grantee assures compliance with the following where applicable:
 - Part 11, Applicability of Office of Management and Budget Circulars.
 - Part 18, Administrative Review Procedures.
 - Part 20, Criminal Justice Information Systems.
 - Part 22, Confidentiality of Identifiable Research and Statistical Information.
 - Part 23, Criminal Intelligence Systems Operating Policies.
 - Part 30, Intergovernmental Review of Department of Justice Programs and Activities
 - Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
13. **ADDITIONAL REGULATIONS AND PROCEDURES:** In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A-122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and

Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines:

National Environmental Policy Act of 1969 (NEPA).
National Historic Preservation Act of 1966.
Flood Disaster Protection Act of 1973.
Clean Air Act and Federal Water Pollution Control Act Amendments of 1972.
Control Act Amendments of 1972.
Safe Drinking Water Act.
Endangered Species Act of 1973.
Wild and Scenic Rivers Act.
Fish and Wildlife Coordination Act.
Historical and Archaeological Data Preservation.
Coastal Zone Management Act of 1979.
Animal Welfare Act of 1970.
Impoundment Control Act of 1974.
Uniform Relation Assistance and Real Property Acquisitions Policies Act of 1970.
Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended
Death in Custody Act of 2000.

To the best of my knowledge the applicant has and will comply with all the attached Conditions and Assurances.

Authorized Official [please print]: Samuel R. Nolte

Authorized Official Signature: _____

Date: 9/19/2019

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

Recipient's Name: <u>Upshur County Commission</u>	DUNS Number: <u>028608099</u>
Address: <u>91 West Main Street, Suite 101, Buckhannon, WV 26201</u>	
Grant Title: <u>VAWA</u>	Grant Number: <u>16-VAW-29</u>
Award Amount: <u>\$28,000.00</u>	
Name and Title of Contact Person: <u>Tabatha R. Perry</u>	
Telephone Number: <u>304-472-0535</u>	E-Mail Address: <u>tr.perry@upshurcounty.org</u>

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- | | | |
|---|---|--|
| <input type="checkbox"/> Recipient has less than fifty employees. | <input type="checkbox"/> Recipient is an Indian tribe. | <input type="checkbox"/> Recipient is a medical institution. |
| <input type="checkbox"/> Recipient is a nonprofit organization. | <input type="checkbox"/> Recipient is an educational institution. | <input type="checkbox"/> Recipient is receiving an award less than \$25,000. |

I, _____ [responsible official],
certify that _____ [recipient] is
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.
I further certify that _____ [recipient]
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of
services.

Print or Type Name and Title

Signature

Date

Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Samuel R. Nolte [responsible official],
certify that Upshur County Commission [recipient],
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than
\$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last
twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable
federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for
Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

Upshur County Commission [organization],
91 West Main Street, Suite 101, Buckhannon, WV 26201 [address].

Samuel R. Nolte President

Signature

Date

9/19/2019

Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, _____ [responsible official],
certify that _____ [recipient],
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in
accordance with 28 CFR pt. 42, subpt. E, and sent it for review on _____ [date] to the
Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title

Signature

Date

INSTRUCTIONS

Completing the Certification Form

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). See 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

Recipients should complete *either* Section A *or* Section B *or* Section C, not all three.

Section A

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

Section B

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

Section C

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

Submission Process

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: EEOPForms@usdoj.gov. *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

Public Reporting Burden Statement

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

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

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, 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 agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(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 sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

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 or 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 or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or 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

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or 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 (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or 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 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 terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

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

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such 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:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

