

## 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: April 1, 2021
- 9:00 a.m. Moment of Silent Meditation --- Pledge of Allegiance  
Approval of Minutes:  
  - March 25, 2021
- 9:15 a.m. Dr. Joseph Reed on behalf of the Upshur County Family Resource Network Tobacco Prevention Coalition --- Approval and signature of Take Down Tobacco Day Proclamation  
Page 4-5
- 9:30 a.m. Bid opening for the Camera Surveillance and Door Access Control Security Project
- 3:30 p.m. Court Security Advisory Board Meeting

### Items for Discussion / Action / Approval:

1. Approval and signature of the Service Contract between Valley Business Systems and the Upshur County Commission for the color copier located in the Commission office for the annual amount of \$584. This coverage excludes paper, staples and computer/networking service. This contract is effective 11/01/2020 to 10/31/2021. \*  
Page 6
2. Approval and signature of the FY21 Victim of Crime Act (VOCA) Victim Assistance Grant Application, Standard Conditions and Assurances, for victim advocate services. The requested amount is \$40,308. \*  
Page 7-33
3. Correspondence from Shane Jenkins, Upshur County Firefighters Association President, requesting the appointment of Derek V. Long to the Upshur County Fire Board to fill the Fire Association representative vacancy. Upon approval, Mr. Long's term will expire on June 30, 2023. \*  
Page 34
4. Consider Resignation of Employee \* Under separate cover  
*Item may lead to Executive Session per WV Code*
5. Consider Resignation of Employee \* Under separate cover  
*Item may lead to Executive Session per WV Code*
6. Correspondence from Bryan S. Hinkle, Prosecuting Attorney, requesting the employment of Alicia N. Bosely as Legal Assistant, effective April 19, 2021, pending receipt and review of background check results. \*  
*Item may lead to Executive Session per WV Code §6-9A-4* Under separate cover
7. 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. Tri-County Child Exchange & Visitation Program advertisement for Site Supervisor and Monitor positions. \* Page 35
2. Correspondence from John B. McCuskey, WV State Auditor, enclosing a copy of the Report on Applying Agreed-Upon Procedures of the Upshur County Magistrate Court for the period ending December 31, 2019. Report is available for public review in the Upshur County Commission Office.
3. Advisory Memorandum from Samantha Woods, Assistant Director of the Office of the State Auditor Chief Inspector Division pertaining to accounting and recordkeeping requirements for certain federal funding. Page 36-37
4. Lewis-Upshur Animal Control Facility Reports for the month of February, 2021 Page 38-42
  - Adoption Financial Transactions
  - Cat Report
  - Animal Report
  - Animal Control/Humane Officer Animal Report
5. Public Notices:
  - a) Newsletters and/or Event Notifications:
    - WV State University Healthy Grandfamilies Program Page 43-45
    - Girl Scouts of black diamond for kindergarten and first grade readiness series Page 46-47
  - b) Agendas and/or Notice of Meetings:
    - City Council of Buckhannon April 1, 2021 Page 48
  - c) Meeting Minutes:
    - Upshur County Public Library February 17, 2021 Page 49-50
  - d) Meetings:
    - 04/13/21 5:00 p.m. Elkins Road PSD
    - 04/13/21 4:00 p.m. Hodgesville PSD
    - 04/01/21 7:00 p.m. Banks District VFD
    - 04/01/21 7:00 p.m. City Council of Buckhannon
    - 04/01/21 7:00 p.m. Selbyville VFD
    - 04/12/21 12:00 p.m. Upshur County Family Resource Network
    - 04/12/21 4:30 p.m. Upshur County Solid Waste Authority
    - 04/12/21 5:30 p.m. Buckhannon-Upshur Recreational Park Advisory Board
    - 04/12/21 6:00 p.m. Lewis-Upshur Community Corrections Board – Lewis Co.
    - 04/13/21 7:30 p.m. Adrian VFD
    - 05/06/21 6:00 p.m. Buckhannon-Upshur Board of Health
    - 04/21/21 7:00 a.m. Upshur County Development Authority –Executive Board
    - 04/14/21 12:00 p.m. Upshur County Senior Center Board
    - 04/14/21 3:00 p.m. Upshur County Conventions & Visitors Bureau

- 04/13/21 7:00 p.m. Warren District VFD
- 04/01/21 3:00 p.m. Adrian PSD
- 04/14/21 3:00 p.m. Tennerton PSD
- 04/08/21 3:00 p.m. Upshur County Safe Sites & Structures Enforcement Board
- 04/08/21 7:30 p.m. Buckhannon VFD
- 04/12/21 4:00 p.m. Buckhannon Upshur Airport Authority
- 04/15/21 6:30 p.m. Upshur County Youth Camp Board
- 04/11/21 6:00 p.m. Washington District VFD
- 04/19/21 12:00 p.m. Buckhannon-Upshur Chamber of Commerce
- 04/21/21 4:00 p.m. Upshur County Public Library Board
- 04/16/21 10:00 a.m. Wes-Mon-Ty Resource Conservation & Development Council
- 04/27/21 6:30 p.m. Upshur County Fire Board, Inc.
- 04/27/21 5:00 p.m. UC Enhanced Emergency Telephone Advisory Board
- 04/14/21 7:00 p.m. Ellamore VFD
- 04/21/21 12:00 p.m. Lewis Upshur LEPC
- 04/14/21 1:15 p.m. Upshur County Farmland Protection Board
- 04/26/21 7:00 p.m. Upshur County Fire Fighters Association
- 04/14/21 6:00 p.m. Buckhannon River Watershed Association - Farm Bureau
- 04/28/21 10:00 a.m. James W. Curry Advisory Board
- 04/26/21 12:00 p.m. Region VII Planning and Development Council
- 04/26/21 10:00 a.m. Mountain CAP of WV, Inc. a CDC

#### 6. Appointments Needed or Upcoming:

- Upshur County Fire Board, Inc. (Linn Baxa – 6/30/2020) – Fire Association Representative
- Buckhannon-Upshur Airport Authority (unexpired term -- 6/30/2021) – City Representative
- Buckhannon-Upshur Parks and Recreation Advisory Board (unexpired term – 06/30/2021) – City Representative
- Upshur County CVB Board of Directors (7/1/2021-6/30/2024) – Commission Tourism 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](mailto: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 Steve Booth on behalf of Tri County Towing requesting to be placed on the Upshur County Wrecker Rotation List for emergency towing services. (tabled 3/18/2021)

Next Regular Meeting of the Upshur County Commission  
April 8, 2021 --- 9:00 a.m.  
Upshur County Courthouse Annex

\*\*The Commission Meeting on April 22, 2021 has been CANCELLED\*\*

# **TAKE DOWN TOBACCO NATIONAL DAY OF ACTION**

## **Take Down Tobacco Day Proclamation**

**April 1, 2021**

**Whereas, tobacco and vaping are addictive products containing nicotine and other harmful products;**

**Whereas, tobacco usage is still the largest cause of early death in this country;**

**Vaping with its high content of nicotine is a stimulant elevating blood pressure and having other negative cardiovascular effects;**

**Whereas, these products are expensive. A package of cigarettes a day for a year costs over \$2000. Vaping products also have significant costs.**

**Whereas, many people, especially teenagers, who start with vaping, progress to other adverse drug use.**

**Whereas, the combination of these habits with the current Covid-19 infections probably increases the risk of either alone;**

**Therefore, let's work together to minimize the use of vaping and tobacco products and to bring Covid -19 under control, especially for the health and well-being of our children and young adults.**

**We hereby declare April 1, 2021 as “TAKE DOWN TOBACCO DAY” in Upshur County and urge all residents to help make Upshur County tobacco free.**

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**Kristie Tenney, President, Upshur County Commission**

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**Terry Cutright, Upshur County Commission**

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**Samuel Nolte, Upshur County Commisison**

# VALLEY BUSINESS SYSTEMS

PO Box 2942  
Elkins, WV 26241  
Phone: 304-636-0504  
Fax: 304-635-0166

## Service Contract

Name: **Upshur County Administrator**  
**38 West Main Street**  
**Buckhannon, WV 26201**  
(Herein referred to as USER)

In consideration of payment yearly, in advance, VBS agrees to maintain the USER'S equipment listed on this agreement in good operating condition subject to the terms and conditions herein provided.

### TERMS AND CONDITIONS OF AGREEMENT

#### SERVICE AND LABOR

If service or shop work is required during the agreement period, it will be furnished to the USER at no cost Monday thru Friday, 8:30 AM to 5:00 PM, excluding holidays.

#### MACHINE CONDITION

It is understood that the equipment is in good operating condition on the date this Agreement becomes effective. Equipment out of warranty 30 days is subject to inspection, at USER'S expense, prior to acceptance. Should repairs be found necessary, they will be accomplished at USER'S expense prior to acceptance. Supplies are available from VBS at prevailing prices.

