

MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 10TH DAY OF SEPTEMBER 2009.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 10TH DAY OF SEPTEMBER 2009. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 5:05 PM. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE.

THE FOLLOWING MEMBERS WERE PRESENT:

**W. KENT CARPER, PRESIDENT
HENRY C. SHORES, COMMISSIONER
DAVE HARDY, COMMISSIONER**

9-10-09	2009-503	Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
9-10-09	2009-504	Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department, <i>contingent upon the approval and posting of a pending Fiscal Year 2009-20 10 Budget Revision (Communication Service, Inc., Prestera Center)</i>
9-10-09	2009-505	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund
9-10-09	2009-506	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund
9-10-09	2009-507	Order Confirming and Approving Orders Entered by the Clerk of the County Commission of Kanawha County, West Virginia (<i>Probate Order Report August 1, 2009, through August 31, 2009</i>)
9-10-09	2009-508	Proclamation proclaiming September 2009 as National Alcohol and Drug Addiction Recovery Month
9-10-09	2009-509	Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (Increase: \$648.78; Decrease: \$179,295.00)
9-10-09	2009-510	Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in Accordance with Chapter 11, Article 5, Section 14, of the Code of West Virginia
9-10-09	2009-511	Resolution - Fiscal Year 2009-2010 General Fund Budget Revision #6
9-10-09	2009-512	<i>New Employee</i> , Rachel Nichole Epling, Sheriff's Department, Sheriff's Law Enforcement Division, Victim Services Coordinator, New Grant Position, full-time employment, \$20,800.00, effective September 16, 2009

9-10-09	2009-513	<u><i>New Employee</i></u> , Sheila Shaffer, Commission Office, Custodial, \$25,000.00, full-time employment, budgeted position, effective September 16, 2009
9-10-09	2009-514	<u><i>New Employee</i></u> , Addie McMillan, Prosecuting Attorney's Office, Support Staff/Legal Assistant, \$30,000.00, full-time employment replacing Obumni Kusimo, effective September 11, 2009
9-10-09	2009-515	<u><i>Change of Employment Status</i></u> , Karen Rairden, Commission Office, Custodial, from part-time employment to full-time employment, replacing Helen Fisher, \$25,000.00, effective September 16, 2009
9-10-09	2009-516	<u><i>Change of Employment Status</i></u> , Lora Payne, Custodial, from part-time Parking Garage to part-time Custodial, replacing Karen Rairden, \$10.00 per hour, effective September 16, 2009
9-10-09	2009-517	Order approving overtime for Kanawha County Commission employees for pay period ending September 30, 2009 for hours worked in the pay period of August 10, 2009, through August 30, 2009
9-10-09	2009-518	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$220,896.60 from Account #001-973.14-700-4-59.00 to the Wood County Commission for reimbursement of expenses related to Homeland Security Region One Grant
9-10-09	2009-519	Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$35,780.00 from Account #001-973.14-700-4-59.00 to the Jackson County Commission for reimbursement of expenses related to Homeland Security Region One Grant
9-10-09	2009-520	Order Authorizing the President of the Kanawha County Commission to Execute a 2009 Grant Application between the Commission on Drunk Driving Prevention and the Kanawha County Commission
9-10-09	2009-521	Order adopting and approving the Kanawha County Travel Policy, effective date of October 1, 2009
9-10-09	2009-522	Order authorizing and approving the Manual Journal Entries as set forth in 8/13/2009 Memorandum from Kim Lutz, Director of Accounting
9-10-09	2009-523	Appointment of Rahul Gupta, M.D., Health Officer and Director, Kanawha-Charleston Health Department, to replace Peter Copley on the Kanawha County Emergency Ambulance Authority (<i>term to expire June 30, 2010</i>)
9-10-09	2009-524	Re-Appointment of Archie Searls to the Kanawha Valley Regional Transportation Authority (<i>term to expire September 30, 2012</i>)
9-10-09	2009-525	Re-Appointment of Dr. Charles Warner to the Union PSD (<i>term to expire October 1, 2015</i>)

9-10-09	2009-526	Order authorizing the Clerk of the County Commission to issue a check from the General County Fund (001-809.00-5-68.00), in the amount of Sixty Seven Thousand, Three Hundred Forty Eight Dollars and Sixty Four Cents (\$67,348.64) for Invoice No. 1 to West Virginia American Water Company representing payment for continuing engineering work on the Derricks Creek Water Line Extension Project
9-10-09	2009-527	Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of One Million Four Hundred Fifty-Five Thousand Eight Hundred Ninety-payments for October, 2008 (\$390,411.42), November, 2008 (\$348,965.26), December, 2008 (\$353,528.14), and January, 2009 (\$362,986.61)
9-10-09	2009-528	Order Authorizing the Clerk of the County Commission to issue a check from Coal Severance, #002-439.00-5-68.00, in the amount of Three Hundred Twenty-Four Thousand Four Hundred Eighty-Seven Dollars and Thirty-One Cents (\$324,487.31) to the WV Regional Jail Authority representing payment for February, 2009
9-10-09	2009-529	Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-401.00-5-68.00, in the amount of One Thousand Three Hundred Fifty Dollars (\$1,350.00) to JP Morgan Chase Bank representing the pass though of architectural blueprint bid fees paid by vendors during the planning phase of Project 301 (fees will become part of the available Project Operating Account Balance)
9-10-09	2009-530	Order Authorizing the Clerk of the County Commission to create Special Fund #053 (TABLE GAMES FUND) for the purpose of accounting for activities pertaining to WV Lottery Table Games in Kanawha County.
9-10-09	2009-531	Order Authorizing the Clerk of the County Commission to create Special Fund #078 (DRUG COURT PROGRAM ACTIVITIES FUND) for the purpose of accounting for transactions pertaining to Kanawha County's Drug Court Program
9-10-09	2009-532	Order authorizing the clerk of the County Commission to issue a check from the General County Fund #001-916.00-5-68.00 (Public Libraries Contribution) in the amount of One Hundred Forty-Three Thousand Eight Hundred Fifty-Eight Dollars and Twenty-Five Cents (\$143,858.25) to the Kanawha County Public Library, representing final reconciliation of accounts due for the period July 1, 2008, through June 30, 2009