Upshur County Commission, 91 West Main St., Suite 101, Buckhannon, WV 26206

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

(VAWA)
16-VAW-029 STOP Violence Against Women Grant 55-6000 406

4. Typed Name and Title of Authorized Representative

Samuel R. Nolte, President

5. Signature

6. Date

9/19/2019

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REQUEST FOR ADVANCE OR REIMBURSEMENT		Approved by Office of Management and Budget, No. 80-RO181		PAGE 1 OF 1
		1. TYPE OF REQUEST <input type="checkbox"/> ADVANCE <input type="checkbox"/> REIMBURSEMENT <input checked="" type="checkbox"/> FINAL <input type="checkbox"/> PARTIAL		2. BASIS OF REQUEST <input checked="" type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED Federal Aviation Administration		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY 3-54-0039-033-2019		5. PARTIAL PAYMENT REQUEST NO. Request #1-FINAL
6. EMPLOYER IDENTIFICATION NUMBER 30-0733276	7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER	8. PERIOD COVERED BY THIS REPORT FROM: (MONTH / DAY / YEAR) August 27, 2019 TO: (MONTH / DAY / YEAR) September 12, 2019		
9. RECIPIENT ORGANIZATION Name: Buckhannon Upshur Airport Authority No. and Street: Post Office Box 1042 City, State and ZIP Code: Buckhannon, West Virginia 26201		10. PAYEE (Where check should be sent if different than item 9) Name: No. and Street: City, State and ZIP Code:		
11. COMPUTATION OF AMOUNT OF REIMBURSEMENT / ADVANCES REQUESTED				
PROGRAMS / FUNCTIONS / ACTIVITIES	(a) Budget	(b) Total to Date	(c) Previously Requested	Total This Period
a. Administrative expense	\$0.00	\$0.00	\$0.00	\$0.00
b. Preliminary Expense	\$0.00	\$0.00	\$0.00	\$0.00
c. Land, structures, right-of-way	\$0.00	\$0.00	\$0.00	\$0.00
d. Architectural engineering basic fees	\$0.00	\$0.00	\$0.00	\$0.00
e. Other Architectural engineering fees	\$0.00	\$0.00	\$0.00	\$0.00
f. Project Inspection fees	\$0.00	\$0.00	\$0.00	\$0.00
g. Land Development	\$0.00	\$0.00	\$0.00	\$0.00
h. Relocation expenses	\$0.00	\$0.00	\$0.00	\$0.00
i. Relocation payments to individuals and businesses	\$0.00	\$0.00	\$0.00	\$0.00
j. Demolition and removal	\$0.00	\$0.00	\$0.00	\$0.00
k. Construction and project improvement costs	\$169,692.00	\$169,692.00	\$0.00	\$169,692.00
l. Equipment	\$0.00	\$0.00	\$0.00	\$0.00
m. Miscellaneous cost	\$0.00	\$0.00	\$0.00	\$0.00
n. Total Cumulative to Date (sum of line a. through line m.)	\$169,692.00	\$169,692.00	\$0.00	\$169,692.00
o. Deductions for program income				
p. Net cumulative to date (line n. minus line o.)				
q. Federal share to date				
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal Share (line q. plus line r.)	\$152,723.00	\$152,723.00		
t. Federal payments previously requested		\$0.00		
u. Amount requested for reimbursement				\$152,723.00
v. Percentage of physical completion of project		100%		
12. CERTIFICATION				
I certify that to the best of my knowledge and belief the data above is correct and that all outlays are made in accordance with the grant condition or other agreement and that payment is due and has not been previously requested.	RECIPIENT	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		DATE REPORT SUBMITTED 9/12/19
		TYPED OR PRINTED NAME AND TITLE Virgil LaRosa Vice-President, Buckhannon Upshur Airport Authority		TELEPHONE (304) 472-9437
	Representative certifying to line 11v.	SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		DATE SIGNED
		TYPED OR PRINTED NAME AND TITLE Samuel R. Nolte President, Upshur County Commission		TELEPHONE (304) 472-0535

Procedures to Dispatch Wrecker Services

Effective ~~April 15~~ September , 2019

In compliance with Chapter 24, Article 6, Section 12 of the Code of West Virginia, as amended, the County Commission of Upshur County does hereby establish a policy or procedure as outlined below to provide for the most prompt, fair, equitable and effective response to requests or dispatches for emergency towing services. Any type of request or call to the Upshur County E911 Communications Center for towing services will be considered as a request for emergency towing services and will be subject to these procedures.

The Upshur County E911 Communications Center will automatically dispatch towing services for all motor vehicle accidents (MVA's). Once the Upshur County E911 Communications Center has dispatched the appropriate towing service and has received an ETA, E911 personnel are to notify responding law enforcement and fire department personnel ~~that are responding to the scene~~ that a towing service has been contacted and is enroute. If law enforcement arrives on scene and determines that a towing service is not necessary, the dispatched towing service will forfeit or forego their position on the rotation list.

If a towing service is the first to arrive on scene, they must stage away from the accident. No vehicle at the scene is to be moved until the investigation has been completed and law enforcement personnel have authorized removal, unless on scene emergency personnel need to move any vehicle in order to provide necessary medical treatment and/or to preserve and protect human life.

The Upshur County E911 Communications Center will follow an established rotation list of available towing services located in Upshur County that are in compliance with these procedures. The Upshur County E911 Communications Center will maintain a public record of towing services utilized and forward the same to the Office of the Upshur County Commission each month.