#### EXCEPTIONS

##### THIS AGREEMENT DOES NOT COVER:

- A. Repair or adjustment resulting from use of equipment in a manner otherwise than in accordance with instructions issued by VBS.
- B. Repair or adjustment resulting from use of other than manufacturers genuine parts in accordance with instructions issued by VBS.
- C. Repair or adjustment caused by repairs or adjustments made by other than our authorized representatives.
- D. Repair or adjustment caused by water, fire, accidents, abuse, or foreign matter in equipment.
- E. Repair or adjustment resulting from input power line fluctuations or failure to comply with proper grounding requirements.
- F. Repair or adjustment resulting from USER'S failure to perform required customer preventive maintenance.
- G. Cost adjustments due to energy or national emergencies.
- H. This contract is non-cancelable by and non-refundable to customer.

Machine: <b>Sharp MX-3050N</b>	Beginning Meters: <b>B&amp;W: 117.465</b>	<b>Color: 56,068</b>
Serial Number: <b>5507671Y</b>	Base Rate: <b>B&amp;W: \$225.00</b>	<b>Color: \$275.00</b>
Accessories: <b>Sharp MX- FN27</b>	Accessories: <b>\$84.00</b>	
<b>Inner-Finisher</b>	<b>Total Annually: \$584.00</b>	
<b>GE006312</b>	Cost per Copy: <b>B&amp;W: \$0.009</b>	<b>Color: \$0.055</b>
	Excess Copy Rate: <b>B&amp;W: \$0.009</b>	<b>Color: \$0.055</b>
	Effective Date: <b>11-01-2020 to 10-31-2021</b>	
	Or <b>B&amp;W: 25,000 Color: 5,000 pages whichever Comes First</b>	

**Coverage Includes:** Parts, labor, mileage, inspections, and CONSUMABLE supplies not excluded.

**Coverage Excludes:** Paper, Staples & Computer/Networking Service

Company: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_ Date: \_\_\_\_\_

VALLEY BUSINESS SYSTEMS  
Signature: Allen Rhodes  
Title: Owner Date: 02-26-2021

## **Appendix B**

FY 2021 Victim of Crime Act (VOCA) Victim  
Assistance Grant

State of West Virginia



Application Form



<b>Victim of Crime Act (VOCA)</b> <b>Victim Assistance Grant</b> <b>Program Application</b>	<b>General Administrative Information</b> <b>Page 1</b>
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<b>Applicant Agency:</b> Address: Upshur County Commission 91 W. Main St. Suite 101 Buckhannon, WV 26201 Phone: 304-472-0535 Fax Number: 304-473-2399		<b>Type of Agency</b> <input type="checkbox"/> State <input checked="" type="checkbox"/> County <input type="checkbox"/> Municipal <input type="checkbox"/> Non-Profit
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<b><u>Project Director:</u></b> Bryan S. Hinkle Address: 38 W. Main St., Room 202 Buckhannon, WV 26201 Phone: 304-472-9699 Fax: 304-472-1452 Email: bshinkle@upshurcounty.org	<b><u>Fiscal Officer:</u></b> Carrie Wallace Address: 91 W. Main St. Suite 101 Buckhannon, WV 26201 Phone: 304-472-0535 Fax: 304-473-2399 Email: clwallace@upshurcounty.org
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Amount Requested: **\$40,308.00**      Amount Awarded:                       
 Project Period: **October 1, 2021 – September 30, 2022**

Percent Breakdown by Crime Category:	Number of years previously funded: <u>23</u>	Geographic Area Served:
49% Domestic Violence		County(ies): Upshur
8% Sexual Assault	Estimated number of victims to be served by grant: <u>240</u>	Population: 24,502
22% Child Abuse		Rural/Urban: Rural
21% Underserved Pop.		

Project Title: **Victim Services Division, Upshur County Prosecuting Attorney's Office**  
 Project Description: The program will utilize available resources within the county and the state to provide services to victims of crime in Upshur County. Services provided by this program are included but not limited to notification of arrests and court proceedings, court proceeding accompaniment, assistance in filing claims with the Crime Victims Compensation Fund, personal safety planning, personal advocacy, and referrals to other programs when necessary.

*Certification: To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by the governing body and the applicant will comply with the attached special conditions and assurances, if funding is provided.*

Authorized Official: Kristie G. Tenney Address: 91 W. Main St. Suite 101 Buckhannon, WV 26201	Title: President Phone: 304-472-0535 Fax: 304-473-2399 E-Mail: kgtenney@upshurcounty.org
Signature:	Date:



**Victim of Crime Act (VOCA) Victim  
Assistance Grant Program Application**
**Budget Summary  
Page 2**
**Applicant: Upshur County Commission**
**FEIN Number: 55-6000406**  
**DUNS Number: 028608099**

Category	VOCA Requested Funds	Matching Funds	Total Budget
Personnel / Contractual	\$38,808.00	\$6,904.00	\$45,712.00
Travel / Training	\$500.00		\$500.00
Space		\$2,400.00	\$2,400.00
Other	\$1,000.00	\$773.00	\$1,773.00
Totals	\$40,308.00	\$10,077.00	\$50,385.00

**Funding Strategy**

Funding Source(s)	Amount	Status
VOCA	\$40,308.00	A
MATCH-Upshur County Commission	\$10,077.00	C
Total	\$50,385.00	

**Funding Source -** Separately list each source of funds that will be used in the program.

**Amount -** Enter the amount received or anticipated for each

**Status -** Indicate the status of each funding source as follows:

P – Projected grant, loan or donation

A – Application submitted and under review

C – Funds Committed

R – Funds received, appropriated or on hand

**Victim of Crime Act (VOCA) Victim  
Assistance Grant Program Application**
**Budget Detail by Category  
Page 3**

Detailed Project Cost by Budget Category	Requested VOCA Funds	Matching Funds	Recommendation
<u>Personnel / Contractual</u> F/T Victim Services Coordinator: Krista Pyles FICA (7.65%) W/C (0.14%) Retirement (10%)	\$38,808.00	\$2,969.00 \$54.00 \$3,881.00	JCS Use Only
<u>Travel / Training</u> DAS/JCS Pre-Approved Travel/Training Mileage Rate: \$0.56/Mile	\$500.00		
<u>Space:</u> Office Space 143 sq. ft. in Prosecuting Attorney's Suite (\$200.00/month)		\$2,400.00	
<u>Other</u> 1 Laptop computer and necessary accessories to be used by Victim Services Coordinator to produce and store records, reports, and victim information. Office Supplies: Paper, pens, printer ink, Post-It notes, notebooks, and any other supplies necessary to provide services to victims of crime.	\$1,000.00	\$773.00	
<b>Total Requested VOCA Funds</b>	<b>\$40,308.00</b>		
<b>Total Matching Funds</b>		<b>\$10,077.00</b>	
<b>Total of Recommendation (JCS Only)</b>			

**Victim of Crime Act (VOCA) Victim  
Assistance Grant Program Application**
**Budget Justification  
Page 4**

Provide here a justification and explanation of the budget items shown on pages 3 and 3a of this application. **This should contain specific criteria and data used to arrive at estimates and/or costs for all items listed.** In completing the project budget narrative, please identify data by the major budget category involved (e.g., Personnel/Contractual, Travel/Training, Equipment, and Other). Please differentiate between project grant and matching funds (if applicable). For all Personnel/Contractual positions (salary, hourly, overtime) that are requesting Fringes please list the percentages (%) for each. **For all full-time hourly positions and part-time hourly positions (not salaried) please include an hourly rate x hours per month.** Please note that effective July 1, 2012 all salaried positions (whether it be 100%, 80%, etc.) may be reimbursed on a 12-month cycle. Example: If you are a salaried employee requesting 100% of your salary of \$35,000, the most you will be reimbursed for a month period is \$2,916.66. If you are a salaried employee requesting 80% of your total salary of \$35,000, the most you will be reimbursed per month will be \$2,333.33 over 12 months, not to exceed the \$28,000, or 80% of the \$35,000 salary. **Requested Increase in Grant Funds: If requesting an increase or change in grant funds from previous grant awarded amounts, applicants are to include a detailed description and justification for the increase/change in funds.**

**Applications submitted which do not provide a sufficient narrative may be subject to exclusion. Use additional blank pages as necessary.**

Additionally, provide an identified breakdown of matching funds. **Be sure to label the matching funds breakdown as such.** Attach additional pages if necessary.