9-10-09	2009-533	Order accepting the lowest qualified bid to meet the specifications and approval of a subsequent Purchase Order for Forensic Equipment for the Kanawha County Sheriff's Department (bid opening on September 8, 2009, at 11:00 a.m.)
9-10-09	2009-534	Authorization for the President of the Kanawha County Commission to sign Affidavit of Transfer of Ownership without Consideration (1980 American LaFrance Fire Truck donated to the Clendenin VFD on August 20, 2009)
9-10-09	2009-535	Authorization for the President of the Kanawha County Commission to sign a Statement of Work and System Agreement between the Kanawha County Commission and Verizon Business Network Services, Inc. on behalf of Verizon Network Integration Corporation
9-10-09	2009-536	Order implementing moratorium on non-essential discretionary spending, to include but not be limited to, community grants and recreational activities, in anticipation of upcoming elections in 2010 and to facilitate the payment of the County's Regional Jail Bill, budgeted obligations for infrastructure projects, and to solidify the Kanawha County Financial Stabilization Fund
9-10-09	2009-537	Order changing Commission policy to ensure open and easy access of public information, as well as other matters being discussed when the Commission of Kanawha County meets as a body politic, specifically relating to General and Special Check Registers (<i>documentation will always be available for public inspection at the County Clerk's Office as well as Kanawha County Commission meetings</i>)
9-10-09	2009-538	Order setting Thursday, October 29, 2009, from 6 p.m. to 8 p.m. as the date and time for Halloween in the unincorporated areas of Kanawha County
9-10-09	2009-539	Order – Supplementals/Check Register (<i>as set forth and listed below</i>)

Supplementals Orders NOT on Agenda but approved/processed from 9/10/09 Commission Meeting:

9-10-09	2009-540	Order – Supplementals/Check Register (U.S. Supreme Court, \$200.00, admittance fee to practice before the U.S. Supreme Court for Maryclaire Akers; Dave Erwin, David Saffel, Tyrone Gore, Paul Bump, Dave Murphy, Mark DeBord, Joe Gonzales, Luke Blatt, Chuck Runyon, Sheriff Michael Rutherford, Robert Hoge, G.E. McCabe, per diems, IWG Meeting, Homeland Security, each individual is for \$58.50; Allen Bleigh, \$291.60, per diem for Sheriff's Annual Conference at Snowshoe 9/20-22/09; Pam Hensley, \$291.60, per diem for Sheriff's Annual Conference at Snowshoe 9/20-22/09)
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Minutes approved/processed at the 9/10/09 Commission Meeting:

Approval of Commission Meeting Minutes of August 20, 2009

New Employees/Change of Status/Change of Title approved/processed at 9/10/09 Commission Meeting:

New Employee, Rachel Nichole Epling, Sheriff's Department, Sheriff's Law Enforcement Division, Victim Services Coordinator, New Grant Position, full-time employment, \$20,800.00, effective September 16, 2009

Commission Office, Custodial, \$25,000.00, full-time employment, budgeted position, effective September 16, 2009

New Employee, Addie McMillan, Prosecuting Attorney's Office, Support Staff/Legal Assistant, \$30,000.00, full-time employment replacing Obumni Kusimo, effective September 11, 2009

Change of Employment Status, Karen Rairden, Commission Office, Custodial, from part-time employment to full-time employment, replacing Helen Fisher, \$25,000.00, effective September 16, 2009

Change of Employment Status, Lora Payne, Custodial, from part-time Parking Garage to part-time Custodial, replacing Karen Rairden, \$10.00 per hour, effective September 16, 2009

Budget Revisions approved/processed at the 9/10/09 Commission Meeting:

1. Fiscal Year 2009-2010 General Fund Budget Revision #6
2. Fiscal Year 2009-2010 Federal Grant Fund Budget Revision
3. Fiscal Year 2009-2010 Federal Grant Fund Budget Revision
4. Fiscal Year 2009-2010 Parking Facility Line Item Budget Revision
5. Fiscal Year 2009-2010 Fiduciary Fund Line Item Budget Revision
6. Fiscal Year 2009-2010 Capital Fund Line Item Budget Revision

Supplementals/Check Register approved/processed at the 9/10/09 Commission Meeting (Set Forth in 2009-539):

Supplemental voucher, WV Regional Jail Authority, \$1,455,891.43 (*October 2008, \$390,411.42; November 2008, \$348,965.26; December 2008, \$353,528.14; and January 2009, \$362,986.61*)

Supplemental voucher, WV Regional Jail Authority, \$324,487.31 (*February 2009*)

Supplemental voucher, Waterfront Place Hotel, \$315.84 (*hotel accommodations for Dale Petry for SERC Meeting 9/13-16/09 Morgantown, West Virginia*)

5:00 P.M. CALL TO ORDER

Pledge of Allegiance

Commissioner Henry C. Shores

John Luoni, Deputy Director of Kanawha County Planning

Moment of Silence and Recognition

Commissioner Carper spoke of the recent death of former State Auditor Glen Gainer, II. He also stated the loss of a friend to the H1N1 virus. He commended Dr. Gupta and the Kanawha-Charleston Health Department staff for their hard work and leadership with relation to the H1N1 virus.

APPROVAL OF COMMISSION MEETING MINUTES

**MINUTES FOR COMMISSION
MEETING OF SEPTEMBER 10, 2009**

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Approval of Commission Meeting Minutes of August 20, 2009

Commissioner Shores moved to approve the minutes of August 20, 2009. Commissioner Hardy seconded. Motion carried.

❖ RESOLUTIONS/PROCLAMATIONS

Proclamation proclaiming September 2009 as National Alcohol and Drug Addiction Recovery Month

The Honorable Jennifer Bailey

Judge Bailey made the request for the proclamation but was unable to attend. Susan Given, Drug Court Coordinator, along with other drug court staff were present. Commissioner Hardy read the proclamation. Commissioner Hardy moved to approve the proclamation. Commissioner Shores seconded. Motion carried.

Commissioner Shores moved to approve the appointment of Dr. Rahul Gupta to the Kanawha County Emergency Ambulance Authority Board. Commissioner Hardy seconded. Motion carried. Commissioner Shores swore him in. Commissioner Carper stated that he is a member of the board and it is a privilege to have him on the board.

NEW EMPLOYEES

Sheriff's Department

Rachel Nichole Epling, Sheriff's Law Enforcement Division, Victim Services Coordinator, New Grant Position, full-time employment, \$20,800.00, effective September 16, 2009

The Honorable Michael Y. Rutherford, Sheriff

Commissioner Shores moved to approve Rachel Nichole Epling, new employee for the Sheriff's Department, Law Enforcement Division. Commissioner Hardy seconded. Motion carried. It was confirmed that the necessary background check has been completed. The Drug test will be completed tomorrow. This is a new grant position.

Commission Office

Sheila Shaffer, Custodial, \$25,000.00, full-time employment, budgeted position, effective September 16, 2009

Brent Pauley, County Manager

John Caudill, Facilities Manager

Commissioner Shores moved to approve Sheila Shaffer, new employee for the Commission Office, Custodial. Commissioner Hardy seconded. Motion carried. It was stated that the responsibility will be the new building.

