

Upshur County Commission Meeting Agenda

- Location: Upshur County Courthouse Annex
If you prefer to participate by telephone, please dial 1-408-650-3123 Access Code: 272 564 045 to enter the conference call
- Date of Meeting: December 17, 2020
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance
Approval of Minutes:
 - December 10, 2020
- 9:05 a.m. Bid opening, presentation and award— X-Ray Inspection System
- 9:15 a.m. Heather Sparks, Chief Tax Deputy — Final Disposition List for Tax Year 2019. Approval and signature of the Affidavit of Acceptance by the Upshur County Commission. *
- 1:00 p.m. Special Policy Board Meeting
- 2:30 p.m. Hearing to consider the request from Travis Riggs to remove Linda K. Wygal as Administratrix with the Will Annexed of the Estate of Mark Riggs, deceased

Items for Discussion / Action / Approval:

1. Approval and signature of Federal Aviation Administration Outlay Request Number 3 (Final) in the amount of two thousand five hundred ninety-two dollars (\$2,592) for the Airport Improvement Program Project No. 3-54-0039-034-2020 at the Upshur County Regional Airport in Buckhannon, WV. * Page 5-7
2. Correspondence from Governor Jim Justice announcing the Statewide Implementation, Enhancement, and Evaluation Projects (SIEEP) Grant Award in the amount of \$120,000 to be used to establish telehealth receiving sites in Upshur and Lewis Counties. Approval for Terry B. Cutright, Commission President, to sign the Contract Agreement, Standard and Federal Conditions and Assurances, Certifications and Resolution for this grant award. * Page 8-28
3. Approval of Board of Review & Equalization 2021 schedule * Page 29
4. Approval of Board of Review & Equalization (BORE) Publication Notice; the County Commission will sit as the Board of Review and Equalization beginning at 1:00 p.m. on the 28th day of January, 2021, and shall continue until the work is complete but will adjourn no later than the close of business on the 16th day of February, 2021. * Page 30
5. Approval and signature of correspondence to the Upshur County Assessor and Property Tax Division of the State Tax Department, giving authorization to correct valuations for real property, personal property, and/or mineral accounts. Any adjustments made after January 28, 2021, must be forwarded to the Commission sitting as the Board of Review & Equalization. * Page 31

6. Consider Retirement of Employee *
Item may lead to Executive Session per WV Code

Under separate cover **2**

7. Consider Retirement of Employee *
Item may lead to Executive Session per WV Code

Under separate cover

8. 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, Remote Work Request(s).

For Your Information:

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

1. Proclamation made by Governor Jim Justice on December 11, 2020 permitting public employees of this State to generally cease business the entire workday of Thursday, December 24, 2020 and Thursday, December 31, 2020, in acknowledgement of the holiday season. This proclamation further reads that public employees of this State may be excused from their work duties the entirety both days without charge against accrued annual leave. In accordance with subsection (c), section one, article two, chapter two of the WV Code, County Commissions may treat the days as if they were legal holidays, and the Courts may do the same. The Courthouse and Annex will be closed per the 2020 Calendar Year Legal Holiday Schedule revised on April 16, 2020.

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2. Correspondence from Hawthorne Coal Company LLC enclosing the legal advertisement for Hawthorne Coal Company LLC, Permit No. D-184 Increment No. 1, in compliance with the surface mining laws of WV. The site is located in Meade District, 3.0 miles east of Adrian and discharges into an Unnamed Tributary of Sawmill Run of the Buckhannon River of the Tygart Valley River of the Monongahela River.

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3. Correspondence from Hawthorne Coal Company LLC enclosing the legal advertisement for Hawthorne Coal Company LLC, Permit No. O-39-83 Increment No. 1, in compliance with the surface mining laws of WV. The site is located in Meade District, 3.0 miles east of Adrian and discharges into an Unnamed Tributary of Sawmill Run of the Buckhannon River of the Tygart Valley River of the Monongahela River.

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4. Public Notices:

a) Newsletters and/or Event Notifications:

b) Agendas and/or Notice of Meetings:

- | | | |
|--|-------------------|----------------|
| • Upshur County Convention & Visitors Bureau | December 9, 2020 | <u>Page 42</u> |
| • Buckhannon-Upshur Airport Authority | December 14, 2020 | <u>Page 43</u> |
| • Buckhannon-Upshur Parks & Recreation
Advisory Board | December 14, 2020 | <u>Page 44</u> |
| • Upshur County Fire Board, Inc. | December 15, 2020 | <u>Page 45</u> |

c) Meeting Minutes:

- | | | |
|--|------------------|-------------------|
| • Upshur County Convention & Visitors Bureau | October 14, 2020 | <u>Page 46</u> |
| • Tennerton PSD | October 14, 2020 | <u>Page 47-48</u> |
| • Elkins Road PSD | November 4, 2020 | <u>Page 49-50</u> |

d) Meetings:

- 01/05/21 5:00 p.m. Elkins Road PSD
- 01/05/21 4:00 p.m. Hodgesville PSD
- 01/07/21 7:00 p.m. Banks District VFD
- 01/07/21 7:00 p.m. City Council of Buckhannon
- 01/07/21 7:00 p.m. Selbyville VFD
- 01/11/21 12:00 p.m. Upshur County Family Resource Network
- 01/11/21 4:30 p.m. Upshur County Solid Waste Authority
- 01/11/21 5:30 p.m. Buckhannon-Upshur Recreational Park Advisory Board
- 01/11/21 6:00 p.m. Lewis-Upshur Community Corrections Board – Lewis Co.
- 01/12/21 7:30 p.m. Adrian VFD
- 01/07/21 6:00 p.m. Buckhannon-Upshur Board of Health
- 01/20/21 7:00 a.m. Upshur County Development Authority – Full Board
- 01/13/21 12:00 p.m. Upshur County Senior Center Board
- 01/13/21 3:00 p.m. Upshur County Conventions & Visitors Bureau
- 01/12/21 7:00 p.m. Warren District VFD
- 01/07/21 3:00 p.m. Adrian PSD
- 01/13/21 3:00 p.m. Tennerton PSD
- 12/17/20 3:00 p.m. Upshur County Safe Sites & Structures Enforcement Board
- 12/10/20 7:30 p.m. Buckhannon VFD
- 12/14/20 4:00 p.m. Buckhannon Upshur Airport Authority
- 12/17/20 6:30 p.m. Upshur County Youth Camp Board
- 01/10/21 6:00 p.m. Washington District VFD
- 12/21/20 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 12/16/20 4:00 p.m. Upshur County Public Library Board
- 12/18/20 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development Council
- 12/15/20 6:30 p.m. Upshur County Fire Board, Inc.
- 12/22/20 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 01/13/21 7:00 p.m. Ellamore VFD
- 12/16/20 12:00 p.m. Lewis Upshur LEPC - CANCELLED
- 01/13/21 1:15 p.m. Upshur County Farmland Protection Board
- 12/28/20 7:00 p.m. Upshur County Fire Fighters Association
- 01/13/21 6:00 p.m. Buckhannon River Watershed Association - Farm Bureau
- 12/28/20 10:00 a.m. Mountain CAP of WV, Inc., a CDC

5. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa – 6-30-2020) – Fire Association Representative

****If you are interested in serving on an Upshur County board, please submit your letter of interest to the Commission Office at 91 W. Main St., Suite 101, Buckhannon, WV 26201 or trperry@upshurcounty.org. Upcoming term expirations are listed in this section of the agenda; however, letters of interest can be submitted at any time. Letters of interest for boards that do not currently have a vacancy will be held until a vacancy occurs. Please note that submitting a letter of interest does not guarantee appointment. ****


Tabled Items

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

1. Correspondence from Adam M. Gissy requesting to be redesignated to part-time Deputy Sheriff capacity, effective January 4, 2021. *(January 7, 2021)*
Item may lead to Executive Session per WV Code

Next Regular Meeting of the Upshur County Commission
January 7, 2021 --- 9:00 a.m.
Upshur County Courthouse Annex

****The Commission Meetings scheduled for December 24th and December 31st have been CANCELLED****

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS		OMB Number 4040-0011 Expiration Date: 02/28/2022	
3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED Federal Aviation Administration		1. TYPE OF REQUEST [X] FINAL [] PARTIAL	2. BASIS OF REQUEST [X] CASH [] ACCRUAL
6. EMPLOYER IDENTIFICATION NUMBER 30-0733276		4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY 3-54-0039-034-2020	
7. RECIPIENT ACCOUNT OR OTHER IDENTIFYING NUMBER		5. PARTIAL PAYMENT REQUEST NO. Request #3-Final	
8. PERIOD COVERED BY THIS REPORT FROM: (MONTH / DAY / YEAR) November 10, 2020		TO: (MONTH / DAY / YEAR) December 14, 2020	
9. RECIPIENT ORGANIZATION Name: Buckhannon Upshur Airport Authority No. and Street: P.O. 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
a. Administrative expense	\$5,000.00	\$4,016.94	\$4,016.94
b. Preliminary Expense	\$0.00	\$0.00	\$0.00
c. Land, structures, right-of-way	\$0.00	\$0.00	\$0.00
d. Architectural engineering basic fees	\$32,549.00	\$32,549.00	\$30,197.25
e. Other Architectural engineering fees	\$0.00	\$0.00	\$0.00
f. Project Inspection fees	\$16,987.00	\$8,044.57	\$7,805.00
g. Land Development	\$0.00	\$0.00	\$0.00
h. Relocation expenses	\$0.00	\$0.00	\$0.00
i. Relocation payments to individuals and businesses	\$0.00	\$0.00	\$0.00
j. Demolition and removal	\$0.00	\$0.00	\$0.00
k. Construction and project improvement costs	\$134,197.00	\$133,041.80	\$133,041.80
l. Equipment	\$0.00	\$0.00	\$0.00
m. Miscellaneous cost	\$0.00	\$0.00	\$0.00
n. Total Cumulative to Date (sum of line a. through line m.)	\$188,733.00	\$177,652.31	\$175,060.99
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.)	\$188,733.00	\$177,652.31	
t. Federal payments previously requested		\$175,060.00	
u. Amount requested for reimbursement			\$2,592.00
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 12/14/2020
		TYPED OR PRINTED NAME AND TITLE Richard C. Clemens 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 Terry B. Cutright President, Upshur County Commission	TELEPHONE (304) 472-0535

INVOICE

Buckhannon Upshur Airport Authority
Attn: Mr. Richard Clemens, President
P.O. Box 1042
Buckhannon, WV 26201

October 31, 2020

Project No: 0000019036.00
Invoice No: 0018860

Project 0000019036.00 Buckhannon Airport-Rehab Runway 11/29
FAA AIP No. 3-54-0039-034-2020
Buckhannon Upshur Airport Authority
Rehabilitate Runway 11/29 (Seal and Mark)

Professional Services from September 20, 2020 to October 31, 2020

Fee

Billing Phase	Fee	Percent Complete	Earned
Preliminary Design	9,892.00	100.00	9,892.00
Final Design	7,332.00	100.00	7,332.00
Bidding & Negotiating	5,918.00	100.00	5,918.00
Construction Administration	9,407.00	100.00	9,407.00
Total Fee	32,549.00		32,549.00
		Previous Fee Billing	30,197.25
		Current Fee Billing	2,351.75
		Total Fee	2,351.75
		Total this Project	\$2,351.75

Project 0000019036.01 Buckhannon Airport-Rehab Runway 11/29RPR

Professional Personnel

		Hours	Rate	Amount
Engineer IV				
Defibaugh, Melissa	9/25/2020	.50	130.00	65.00
Finalizing inspection reports				
Totals		.50		65.00
Total Labor				65.00

PLEASE REMIT TO:
Chapman Technical Group LTD
c/o GRW Engineers
801 Corporate Dr.
Lexington, KY 40503
304.727.5501
www.chaptech.com

INVOICE

Project	0000019036.00	Buckhannon Airport-Rehab Runway 11/29	Invoice	0018860
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Reimbursable Expenses

Mileage					
10/23/2020	SA Mileage 18 Ram 10/2020	D.Mitchell 264 Miles 9/19 ARO	151.80		
	Total Reimbursables	1.15 times	151.80		174.57

Billing Limits	Current	Prior	To-Date
Total Billings	239.57	7,805.00	8,044.57
Limit			16,987.00
Remaining			8,942.43

Total this Project **\$239.57**

Total this Invoice **\$2,591.32**

Outstanding Invoices

Number	Date	Balance
0018845	9/30/2020	4,237.45
Total		4,237.45

PLEASE REMIT TO:
 Chapman Technical Group LTD
 c/o GRW Engineers
 801 Corporate Dr.
 Lexington, KY 40503
 304.727.5501
www.chaptech.com



Jim Justice
Governor of West Virginia



December 7, 2020

The Honorable Terry B. Cutright
President
Upshur County Commission
91 W. Main Street, Suite 101
Buckhannon, West Virginia 26201

Dear Commissioner Cutright:

I am pleased to inform you that I have approved a Statewide Implementation, Enhancement, and Evaluation Projects (SIEEP) grant award to the Upshur County Commission in the amount of \$120,000.