<b>Victim Services Coordinator</b>		
<b>Salary Full Time Advocate</b>	<b><u>VOCA</u></b>	<b><u>MATCH</u></b>
Aprx.160 hrs/month at \$18.66 per hr.	<b>\$38,808.00</b>	
<b>Benefits</b>		
FICA 7.65%		<b>\$2,969.00</b>
W/C 0.14%		<b>\$ 54.00</b>
Retirement 10%		<b>\$3,881.00</b>
		<b>\$6,904.00</b>
In an effort to reduce turnover and due to the availability of other employment opportunities in the surrounding area offering competitive wages for qualified individuals with a preferred degree, a salary increase has been requested. An increase in salary will keep pay competitive and help ensure well qualified individual remains in the position of Victim Services Coordinator.		
<b>Travel/Training</b>	<b>\$500.00</b>	
Travel for approved and relevant training throughout the grant cycle as approved by JCS.		
<b>Other (Supplies): VOCA:</b> Laptop computer with necessary accessories and software to allow the Victim Services Coordinator to adequately produce, maintain, and store victim information, victim resources, and monitoring reports all of which are necessary to provide direct services to victims of crime.		
<b>Match:</b> Paper, pens, printer ink, envelopes, post-it notes, paperclips, highlighters, tape, staples, and other supplies necessary to provide direct services to victims of crime.		
	<b>\$1,000.00</b>	<b>\$773.00</b>
Office Space for the Victim Services Coordinator is located in the Prosecuting Attorney's office suite, which allows for the Victim Services Coordinator to meet privately with victims of crime. It is 143 sq. ft. and has a rental value of \$200.00 per month.		
		<b>\$2,400.00</b>
<b>Total (requested) VOCA funds:</b>	<b>\$40,308.00</b>	
<b>Total Matching funds:</b>		<b>\$ 10,077.00</b>

Please provide information that presents and explains the proposed project. State clearly and in concise detail the problem statement/statement of need, purpose and direction of the project and solution to the problem, background on project, evaluation of local needs, description of underserved populations (including plan for outreach and services), a limited language proficiency plan, volunteer utilization and recruitment plan, victim's rights notification plan, collaboration (should include how you refer to other victim service programs and list those programs), training requirement, and plan of sustainability of project. Attach additional pages if necessary. **(Refer to the instruction manual and Promising Practices Guideline for more details). All sections must be clearly titled with the bolded headings below:**

☞ **Problem Statement/Statement of Need**

- Problem Clearly Identified
- Target population identified and described, and needs outlined
- Supporting data is provided
- Past efforts shown
- Gap in service is clearly demonstrated and supported.
- New and/or Existing Program Justification

☞ **Program Description and/or Solution to the Problem**

☞ **Underserved Populations Component**

- Identified underserved Population
- Provided supporting statistical information for the service area requesting funding
- Identified how they will provide outreach to identified underserved Population

☞ **Limited Language Proficiency Plan**

☞ **Volunteer Recruitment and Utilization Plan**

☞ **Victim's Rights Notification Plan**

☞ **Collaboration – which includes how you track referrals, and name of programs you refer and collaborate with- this needs to be a “true” collaboration**

☞ **Training Requirement**

☞ **Plan of Sustainability**

**Problem Statement**

Upshur County is a predominantly rural county in central West Virginia with an approximate population of 24,176 people and with a land area of 354.64 square miles (2019 census.gov estimates), which when broken down equals 68.2 residents per square mile. The population of Upshur County is made up of 97% Caucasian residents, 1.4% Hispanic or Latino residents, 1.1% Black or African American residents, and 0.5% Asian residents. There is an equal 50% ratio of male and female residents. The percentage of residents living in poverty is 17.5% which is a 1.5% decrease from one year ago. When added together roughly 40% of the population in Upshur County falls into the categories of minors under the age of 18 (20.3%) and senior citizens over the age of 65 (21%).

Many residents of Upshur County live in remote areas of the county. Because there is no public transportation such as buses or taxi services offered within the county and because nearly 20% of Upshur County residents live in poverty and cannot afford transportation of their own, residents are often confined to their homes and are lacking first hand education and knowledge surrounding the workings of the court system.

Outside of what these residents may have learned in school their knowledge of their rights and court processes are very limited. Most victims of crime in Upshur County do not realize that there are programs and advocates available to help them through the difficulties that come with being a victim of crime and are often surprised to be contacted by an advocate from the Prosecuting Attorney's office.

An increase in financial and property related crimes were noted in the last grant cycle. It is believed that crimes such as these are directly related to the drug epidemic that is happening in our state and severely impacting Upshur County. Where methamphetamine has been the drug of choice for the past several years the focus has now shifted to heroin and fentanyl. As crime continues to increase in the county law enforcement officers and Prosecuting Attorneys are being continually stretched thin. There are currently a total of 6 Troopers stationed at the Upshur County detachment of the West Virginia State Police, 11 Deputies, 2 of which are PRO officers who do not work road patrol, 1 of which is the Home Confinement officer who does not work road patrol, 1 of which is part time only, and 1 of which is currently uncertified and waiting to attend the West Virginia State Police Academy, employed by the Upshur County Sheriff's Department, and 10 Officers employed by Buckhannon Police Department. Officers for the Buckhannon Police Department are confined to their jurisdiction within Buckhannon city limits which means that there are a total of 12 full-time law enforcement officers to cover schedules every day within the county. There is often only 1 trooper and 2 deputies on shift at any given time to cover the entirety of Upshur County; this leaves little time for law enforcement to focus on a victim centered approach. There is currently only one other advocate employed within Upshur County; this advocate is employed through Centers Against Violence and focuses solely on domestic violence related cases and is not involved with the court process. For the reasons listed above, and because none of the law enforcement agencies within the county employ a Victim Advocate it is imperative that there be a Victim Services Coordinator within the Prosecuting Attorney's office to advise victims of their rights and available services and to aid them through the sometimes difficult court process. The Victim Services Coordinator is able to focus solely on providing needed services to victims without distraction, making sure that victims are treated with dignity and respect, and ensuring victims are given the opportunity to provide important input on the cases they are directly involved in.

In the 2019-2020 grant cycle the Victim Services Coordinator provided services to approximately 295 victims of crime in Upshur County, 184 of those victims being classified as "new" victims. Due to the COVID-19 pandemic, crime rates changed in 2020 and the categories of crimes being committed shifted slightly. During last year's grant cycle approximately 29% of the victims listed in the "new" category were victims of a domestic violence related crime which is a 1% increase from the previous grant cycle. Domestic violence related incidents are classified as domestic battery, domestic assault, strangulation, stalking, and harassment. Property crimes such as trespassing, destruction of property, burglary, breaking and entering, and petit and grand larceny made up 31% of the victimizations listed as "new"; this is a 3% increase from the previous year. Property crimes surpassed domestic related crimes by 3% in the last



grant cycle. Financial crimes such as fraudulent use of an access device, forgery, and fraudulent schemes made up approximately 12% of the victimization categories, a 2% increase from the previous cycle. The remaining 29% of victims in the "new" category are victims of crimes such as assault, battery, trespassing, and vehicular crimes. Upshur County saw an increase in financial and property related crimes in the most recent completed grant period with a slight decrease in domestic violence related crime.

Before the Victim Assistance Program for the Upshur County Prosecuting Attorney's Office was established in 1997 victims of crime in the county were left to their own devices when it came to gaining information about their case after the initial report was filed with law enforcement. Since that time victims in Upshur County have been served by a dedicated individual focused solely on the needs and well-being of the victim. The Victim Services Coordinator assists victims of felony and misdemeanor crimes regardless of whether the case is prosecuted or not. The outcome of having a Victim Services Coordinator present to assist victims is more cooperative and satisfied victims who no longer view the court system as an intimidating entity and who will be more likely to seek assistance for themselves and encourage other victims of crime to seek assistance through the Victim Assistance Program in the future. This program also encourages those who may not normally report crimes against themselves or their property due to believing that no action would be taken to exercise their rights and take appropriate action to aid in the prosecution of their perpetrators.

#### **Program Description and/or Solution to the Problem**

The Victim Assistance Program in Upshur County was established in September 1997 with funding through the VOCA Grant. The Victim Services Division is located within the Upshur County Prosecuting Attorney's office. The Upshur County Commission is the designated Grantee and the Prosecuting Attorney is the Project Director and provides supervision to the Victim Services Coordinator.

The Victim Services Coordinator devotes their time to assisting victims of any and all crime in Upshur County. A large percentage of victims in Upshur County are victims of violent crimes such as domestic violence, battery, malicious wounding, sexual assault, and/or child abuse, but property crimes, financial crimes, vehicular crimes, and other crimes not falling under these categories have been increasing rapidly in Upshur County. The Victim Services Coordinator provides needed services to victims of these crimes without regard to age, perceived sex or gender, race, skin color, religion, disability, sexual orientation, or nationality and does so at no cost to the victim.