The Upshur County E911 Communications Center will contact the next towing service or operator on the established rotation list to respond to the request or accident. Once a towing service accepts a call they must depart their location in no more than five (5) minutes. Notification with an estimated time of arrival (ETA) shall be made to the Upshur County E911 Communications Center once they are enroute.

If the towing service company or operator does not answer the call from the E911 Communications Center and confirm the availability of towing services, the towing service will forfeit and forego that call as per the established rotation list. The Upshur County E911 Communications Center will not alter the established rotation list for any missed call(s).

Unless an operator or owner of a vehicle request is made for a particular vehicle at the scene, the towing service dispatched from the rotation list will handle all vehicles located at scene. If necessary, the dispatched towing service or operator should arrange for additional assistance. In order to provide for public safety, first responders located at the accident scene have the authority to direct the E911 Communications Center to contact more than one towing service.

A responding towing service must accept the vehicle(s) unless there is an equipment failure or other circumstance outside of their control that prohibits them from transporting the vehicle(s). If a towing service company or operator refuses a vehicle(s) for any other reason they will be suspended from the established rotation list for a period of six (6)

months.

To be included and remain on the established rotation list, towing service companies and/or operators must be in compliance with all local, state and/or federal laws or regulations that govern such type of business. The towing service dispatched from the rotation list is responsible for all vehicle debris clean-up on scene, excluding Hazardous Materials. Employees of the towing service are required to conform with all uniform safety requirements. It is the towing services responsibility to equip their response vehicles and employees in order to adequately and safely provide these services. If a towing service fails to meet regulations, first responders on scene shall notify the Upshur County E911 Communications Center for notation in the computer aided dispatch (CAD) system.

Local regulations will require (but are not limited to) the following:

1. Each towing service company must respond to at least one (1) call and cannot refuse more than ten (10) calls within a one (1) month time period.
2. Provide a copy of the following documents received on July 1st of each year to the Upshur County E911 Communications Center by July 15th of each year: valid universal cab card for each unit, current medical examination card for each driver, current Class D or CDL operator's license for each driver.

Towing service companies that fail to respond to the required calls and/or fail to provide the required documentation will be removed from the established rotation list until a letter of request to be added to the list is provided from the towing service company to the Office of the Upshur County Commission and required documentation is provided to the E911 Communications Center Director.

The established rotation list will be followed subject to the following exceptions or deviations:

- ~~The operators or owners of the vehicle(s) may request a specific towing service located in Upshur County. If the request is for a towing service company other than the company that has been automatically dispatched to the scene, the towing service company automatically dispatched by the Upshur County E911 Communications Center will forfeit or forego their position on the rotation list.~~
- In order to maintain a fair and equitable procedure in the selection of a towing service, operators or owners should not receive any advice or assistance from law enforcement personnel or other emergency personnel located at the scene. The Upshur County E911 Communications Center will record the city and state that the vehicle is registered in and the officer on scene in the public record. Specific requests from an operator or owner will not cause a towing service to forfeit or forego their normal position in the established rotation list.
- In order to provide for the public safety and welfare, first responders located at the scene have the authority to override a request made by the operator or owner of a vehicle or make a request for the towing service company in closest proximity to be utilized. Any specific request under this circumstance will not cause a towing service to forfeit or forego their normal position in the established rotation list.

Approved and adopted by the County Commission of Upshur County, West Virginia on the 9th day of August 2001. Amended by the County Commission of Upshur County, West Virginia on the 16th day of March 2006. Reviewed and approved by the County Commission of Upshur County, West Virginia on the 26th day of February 2009. Amended by the County Commission of Upshur County, West Virginia on the 18th day of June 2015. Amended by the County Commission of Upshur County, West Virginia on the 29th day of September 2016. Amended by the County Commission of Upshur County, West Virginia on the 11th day of April, 2019. Amended by the County Commission of Upshur County West Virginia on the

th day of 2019.

Samuel R. Nolte, President

Formatted: Superscript

CAROL J. SMITH, CLERK OF THE UPSHUR COUNTY COMMISSION DOES HEREBY
REQUEST TO AMEND THE CAPITAL ASSET POLICY FOR THE UPHSUR COUNTY COMMISSION

Capital assets are defined by the Upshur County Commission as assets with an initial, individual cost of \$7,500.00 or more and estimated to have a useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The cost of normal maintenance and repairs that do not add to the value of the assets or materially extend assets lives are not capitalized.