These funds will be utilized to establish telehealth receiving sites in Upshur and Lewis Counties.

Please let me know if our Justice & Community Services' staff or I can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mah

c: Sgt. Rodney Rolenson

GRANT CONTRACT AGREEMENT
BETWEEN
DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE AND COMMUNITY SERVICES SECTION
AND
UPSHUR COUNTY COMMISSION
19-SIEEP-14

This **AGREEMENT**, entered into this **10th Day of December 2020** 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 Comprehensive Opioid Abuse Program (COAP) Grant funds from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, and

WHEREAS the Grantee is an eligible applicant who is desirous of receiving funds for **These funds will be utilized to establish telehealth receiving sites in Upshur and Lewis Counties.**

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 **October 1, 2020** and shall continue those services/activities until **September 30, 2022**. 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 **\$120,000.00** 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
91 W. 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.

Terry B. Cutright, President
Upshur County Commission

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

...NOTHING FOLLOWS



**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 (EEOP) 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 EEOP Certification form and, if required, an EEOP 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]: _____

Authorized Official Signature: _____

Date: _____



**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]: _____

Authorized Official Signature: _____

Date: _____



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

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:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

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. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name: Upshur County Commission

Address: 91 West Main Street, Suite 101, Buckhannon, WV 26201

Is agency a: ☐ Direct or ☒ Sub recipient of OJP, OVW or COPS funding? Law Enforcement Agency? ☐ Yes ☒ No

DUNS Number: 028608099

Vendor Number (only if direct recipient)

Name and Title of Contact Person: Cheyenne Walters, Director

Telephone Number: 304-472-9548

E-Mail Address: chevellegirl90@gmail.com

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply.

☐ Less than fifty employees.

☐ Indian Tribe

☐ Medical Institution.

☐ Nonprofit Organization

☐ Educational Institution

☐ Receiving a single award(s) 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.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

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, Terry B. Cutright, Commission President _____ [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].

Terry B. Cutright, Commission President

December 17, 2020

Print or Type Name and Title

Signature

Date

Section C—Declaration Stating that an EEOP Short Form 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 Short Form 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.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title

Signature

Date

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. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name: Upshur County Commission	
Address: 91 West Main Street, Suite 101, Buckhannon, WV 26201	
Is agency a: <input type="checkbox"/> Direct or <input checked="" type="checkbox"/> Sub recipient of OJP, OVW or COPS funding?	Law Enforcement Agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
DUNS Number: 028608099	Vendor Number (only if direct recipient)
Name and Title of Contact Person: Cheyenne Walters, Director	
Telephone Number: 304-472-9548	E-Mail Address: chevellegirl90@gmail.com

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply.

- | | | |
|---|--|--|
| <input type="checkbox"/> Less than fifty employees. | <input type="checkbox"/> Indian Tribe | <input type="checkbox"/> Medical Institution. |
| <input type="checkbox"/> Nonprofit Organization | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) 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.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

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, Terry B. Cutright, Commission President [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].

Terry B. Cutright, Commission President

December 17, 2020

Print or Type Name and Title

Signature

Date

Section C—Declaration Stating that an EEOP Short Form 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 Short Form 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.

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title

Signature

Date

UPSHUR COUNTY COMMISSION

Upshur County Administrative Annex
91 West Main Street, Suite 101 • Buckhannon, West Virginia 26201

Telephone: (304) 472-0535
Telecopier: (304) 473-2802

TDD Numbers
Business: 472-9550
Emergency: 911

RESOLUTION

Whereas, **one hundred twenty thousand dollars (\$120,000)** in Statewide Implementation, Enhancement, and Evaluation Projects grant funding was set aside by the West Virginia Division of Justice and Community Services for the Upshur County Commission to undertake the following project: **to establish telehealth receiving sites in Upshur and Lewis Counties;** and,

Whereas, the Upshur County Commission has applied for funding through the West Virginia Division of Justice and Community Services; and,

Whereas, the Division of Justice and Community Services requires that a local government unit enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant Program.

Now, Therefore Be It Resolved, by the **County Commission of Upshur County, West Virginia** that **the Honorable Terry B. Cutright, President of the County Commission of Upshur County**, is hereby authorized to act on its behalf to enter into a contractual agreement with the Division of Administrative Services, Justice and Community Services to receive and administer grant funds pursuant to provisions of the Justice Assistance Grant program.

Date: December 17, 2020

Signed: _____
Terry B. Cutright, President

Attest:

Carol J. Smith, Clerk of the County Commission

2021 Board of Review & Equalization Meeting Schedule

01/28/2020 (Th)	1:00-3:00 p.m.	No appointments --- Review Property Books
02/03/2021 (Wed)	1:00-3:00 p.m.	
02/9/2021 (Tues)	9:00-11:00 a.m.	Coal, Oil & Gas Industrials
02/16/2021 (Tues)	9:00-11:00 a.m.	Adjourn Sine Die

Notice to the Citizens of Upshur County

Board of Review & Equalization

At a regular session of the County Commission of Upshur County, West Virginia, held at the Courthouse Annex on the 17th day of December, 2020, the matter of the County Commission sitting as a Board of Review and Equalization was reviewed and considered. The purpose of said Board is to review and equalize the assessments made by the Assessor of Upshur County. The County Commission will sit as a Board of Review and Equalization beginning at 1:00 p.m. on the 28th day of January, 2020, and shall continue until the work is complete but will adjourn no later than the close of business on the 16th day of February, 2021.