MINUTES FOR COMMISSION MEETING OF SEPTEMBER 10, 2009

Prosecuting Attorney's Office

- ❖ **Addie McMillan, Support Staff/Legal Assistant, \$30,000.00, full-time employment replacing Obumni Kusimo, effective September 11, 2009**
The Honorable Mark A. Plants, Prosecuting Attorney
Maryclaire Akers, Chief of Staff

Commissioner Hardy moved to approve Addie McMillan, new employee for the Prosecuting Attorney's Office. Commissioner Shores seconded. Motion carried. Mark Plants stated that the employee will be working with the Grand Jury area. She started employment as part of the pilot program with Mountain State University. The necessary background and drug testing have been completed.

CHANGE OF EMPLOYMENT STATUS

Commission Office

Karen Rairden, Custodial, from part-time employment to full-time employment, replacing Helen Fisher, \$25,000.00, effective September 16, 2009

Brent Pauley, County Manager
John Caudill, Facilities Manager

Lora Payne, Custodial, from part-time Parking Garage to part-time Custodial, replacing Karen Rairden, \$10.00 per hour, effective September 16, 2009

Brent Pauley, County Manager
John Caudill, Facilities Manager

Commissioner Shores moved to approve the change of employment status from part-time to full-time for Karen Rairden and the department change for Lora Payne. Commissioner Hardy seconded. Motion carried.

AGENDA ITEMS

- 5:00 P.M.** Discussion regarding Greenbrooke Building to include, but not be limited to, investigation as to appraisal and adherence to West Virginia State Code § 11-3-10 (The person, firm or corporation "shall forfeit one percent of the value of the property not yet returned and not otherwise taxed in this state.")

Commission President Kent Carper
Marc J. Slotnick, County Attorney
Steve Duffield, Supervisor, Real Estate/Reappraisal

Marc Slotnick stated that the Kanawha County Assessor's Office filed a Notice of Forfeiture concerning discrepancy in the manner in which the calculations were performed for the appraisal. The state has purchased the building from Morris

Square Associates and Greenbrooke Associates. The county has entered an escrow agreement with them in which they are holding back the amount that the Notice of Forfeiture was, until such time it is determined by a court or individual agreement as to how that should be disposed of. Steve Duffield of the Assessor's Office was present and stated that the assessor's appraisal is \$1.9 million. The sale price is \$10.5 million. The previous offer was for \$13.9 million. Commissioner Carper stated that the information given to the assessor could not possibly make the building worth as much as someone is paying for it. Commissioner Carper thanked Phyllis Gatson and her office for trying to figure out how this should be handled. Mr. Duffield and Mr. Slotnick agree that the commission should proceed under the code section 11.310. Commissioner Hardy stated that there is \$298,000.00 that has been escrowed. There is a dispute so this will have to be litigated and a decision made. Commissioner Carper stated there is a complication of finding a law firm to represent the assessor that does not have a conflict. Commissioner Hardy stated that the issue will be whether the assessor had accurate information. Mr. Duffield agreed. Commissioner Carper stated that when the commissioners set as the Board of Equalization and Review, they will determine that the amount owed may be more than the amount that has been escrowed. Mr. Duffield stated that Mr. Summer originally came in to ask for a decrease in his taxes. Then the assessor found out there were appraisals available and the discrepancy was noticed. Commissioner Carper assisted with the FOIA. They are continuously being told that the information will be available later. Commissioner Carper stated that anyone who provides information that does not meet the required standards should be dealt with appropriately. Commissioner Hardy suggests arbitration or mediation. Commissioner Carper feels this is going to end in the courts. Commissioner Carper stated that the commission is going to defend the assessor and the position on the Greenbrooke Building. All commissioners agreed. It needs to be determined if this meets the criteria for the Board of Equalization and Review, and if so, it will be placed on the agenda. Commissioner Shores stated that this sends a message to taxpayers that the numbers should not be played with.

Discussion regarding payment from the General Fund in the amount of \$1,455,891.43 to the WV Regional Jail Authority, for billings due the months of October, 2008 (\$390,411.42), November, 2008 (\$348,965.26), December, 2008 (\$353,528.14), and January, 2009 (\$362,986.61)

Commission President Kent Carper

Commissioner Carper stated that the county has not paid the jail bill since November 2008 and this is because of cash flow problems. The partial reimbursement from the WV Regional Jail Authority that was returned to the county was immediately returned to the Jail Authority for payment. Dave Fontalbert stated that currently the county owes approximately \$4 million. Commissioner Carper moved to approve the payment of \$1,455,891.43 to the WV Regional Jail Authority. Commissioner Shores seconded. Motion carried. Dave Fontalbert stated that \$1.4 million remains past due after this payment is made.

**Discussion regarding payment of the February, 2009 Regional Jail Bill (\$324,487.31) from Coal Severance funds
Commission President Kent Carper**

Commissioner Carper moved to approve the payment of the February 2009 jail bill from the Coal Severance Fund. Commissioner Shores seconded. Commissioner Hardy moved to amend the motion to pay the February 2009 bill to pay the bill from the General Fund rather than from the Coal Severance Fund. He feels that this is not how the Coal Severance Fund should be used considering the problems with the eastern end of the county. There would be \$41,000 left in Coal Severance if this is done. Commissioner Carper stated that he proposed this because of the importance of public safety. He stated that if the funds come in later in the year it can be replaced. Commissioner Carper stated that it was his decision to stop paying the jail bill because of the shortage in cash flow. Commissioner Hardy stated that tax collections are \$1.6 million above projections. Commissioner Shores inquired as to the balance of the General Fund. Commissioner Carper stated that the current balance is \$11 million, however he pointed out that this is last years bill and last year's General Fund balance did not cover this. Dave Fontalbert stated that it is hard to judge as to who paid early and to know what to expect with future collections. Commissioner Hardy stated that the bill does need to be paid, but feels it should be paid from General Fund rather than with Coal Severance Funds. Commissioner Carper voted no to the amended motion. Commissioner Hardy voted yes. Commissioner Shores voted no. Commissioner Carper stated that the first sign of trouble is the depletion of the Stabilization Fund. The county's was depleted down to \$987,000. Dave Fontalbert stated that it requires \$3.6 million to run the building and cover payroll for one month. Commissioner Carper moved to approve the original motion of payment of the jail bill from the Coal Severance Fund. Commissioner Shores seconded. Commissioner Hardy voted no. Motion carried.