The capital assets are depreciated using the straight-line method. Capital assets depreciation and capitalization policies are defined by the Upshur County Commission as follows:

Asset	Straight-line Years	Inventory Purposes	Capitalize/ Depreciate
Land	not applicable	1	Capitalize Only
Land Improvement	20 to 30 years	1	12,500.00
Building	40 years	1	25,000.00
Building improvements	20 to 25 years	1	25,000.00
Construction in progress	not applicable	1	Capitalize Only
Equipment	5 to 10 years	1,000.00	7,500.00
Vehicles	5 to 10 years	1	15,000.00
Infrastructure	40 to 50 years	50,000.00	100,000.00
Computer Equipment	3 years	1	5,000.00

FEES & COSTS FOR FIDUCIARY COMMISSIONERS

Pursuant to the provisions of Chapter 59, Article 1, Section 9, of the West Virginia Code, as amended, Carol J. Smith, Upshur County Clerk, does hereby request the Upshur County Commission to establish the following schedule of fees or rate of compensation for Fiduciary Commissioners in Upshur County, West Virginia, as follows:

RATE SCHEDULE

For services rendered in connection with the receiving, approving, filing; determination of shares of legatees and distributees; receiving and filing names and addresses of creditors and beneficiaries; receiving and filing each proof of claim against an estate; receiving and filing of counter-affidavit denying such claim; setting of time and place or hearing on claims objected to; examination of fiduciary's bond, initial, annual and at accounting; receiving and filing report of sale; preparation of monthly list of fiduciary accounts; checking securities and monies comprised in account; preparation of receipt to fiduciary for vouchers; preparation of notice of report of claims; preparation of notice of completion of account and report of claims; serving notice of completion of settlement and report of claims upon creditors, beneficiaries, attorneys and other interested parties; receipt and filing of exception to report of claims; filing report of account and report claims with County Clerk; ratifying and authorizing fiduciary to compromise debt due to owing; preparation of notice of hearing on veterans settlements; and any other matter normally included within a summary settlement for an estate. **\$300.00 plus expenses**

For services rendered in connection with contested claims against an estate; including preparation of proper notice of hearing and giving of such notice to claimant, party objection and personal representative; preparation and serving of notice for deposit of cost for recording testimony at hearing; preparation of summons for witnesses; swearing each witness; certifying testimony of witness; conducting hearing, considering evidence, drafting recommendations with respect to such hearing and appearance before the County Commission with respect thereto and any other matters of an extraordinary nature not normally included within summary settlement for such estate; review of any extraordinary demands or conditions imposed by a fiduciary or imposed by the circumstances of an estate, including summoning a fiduciary to appear before the Circuit Court or County Commission for failure to make return of inventory, account of sale, settlements of accounts; conduct of any hearing in regard to any controversy referred by County Commission which requires considering evidence, hearing proof, making findings and advising Court on law. **\$200.00 per hour**

In addition, the Fiduciary Commissioner shall charge and collect the actual costs incurred in the administration of an estate, such as publication costs, mailing of notices, recording costs, etc. and at the time receipt of the initial inventory and appraisal the fiduciary shall pay a deposit of such costs in the amount of **\$100.00**

Upshur County Sheriff's Office

(37)

DAVID H. COFFMAN, SHERIFF

Heather D. Parke

Chief Deputy
Tax Division

38 W. Main Street, Room 101 • Buckhannon, WV 26201

Tax Office Phone: 304-472-1180 • Law Enforcement Phone: 304-472-1182

Tax Office Fax: 304-472-0937 • Law Enforcement Fax: 304-472-4547

Michael R. Kelley

Chief Deputy
Law Enforcement

September 12, 2019

Upshur County Commission
Upshur County Administrative Annex
91 West Main Street, Suite 101
Buckhannon, WV 26201

Dear Commissioners:

After the proper advertising, testing and interviewing of applicants for the part-time position of Court Security, I respectfully request your approval of Hurlie William Burnside to fill this position. A background check has been completed for this applicant.

With your approval, Mr. Burnside will begin employment on September 29, 2019. His rate of pay will be \$11.00 per hour for 19.5 hours per week.

Respectfully,



David H. Coffman
Sheriff
Upshur County

INTEROFFICE MEMORANDUM

TO: UPSHUR COUNTY COMMISSION
FROM: CARRIE WALLACE, COUNTY ADMINISTRATOR *CW*
SUBJECT: REQUEST FOR WAGE RATE INCREASE FOR MICHAEL HALER
DATE: SEPTEMBER 19, 2019
CC: GREG HARRIS, FACILITIES DIRECTOR

Commissioners,

During our recent search for a Maintenance Technician with electrical and/or HVAC certifications, we have realized that market rates for individuals with such certifications far exceed current wages for Maintenance Technicians in the FY 20 budget. Therefore, I am requesting that you raise Michael Haler's hourly rate to seventeen dollars (\$17.00) per hour. This is a twenty cent (\$0.20) per hour increase to his current rate of pay. The adjustment to this hourly wage rate will allow the Maintenance Department to continue to perform electrical and HVAC work in house rather than utilizing sub-contractors at a much higher cost.