As stated above, due to the workload of local law enforcement and prosecutors, the rural nature of the county, and the lack of resources available in the county, it is imperative that there is a Victim Services Coordinator in place to ensure victims are aware of their rights and the services available to them. Maintaining contact with victims and informing them of arrests, court dates, and available services allows victims to come forward and be heard regarding how the crime they are a victim of has directly affected them.

### **Underserved Populations**

Currently approximately 17.5%, of the population of Upshur County lives in poverty, this is nearly double the national average which is at 10.5%. Much of the population resides in rural and remote areas of the county where communication, transportation, and other resources are not easily accessible. Due to the rural nature of the county and lack of resources available to residents in these areas all victim populations fall into the category of "underserved". In order to reach outlying victims the Victim Services Division of the Upshur County Prosecuting Attorney's Office relies on community spread of information through flyers, informational brochures, posters hung in the courthouse and within the community, and word of mouth; the Victim Services Coordinator also sets up displays in the lobby of the courthouse during National Crime Victim's Rights Week. Due to the small size of Upshur County and the close working relationship that the Victim Services Coordinator is fortunate to share with local law enforcement agencies it is commonplace for law enforcement officers to direct the victims they are dealing with to the office of the Victim Service's Coordinator via word of mouth; this is a helpful way to reach victims and make them aware of the services that are available to them. The Magistrate's Office also frequently directs victims to the office of the Victim Services Coordinator.

Although all victims of crime in Upshur County are included in the Underserved Population, victims of sexual assault, domestic violence, and child abuse face additional barriers. While sexual assaults made up only 1% of crime in Upshur County during the last grant cycle domestic abuse (28%) and child physical abuse, child neglect, and child sexual abuse (5%) made up 34% of all crime committed; together these categories equal more than one third of the total crime committed in Upshur County during the 2019/2020 grant cycle. Due to the violent nature of the crimes committed against them, fear of their offender, and fear of revictimization, these victims often are unable or unwilling to come forward and communicate their experiences and needs. In addition to local law enforcement agencies, the Victim Services Coordinator is committed to maintaining contact with other agencies in the county such as Centers Against Violence, the Mountain CAP Child Advocacy Center, West Virginia Department of Health and Human Resources, and St. Joseph's Hospital in order to collaboratively provide the best service possible to our underserved population. With the collaboration and cooperation of these agencies awareness of resources can be spread evenly throughout the population of Upshur County.

### **Limited Language Proficiency Plan**

It is understood that at times there may be victims who present with a language barrier; regardless of whether that entails a non-English speaking individual, an undereducated individual, or an individual who is blind, deaf, or hard of hearing, the Victim Services Division at the Upshur County Prosecuting Attorney's Office is prepared to give these individuals the attention they need. The Victim Services Coordinator is able to obtain assistance for these victims from community agencies such as West Virginia Wesleyan College, the Upshur County Board of Education, and the West Virginia Department of Health and Human Resources; these agencies are sometimes able to provide



translators and individuals who are proficient in sign language and in the event that they cannot immediately provide an individual the agencies are able and willing to provide contact information of individuals who are trained and willing to assist those with limited language proficiency. Further, the Victim Services Coordinator has access to "I Speak" cards, the Language Line, and multiple language "apps" that can be utilized to assist this group. It is also understood that there are times that the Victim Services Coordinator will need to take extra time and care in explaining the court process and services to some individuals who may be under-educated in order for these individuals to be able to understand what is happening with the case that they are involved in; this will be accomplished by meeting with these individuals one on one and breaking down ideas and legal jargon into terms that are more easily understood. Individuals with limited language proficiency or lack of education will be treated and taken care of in the same respectful way and shown the same level of compassion and understanding as any other victim who is being assisted by the Victim Services Coordinator, regardless of the extra steps that may need to be taken in order to assist them.

#### **Volunteer Recruitment and Utilization Plan**

Upshur County is home to West Virginia Wesleyan College and Buckhannon Upshur High School which provides a wonderful opportunity for the Victim Services Coordinator to recruit volunteers in students who have an interest in public service fields and helping others. The utilization of these volunteers helps the students gain valuable hands-on experience in a field that interests them while also benefitting the Victim Services Division of the Prosecuting Attorney's Office. These volunteers will aid the Victim Services Coordinator and victims by performing necessary clerical duties, maintaining statistical information, and assisting with community awareness and outreach projects. Volunteers will be carefully selected by the Prosecuting Attorney with help from the Assistant Prosecuting Attorneys and the Victim Services Coordinator after an application process has been completed. Volunteers will be asked to sign a confidentiality statement and a non-disclosure form and will be under the direct supervision of the Victim Services Coordinator. The Victim Services Division of the Upshur County Prosecuting Attorney's Office has also used previous victim service coordinators as volunteers in the past and will leave this open as an option for future volunteer opportunities, as well.

#### **Victim's Rights Notification Plan & Victim Centered Approach**

The "Victim Rights" statement sheet provided by the Division of Administrative Services, Justice and Community Services is provided to each victim by law enforcement; this document is also posted in the office of the Prosecuting Attorney. When the Prosecuting Attorney's office receives new cases involving victims from Magistrate court the Victim Services Coordinator attempts to make contact with the victim as soon as possible. Contact is initially attempted by mail but can also include telephone and in-person meetings. During this contact the Victim Services Coordinator distributes an informational brochure which includes information of the West Virginia Victim Protection Act and lists county specific resources that could be helpful to victims; a booklet outlining arrest procedures and a walkthrough of criminal court proceedings for misdemeanor and felony crimes is also distributed at this time. Domestic violence

victims are also provided a Power/Control Wheel handout upon initial contact. Upon verbal or face to face contact a needs assessment is completed in order to address the safety of the victim and any specific needs the victim may have; referrals to outside agencies may be made at this time depending on the needs of the victim. The Victim Services Coordinator will maintain contact with the victim throughout the entirety of their case by mail, telephone, or face to face meetings, notifying them of upcoming hearings, trials, and other pertinent information. If requested or needed, the Victim Services Coordinator will make appointments for victims to meet with the Prosecuting Attorney and Assistant Prosecuting Attorney to discuss plea offers, discuss the case, or prepare for trial. The Victim Services Coordinator also assists victims in completing Victim Impact Statements and Crime Victims Compensation Fund Applications when needed. Victims are provided with a program evaluation at the conclusion of their case and are encouraged to complete and return the evaluation in order for the Victim Services Coordinator to assess the program and implement any needed changes and/or improvements. At the conclusion of their case victims are also provided information on the VINE system and the West Virginia Parole Board.

**Collaboration:**

The Victim Services Division in the Upshur County Prosecuting Attorney's Office is in collaboration with the West Virginia Department of Health and Human Resources, Appalachian Community Health Center, Mountain CAP Child Advocacy Center, and Centers Against Violence to assist victims of crime in finding as many resources as possible to fit their needs. Largely due to a small community setting and a good working and professional relationship between these agencies, referrals to and from the Victim Services Coordinator are often effortless with expedited response times. Referrals can often be completed with a quick telephone call and with the added privilege of speaking directly to an advocate or provider that the Victim Services Coordinator knows personally. The Victim Services Coordinator also works directly with the VAWA funded Assistant Prosecuting Attorney to build a strong STOP Violence Against Women team whose members are committed to providing awareness of specific issues related to domestic violence, sexual assault, stalking, and dating violence. Members of the STOP team collaborate in an effort to provide consistent and appropriate services to victims of these crimes.

**Training Requirement**

The Victim Services Coordinator will request to attend and enroll in relevant trainings as they are announced. VOCA funded staff are also given the opportunity to attend the Prosecuting Attorney's Summer Prosecutor/Key Personnel/Victim Advocate Conference, which routinely provides training in areas relevant to victim advocacy. There are many opportunities presented to ensure that the Victim Services Coordinator attends the required 8 hours of training during the grant cycle. Due to the COVID-19 pandemic many training sessions are now being offered online via programs like Microsoft Teams and Zoom which allows the Victim Services Coordinator to "attend" trainings from their own office.

**Plan of Sustainability**

The Upshur County Commission is aware of the vital importance of the role of the Victim Services Coordinator within the Prosecuting Attorney's Office. Members of the commission are continuously made aware of the services that the Victim Services Coordinator performs and any new members are immediately informed of the importance of this position. Loss or reduction of VOCA funding for the position of the Victim Services Coordinator is discussed annually by the Prosecuting Attorney and the County Commission at the county budget meeting; at this time the Prosecuting Attorney asks that the County Commission be prepared to provide funding for the position if funding were to be reduced or removed by VOCA. To date, the County Commission has willingly provided matching funds for the Victim Services Coordinator and it is believed that the Commission will do its best to provide funding for the position should grant funds be reduced or lost. Due to the collaboration with various community agencies and the working relationships that have been established as a result of that collaboration it is believed that these agencies and the community would encourage the County Commission to continue the Victim Service Coordinator position and would assist in acquiring funds for the position.