Property owners should receive notification of any increase in valuation if such increase is greater than ten percent (10%). If the increase relates to coal valuation, the notice will be from the State Tax Department. If the increase relates to producing oil and gas valuation, the notice will be from the State Tax Department. If the increase in valuation relates to land or buildings, the notice will be from the Office of the Upshur County Assessor. Please contact the Office of the Upshur County Assessor (304-472-4650) for any questions relative to increase in valuations.

Any person(s) who desire a review of their current tax assessment must contact the Upshur County Assessor's Office (304-472-4650) as soon as possible for an informal review prior to scheduling an appointment with the Upshur County Commission / Board of Review and Equalization during the month of February. Individuals may receive an application for assessment review from the Upshur County Assessor's Office or the Upshur County Commission Office. Individuals need to return the completed application(s) as soon as possible to ensure a complete review for all interested taxpayers. Please return the completed application to the following address:

Office of the Upshur County Commission
Board of Review and Equalization
91 West Main Street --- Suite 101
Buckhannon, West Virginia 26201

Terry B. Cutright, President
Upshur County Commission

UPSHUR COUNTY COMMISSION

Upshur County Administrative Annex
91 West Main Street, Suite 101 ▪ Buckhannon, West Virginia 26201

Telephone: (304) 472-0535
Telecopier: (304) 473-2802

TDD Numbers
Business: 472-9550
Emergency: 911

December 17, 2020

To: Office of the Upshur County Assessor
Property Tax Division --- State Tax Department

Re: Adjustments to Valuations for Real Property, Personal Property, and/or Mineral Property

The County Commission of Upshur County, West Virginia, does hereby grant approval of the Office of the Upshur County Assessor and/or the Property Tax Division of the State Tax Department to correct valuations for real property, personal property, and/or mineral accounts. Any adjustments made after January 28, 2021, must be forwarded to the Commission sitting as the Board of Review and Equalization. We are currently scheduled to adjourn on February 16, 2021; therefore, any adjustments may be made through February 15, 2021. However, if it is necessary to continue any hearings, and we are unable to adjourn on February 16, 2021, we will advise you of the new date through which changes may be made.

If you have any questions, please contact the County Commission at the above phone number or via email at clwallace@upshurcounty.org.

Sincerely,

Terry B. Cutright, President
Upshur County Commission

STATE OF WEST VIRGINIA**EXECUTIVE DEPARTMENT****At Charleston****A PROCLAMATION****By the Governor**

WHEREAS, according to W.Va. C.S.R. § 143-1-14.1.b, when Christmas Day occurs on a Tuesday, Wednesday, Thursday or Friday, the employees of this State shall be given time off on the last half of the scheduled workday immediately preceding Christmas Day; and

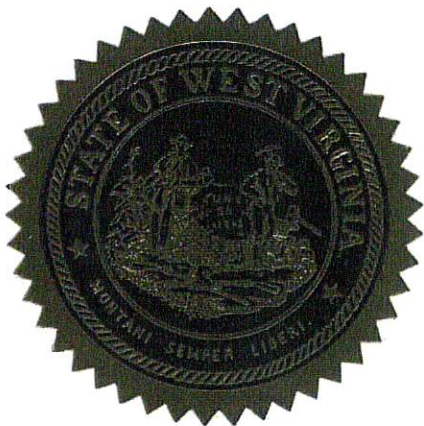
WHEREAS, in recognition of the hard work accomplished by the public employees of this State throughout the year Two Thousand Twenty, and in acknowledgement of the holiday season, it is fitting and proper that the public employees of this State be permitted to cease business for the entire workday of Christmas Eve, Thursday, the twenty-fourth day of December, Two Thousand Twenty, to spend an extended and enjoyable holiday with their loved ones.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the foregoing and by virtue of the authority vested in me as the Governor of the State of West Virginia, do hereby **PROCLAIM** and **ORDER** that the public employees of this State may be excused from their work duties on Thursday, the twenty-fourth day of December, Two Thousand Twenty, without charge against accrued annual leave; and do further

PROCLAIM that this **ORDER** shall not affect private businesses, local governments, and other entities and individuals not employed by the State of West Virginia; nor shall it affect the work requirements of those public employees who may be called upon to safeguard the health, safety, and welfare of West Virginia's citizenry and compensated in accordance with the

legislative rules established by the West Virginia Division of Personnel; however, in accordance with subsection (c), section one, article two, chapter two of the Code of West Virginia, county commissions may designate Thursday, the twenty-fourth day of December, Two Thousand Twenty, as a day of time off for county employees without charge against accrued annual leave, and the courts may treat the day as if it were a legal holiday.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this eleventh day of December, in the year of our Lord, Two Thousand Twenty, and in the One Hundred Fifty-Eighth year of the State.


GOVERNOR


SECRETARY OF STATE

STATE OF WEST VIRGINIA**EXECUTIVE DEPARTMENT****At Charleston****A PROCLAMATION****By the Governor**

WHEREAS, according to W.Va. C.S.R. § 143-1-14.1.b, when New Year's Day occurs on a Tuesday, Wednesday, Thursday or Friday, the employees of this State shall be given time off on the last half of the scheduled workday immediately preceding New Year's Day; and

WHEREAS, in recognition of the hard work accomplished by the public employees of this State throughout the year Two Thousand Twenty, and in acknowledgement of the holiday season, it is fitting and proper that the public employees of this State be permitted to cease business for the entire workday of New Year's Eve, Thursday, the thirty-first day of December, Two Thousand Twenty, to spend an extended and enjoyable holiday with their loved ones.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the foregoing and by virtue of the authority vested in me as the Governor of the State of West Virginia, do hereby **PROCLAIM** and **ORDER** that the public employees of this State may be excused from their work duties on Thursday, the thirty-first day of December, Two Thousand Twenty, without charge against accrued annual leave; and do further

PROCLAIM that this **ORDER** shall not affect private businesses, local governments, and other entities and individuals not employed by the State of West Virginia; nor shall it affect the work requirements of those public employees who may be called upon to safeguard the health, safety, and welfare of West Virginia's citizenry and compensated in accordance with the

legislative rules established by the West Virginia Division of Personnel; however, in accordance with subsection (c), section one, article two, chapter two of the Code of West Virginia, county commissions may designate Thursday, the thirty-first day of December, Two Thousand Twenty, as a day of time off for county employees without charge against accrued annual leave, and the courts may treat the day as if it were a legal holiday.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this eleventh day of December, in the year of our Lord, Two Thousand Twenty, and in the One Hundred Fifty-Eighth year of the State.