I greatly appreciate your consideration of this request and I am available to answer any questions you may have.

Thank you.

INTEROFFICE MEMORANDUM

TO: UPSHUR COUNTY COMMISSION
FROM: CARRIE WALLACE, COUNTY ADMINISTRATOR *CW*
SUBJECT: REQUEST FOR EMPLOYMENT OF CHRISTOPHER ALKIRE AS A MAINTENANCE
TECHNICIAN
DATE: SEPTEMBER 19, 2019
CC: GREG HARRIS, FACILITIES DIRECTOR

Commissioners,

As you are aware, a vacancy was created in the Maintenance Department in early July. After two rounds of advertisements, we have found a qualified applicant with a journeyman's electrical license and significant experience. Greg Harris and I respectfully request the employment of Christopher D. Alkire as a Maintenance Technician at the rate of seventeen dollars (\$17.00) per hour, effective September 29, 2019. Again, your approval of Mr. Alkire's hire and Michael Haler's wage rate increase will allow the Maintenance Department to continue to perform electrical and HVAC work in house rather than utilizing sub-contractors at a much higher cost.

I greatly appreciate your consideration of this request and I am available to answer any questions you may have.

Thank you.

CAROL J. SMITH
UPSHUR COUNTY CLERK

Upshur County Courthouse
40 West Main Street, Room 101 • Buckhannon, West Virginia 26201
Telephone: (304) 472-1068 • Fax: (304) 472-1029

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September 17, 2019

Upshur County Commission
91 West Main Street, Suite 101
Buckhannon WV 26201

Dear Honorable Commissioners:

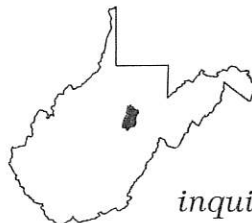
Please approve the hiring of Lois Marsh for the open part-time position in the Upshur County Clerk's Office at the rate of \$10.50 per hour effective September 23, 2019, pending background check. This is a part-time position not to exceed 1039 hours in a calendar year.

Thank you for your time and consideration.

Sincerely,



Carol J. Smith
Upshur County Clerk



CAROL J. SMITH
UPSHUR COUNTY CLERK

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Upshur County Courthouse
40 West Main Street, Room 101 • Buckhannon, West Virginia 26201
Telephone: (304) 472-1068 • Fax: (304) 472-1029

September 17, 2019

Upshur County Commission
91 West Main Street, Suite 101
Buckhannon WV 26201

Dear Honorable Commissioners:

I am requesting your support in hiring an additional part-time Deputy County Clerk. As you are aware, in 2017 I had a part-time clerk that resigned and, at the time, was not replaced. Subsequently, last year, I was fortunate enough through the BU High School Intern Outreach Program to have two high school students working in the office. They were a tremendous help during the November 2018 General Election and the January 2019 Special Election. Not only did they lend an extra hand with elections they scanned documents and indexes to enhance our online records search.

Preparing for an election requires many hours away from one's desk and daily duties. As you know, the 2020 Elections are projected to have a high voter turnout, which means possible high records of new registrations, changes to voter records and party changes. Not having a helping hand in the Election's area could delay our response in handling these requests.

My goal is to continue with scanning and indexing records. I plan to apply for a Records Management and Preservation Board Grant to purchase an additional scanner that would help move the scanning project forward.

The funds are available in my budget to hire a part-time Deputy Clerk at the rate of \$10.50 per hour working no more than 1039 calendar hours.

I respectfully ask for your support and consideration.

Sincerely,



Carol J. Smith
Upshur County Clerk



26th Judicial Circuit Community Corrections
Day Report Center

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Upshur County
43 WBUC Road
Buckhannon, West Virginia 26201
Phone: (304) 472-9548
Fax: (304) 472-8735



Lewis County
111 Court Avenue
Weston, West Virginia 26452
Phone: (304) 269-8674
or (304) 269-9162
Fax: (304) 269-8693

September 17, 2019

Upshur County Commission
91 W. Main Street, Suite 101
Buckhannon, WV 26201

Dear Commissioners,

The 26th Judicial Circuit Community Corrections Program is requesting the hire of Andrew Pinkney as a Drug Court Counselor. Andrew will be a part-time employee, his rate of pay is \$30.00 per hour and he will work as needed up to 19.5 hours per week. His start date as counselor will begin as soon as he is approved by the commission. If you have any questions please let me know.