Discussion including, but not limited to, the transfer of Two Million Dollars (\$2,000,000.00) from the General Fund to the Stabilization Fund, bringing the Stabilization Fund balance to \$2,987,122.25

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
David Fontalbert, Chief Fiscal Officer**

Commissioner Carper moved to approve the transfer of \$2 million from the General Fund to the Financial Stabilization Fund. Commissioner Hardy seconded. He stated that making payroll is not an issue. If the jail bill was paid from General Fund then the transfer to Financial Stabilization would have been \$1.7 million instead of \$2 million. Commissioner Carper stated that the year was started in the negative. The increase in collections now does not necessarily mean that the county will have funds available at the end of this year. He stated that just because the funds are budgeted does not mean that the cash is going to be available. Motion carried.

Discussion and approval of Order implementing moratorium on non-essential discretionary spending, to include but not be limited to, community grants and recreational activities, in anticipation of upcoming elections in 2010 and to facilitate the payment of the County's Regional Jail Bill, budgeted obligations for infrastructure projects, and to solidify the Kanawha County Financial Stabilization Fund

Commission President Kent Carper

Commissioner Hardy moved to approve implementing the moratorium on non-essential discretionary spending. Commissioner Carper seconded. Commissioner Hardy stated that there are many discretionary funding projects out there and they are all good, but the county is just going to have to cut back. Motion carried.

Update regarding the Town of Pratt to include, but not be limited to, current Management Agreements between Pratt and the Chelyan PSD, as well as the complete merger of the Chelyan PSD and the Upper Kanawha Valley PSD

Commission President Kent Carper

Commissioner Carper stated that the management agreements between Pratt and Chelyan PSD have been worked out. There is a RDA meeting on September 17, 2009 and he is confident that the agreement will be approved. The next step is the clean water system. WV American Water has made an offer to clean up the water. It is estimated the cost will be \$500,000. Commissioner Carper instructed staff to help Chelyan with working with infrastructure. He stated that Chelyan residents should not have to pay for others problems, but yet the commission can not allow Pratt to falter further. He instructed for a letter to be sent to the legislature, the governor and infrastructure as to stimulus money and to re-identify Pratt as a top priority of the county commission.

Discussion regarding proposals received from Verizon Business and Citynet, LLC, for a Voice Over IP Telephone System to be installed at the W. Kent Carper Justice and Public Safety Complex, to include, but not be limited to, equipment leasing options and setting up drawdown of proceeds for payment of system on scheduled payment basis

Commission President Kent Carper

Commissioner Henry C. Shores

Commissioner Dave Hardy

Jerie Whitehead, Purchasing Director

Mark Derreberry, IT, Sheriff's Department

Greg Jones, IT, Commission

Lt. Rick Rose, Records Div. Supervisor, Sheriff's Department

Carl Merritt, Account Manager, Verizon Business

Craig Behr, Citynet, LLC

Commissioner Carper moved to approve the bid. Commissioner Hardy seconded for discussion purposes. He inquired as to who had the recommended low bid. Jeri Whitehead stated that Verizon is the low bid with \$279,593.02 to CityNet's \$305,589.36. The committee consisted of Mark Derreberry, Sheriff's Department Rick Rose, Sheriff's Department, Dennis Wyer, Commission IT Department and Greg Jones, Commission IT Department. Craig Baer, CityNet representative, was present to protest the bid. He stated that if the purchase and installation of equipment is the only thing that is being considered then Verizon is the proper choice. However, the bid specs did ask that proactive maintenance be provided. CityNet did provide for this in the bid submitted and Verizon did not. Verizon has chosen to use outside maintenance with Cisco. He also pointed out that the only training through Verizon was online with no in person training. He also stated that the county currently uses CityNet for maintenance of network equipment. If it is the intention of the county to maintain the system then Verizon is the proper choice, but if an outside vendor is going to be used then the commission would need to consider the ongoing costs. CityNet's Cisco rating is advanced certified specialist and Verizon's rating is a gold provider. Commissioner Carper inquired as to the number of citizens serviced in Kanawha County and how many employees they have. Mr. Baer stated that they service 15-20 systems and have about 95 employees. Mrs. Whitehead stated that there was no pre-bid meeting. Commissioner Hardy inquired as to what the county would get in return for the extra \$26,000 over Verizon's bid. Mr. Baer stated that the difference is training and support issues. He stated that the ongoing costs, with CityNet, for maintenance, per month is \$1252 and for Verizon the maintenance would be completed by the commission's IT staff. Mr. Baer believes that the discount on telecommunications and proactive maintenance would be a savings. Commissioner Carper stated that Verizon did not violate the bid, because they were not asked to provide the extra information that CityNet provided. CityNet is currently used for some internet service and maintenance on critical network devices. They received this on a non competitive bid based on being the sole source provider. Commissioner Carper stated that he finds this hard to believe. Jeri Whitehead stated the Dennis Wyer handled the purchase of their service. Commissioner Shores inquired as to current maintenance costs. Greg Jones was present from the IT Department and was not able to state the current costs of maintenance. Another representative of CityNet stated that maintenance charges can range from \$75-100 an hour. Commissioner Carper stated that you cannot reject the competitive bid based on maintenance because maintenance was not a requirement of the bid. Commissioner Hardy stated that proactive maintenance was a vague statement on the bid requirement. Dennis Wyer emailed to Brent Pauley regarding Verizon not responding to a request for maintenance. Carl Merritt, Verizon representative, was present and stated that their maintenance consists on 24 hours a day, 7 days a week with 4 hour response time. These costs are included in the maintenance of \$26,000. The \$279,593.02 includes the \$26,000 maintenance charges for the first year. After the first year, county needs will be reevaluated to determine the type of service needed and provide a new service quote. Commissioner Carper inquired as to the Frontier acquisition. Kathy Buckley, Verizon representative, stated that the acquisition will have no impact on the purchase or the service. Mr. Merritt stated that Verizon is offering a

zero percent interest leasing on the equipment. There can be four annual payments the first due 30 days after signing of contract. Commissioner Hardy moved to accept the Verizon bid. Commissioner Carper seconded on the basis that the maintenance was not a requirement of the bid, therefore, Verizon had the low bid. Brent Pauley stated that there is no reason to reject the bid. Dennis Wyer emailed in to the meeting and stated that Verizon has the better bid. Jeri Whitehead agreed. Sheriff's Department IT agreed also. Motion carried. Commissioner Carper is interested in following up with the internet service and the idea that CityNet is a sole source service provided. Commissioner Hardy and Commissioner Carper stated that phone service will be rebid when able to do so, but not wait until the current contract is close to expiring. Commissioner Carper stated that it is not necessary to bid it, but the commission does. He also stated that he will take a look at the number of employees and the best service. Commissioner Hardy thanked all for their comments. Commissioner Carper stated that next time there should be a pre-bid conference by the selection committee so these problems can be heard and dealt with at that time.