GOVERNOR


SECRETARY OF STATE

HAWTHORNE COAL COMPANY LLC

100 TYGART DRIVE • GRAFTON, WV 26354 • (304) 265-9769



December 10, 2020

CERTIFIED MAIL No. 7011 3500 0001 0569 8981
Return Receipt Requested

Upshur County Commission
38 W. Main Street, Suite 302
Buckhannon, WV 26201



To Whom it May Concern:

In compliance with the surface mining laws of West Virginia, enclosed please find a copy of a Legal Advertisement for Hawthorne Coal Company LLC, Permit No. D-184 Increment No. 1 to be placed in the local newspaper in conjunction with applying to the West Virginia Department of Environmental Protection for a Phase 1, 2 and 3 release. This site is located in Meade District of Upshur County, 3.0 miles east of Adrian and discharges into an Unnamed Tributary of Sawmill Run of Sawmill Run of the Buckhannon River of the Tygart Valley River of the Monongahela River.



Current laws and regulations require that local agencies be notified of this release.



Hawthorne Coal Company LLC

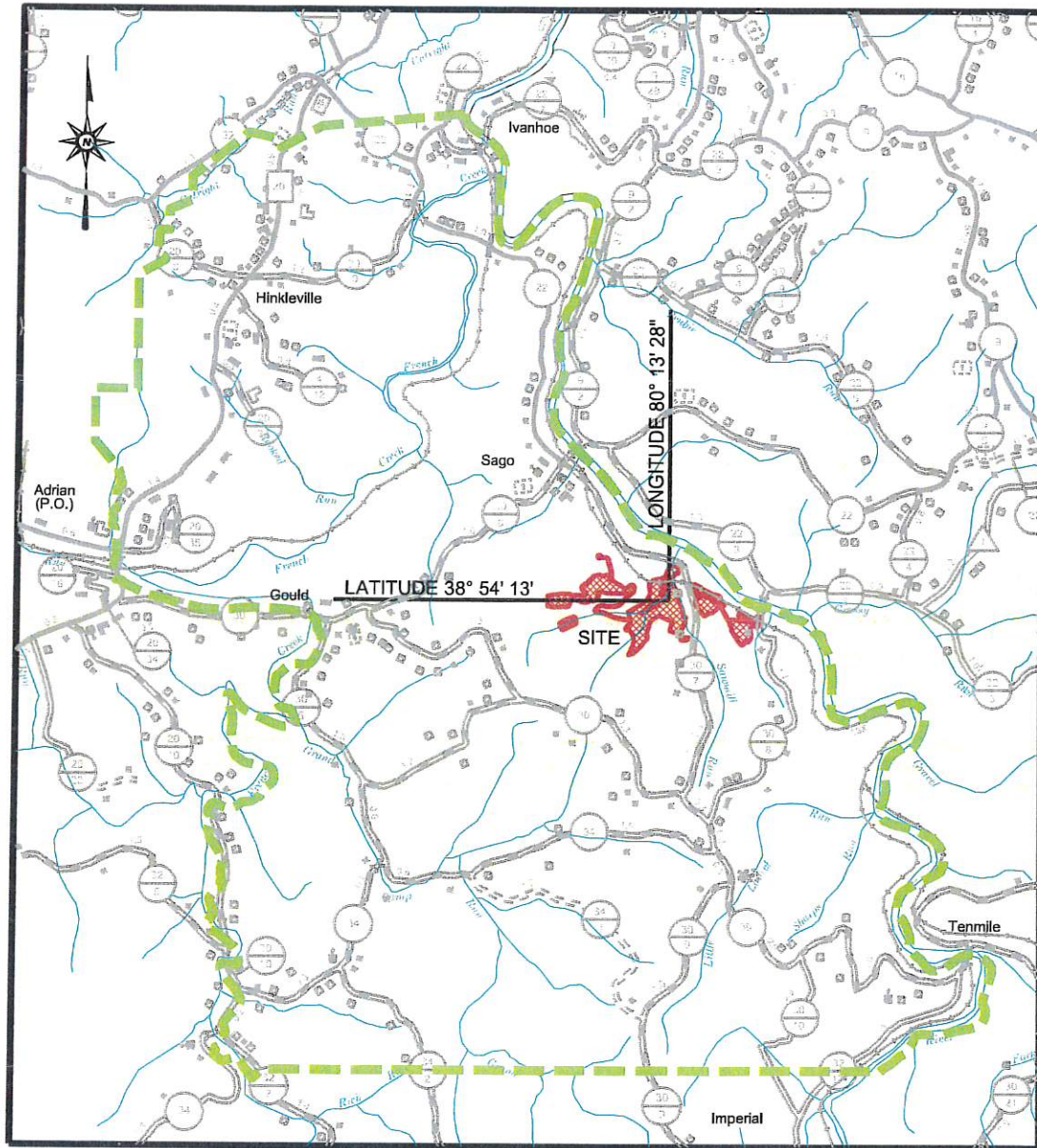
	Applicant: HAWTHORNE COAL COMPANY LLC Reference ID: D-184 INC.1 Phase 1.2.3 Release (12/02/2020) Status: New	Type: Incremental Phase 3 Release Permit ID: D018400 Printed: Dec. 04, 2020 9:06 AM
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37

MR-7-AD: Advertisement

INSTRUCTIONS	
This advertisement is for an application for a release of an Article 3 permit. Initial Date of Publication: <u>Tuesday 15, 2020</u> <u>December 15, 2020</u> 	Ad will be published once a week for four successive weeks with six full days between publication. Advertisement must include a location map. Final Date of Publication: <u>January 4, 2021</u> 

ADVERTISEMENT	
Notice is hereby given that <u>HAWTHORNE COAL COMPANY LLC, 100 TYGART DR, GRAFTON, WV 26354</u> has submitted an application with the Department of Environmental Protection (DEP), for a Phase <u>1, 2 and 3</u> release on Permit Number <u>D018400</u> Increment Number <u>1</u> issued for <u>80.68</u> acres.	
The permit is located in <u>MEADE</u> District of <u>Upshur</u> County, <u>3.0</u> miles <u>east</u> (Direction) of <u>ADRIAN</u> (Nearest PO) on <u>Unnamed Tributary of Sawmill Run of Sawmill Run</u> (Primary Receiving Stream) of <u>the Buckhannon River</u> (Secondary Receiving Stream) of <u>Tygart Valley River</u> (Major Drainage Basin).	
<u>HAWTHORNE COAL COMPANY LLC</u> completed final reclamation on <u>10/19/2019</u>  (Date) and is requesting release of <u>100</u> percent of the reclamation performance bond currently in the amount of \$ <u>\$158,760.00</u> .	
Written comments will be received at the DEP address above until <u>February 3, 2021</u>  , or thirty (30) days from date of final publication .	