Thank you,

Cheyenne Troxell

Program Director



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State of West Virginia
John B. McCuskey
State Auditor

Office of the State Auditor
Local Government Services
153 West Main Street, Suite C
Clarksburg, West Virginia 26301

Toll Free: (877) 982-9148
Telephone: (304) 627-2415
Fax: (304) 627-2417
www.wvsao.gov

September 3, 2019

To: ALL WEST VIRGINIA COUNTY COMMISSIONERS

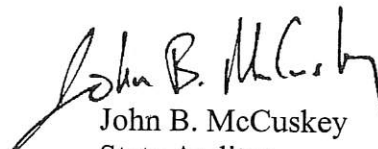
We recognize some of our local boards and authorities are not aware of certain laws, regulations and reporting requirements for which they are responsible. New standards are established, existing ones may have been changed, and the people who hold those positions of responsibility change as well. Therefore, the State Auditor's Office will once again be providing training to members and staff of the municipal and county boards and authorities, free of charge.

Because we do not know what boards and authorities you have within your local government, we are asking you to please forward this information to the people in those positions. We will be providing these free training seminars at five different locations throughout the state. Although they are free to attend, we are asking everyone to pre-register for our planning purposes.

Not only will attendees benefit from the sessions we offer, but also they will have the opportunity to network with others in similar positions, with similar concerns. The training we are offering has been designed to assist those on boards and authorities with skills and knowledge, for adequate controls and oversight, relating to the financial reporting and internal control process.

Enclosed you will find the agenda and registration form for these free training events. Please contact a member of our Local Government Services staff at 304-627-2415, if you have any questions.

Sincerely,


John B. McCuskey
State Auditor



2019 State Auditor's Training Seminar for County and Municipal Boards and Authorities

(44)

State Auditor J.B. McCuskey, through his Local Government Services Division, is pleased to extend this invitation to the Annual Training Seminars for County and Municipal Boards and Authorities during the months of September, October and November at various locations throughout West Virginia.

City	Seminar Date	Location	Registration Deadline
Beckley, WV	Wednesday, Sept. 25	Holiday Inn & Suites 114 Dry Hill Rd., Beckley	Sept. 17
Martinsburg, WV	Thursday, Oct. 3	Holiday Inn & Suites 301 Foxcroft Ave., Martinsburg	Sept. 25
Wheeling, WV	Thursday, Oct. 17	Hampton Inn & Suites 35 Bob Wise Dr. Triadelphia	October 9
So. Charleston, WV	Wednesday, Oct. 30	Holiday Inn & Suites 400 Second Ave., South Charleston	October 22
Bridgeport, WV	Thursday, Nov. 7	Best Western Plus 100 Lodgeville Rd., Bridgeport	October 30

The registration fee has been waived, however, pre-registration is required.

*Although the fee has been waived, we must receive your registration **before** the deadline in order to have available space as well as food and beverages. Lunch will be provided.*

If we do not receive an adequate response for a particular location we may have to cancel the seminar for that location.

Return this registration form no later than the deadline for the specific seminar. Please feel free to **make copies of this form for additional attendees**. For questions concerning these seminars contact: Shellie Humphrey, (304) 627-2415, ext. 5119 Email: shellie.humphrey@wvsao.gov

County and Municipal Boards & Authorities

FREE TO ATTEND, BUT YOU MUST REGISTER!

ONE NAME PER FORM PLEASE

Name: _____ Name of Board or Authority: _____

Address: _____ Email: _____

Telephone: _____ Position/Title: _____

Mail to: **Emily Parsons, Admin. Support
Boards & Authorities Training
200 West Main Street
Clarksburg, West Virginia 26301**
or FAX TO: **304-627-2417**
or EMAIL TO: **lgs@wvsao.gov**

____ Beckley, Sept. 25	____ So. Charleston, Oct. 30
____ Martinsburg, Oct. 3	____ Bridgeport, Nov. 7
____ Wheeling, Oct. 17	

**IMPORTANT: If unable to attend after registering, please call
304-627-2415 or email lgs@wvsao.gov to cancel.**



2019 State Auditor's Seminar for County and Municipal Boards and Authorities AGENDA

Times and Topics may fluctuate to accommodate audience
participation and availability of speakers

- 8:00-9:00AM **Registration**
- 9:00 AM **Welcome**
- 9:10 AM **Cybersecurity**
- 10:10 AM **Break**
- 10:25 AM **Internal Controls**
- 11:30 AM **Overview of Ethics Guidelines**
- 12:00 PM **Lunch (provided)**
- 12:45 PM **Excess Levies**
- 1:45 PM **Break**
- 2:00 PM **Need to Know Facts, Local Government Trivia**
- 2:30 PM **Getting Ready for an Audit**
- 3:30 PM **Budget**
- Adjournment**



The Upshur County Foster Care/ Adoption Peer Group is having a PJ and Popcorn evening with Secret Life of Pets 2 !