**Victim of Crime Act (VOCA) Victim  
Assistance Grant Program Application**
**Grant Goals and Objectives  
Page 6**

Goal	Broad statement about what the program intends to accomplish. This statement should state the long-term desired impact of the program, set scope or foundation, state long-range target or purpose, identify target population, and state the condition to be changed. <b>You may only have one goal with several objectives and activities to meet each goal.</b>
Objective	A specific statement of the desired short-term, immediate outcome of the program which will show accomplishment of the goal. Each objective must be <b>S.M.A.R.T.</b> (Specific, Measurable, Attainable, Results oriented and Time bound).
Outcome	Outcomes measure whether objectives have been met. Outcomes are almost always measuring of change.
Outcome Tool	The data or tool used to measure achievement of the objective.
Outcome Tool	The data or tool used to measure achievement of the objective. How will data be collected, analyzed, and results shared.
Activities	What will be done and who will accomplish it. <b>You must have at least one (1) activity per objective.</b>
Timeline	When will the activity begin and end? <b>You must have a timeline for each activity. This should not say "ongoing"; it should be specific to the grant period.</b>

Goal Number:	<b>1</b>	<b>The primary goal of the Upshur County Victim Services Division is to provide excellent service to all crime victims in Upshur County, including underserved populations, by providing tangible information via telephone, mail, or in person to best inform them of their rights as victims, the importance of their role in the criminal justice process, notification of arrests and court hearing dates, active case status, and to provide needed support and services to ensure their needs are being sufficiently met throughout the duration of their case.</b>
Description:		

Objective Number:	<b>1</b>	To provide written, telephonic, and/or in person notification of the filing of criminal charges, arrests, victim rights, court dates, and available services and to obtain and record demographic information for all victims of crime, including underserved populations, in Upshur County.
Outcome:		The Victim Services Coordinator will make deliberate and calculated efforts to make contact with all victims of crime in Upshur County, which is estimated to be 240 victims.
Outcome Tool:		Monthly recorded victim statistical report/Performance Measure Tool.
Activities to meet objective:		Timeline for each activity:
1. To make contact with victims of crime via mail, telephone, or in person.		1. Continuously throughout the grant cycle of Oct. 1, 2021-Sep 30, 2022.
2. To collect victim information from police reports, criminal complaints, Magistrate Court, and victims themselves.		2. Weekly throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022.

**Victim of Crime Act (VOCA) Victim  
Assistance Grant Program Application**
**Grant Goals and Objectives  
Page 6**

Objective Number:	<u>2</u>	To guarantee that each victim of crime in Upshur County, including underserved populations, is provided the opportunity to give personal input on the cases they are involved in either directly to the Prosecuting Attorney or Assistant Prosecuting Attorney handling their case or directly to the Victim Services Coordinator. The number of victims served in the grant cycle is estimated to be 240.
Outcome:		Upon initial correspondence from the Victim Services Coordinator victims will be notified of their continuing right to meet directly with the Prosecuting Attorney or Assistant Prosecuting Attorney handling their case or with the Victim Services.
Outcome Tool:		Any written, telephonic, or in-person correspondence between the victim and the Prosecuting Attorney, Assistant Prosecuting Attorney, or the Victim Services Coordinator will be recorded on a Case Status Sheet and stored in the victim's electronic file.
Activities to meet objective:		<p>Timeline for each activity:</p> <ol style="list-style-type: none"> <li>1. The Victim Services Coordinator will advise victims of their right to speak with or directly meet with the Prosecuting Attorney, Assistant Prosecuting Attorney, or Victim Services Coordinator to discuss and questions or concerns regarding their case.</li> <li>2. The Victim Services Coordinator will advise victims of the right to complete a Victim Impact Statement to assist in expressing their own personal opinions and facts regarding their case to the Prosecuting Attorney, Assistant Prosecuting Attorney, or Victim Services Coordinator.</li> </ol> <ol style="list-style-type: none"> <li>1. Upon initial contact with victims, which most often occurs within 2 weeks of receipt of the criminal complaint, and prior to any scheduled court proceedings throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022.</li> <li>2. Upon initial contact with victims, which most often occurs within 2 weeks of the receipt of the criminal complaint and prior to any scheduled court proceedings throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022.</li> </ol>

Victim of Crime Act (VOCA) Victim Assistance Grant Program Application	Grant Goals and Objectives Page 6
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Objective Number: <u>3</u>	To guarantee that each victim of crime in Upshur County, including underserved populations, is offered the opportunity to voice their specific needs and receive related information and/or services.
Outcome:	The Victim Services Coordinator will perform a needs assessment upon initial contact with the victim to accurately identify specific needs and aid in offering and/or referring the victim to appropriate services to best assist the victim.
Outcome Tool:	Assessment of Needs/Services
Activities to meet objective: 1. Needs Assessment will be completed upon initial intake.  2. Services will be provided by the Victim Services Coordinator or referrals will be made to outside agencies who can best assist the victim.	Timeline for each activity: 1. Upon initial contact with victim via phone or face to face contact and continuing throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022. 2. Continuously throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022.

Objective Number: <u>4</u>	To guarantee that each victim of crime in Upshur County, including underserved populations and non-victim residents, are provided information regarding available victim services, victim's rights, and the importance of victim's role in the judicial process through distribution and display of printed material and word of mouth designed to raise community awareness.
Outcome:	Victims of crime and residents of Upshur County will be made aware of their rights and available services should they ever require victim assistance.
Outcome Tool:	Printed brochures, booklets, posters, fliers, and word of mouth.
Activities to meet objective: 1. Distribution of printed material to identified victims of crime.  2. Continued collaboration with law enforcement agencies to identify existing victims. 3. Continued collaboration with community resources to raise community awareness.	Timeline for each activity: 1. Upon initial contact with victims throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022. 2. Continuously throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022. 3. Continuously throughout the grant cycle of Oct. 1, 2021-Sep. 30, 2022.





**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](mailto: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](http://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](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. 10<sup>th</sup> 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](http://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](http://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]:** Kristle G. Tenney

**Authorized Official Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**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 basis" 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 grant funds or match are being utilized.
26. **PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:** Grantee acknowledges that JCS, or any applicable parent federal agency, reserves a royalty-free, non-exclusive, and



irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Grantee agrees to consult with JCS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

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

documents submitted to JCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code. JCS recognizes that some information submitted in the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement, personnel, juvenile sensitive, or personal or otherwise important to national or state security interests. This may include threat, risk and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures.

While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, **all** determinations concerning the release of information of this nature are made on a case-by-case basis by JCS and may fall within one or more of the available exemptions under the Act.

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

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

33. **NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
34. **SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES:** The grantee must submit one copy of all reports and proposed publications resulting from this agreement to JCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements: "This document [product] was prepared under a grant from the West Virginia Division of Administrative Services, Justice & Community Services Section (or simply "JCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia Division of Administrative Services, Justice & Community Services Section or any entity of the Department of Justice." In addition, the grantee agrees not to utilize the JCS logo without written permission.
35. **JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:** Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.
  - Deinstitutionalization of status offenders (DSO).
  - Separation of juveniles from adults in institutions (separation).
  - Removal of juveniles from adult jails and lockups (jail removal).
  - Reduction of disproportionate minority contact (DMC), where it exists.

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

**36. COLLABORATION W/OTHER FEDERAL AND STATE GRANTS:** Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment, and any other resources deemed necessary by JCS.

**37. USE OF DATA/EXCHANGE OF INFORMATION:** With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to JCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to JCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916-392-2550) should be contacted to determine availability of software prior to any development effort.

**38. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

**39. EQUAL EMPLOYMENT OPPORTUNITY PLAN:** The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and JCS. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEO Certification form and, if required, an EEO Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eeop.htm>.

**40. VETERANS PREFERENCE:** This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. JCS defines "suitable preference" as the requirement that a grantee agency

have in place a mechanism ensuring that veterans are given consideration in the hiring process.

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

**Authorized Official Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



**Upshur County Firefighter Association  
West Virginia**

March 29, 2021

Upshur County Commission, Fire Board  
91 W Main St 101  
Buckhannon, WV 26201

Upshur County Fire Board and Commission,

Please accept this letter on behalf of the Upshur County Firefighters Association for approval of the appointment of Derek V. Long to the Upshur County Fire Board.

Mr. Long has accepted our nomination and was approved via unanimous vote at our meeting on February 24, 2021.

Thank you,

Shane M Jenkins, President  
Upshur County Firefighters Association

**TRI-COUNTY CHILD EXCHANGE &**  
**VISITATION PROGRAM**  
**SITE SUPERVISOR & MONITOR POSITIONS**

Tri-County Child Exchange & Visitation Program is accepting applications for part-time Site Supervisor and Monitor positions with entry level pay. Successful applicants must hold a high school diploma or equivalent, general clerical skills, proficient communication ability, and detailed observation capabilities. Applicants must have a professional demeanor that welcomes skilled direction to ensure the accurate completion of case documentation preservation.