Commissioner Shores moved for the approval of Archie Searls to the Kanawha Valley Regional Transportation Authority. Commissioner Hardy seconded. Motion carried.

Commissioner Hardy exited the meeting at 6:30.

Discussion regarding the implementation of Community Voting with satellite early voting locations

Commission President Kent Carper

Commissioner Henry C. Shores

Commissioner Dave Hardy

The Honorable Vera J. McCormick, County Clerk

Vera McCormick stated that possible locations have been determined, but they have not been visited at this time. She said that they are located in Saint Albans, Belle, Handley, and possibly Elkview. Commissioner Carper inquired as to the Cross Lanes area. Ms. McCormick stated the commission approved one in each district, and Cross Lanes and Saint Albans are both located in District 3. Commissioner Carper stated that the commission cannot approve anything until she provides a proposal. He stated that he will not vote for a precinct that Ms. McCormick does not recommend. Ms. McCormick is planning on the rotating of the precincts. She also stated that the equipment has not been certified by the state. Early voting begins April 21, 2010. Ms. McCormick stated that she needs to know by November. Commissioner Carper instructed staff to get with Ms. McCormick to figure the date for 120 day deadline for the proposal. Jennifer Sayre stated that the draft of the Financial Statement will be presented at the next meeting for the commission's approval. It was inadvertently left off of tonight's agenda.

Presentation by the Kanawha County Jail Cost Containment Committee
Commission President Kent Carper

**The Honorable Mark Plants, Prosecuting Attorney
Maryclaire Akers, Chief of Staff
Brent Pauley, County Manager
Jennifer Sayre, Deputy County Manager
David Fontalbert, Chief Fiscal Officer
Carrie Clendening, Grant Coordinator/Legislative Liaison
Bill Chambers, CPA, Brown, Edwards and Company, L.L.P.
Chief John D. Rutherford, Kanawha County Sheriff's Department
Lt. Bryan Stover, Kanawha County Sheriff's Department
Dianna Panucci, Public Defender's Office**

Prosecutor Mark Plants believes implementing these new procedures will decrease the crime rate by holding criminals immediately accountable for their actions. His recommendations include; defendants paying for their jail bill when plea agreements are made, also the prosecutor's office is going to be receiving a weekly list of inmates and how long they have been there. This will enable the prosecutor to assign an appropriate assistant prosecutor to handle the misdemeanor cases and get those taken care of. Prosecutor Don Morris is going to handle felony cases that need to be prosecuted. Mr. Plants stated that the grand jury is now meeting once a month. Every case should be indicted within 30-45 days. Another recommendation is to have a defined bond schedule stating the type of crime and the amount of the bond to be set. Bill Chambers and staff accountants will be determining the amount of the jail bill that is for municipalities, but this is just for informational purposes. Commissioner Carper stated that municipalities will not be paying the jail bill. He would like to look at municipalities with inmates having dual charges with the county. Mr. Plants stated that determinant sentences would allow defendants to make an informed decision regarding plea or trial. . The idea of binding pleas would increase the number of plea agreements pre-indictment. The prosecutor stated that they handle 3900 cases a year which is 1900 different defendants. They would like to cut down on all continuances; all attorneys should come to court prepared. Commissioner Carper commended the prosecutor for his leadership and work that he is accomplished. Commissioner Carper stated that the commission is willing to pay for inmates that do need to be incarcerated. This is not about saving money, or trying to get out of putting people in jail. Commissioner Carper stated that the jails are illegally overcrowded. He stated the prosecutor is addressing the problem effectively. Mr. Plants stated that the Sheriff's Department is the model of some of the major changes made. They are providing necessary material for prosecution within 10 days. Commissioner Carper expressed appreciation to the prosecutor's office and the sheriff's department. Bob Ryan with Brown, Edwards, was present and stated that he met with Commissioner Kennedy and the process is referred to as discovering bottlenecks and then finding how to clear those bottlenecks. The problem is identified and then the prosecutor and law enforcement have to decide what to do. He stated that this is the beginning of a process.

**Presentation from the Metro Drug Unit
Commission President Kent Carper**

**MINUTES FOR COMMISSION
MEETING OF SEPTEMBER 10, 2009
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Lt. Chad Napier, Metro Drug Unit Commander

Video feed for the internet was cut and there were no cameras present in the courtroom. Sgt. Weaver and Lt. Napier, detectives were present from the metro drug unit. They expressed their appreciation to the prosecutor for his efforts. They also expressed thanks to the commission for their support and to request continued support. Commissioner Carper stated that Kanawha County Commissioner is the only government in the county that provides metro unit with buy money. Commissioner Carper stated that Lt. Neddo and Terry Sayre played a part in obtaining the commission involvement. Commission has supported the Metro Drug Unit since 1999. This is now made a part of the budget for the commission. At the request of Commissioner Shores, Lt. Napier gave statistics as to the results of receiving the contribution from the commission. As of August 2009, the unit has had 214 arrests, they have collected 80 lbs of marijuana, 829 marijuana plants, 1332 grams of crack, 164 grams heroine, 1642 grams of cocaine, 29 grams of meth, and 1591 OC pills. This is a total street value of \$3,813,322. These have taken place throughout the county. The unit has met all requirements through HIDA. Commissioner Carper inquired as to City of Charleston possibly passing an ordinance with regard to condemning the buildings used in the meth making process. He also stated that at the next commission meeting it will be discussed the charging for the county's condemning of these buildings. The Prosecutor and Chief Rutherford stated that the Metro Drug Unit is doing a great job. The Sheriff's Department has two deputies on the unit. The current balance of buy money is \$11,000. Commissioner Shores moved to approve the payment of \$35,000 to the City of Charleston Police Department at the next commission meeting. Commissioner Carper seconded. Commissioner Carper requested that the money be documented and kept track of in case it is ever audited. He stated that they have been doing an excellent job. The unit consists of 14 individuals. HIDA provides \$15,000. Commissioner Carper pointed out that the entire county is serviced and it is not just the City of Charleston. Motion carried.