Monday, September 23rd from 6p to 8p
At Stockert Youth Center (upstairs)



The Upshur County Foster Care / Adoption Peer Group is open to anyone who is interested in starting the process to our 20-year veterans.

Meet other foster care/adoptive families in a free family fun atmosphere!



Wear your favorite PJs and bring comfy blankets—all of the refreshments are provided! RSVPs are not required but appreciated. Email the UCFRN at upshurfrn@yahoo.com or call 304.473.1051 for RSVPs or

SUBA

Southern Upshur Business Association

invites you to the Rededication of the

Veterans
Memorial Wall
Ceremony

Wednesday, October 2, 2019
6:00 p.m.

at the intersection of Rts 20 & 4
in Rock Cave

*Please join us afterwards at the Banks
District Civic Center for refreshments!*

Questions? Call 304-924-5840

Notice of Meeting

for

Upshur County Fire Board, Incorporated

(Statutory Corporation per Chapter 7 Article 17 of the WV Code)

Location: Upshur County Administrative Annex, Suite 101, 91 W. Main Street

Date: Tuesday, September 17, 2019

Time: 6:30 p.m.

AGENDA

Call Meeting to Order

Approval of Minutes---August 20, 2019

Public Questions/Comment Period

WVCoRP Presentation

Report from Fire Fee Clerk on Collections and/or Operational Procedures

- Cumulative report
- Discontinuance of mailing Fire Fee Receipts to customers
- Update on Insurance for other counties
- Request list of vendors for insurance

Financial Matters/Items

- Bank Statement---Checking Account Balance as of 8/30/2019---\$42,807.95
- Disbursement from Chief Tax Deputy for August---TBD prior to meeting

Payment of Bills/Invoices

- Software Systems---Invoice #33040---Maintenance Charge August---\$206.00
- Upshur County Commission---Reimbursement---Mileage Fire Fee Clerk Ethics Training---\$38.63

Review and sign engagement letter for the Ferrari and Associates, PLLC Audit

Review and approval of the VFDs Financial Statements

Determine 1st disbursement amount of the 2019 Fire Fee collections.

Review and approval of advertisement in My Buckhannon with link to pay online at a cost of \$150.00 per week

Review and approval of Corrective Tickets and Exonerations

Other Items/Matters to Consider

Date of Next Meeting---October 15, 2019---Adjournment

In compliance with West Virginia's Public Meeting Law, the 26th Judicial Circuit Community Corrections Program board meeting will be held September 18, 2019 at 6:00pm at the Upshur County Day Report Center in Upshur County. The public is invited to attend and learn more about our program, serving Lewis and Upshur Counties.

COMMUNITY CORRECTIONS

Board Meeting Agenda

September 18, 2019

Upshur County Day Report Center 6:00 P.M.

I. Handouts

- Sign in sheets
- Agenda, Previous Meeting Minutes
- Budget report

II. New Business

- 1) Batterer's Intervention Prevention Class Update
 - Upshur/Lewis- 0 referrals still no facilitator
- 2) Home Confinement Update- Lewis- 22 Upshur- 24
- 3) Community Corrections Update
 - Referrals received since July 1, 2019 Upshur-10 Lewis-21 Total-31
 - Request to hire new counselor for Drug Court Andrew Pinkney as part-time employee

III. Next Meeting

- November 4, 2019 at the Upshur County Day Report Center 6:00 P.M.



Notice of Monthly Meeting Upshur County Farmland Protection Board

Location: West Virginia Farm Bureau Office
1 Red Rock Road, Buckhannon, WV

Date: September 19, 2019

Time: 2:00 p.m.