LOCATION MAP
SCALE: 1 inch = 1 Mile

Permit D-184 will discharge into an
 Unnamed Tributary of Sawmill Run of Sawmill Run
 of the Buckhannon River
 of the Tygart Valley River
 of the Monongahela River.
 The site is located 3.0 miles east of Adrian in
 MEADE DISTRICT, UPSHUR COUNTY, WV.

HAWTHORNE COAL COMPANY LLC

100 TYGART DRIVE • GRAFTON, WV 26354 • (304) 265-9769



December 10, 2020

CERTIFIED MAIL No. 7011 3500 0001 0569 9018
Return Receipt Requested

Upshur County Commission
38 W. Main Street, Suite 302
Buckhannon, WV 26201



To Whom it May Concern:

In compliance with the surface mining laws of West Virginia, enclosed please find a copy of a Legal Advertisement for Hawthorne Coal Company LLC, Permit No. O-39-83 Increment No. 1 to be placed in the local newspaper in conjunction with applying to the West Virginia Department of Environmental Protection for a Phase 1, 2 and 3 release. This site is located in Meade District of Upshur County, 3.0 miles east of Adrian and discharges into an Unnamed Tributary of Sawmill Run of Sawmill Run of the Buckhannon River of the Tygart Valley River of the Monongahela River.

Current laws and regulations require that local agencies be notified of this release.

Hawthorne Coal Company LLC



Applicant: HAWTHORNE COAL COMPANY LLC
 Reference ID: O-39-83 INC.1 Phase 1.2.3
 Release (12/04/2020)
 Status: New

Type: Incremental Phase 3
 Release
 Permit ID: O003983
 Printed: Dec. 07, 2020 2:56 PM

MR-7-AD: Advertisement

INSTRUCTIONS

This advertisement is for an application for a release of an Article 3 permit.

Ad will be published once a week for four successive weeks with six full days between publication. **Advertisement must include a location map.**

Initial Date of Publication: Tuesday December 15, 2020

Final Date of Publication: January 4, 2021

ADVERTISEMENT

Notice is hereby given that HAWTHORNE COAL COMPANY LLC, 100 TYGART DR, GRAFTON, WV 26354 has submitted an application with the Department of Environmental Protection (DEP), for a Phase 1, 2 and 3 release on Permit Number O003983 Increment Number 1 issued for 133.1 acres.

The permit is located in MEADE District of Upshur County, 3.0 miles east (Direction) of ADRIAN (Nearest PO) on an Unnamed Tributary of Sawmill Run

Buckhannon River

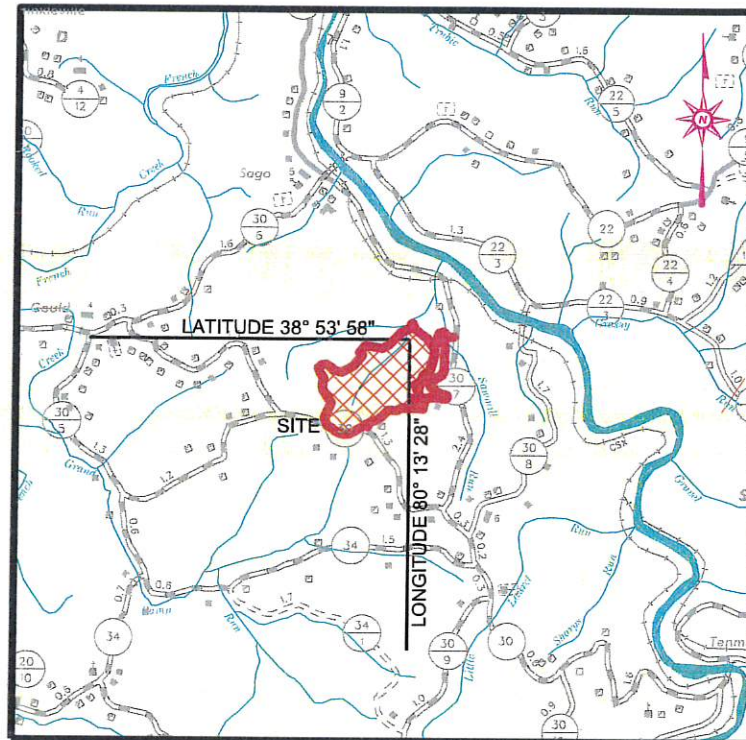
(Primary Receiving Stream) of

Tygart Valley River

(Secondary Receiving Stream) of
(Major Drainage Basin).

HAWTHORNE COAL COMPANY LLC completed final reclamation on 2/07/2020 (Date) and is requesting release of 100 percent of the reclamation performance bond currently in the amount of \$ \$428,800.00.

Written comments will be received at the DEP address above until February 3, 2021 , or thirty (30) days from date of **final publication**.



LOCATION MAP
SCALE: 1 inch = 1 Mile

Permit O-39-83 will discharge into an
Unnamed Tributary of Sawmill Run of Sawmill Run
of the Buckhannon River
of the Tygart Valley River
of the Monongahela River.
The site is located 3.0 miles east of Adrian in
MEADE DISTRICT, UPSHUR COUNTY, WV.