Discussion regarding the results of Kanawha County's actuarial study of Other Post Employment Benefits (OPEB) including, but not limited to, the projected amount of Kanawha County's annual contribution to be recognized in conjunction with current employees' future health benefits with PEIA upon retirement

**Commission President Kent Carper
David Fontalbert, Chief Fiscal Officer**

Mr. Fontalbert stated that the county has an unfunded liability of \$9.6 million. This represents that if every current employee was to leave employment right now, at the same time, this is how much the county's would be liable to pay. He stated that the \$9.6 million will appear in the financial notes as part of the financial statement. The liability of \$844,000 will appear in the financial statement, which is the current annual contribution. Commissioner Carper inquired as to the county actually trying to set aside \$10 million to cover this liability. Mr. Fontalbert stated that he would suggest not doing that because the

county's liability is low. Commissioner Carper suggested putting money in the Financial Stabilization Fund and using that for this. Mr. Fontalbert stated that is not possible because the money has to be placed in an irrevocable trust that can not be touched. This is just a reporting requirement. He suggested that this just be placed on the financial statement and not funded it at this time. Things can change in the future. He stated that the entire state of Texas is opposing this. If not placed on the financial statement it will be an audit finding. The current auditor is up for bid. The best analogy is to compare it to depreciation, recognizing the current service of your employees. Commissioner Carper moved to approve the placement of OPEB on the financial statement. Commissioner Shores seconded. Commissioner Carper would like to verify that the County Clerk's office consents to this with a transmittal letter.

Discussion regarding approval to create Special Funds for Kanawha County Table Games (053) and Drug Court Programs (078)
Commission President Kent Carper

Commissioner Carper proposed that the table game money be set up in a separate account simply to keep track of it. The first \$100,000 goes to the Clay Center. He anticipates \$50,000-\$60,000 additional revenue. Assuming Jefferson County passes, Kanawha County could pick up perhaps \$300,000-\$400,000. Commissioner Carper moved that two new special revenue accounts be set up, one for table games (053) and one for drug court (078). Commissioner Shores seconded. Motion carried. Commissioner Carper stated that the table games revenue needs swept and the check to the Clay Center be processed at the next meeting.

Discussion regarding the 2009 Courthouse Facilities Improvement Authority Grant Application
Commission President W. Kent Carper
Jennifer Sayre, Deputy County Manager
Carrie Clendening, Grant Coordinator/Legislative Liaison

Jennifer Sayre requested permission to submit an application for a grant that would permit the completion of the last phase of the sprinkler system. She stated that \$300,000 has already been invested in the sprinkler system and this was done strictly with grant funds. Commissioner Carper moved to approve the request for completion of the grant application. Commissioner Shores seconded. The attic is the area to receive the sprinkler system. Commissioner Shores inquired as to the insurance. Staff stated that appropriate insurance is carried by the county in case of a malfunction.

Discussion regarding appeal filed by the former "Pink Pony" in reference to the actions taken by the Board of Appeals and Planning Commission
Commission President Kent Carper
Marc J. Slotnick, County Attorney

Mr. Slotnick stated that the "Pink Pony" has appealed the decision of the Board of Appeals. The commission has 30 days to respond. It has been assigned to Judge Bloom. Mr. Slotnick is working on this. The commission will maintain its position on this.

Discussion regarding setting Thursday, October 29, 2009, from 6 p.m. to 8 p.m. as the date and time for Halloween in the unincorporated areas of Kanawha County

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy**

Commissioner Carper inquired as to when the City of Charleston is having their trick or treat and staff stated it would be October 29, from 6pm-8pm. Other cities are contacting the commission to see how it will be handled. Commissioner Carper moved to recognize October 29, from 6pm-8pm throughout the unincorporated areas of the county as trick or treat. Commissioner Shores seconded. Motion carried.

Discussion regarding change in Commission policy to ensure open and easy access of public information, as well as other matters being discussed when the Commission of Kanawha County meets as a body politic, specifically relating to General and Special Check Registers (*documentation will always be available for public inspection at the County Clerk's Office as well as Kanawha County Commission meetings*)

Commission President Kent Carper

Jennifer Sayre stated that the check registers and documents would be available to view by the public during the commission meeting as well as at the County Clerk's Office. Commissioner Carper stated that this would also include the placement of items on the agenda. The agenda will give proper notice of items to be discussed at the commission meetings. Commissioner Carper moved to approve this change in commission policy to ensure open and easy access of public information during commission meetings. Commissioner Shores seconded. Motion carried.

Confirmation of Kanawha County Commission meetings for the remainder of 2009 and first meeting of January 2010

**Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy**

DATE	TIME
<i>Tuesday, September 22, 2009</i>	<i>8:30 am.</i>
Thursday, October 1, 2009	5:00 p.m.
Thursday, October 15, 2009	5:00 p.m.
Thursday, November 5, 2009	5:00 p.m.

Thursday, November 19, 2009	5:00 p.m.
Thursday, December 3, 2009	5:00 p.m.
Thursday, December 17, 2009	5:00 p.m.
Thursday, January 7, 2010	5:00 p.m.

Commissioner Carper moved to approve the dates for the commission meetings. Commissioner Shores seconded. Commissioner Carper has a conflict with the December 15, 2009 meeting. He is not able to attend. Commissioner Shores stated that he may have a conflict with the January 7, 2010. They will take a look at these next meeting.

PUBLIC COMMENT

COUNTY MANAGER'S REPORT

DEPUTY COUNTY MANAGER'S REPORT

CHIEF FISCAL OFFICER'S REPORT

COUNTY ATTORNEY'S REPORT

CLERK OF THE WORKS REPORT

STAFF REPORTS

NEW BUSINESS

FIDUCIARY

Commissioner Hardy moved to approve all fiduciary orders. Commissioner Shores seconded. Motion carried.

Objections and Exceptions (advertised for proposed settlement in the September 7, 2009, issue of The Charleston Gazette and The Charleston Daily Mail, in accordance with West Virginia Code § 44-3A-19)

Order Appointment Committee, Appointment of Committee for Patricia Dawn Anderson, incarcerated convict (*Jonathan W. Price, counsel*)

PURCHASE ORDERS

Commissioner Hardy moved to approve all purchase orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department:

Vendor	Department	Amount	Comments/Description
Kanawha-Charleston Humane Association	KCHA	\$5,559.66	February 2009 Food and Drug reimbursement
Kanawha-Charleston Humane Association	KCHA	\$7,116.15	\$6,912.85, February 2009 Utilities; \$203.30, supplies and materials
WV Housing Development Fund	Planning	\$296,458.41	Demolition Loan Payoff #708-6
Judicial Dialog Systems	Pros. Atty.	\$8,245.34	Case Management Software, installation and training
Electronic Communications	Emer. Services	\$21,406.00	Ten Kenwood TK-53101SK5 UHF portable radios for Yeager Airport Police per Public Safety Grant Committee approval (<i>Commission Contract</i>)
Elco Mechanical Contractors, Inc.	Drug Court	\$32,500.00	Plumbing for Drug Court build-out at 900 Christopher Street per Commission Contract
JDN Interiors, Inc.	Drug Court	\$54,000.00	Provide and install drywall partitions, acoustical ceilings, doors, windows at front office, cabinets and pass through sample doors for Drug Court build-out at 900 Christopher Street (<i>Commission Contract</i>)
Upper Kanawha Valley Enterprise Community	UKV Little League	\$25,311.44	Reimburse UKVEC for fill dirt, hauling, landscaping and erection of storage building per Commission Letter of Intent dated June 28, 2007
Cummins Crosspointe, LLC	Homeland Security	\$132,548.00	Two Cummins 40 KW 60Hz diesel Genset generators for the W. Kent Carper Justice and Public Safety Complex (<i>bids received August 31, 2009 per Homeland Security Grant</i>)

Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department, *contingent upon the approval and posting of a pending Fiscal Year 2009-2010 Budget Revision.*

Vendor	Department	Amount	Comments/Description
❖ AJ-Allegheny Systems, LLC Kardex	Sheriff's LED	\$65,829.06	Kardex high density shelving system for the Evidence Room located in the W. Kent Carper Justice and Public Safety Complex
Cummins Crosspointe, LLC	W. Kent Carper Justice and	\$31,276.00	Two Cummins 400 KW 60 Hz Diesel Genset Generations for the

	Public Safety Complex		W. Kent Carper Justice and Public Safety Complex
❖ Air Science, USA	Sheriff's LED	\$9,048.00	Forensic drying cabinet, exhaust hood, blower and blower motor stand for Evidence Room, located in W. Kent Carper Justice and Public Safety Complex

ORDERS

Commissioner Hardy moved to approve all orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund (*documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of September 10, 2009*)
The Honorable Vera J. McCormick, County Clerk

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds (*documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of September 10, 2009*)
The Honorable Vera J. McCormick, County Clerk

Order Confirming and Approving Orders entered by the Clerk of the County Commission of Kanawha County Commission, West Virginia (*Probate Order Report August 1, 2009, through August 31, 2009*)
The Honorable Vera J. McCormick, County Clerk

Approval of Erroneous Assessment Exonerations submitted by the Kanawha County Assessor (*Increase: \$648.78; Decrease: \$179,295.00*)
Marc Slotnick, County Attorney
Steve Sluss, Chief Legal Counsel, Assessor's Office

Applications for Apportionment of Personal Property Taxes Pursuant to Final Divorce Orders in Accordance with Chapter 11, Article 5, Section 14, of the Code of West Virginia
Marc Slotnick, County Attorney
Steve Sluss, Chief Legal Counsel, Assessor's Office

New Employee, Rachel Nichole Epling, Sheriff's Department, Sheriff's Law Enforcement Division, Victim Services Coordinator, New Grant Position, full-time employment, \$20,800.00, effective September 16, 2009
The Honorable Michael Y. Rutherford, Sheriff

New Employee, Sheila Shaffer, Commission Office, Custodial, \$25,000.00, full-time employment, budgeted position, effective September 16, 2009
Brent Pauley, County Manager
John Caudill, Facilities Manager

- ❖ ***New Employee, Addie McMillan, Prosecuting Attorney's Office, Support Staff/Legal Assistant, \$30,000.00, full-time employment replacing Obumni Kusimo, effective September 11, 2009***
The Honorable Mark A. Plants, Prosecuting Attorney
Maryclaire Akers, Chief of Staff

Change of Employment Status, Karen Rairden, Commission Office, Custodial, from part-time employment to full-time employment, replacing Helen Fisher, \$25,000.00, effective September 16, 2009
Brent Pauley, County Manager
John Caudill, Facilities Manager

Change of Employment Status, Lora Payne, Custodial, from part-time Parking Garage to part-time Custodial, replacing Karen Rairden, \$10.00 per hour, effective September 16, 2009
Brent Pauley, County Manager
John Caudill, Facilities Manager

Order approving overtime for Kanawha County Commission employees for pay period ending September 30, 2009 for hours worked in the pay period of August 10, 2009, through August 30, 2009
Brent Pauley, County Manager
Jennifer Sayre, Deputy County Manager

PAY PERIOD 08/10/09-08/30/09

NAME	OT		OT		TOTAL
	STRAIGHT	AMOUNT	TIME/HALF	AMOUNT	
Chandler, Tammie	6.00	\$115.97	4.70	\$136.27	\$252.24
Downey, Leslie	7.05	\$167.69	8.87	\$316.48	\$484.17
Fleck, Kimberly	4.36	\$103.71	1.82	\$64.94	\$168.65
Morrison, Rachelle	6.10	\$145.10	10.29	\$367.15	\$512.25
Hackney, Cathy	2.30	\$46.82		\$0.00	\$46.82
Hudson, Theresa	2.58	\$51.95	1.45	\$43.79	\$95.74
Lanham, Shellie	1.02	\$16.27		\$0.00	\$16.27
Lilly, Mindy	0.35	\$6.88		\$0.00	\$6.88
Sandoro, Colt	1.44	\$19.68		\$0.00	\$19.68
Harrison, Blanche	1.83	\$23.93		\$0.00	\$23.93
Hodge, Edna	2.54	\$33.22		\$0.00	\$33.22
Melton, Joe	13.55	\$211.22	12.33	\$288.31	\$499.53
Paul, II, Ernest	2.50	\$32.05	5.02	\$96.54	\$128.59
Prowse, James	4.00	\$51.28	12.75	\$245.19	\$296.47
Taylor, Judy	5.08	\$66.43		\$0.00	\$66.43
Withrow, Robert	4.57	\$58.59	7.40	\$142.31	\$200.90
Beller, Gary	2.50	\$32.05	3.27	\$62.89	\$94.94
Clark, Michael	5.78	\$81.62		\$0.00	\$81.62
Moore, Allen	7.34	\$101.63	0.07	\$1.45	\$103.08

Rucker, Raymond	5.13	\$65.77	3.25	\$62.50	\$128.27
White, Bruce	4.80	\$61.54	2.00	\$38.46	\$100.00
Jones, Greg	0.92	\$19.79		\$0.00	\$19.79
King, Amy	2.44	\$49.67		\$0.00	\$49.67
Robinson, Debbie	2.97	\$64.58		\$0.00	\$64.58
TOTAL	97.15	\$1,627.44	73.22	\$1,866.28	\$3,493.72

Resolution - Fiscal Year 2009-2010 General Fund Budget Revision #6
David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$220,896.60 from Account #001-973.14-700-4-59.00 to the Wood County Commission for reimbursement of expenses related to Homeland Security Region One Grant
Carrie Clendening, Grant Coordinator/Legislative Liaison

Order Authorizing the Clerk of the County Commission to issue a check in the amount of \$35,780.00 from Account #001-973.14-700-4-59.00 to the Jackson County Commission for reimbursement of expenses related to Homeland Security Region One Grant
Carrie Clendening, Grant Coordinator/Legislative Liaison