AGENDA

CALL MEETING TO ORDER / ROLL CALL

PUBLIC QUESTIONS / COMMENT PERIOD

APPROVAL OF MINUTES: August 2019

BUSINESS ITEMS – Discussion/Update/Action

- IRS – tax status removed - Update
- Hicks monitoring report for approval
- Hicks restoration project
- FY18 audit – approval to reimburse County Commission
- Ethics and Open Meetings Act training
- Assessor mailing & community outreach opportunity – update
- Association training - update

FINANCIAL MATTERS – Discussion/Update/Action

- FY19 Financial Spreadsheet
- Checking Account - Bank Statement Balance --- \$ _____
- CD Balance --- \$ _____
- WVMM Balance --- \$ _____
- Transfer Tax Deposit/Credits --- \$ _____
- Payment of Bills / Invoices ---
 - Saddleback Services
 - County Commission for audit services

OTHER BUSINESS

DATE OF NEXT MEETING

ADJOURNMENT

HODGESVILLE PSD MONTHLY MEETING

AUGUST 6, 2019

4:00PM

The regular monthly meeting of the Hodgesville PSD was called to order at the District Office at 188 Fayette St. Buckhannon WV on the above date and time.

In attendance were Robert Wright, Chairman; Roger Ward, Secretary, Terry Gould, Manager; Barbara Curry, UBS, Inc.

The reading of the July 2, 2019 minutes were read and approved.

Terry Gould presented the monthly financial reports and bills to be paid. A motion to pay bills by Robert Wright, seconded by Roger Ward.

The monthly billing and accounts receivable were reviewed by all members.

The Board reviewed the shut offs for past due payments for the month of July 2019.

Credit memos for the month of July 2019 were reviewed and approved.

Terry Gould discussed the following topics:

- *Leak detection offered by a firm out of Charleston.

- *Customer Bill Nicholson has complained of debris being left in his yard from a leak repair. He would like this cleaned up so that he can mow that area.

- *Ringers Inc. will be repairing 3 leaks: Gary Stone, Fishing Camp; Mrs. Gower, just before the water valve on Three Lick, and Terry Cutright, Teter Crossing.

- *Contractor for the Upshur County School Board in regard to the Hodgesville Elementary School contacted us in regard to a hot tap for the sprinkler system. Application needs to be made and Terry will give them a price for the tap.

- *A discussion was held concerning the fence for the Shumaker Tank. Terry to get in touch with Dale Bennett to have him mark the boundaries of the property. Need to have the timber cut and possibly do a trade for the road work. Motion by Robert Wright and seconded by Roger Ward.

*Annual Report needed as soon as possible for the Project. Possible rate increase before the new project. The new Project will include remote meters for all customers, new service lines, generator for the Hall Rd, possible new Shumaker tank and extension on Upper Pecks Run to pick up customers without city water.

*Hodgesville in process of opening account with First Comm Bank. Hope to be able to be able to accept credit and debit cards starting sometime in September.

*Received an application for service for the property where the old church is at Peel Tree.

There being no further business to discuss the meeting adjourned @ 5:00pm.


Roger Ward, Secretary

Tennerton Public Service District
Monthly Meeting
August 14, 2019

The regular monthly meeting of the Tennerton Public Service District was held at the District office at 188 Fayette Street, Buckhannon West Virginia on August 14, 2019

In attendance were Joe Tenney, John Barnes, Terry Gould, Vickie Dean, and Leeann Hupp Rice.

The meeting was called to order promptly at 2:00 pm by Joe Tenney chairman. The minutes of the previous meeting held on July 10, 2019 were read. No corrections or additions were made. A motion to approve was made by Joe Tenney, seconded by John Barnes.

Terry Gould presented the monthly financial reports and the bills to be paid.
A motion to pay the invoices was made by Joe Tenney and seconded by John Barnes.

John Barnes mentioned that Jack Wilfong is still complaining about his yard and say's there is no manhole cover. Terry will have Ringer's check on it.

Leeann Hupp Rice stopped by the meeting to inform the board that her mother who lives on Orr Street and behind the new Smith/Howard development had mentioned that there were two open holes where she could see lines. Terry informed her that our workers had already been called out to check on the problem.

Terry Gould reported on the following business:

-Freedom Bank has complained of sewer smell toward back of bank. Terry has sent Ringer's out today to check on the problem.

-County Commissioner Terry Cutright stopped by the office to discuss an extension of Tennerton PSD at Lorentz Community.

-Smith/Howard development has been completed. TPSD needs as-built drawings. CEC wants an extra \$1000.00 to provide the drawings. The board discussed the original fee and decided that the as-built drawings should have been included and will not approve the extra \$1000.00. Joe and Terry will go and do the measurements for the drawings.

-Terry has another meeting scheduled with the lawyer next week about the agreement with the city.

There being no further business to discuss, motion was made by Joe Tenney to adjourn seconded by John Barnes.

Respectfully Submitted

Elmer Tenney

Secretary

Joseph Green

Chairman