Applications and additional information can be obtained by contacting Bethany Kirchberg, Program Coordinator at 304-269-8247 or [tricountychildwv@hotmail.com](mailto:tricountychildwv@hotmail.com).

Application and resume can be mailed to:

Tri-County Child Exchange & Visitation Program  
P.O. Box 724  
Weston, WV 26452

Or submitted via email to:

[tricountychildwv@hotmail.com](mailto:tricountychildwv@hotmail.com)





Office of the State Auditor  
Chief Inspector Division  
State Capitol, Building 1, Suite W-100  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

*State of West Virginia*  
**John B. McCuskey**  
State Auditor and  
Chief Inspector



Toll Free: (877) 982-9148  
Telephone: (304) 558-2251  
Fax: (304) 558-6414  
[www.wvsao.gov](http://www.wvsao.gov)

**ADVISORY MEMORANDUM**

**TO:** County Commissioners in the State of West Virginia  
County Clerks in the State of West Virginia  
Sheriffs in the State of West Virginia

**FROM:** Samantha Woods, Assistant Director  
Office of the Chief Inspector

**DATE:** March 17, 2021

**RE:** **Accounting and Recordkeeping Requirements for Certain Federal Funding**

---

The "*American Rescue Plan Act of 2021*" became law on March 11, 2021. A portion of this \$1.9 trillion coronavirus relief package provides federal funding for States and local governments (including county commissions).

Many local West Virginia governments have been receiving federal funding over the past year from the "*CARES Act*" (Coronavirus Aid, Relief, and Economic Security Act) which is administered by the Governor's Office. With this CARES Act funding, the Governor's Office is the primary recipient of the grant with the local governments as sub-recipients. Any government which expends over \$750,000 of federal financial assistance in a fiscal year is subject to federal single audit requirements.

The new "*American Rescue Plan Act of 2021*" provides an allocation formula that authorizes federal payments to local governments (including County Commissions) based, in part, on population. The 1<sup>st</sup> half of the payment is expected to be made within 60 days of certification by an authorized official of the State of West Virginia. The State of West Virginia will then have up to 30 days (barring an extension approval) to disseminate the appropriate allocation to each County. While both the "*CARES Act*" and the "*American Rescue Plan Act of 2021*" are federal financial assistance programs available to local governments, the allowable costs for each are considerably different.



County Commissioners in the State of West Virginia  
County Clerks in the State of West Virginia  
Sheriffs in the State of West Virginia  
Page Two

West Virginia Code Section Two, Article Nine, Chapter Six (§6-9-2) authorizes the State Auditor, as Chief Inspector, to formulate, prescribe and install a system of accounting for local governments. The Chief Inspector is also charged with the responsibility of overseeing and conducting audits (including federal single audits) on local governments. In order to facilitate both the record keeping and audit process associated with this federal assistance program, we are requiring the following:

1. A new special revenue fund (**Fund #207 – American Rescue Plan Act -2021**) and separate checking account shall be created by the County to segregate any federal financial assistance received pursuant to the *"American Rescue Plan Act of 2021"*. No other funds should be intermingled with this account (including *"CARES Act"*). While our office recommended that local governments establish a separate fund for the *"CARES Act"* funds in the past, this new fund for the *"American Rescue Plan Act of 2021"* is **mandatory**.
2. Revenue received in the form of federal financial assistance shall be recorded under the revenue line item 322.
3. Documentation supporting disbursements from this fund must be maintained in accordance with federal and state law. This includes transfers to other funds and/or agencies or component units of the County.
4. Counties must utilize an online reporting system detailing the activity of this fund until all federal assistance received has been expended. The law stipulates a period of availability through December 31, 2024. The *American Rescue Plan Act Reporting System* is in the development stage and will be available soon. We will be conducting virtual training sessions for the platform in the near future.

The system, when complete, will provide information on the allowable uses of this federal financial assistance. We will provide further guidance as it becomes available from the appropriate federal agencies. We strongly encourage you to check our website for updates by clicking on the link at the top of the page for *"COVID-19 information and resources"*. This is a very dynamic situation with the funding being disseminated quickly and the guidance not fully formulated. Furthermore, we have a group email account at [COVID19@wvsao.gov](mailto:COVID19@wvsao.gov) that you may utilize to obtain guidance on the allowability of COVID related disbursements or assist you in any other way.

It is important to point out that the failure to properly administer these federal funds and/or follow the instructions provided by our office could result in audit findings for your government. It is our goal to provide you with the resources necessary to ensure compliance and promote transparency while meeting community needs in expending this federal financial assistance. Your service to the citizenry of this State has been and is vital during these unprecedented times, and we will continue to support you in that honorable endeavor.


LEWIS-UPSHUR ANIMAL CONTROL FACILITY		
MONTH OF FEBRUARY 2021		
	UPSHUR	LEWIS
<b>ADOPTIONS</b>		
CASH	\$340	\$85
CHECK	\$10	\$10
E STORE CREDIT CARD	\$115	\$15
<b>SUBTOTAL</b>	<b>\$465</b>	<b>\$110</b>
<b>SPAY/NEUTER DEPOSIT</b>		
CASH	\$300	\$150
CHECK	\$50	\$50
E STORE CREDIT CARD	\$200	\$0
<b>SUBTOTAL</b>	<b>\$550</b>	<b>\$200</b>
<b>BOARD RESCUE</b>		
CASH	\$0	\$0
CHECK	\$0	\$0
E STORE CREDIT CARD	\$10	\$0
<b>SUBTOTAL</b>	<b>\$10</b>	<b>\$0</b>
<b>MICRO-CHIPPING</b>		
CASH	\$0	\$0
CHECK	\$0	\$0
E STORE CREDIT CARD	\$0	\$0
<b>SUBTOTAL</b>	<b>\$0</b>	<b>\$0</b>
<b>DONATIONS</b>		
CASH	\$125	\$0
CHECK	\$25	\$0
E STORE CREDIT CARD	\$100	\$0
<b>SUBTOTAL</b>	<b>\$250</b>	<b>\$0</b>

OTHER	\$0	\$0
TOTAL	\$1,275	\$300

EXPLANATION:

**LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT**  
**ACCOUNT OF CATS**  
**JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES**  
**(February) 2021**

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	0	0	0
Cats brought in by Animal Control Officer	2	0	2
Cats brought in by County Residents	14	7	21
Cats brought in by Law Enforcement	0	0	0
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	0	0	0
Cats Escaped	0	0	0
Adoptions:			
With Charge	5	0	5
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	7	2	9
Euthanasia:			
Owner Request	0	0	0
Other	4	0	4

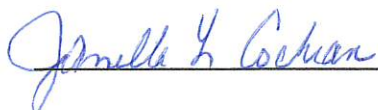
  
 Signature

3-1-2021

Date

**LEWIS - UPSHUR ANIMAL CONTROL FACILITY**  
**ANIMAL REPORT (March 1, 2021)**  
**ACCOUNT OF ANIMALS HOUSED AT THE LEWIS - UPSHUR ANIMAL CONTROL FACILITY**  
**FOR THE MONTH OF (February 2021)**

TRANSACTION	UPSHUR	LEWIS	TOTAL
Dogs brought in by Animal Control Officer	15	5	20
Other Animals brought in by Animal Control Officer	0	0	0
Dogs brought in by County Residents	8	1	9
Dogs brought in by Law Enforcement	0	0	0
Dogs in Drop Box	0	0	0
Dogs Quarantined	0	0	0
Dogs Returned to Owner	6	0	6
Dogs Escaped	0	0	0
Adoptions:			
With Charge	10	2	12
Without Charge	0	0	0
Rescues:			
With Charge	1	0	1
Without Charge	7	1	8
Euthanasia:	0	0	0
Owner Request	1	0	1
Other	0	0	0
Total	48	9	57



Signature

3-1-2021

Date



Jason.Knicely, ANIMAL CONTROL / HUMANE OFFICER

For the Month of ~~February~~ February

TRANSACTION	#
Animals picked up by ACO:	15
Dogs	15
Other	0
Animals returned to Owner by ACO:	6
Dogs	
Other	0
Animals Delivered to LUACF:	20
Dogs	20
Other	0
Animals Quarantined by ACO:	0
Dogs	0
Other	0
Animals Terminated:	1
Dogs	1
Other	0
Total Number of Hours Involved	80

Signature

Date

## West Virginia State University Healthy Grandfamilies Staff

### Brenda R. Wamsley, Ph.D., MSW

Project Director  
Professor & Chair  
Department of Social Work  
[wamsleyb@wvstateu.edu](mailto:wamsleyb@wvstateu.edu)

### Bonnie Dunn, MS

Co-Project Director  
Extension Specialist  
Family & Consumer Sciences  
Office: (304) 204-4007  
Cell: (304) 541-1654  
[parsonsb@wvstateu.edu](mailto:parsonsb@wvstateu.edu)

*For additional information including  
upcoming workshops, contact:*

### Yvonne Lee, MSW

Project Social Worker  
(304) 766-3098  
[yvonne.lee@wvstateu.edu](mailto:yvonne.lee@wvstateu.edu)



Healthy Grandfamilies  
West Virginia State University



A new *free* resource for  
grandparents raising grandchildren.