Upshur County Convention & Visitors Bureau**December 9th, 2020 Agenda**

- Call Meeting to Order
- Approval of Minutes
- Treasurer's Report
- Director's Report
 - CVB Finances
 - CVB Savings Account
 - Proposal to the City of Buckhannon
 - Try This Mini Grant – Upshur County Trails
 - James Curry website / Strawberry Festival website
 - Facebook E-Newsletter
 - MyBuckhannon stories
 - Recreation News story
- Event Center Director Report
 - Past Events / upcoming
 - Health Department updates
 - Phase II
- Old Business:
- New Business:
- Motion to Adjourn Meeting

NEXT MEETING: January 14, 2021

Buckhannon-Upshur Airport Authority Agenda

Buckhannon-Upshur Airport Authority-Virtual Meeting via Telephony or ZOOM ¹

Monday, December 14, 2020 at 4:00 pm

- A. Call to order
- B. Recognized guests and public comment period
- C. Officer/Committee/Consultant Reports:
 - President's Report – Rich Clemens
 - Federal Funds and BUAA
 - B2 Hangar Access – shared space issues
 - Treasurer's Report – Phil Loftis, Treasurer
 - Financial Plan for BUAA
 - Decision on Fence Project
 - Secretary's Report – Brian Huffman, Secretary
 - Engineering Reports – Kelly Queen, Chapman/Technical
 - Discuss Based Aircraft
 - 3-54-0039-034-2020 – FAA CLOSEOUT
 - FAA Outlay Request No. 3-Final in the amount of \$2,592.00 (review/approval/signature)
 - CTG Invoice 19036-18860 dated October 31, 2020
 - FAA Sponsor's Project Closeout Report (review/approval/signature)
 - Final Federal Financial Report (review/approval/signature)
 - Operations – Jamie Wilt, Jennifer Powers
 - Update fuel prices JetA and AVGas
- D. Consent Agenda:
 - Approval of Minutes (two meetings)
 - Approval of Treasurer's Report
 - Authorization for payment of the bills
- E. Items Removed from the Consent Agenda for discussion and vote:
- F. Old Business:
 - Hangar space requests/applications/updates
- G. New Business:
 - Hangar leases - new and renewals discussion.

[Note: Potential Executive Session]
- H. Board Member Comments and Announcements
- I. Adjournment

Notice: This (and possible future meetings) are being held using a conference call and the electronic application 'Zoom'. Should you desire to attend this meeting electronically you will need to contact the Authority (secretary@flyW22.com or 304-439-8421) at least one hour prior to the meeting to gain the necessary information to join the meeting. All meetings of the Authority are open to the public and shall return to the Airport facilities when deemed safe for all participants. Thank you for your understanding.

¹ Due to Covid-19 concerns and per WV Code 6-9A-2(5) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means.

Notice of Meeting
 Buckhannon-Upshur Parks and Recreation Advisory Board

Date: December 14, 2020

Time: 5:30 PM

Location: Teleconference only

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/900822181>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (224) 501-3412

- One-touch: tel:+12245013412,,900822181#

Access Code: 900-822-181

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/900822181>

Agenda

1. Call meeting to order.
2. Approval of minutes for the November meeting
3. Overview of the Upshur County Board Meeting last month
4. Discussion of fundraiser for Disk Golf
5. Trail Update
6. Financial Report
7. Discussion of the city map for the downtown Kiosk
8. Approval for dismissal for lack of attendance by a board member per By-Laws
9. Public comment

Adjournment

Thank you so much for all that you do for Upshur County parks and recreation.

Next Meeting: 5:30 PM, January 11th, 2020

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, December 15, 2020
Time: 6:30 p.m.

AGENDA

Call Meeting to Order

Approval of Minutes---November 17, 2020

Public Questions/Comment Period

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

- Cumulative report
- Reminder letters

Financial Matters/Items

- Bank Statement---Checking Account Balance as of 11/30/2020---\$152,469.96
- Disbursement from Chief Tax Deputy for November---TBD prior to meeting

Payment of Bills/Invoices

- *Software Systems---monthly maintenance---Invoice---\$228.00
- *Office of the State Auditor---Invoice # ---20099---\$176.00
- *Record Delta---Invoice # 3149--- Legal Advertisement---\$133.10
- *Upshur County Commission---reimbursement-Quill Office Supplies---(Ink, cordless mouse, office bundle)---\$104.97

Review and Approval of Corrective Tickets and Exoneration requests

Other Items/Matters to Consider

Date of Next Meeting---January 19, 2021---Adjournment

Upshur County Convention & Visitors Bureau
 October 14th 2020
 Board Meeting Minutes

PRESENT: Melodie Stemple, Kevin Campbell, Tabatha Perry, Linda Wellings (phone), Lacy Ramsey (phone), Jon Teets (phone), Rise Hanifan (phone), Sean Harris, Laura Meadows

ABSENT: Joey Baxa, Mary Albaugh, Meghan Kroll

Meeting called to order.

Minutes from the September Meeting were circulated via email prior to the meeting. Motion by Kevin, second by Mel to approve the minutes as presented.

Treasurer's Report was reviewed and filed for future audits.

Director's Report by Laura Meadows:

- ✓ Try This Mini Grant is being used by the Upshur County Trails group. They have been busy planting native plants, installing signs and working on an archway. The CVB has held the grant funds, and releases funds as receipts are presented.
- ✓ Will use a WIX format to help with a Curry Park website; will meet with the park staff to gather details.
- ✓ A note that our income remains reduced, and it is likely we will need to continue relying on our savings account, and eventually use the loan funds. We had a brief discussion that the Board needs to think and ultimately decide how much CVB Savings money should be used, before using the loan funds. This will be a continued discussion.
- ✓ John Burdette and Associates will complete a Financial Review for FY 19. We have a Financial Review completed annually.

Event Center Director's Report by Sean Harris:

- ✓ Past Events: zoom wedding and meetings
- ✓ Health Department has remained in contact about ongoing efforts / rules we should abide by.
- ✓ Phase II with the National Guard should begin in the near future. This will be the construction of an actual drill hall for the units. This will make the Event Center space more available (1 weekend per month and the month of June), possibly allow us to use the drill hall space (a lease / payment is expected), and possibly paving of the entryway into the complex.

Old Business:

- ✓ None

New Business:

- ✓ None

Motion to Adjourn by Linda.

Minutes presented by Laura Meadows; November 10, 2020.

Tennerton Public Service District
Monthly Meeting
October 14, 2020

The regular monthly meeting of the Tennerton Public Service District was held at the District office at 188 Fayette Street, Buckhannon West Virginia on October 14, 2020.

In attendance were Joe Tenney, John Barnes, Terry Gould, Vickie Dean. Also attending were Dan Ferrel and Danny Braham from Thrasher Engineering Group.

The meeting was called to order promptly at 2:00 pm by Joe Tenney chairman. The minutes of the previous meeting held on September 9, 2020 were read, there being no corrections or additions, motion to approve was made by Joe Tenney, seconded by John Barnes.

Updates on TPSD project from Terry Gould and Thrasher's

*Estimates may be a little high. Zurbach's was \$4500.00 for legal. Needs to be increased by \$5000.00 which will include PSC work and filing and right-a-way agreements.

*All written up and ready to roll. Applying to USDA for \$999,000.00.

*Financial Report if done.

*PSC Process will take approximately 6 months : Apply for money – Letter of condition – design and construction – permitting process – right of ways – (when 80% of right of ways are obtained, we can start bids for work).

*Approximately 90 new customers.

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

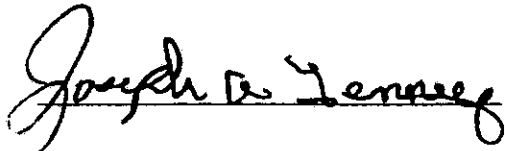
Terry*Gould reported on the following:

- Beluah Riffle, Sent construction crew to her house to meet with her and show her where our nearest lines are.
- Information has been provided to First Community Bank for change. Board members will need to go together and sign.
- County commission. Keeping certification of our customers #875
- Signed and mailed insurance agreement. \$3981.00 annual fee.
- No shut offs
- 5 adjustments made
- Cares Act allows customers to apply for grant money from WV to pay water bill.

The board reviewed and approved the previous month's credit memos.

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

Approved

A handwritten signature in cursive script, reading "Joseph A. Tenney". The signature is written in dark ink and is positioned below the word "Approved".

Elkins Road Public Service District
Board of Directors' Regular Meeting
November 4, 2020

The regular monthly meeting of the Elkins Road Public Service District (ERPSD) Board of Directors was held on Wednesday, November 4, 2020.

Chair, Carey Wagner, called the meeting to order at 5:00 p.m. and led the group in the Pledge of Allegiance.

Members Present were: Chair-Carey Wagner, Secretary-Larry Heater and Board Member-Sonny Matthews

Staff Present were: Office Manager-Carolyn Douglas; Billing Clerk-Linzy Wilson; System Operator-David Wamsley

Unless otherwise stated all motions passed by vote 3-0.

Recognize that three (3) customers were present.

APPROVAL OF MINUTES

Minutes of October 5, 2020 Regular Monthly Meeting were presented for approval. Sonny Matthews made a motion to approve the minutes as presented. Seconded by Larry Heater. Motion carrier

APPROVAL OF FINANCIAL REPORTS/BILLS TO DATE

Carey Wagner presented the Financial Report. Sonny Matthews made a motion to approve the financial report and pay the bills to date. Seconded by Larry Heater. Motion carried

WVRWA – VOTING REPRESENTATIVE FOR NOVEMBER 19TH MEETING

After some discussion. It was decided that Carey Wagner would be the voting representative and Carolyn Douglas the alternate. Sonny Matthews made a motion to approve the voting representatives. Larry Heater seconded. Motion Carried

CASH WORKING CAPITAL REPORTING REQUIREMENTS (CWCR)

After reading the requirements and having talked to our accountant, Carolyn and Carey chose an account to use for the CWCR account. We deposited an amount to start it and determined how much we would deposit into it starting in December. Sonny Matthews made a motion to set up the account. Larry Heater seconded. Motion carried

PHASE III EXTENSION PROJECT

Sixth Draw Request from IJDC loan and SCBG for Phase III invoices was presented by Cary Smith (Region VII) for signature and payment. Sonny Matthews made a motion to sign and pay invoices. Larry Heater seconded. Motion carried

Elkins Road Public Service District
Board of Directors' Regular Meeting
November 4, 2020

PHASE III EXTENSION PROJECT (continued)

Amanda Sutphin, engineer with Chapman Technical, and David Cash, inspector with Chapman Technical, attended our meeting to give progress reports on contractors. Contract 2 is basically completed (tanks refurbishing inside and out) except for a few touch ups and repairs. Contract 3 has almost completed another road and is preparing to pressure test line and get bac-ts taken in the next couple of days. Contract 4 has laid line on several roads, made several hot taps and has pressure tested lines on one road and continues to move to other roads to lay pipe.

MAINTENANCE

Dave Wamsley, System Operator, discussed the October Maintenance Report which he had prepared for the meeting. He was asked to continue to find leaks and try and get the unaccounted for water loss down even more. Dave will be placing blue flags out this month on each meter to help in locating them in the coming months should the weather turn bad. Also winterization for pump stations etc. was discussed.

There being no further business, **the meeting adjourned on motion made by Sonny Matthews and seconded by Larry Heater.** Meeting adjourned at 7:28 p.m.


The next meeting will be held on Tuesday, December 1, 2020 at 5:00 p.m.


Respectfully submitted:

ERPSD Board of Directors Secretary, Larry J Heater//CD

Attachments: Agenda
Sign In Sheet

Approved By:


Board Chair/Treasurer
Carey Wagner


Secretary
Larry Heater


Board Member
Sonny Matthews

Note: Recorded Meeting

HODGESVILLE PSD

MONTHLY MEETING

November 10th 2020

4:00PM

The rescheduled 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; Howard Cutright, Member; Terry Gould, Manager; and Barbara Curry, UBS, Inc.

The reading of the October 6th, 2020 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, accounts receivable and past due amounts for October were reviewed by all members present.

Terry Gould discussed the following topics.

*AIG Insurance paid for the repair of the Carper Rd. Fire Hydrant damaged by the DOH.

*Mike Rhodes was in during the summer inquiring about the Carr Property on the Hall Rd. He is purchasing the property and planning on a housing development. It will be awhile before he is ready for water.

*There is a hold up on the Improvement Project. HPSD is behind on 2 different loan payments, therefore HPSD can not receive a grant. Shane Whitehair with Region VII called and he is going to work with getting this resolved so the project can go on.

*3 new taps were installed in October and we have received another application for a new one.

*Ringers repaired the following leaks: Teter Crossing, Don Rice Rt. 20, behind Bob Wrights, and Hall Rd at the bridge.

*Presented the Board with customer adjustments for the month of October. The adjustments were signed and approved by Roger Ward and Howard Cutright.

There being no further business to discuss the meeting adjourned at 5:15 pm

Signed: *Robert H. Wright* Chairman