Healthy Grandfamilies is a joint project of the WVSU Department of Social Work and WVSU Extension Service funded by USDA Award No 2015-38821-24374



*West Virginia ranks **2nd**  
in the nation for percent of  
grandparents raising grandchildren.*

Healthy Grandfamilies is a free initiative led by West Virginia State University to provide information and resources to grandparents who are raising one or more grandchildren. Designed as a series of 10 discussion groups and follow-up services, Healthy Grandfamilies is taught by an education professional with more than 40 years of experience who also happens to be the product of a grandfamily.

Each discussion group provides valuable resources along with childcare for attendees and refreshments. Participants will receive a certificate of completion, a gift card and three months of follow-up services for family support.



## Discussion Topics

- Parenting in the 21<sup>st</sup> Century
- Family Relationships: A new dynamic
- Communication: When no one talks and everyone texts
- Technology & Social Media: The dangers, pitfalls & plusses
- Nutrition: Balancing diets when everyone is "on the go"
- Legal Issues & Documents: Getting past all the legal issues
- Health Literacy & Self-Care: How to take care of your own health
- Healthy Lifestyles & Stress Management: Managing your stress — and the stress of your grandchildren
- Negotiating the Public School System
- Family Response to Addiction: Coping with a child struggling with substance misuse

## Follow-Up Services

Upon completing the series of discussion groups, participants are provided three months of free follow-up services from project staff with more than six years of experience working with children and families, including grandfamilies. Services include:

- Help locating community resources
- Confidential assistance in meeting the unique needs of your family situation
- Advocacy services as needed



# WVSU Healthy Grandfamilies Program

## Referral Form

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

Family Members Name: \_\_\_\_\_ Age: \_\_\_\_\_ Relationship: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

School (s) of attendance: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Best time to contact: AM or PM please circle one.

Best way to contact: phone, email, in-person or mail please circle one.

Scheduled home visit: \_\_\_\_\_ Best time to make home visit: \_\_\_\_\_

Available time and days to attend educational discussion groups: \_\_\_\_\_

Will you need childcare: yes \_\_\_\_ no \_\_\_\_ How many children: \_\_\_\_\_

-----

Person making referral other than family member please briefly note how you feel we can be of service to this family.

Name: \_\_\_\_\_ Company/Position: \_\_\_\_\_

Contact Info: \_\_\_\_\_

Reason for contact: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Person taking referral: \_\_\_\_\_

Mailing address of Healthy Grandfamilies Agency:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# Ready, Set, Kindergarten!



Starting kindergarten is a big step, and you obviously want your girl to feel as comfortable and confident as possible from day one. Let Girl Scouts stand with you to support and inspire her as she makes new friends, meets new teachers and tests out new ideas. Our girl-centered kindergarten readiness series are free and open to any girl in kindergarten this fall.

For more information

Contact our office at 304-345-7722 | [www.bdgsc.org](http://www.bdgsc.org)  
or Amber Nesselrodt, Membership Delivery Manager  
[amber.nesselrodt@bdgsc.org](mailto:amber.nesselrodt@bdgsc.org) | 304-345-7722 ext. 1502

We can't wait to see you soon!

**girl scouts**   
of black diamond

*Interested in joining or receiving more information? Open the camera on your mobile device, scan the QR code to the right and complete our General Interest Form!*



**Learn more today at [www.bdgsc.org](http://www.bdgsc.org).**





## What Do Daisy Girl Scouts Do?

Your girl's dreams are our dreams, and we have fun making them come true together—whether that's climbing a tree, painting a mural, or making a robot. When she's with us, doing her best is always good enough and there are no wrong answers or ideas. Let's get started!

### Daisy Girl Scouts:

- Grow social skills through virtual or safe in-person meetings with other girls their age
- Find new ways to practice kindness, bravery, and generosity
- Earn special badges and pins to wear as a reminder of the new skills they're learning
- Gain confidence and pride in their abilities
- Learn how to run their own businesses
- Explore the outdoors and spend time in nature
- Try out tech and learn cyber basics that help keep them safe online
- Discover how to help their community and make the world a better place
- Join a circle of friendship and fun like no other

**If your girl is going into kindergarten or first grade, Daisies is for her!**  
**For more information, Contact Amber Nesselrodt, Membership Delivery Manager**  
**304-345-7722 or [amber.nesselrodt@bdgsc.org](mailto:amber.nesselrodt@bdgsc.org) | [www.bdgsc.org](http://www.bdgsc.org)**



**City Council of Buckhannon – 7:00 pm in Council Chambers**  
**Meeting Agenda for Thursday, April 1, 2021**

48

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Channel 3 is Live Streaming our City Council Meetings at <https://www.facebook.com/ch3buckhannon/>  
Please send public comments to [buckhannon@buckhannonwv.org](mailto:buckhannon@buckhannonwv.org) via email or drop them in the mail,  
or drop box behind City Hall.

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**A. Call to Order**

- A.1 Moment of Silence
- A.2 Pledge to the Flag of the United States of America
- A.3 Mayor's Greetings

**B. Recognized Guests**

- B.1 Dr. Joseph Reed-Proclamation-Take Down Tobacco Day -April 1 2021
- B.2 Jody Light

**C. Department & Board Reports**

- C.1 Public Works Director- Jerry Arnold
- C.2 Finance Director- Amberle Jenkins
- C.3 Fire Chief- JB Kimble
- C.4 City Attorney- Tom O'Neill

**D. Correspondence & Information**

- D.1 BPD -CALEA Accreditation Assessment- Public Notice & Media Release invites Public Comment
- D.2 Letter of Understanding between BFD, BPD & WVWC RE: Fire & Police to utilize structures at 79 & 82 Randolph St for Drills/Training Exercises prior to demolition
- D.3 Letter from WV State Auditor RE: Accounting & Recordkeeping Requirements for American Rescue Plan Act of 2021
- D.4 Mayor's Proclamation-Dr. Joseph Reed Day, March 26, 2021
- D.5 Mayor's Proclamation-100<sup>th</sup> Anniversary of St. Joseph's Hospital
- D.6 Atlantic Coast Pipeline Restoration Plan & FERC Scoping Notification
- D.7 Letter to Virgil LaRosa RE: Leasing Space on Deer Creek Ridge Radio Tower for City's Private Intranet & Communications
- D.8 PR: ART26201- Colonial Theatre Gallery Presents Upshur Youth Art Exhibition April 3<sup>rd</sup>
- D.9 Property Purchase Agreement 63 East Main Street

**E. Consent Agenda**

- E.1 Approval of Minutes Regular Meeting 03/18/2021
- E.2 Approval of Building and Wiring Permits
- E.3 Approval of Payment of the Bills
- E.4 Approval Appointment of Samuel Walker as the City's Representative to the UC Parks & Recreation Board

**F. Strategic Issues for Discussion and/or Vote**

- F.1 Approval Mutual Aid Agreement between Buckhannon Police Department & Upshur County Sheriff's Office
- F.2 Discussion/Possible Action – Appointment of Colonial Theatre Board Members
- F.3 Mountaineer Food Bank Request Funding of \$5,000 for Fresh Initiative Kids Market in Upshur County Schools
- F.4 Requests from Almost Heaven Rib Fest to be held on May 1, 2021
- F.5 Approval to Set Up Separate Fund & Bank Account for the American Rescue Plan Act of 2021
- F.6 WVWC Request to Construct Fence & Gates at Randolph & Brooke Streets RE: Photovoltaic Power Project

**G. Comments and Announcements**

- G.1 Mary Albaugh
- G.2 Pamela Bucklew
- G.3 C J Rylands
- G.4 David Thomas
- G.5 Jack Reger
- G.6 Randall Sanders

**H. Mayor's Comments and Announcements**

**I. Adjournment**

Posted 03/29/2021

Next Regular Scheduled City Council Meeting Thursday, April 15, 2021

## Upshur County Public Library Board of Trustees Meeting February 17, 2021

The regular meeting of the Upshur County Public Library Board of Trustees was held on Wednesday, February 17, 2021 at the library. Board members in attendance were Kenna Leonard, John Haymond, and Linda Riegel. Also in attendance were Paul Norko, Director; Beth Rogers, Assistant Director; Connie Cutright, Business Manager; and Ann Slaughter, Friends of the Library representative. Absent were Carol Smith and Katie Loudin.

The minutes of the November 18, 2020 meeting were approved on a motion made by John and seconded by Linda. A meeting was not scheduled in December and January's meeting was cancelled.

The financial reports for November, December, and January were approved on a motion made by Linda and seconded by John.

Director's Report – see written report

Additions:

- Work cannot begin on landscaping the circle until the flagpole has been set and concrete poured. If County Maintenance cannot complete before March or April, the library may need to bear the cost of this part of the project. Connie will try to get an estimate from a local contractor.

The latest update to the Strategic Plan was passed out. There will be one more Strategic Plan meeting before the next board meeting. The Plan has to be approved at the March meeting so it can be submitted to WV Library Commission by March 31, 2021.

Plans for the Ramp Dinner are underway. Katie had spoken with Dr. Stankus and she offered the High School and the use of the High School kitchen as the distribution site. After speaking with Sara from Fish Hawk, we don't believe we will need the kitchen, but will be doing the carry out from the high school. Connie will check with the principal about coordinating any scheduling or any additional approval that may be needed directly from the high school. We hope to have all publicity and sponsorship materials ready by February 26<sup>th</sup>.


The mandatory annual Service Center Training Day will be held virtually this year. Linda made a motion to close the library on March 23<sup>rd</sup> with March 30<sup>th</sup> as the backup day, so all staff could attend. John seconded the motion.

All board members received a digital copy of our audit report. The board accepted the audit report and the approved the signing of the audit documents as required by standard auditing procedures on a motion made by John and seconded by Linda.

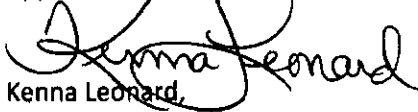
Ann reported that she has items for fundraisers when and if things get back to normal. The library staff offered to help with online fundraisers if the Friends would want to do so.

The next meeting will be March 17. The meeting adjourned on a motion made by Linda and seconded by John.

Respectfully submitted,

  
Connie Cutright,  
Business Manager

Approved.

  
Kenna Leonard,  
Board President

**Upshur County Public Library**  
**July 2020 through February 2021**

50

	TOTAL						
	Dec 20	Jan 21	Feb 21	Jul '20 - Feb 21	Budget	\$ Over Budget	% of Budget
<b>Income</b>							
4020 · County Commission	0.00	0.00	11,625.00	34,875.00	46,500.00	-11,625.00	75.0%
4030 · Board of Education	0.00	0.00	0.00	46,850.00	93,700.00	-46,850.00	50.0%
4040 · Grant-In-Aid	0.00	23,707.00	0.00	71,121.00	94,828.00	-23,707.00	75.0%
4060 · WVLC Svcs. to Lib. (admin fees)	0.00	15,062.00	0.00	45,188.00	60,248.00	-15,060.00	75.0%
4160 · Other Grants	0.00	0.00	0.00	5,000.00			
4230 · Unrestricted Gifts	26.62	587.20	59.64	2,669.29	6,000.00	-3,330.71	44.49%
4235 · Unrestricted · Ramp Dinner	0.00	0.00	0.00	0.00	12,500.00	-12,500.00	0.0%
4240 · Restricted · Memorial/Gift Matl	100.00	2,200.00	0.00	2,634.90	2,200.00	334.90	116.22%
4310 · Interest	8.81	8.63	9.86	103.50	200.00	-96.50	51.75%
4420 · Copies/Fax	326.45	590.60	302.75	3,250.86	6,700.00	-3,449.14	48.52%
4460 · Fines	120.30	92.35	60.95	1,134.48	3,500.00	-2,365.52	32.41%
4490 · Other fees-cards, JD, earbuds	20.00	77.00	89.55	567.35	650.00	-82.65	87.29%
4730 · Fundraisers	13.60	0.00	1,020.00	1,923.75	1,000.00	923.75	192.38%
<b>Total Income</b>	<b>615.78</b>	<b>42,324.78</b>	<b>13,167.75</b>	<b>215,218.13</b>	<b>328,026.00</b>	<b>-112,807.87</b>	<b>65.51%</b>
<b>Expense</b>							
6020 · Wages	17,093.73	15,393.54	15,581.08	129,930.75	205,735.00	-75,804.25	63.15%
6030 · FICA	1,059.82	954.42	966.00	8,055.70	12,756.00	-4,700.30	63.15%
6040 · Medicare	247.86	223.21	225.91	1,883.95	2,983.00	-1,099.05	63.16%
6060 · WV Public Employees Retirement	1,444.54	1,314.98	1,257.60	10,871.76	16,326.00	-5,454.24	66.59%
6060 · Insurance (Employer Paid)	1,692.76	1,692.76	1,692.76	13,742.08	20,095.00	-6,352.92	68.39%
6061 · RHBT (Employer Paid)	640.00	640.00	640.00	5,120.00	8,064.00	-2,944.00	63.49%
6080 · WV Unemployment	39.72	230.92	233.71	819.13	3,000.00	-2,180.87	27.3%
6090 · Workers Comp.	0.00	0.00	0.00	0.00	700.00	-700.00	0.0%
6110 · Books	1,139.57	592.09	531.06	6,226.31	9,800.00	-3,573.69	63.53%
6112 · Memorial/Gift Materials	159.95	277.12	257.63	1,624.40	2,200.00	-575.60	73.84%
6140 · Periodicals/Newspapers	218.77	47.26	69.08	1,782.58	1,500.00	282.58	118.84%
6143 · Electronic Books	0.00	1,445.31	0.00	2,252.18	2,500.00	-247.82	90.09%
6161 · Audios	227.61	54.99	44.50	934.34	1,500.00	-565.66	62.29%
6162 · DVD's	99.98	69.75	52.90	443.77	1,200.00	-756.23	36.98%
6230 · Other Grant Expenditures	645.25	1,632.81	741.26	4,447.79	12,200.00	-7,752.21	36.46%
6251 · Parking Lot Expenditures	0.00	0.00	0.00	18,440.18			
6310 · Office/Library Supplies	560.83	28.69	454.25	2,555.43	3,200.00	-644.57	79.86%
6350 · Postage	107.25	89.90	91.25	967.93	1,700.00	-732.07	56.94%
6521 · Equipment/Furniture	-60.00	60.28	0.00	275.09	1,500.00	-1,224.91	18.34%
6541 · Equipment Maint.	0.00	170.00	0.00	170.00	200.00	-30.00	85.0%
6552 · Software/Elec. Sub./Maint. fees	0.00	1,382.03	-352.21	2,090.11	3,000.00	-909.89	69.67%
6570 · Vehicle Maintenance	0.00	0.00	0.00	0.00	300.00	-300.00	0.0%
6720 · Bldg. Maint. (Inc. Janitorial)	148.97	0.00	55.55	570.89	1,000.00	-429.11	57.09%
6742 · Utilities - Electric	1,497.10	3,437.12	0.00	9,975.89	23,500.00	-13,524.11	42.45%
6743 · Utilities - Water/Waste	88.79	84.47	84.76	599.14	1,200.00	-600.86	49.93%
6750 · Telephone	312.63	213.24	183.98	1,501.74	2,400.00	-898.26	62.57%
6755 · Internet Service	0.00	-462.00	105.00	168.00	189.00	-21.00	88.89%
6780 · Insurance - Building & Bonds	728.00	0.00	0.00	728.00	730.00	-2.00	99.73%
6910 · Public Info./Programming	0.00	0.00	0.00	6.81	800.00	-793.19	0.85%
6920 · Memberships	0.00	0.00	0.00	0.00	250.00	-250.00	0.0%
6930 · Travel/Meetings/Cont. Ed./Conf.	0.00	26.08	0.00	277.70	3,000.00	-2,722.30	9.26%
6950 · Fundraising Expenses	0.00	0.00	572.70	572.70	50.00	522.70	1,145.4%
6960 · Ramp Dinner	0.00	0.00	0.00	0.00	4,800.00	-4,800.00	0.0%
6980 · Audit	0.00	1,600.00	0.00	1,600.00	1,800.00	-200.00	88.89%
<b>Total Expense</b>	<b>28,093.13</b>	<b>31,198.97</b>	<b>23,488.79</b>	<b>226,634.35</b>	<b>350,178.00</b>	<b>-121,543.65</b>	<b>65.29%</b>
<b>Net Income</b>	<b>-27,477.35</b>	<b>11,125.81</b>	<b>-10,321.04</b>	<b>-13,416.22</b>	<b>-22,152.00</b>	<b>8,735.78</b>	<b>60.56%</b>