Order Authorizing the President of the Kanawha County Commission to Execute a 2009 Grant Application between the Commission on Drunk Driving Prevention and the Kanawha County Commission
Carrie Clendening, Grant Coordinator/Legislative Liaison

Order adopting and approving the Kanawha County Travel Policy, effective date of October 1, 2009
Jennifer Sayre, Deputy County Manager

Order authorizing and approving the Manual Journal Entries as set forth in 8/13/2009 Memorandum from Kim Lutz, Director of Accounting
David Fontalbert, Chief Fiscal Officer

Appointment of Rahul Gupta, M.D., Health Officer and Director, Kanawha-Charleston Health Department, to replace Peter Copley on the Kanawha County Emergency Ambulance Authority (*term to expire June 30, 2010*)
Commissioner Henry C. Shores

Re-Appointment of Archie Searls to the Kanawha Valley Regional Transportation Authority (*term to expire September 30, 2012*)
Commissioner Henry C. Shores

Re-Appointment of Dr. Charles Warner to the Union PSD (*term to expire October 1, 2015*)

Commission President Kent Carper

Order authorizing the Clerk of the County Commission to issue a check from the General County Fund (001-809.00-5-68.00), in the amount of Sixty Seven Thousand, Three Hundred Forty Eight Dollars and Sixty Four Cents (\$67,348.64) for Invoice No. 1 to West Virginia American Water Company representing payment for continuing engineering work on the Derricks Creek Water Line Extension Project

Patrick Snyder, Project Coordinator, Planning Department

Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of One Million Four Hundred Fifty-Five Thousand Eight Hundred Ninety-One Dollars and Forty-Three Cents (\$1,455,891.43) to the WV Regional Jail Authority representing payments for October, 2008 (\$390,411.42), November, 2008 (\$348,965.26), December, 2008 (\$353,528.14), and January, 2009 (\$362,986.61)

David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from Coal Severance, #002-439.00-5-68.00, in the amount of Three Hundred Twenty-Four Thousand Four Hundred Eighty-Seven Dollars and Thirty-One Cents (\$324,487.31) to the WV Regional Jail Authority representing payment for February, 2009

David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-401.00-5-68.00, in the amount of One Thousand Three Hundred Fifty Dollars (\$1,350.00) to JP Morgan Chase Bank representing the pass through of architectural blueprint bid fees paid by vendors during the planning phase of Project 301 (*fees will become part of the available Project Operating Account Balance*)

David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to create Special Fund #053 (*TABLE GAMES FUND*) for the purpose of accounting for activities pertaining to WV Lottery Table Games in Kanawha County.

David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to create Special Fund #078 (*DRUG COURT PROGRAM ACTIVITIES FUND*) for the purpose of accounting for transactions pertaining to Kanawha County's Drug Court Program

David Fontalbert, Chief Fiscal Officer

Order authorizing the clerk of the County Commission to issue a check from the General County Fund #001-916.00-5-68.00 (Public Libraries Contribution) in the amount of One Hundred Forty-Three Thousand Eight

Hundred Fifty-Eight Dollars and Twenty-Five Cents (\$143,858.25) to the Kanawha County Public Library, representing final reconciliation of accounts due for the period July 1, 2008, through June 30, 2009
David Fontalbert, Chief Fiscal Officer

Order accepting the lowest qualified bid to meet the specifications and approval of a subsequent Purchase Order for Forensic Equipment for the Kanawha County Sheriff's Department (*bid opening on September 8, 2009, at 11:00 a.m.*)

The Honorable Michael Y. Rutherford, Sheriff
Jerie Whitehead, Purchasing Director

Authorization for the President of the Kanawha County Commission to sign Affidavit of Transfer of Ownership without Consideration (*1980 American LaFrance Fire Truck donated to the Clendenin VFD on August 20, 2009*)

Jerie Whitehead, Purchasing Director

Authorization for the President of the Kanawha County Commission to sign a Statement of Work and System Agreement between the Kanawha County Commission and Verizon Business Network Services, Inc. on behalf of Verizon Network Integration Corporation

Jerie Whitehead, Purchasing Director

Order implementing moratorium on non-essential discretionary spending, to include but not be limited to, community grants and recreational activities, in anticipation of upcoming elections in 2010 and to facilitate the payment of the County's Regional Jail Bill, budgeted obligations for infrastructure projects, and to solidify the Kanawha County Financial Stabilization Fund

Commission President Kent Carper

Order changing Commission policy to ensure open and easy access of public information, as well as other matters being discussed when the Commission of Kanawha County meets as a body politic, specifically relating to General and Special Check Registers (*documentation will always be available for public inspection at the County Clerk's Office as well as Kanawha County Commission meetings*)

Commission President Kent Carper

Order setting Thursday, October 29, 2009, from 6 p.m. to 8 p.m. as the date and time for Halloween in the unincorporated areas of Kanawha County

Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy

7. Fiscal Year 2009-2010 General Fund Budget Revision #6

Commissioner Hardy moved to approve General Fund Budget Revision #6.
 Commissioner Shores seconded. Motion carried.

REVENUE:

001-366-0-00.00	Miscellaneous Revenue	\$1,350.00
001-323-0-75.00	State Grant – WV Drug Court Testing Lab	\$108,993.00
001-398-0-00.00	Transfers from Rainy Day Fund	\$2,000,000.00
❖ 001-322-0-21.00	Federal Grant – Homeland Security	\$740,000.00

EXPENDITURES:

001-401.00-5-67.00	County Commission – Transfers to Other Funds	\$2,000,000.00
001-401.00-5-68.00	County Commission – Contributions	\$1,350.00
001-443.75-1-03.01	State Grant – WV Drug Court Testing Lab FT Employee	\$33,010.00
001-443.75-1-03.02	State Grant – WV Drug Court Testing Lab PT Employee	\$43,680.00
001-443.75-1-04.00	State Grant – WV Drug Court Testing Lab FICA	\$5,867.00
001-443.75-1-05.01	State Grant – WV Drug Court Testing Lab Hosp.	\$7,500.00
001-443.75-1-05.02	State Grant – WV Drug Court Testing Lab Dental	\$500.00
001-443.75-1-06.00	State Grant – WV Drug Court Testing Lab Retirement	\$8,436.00
001-443.75-2-30.00	State Grant – WV Drug Court Testing Lab Cont. Serv.	\$2,000.00
001-443.75-3-41.00	State Grant – WV Drug Court Testing Lab Supplies	\$8,000.00
001-699.00-5-68.00	Contingencies	(\$48,880.00)
001-700.00-1-03.01	Sheriff’s LED Full-Time	\$30,000.00
001-700.00-1-04.00	Sheriff’s LED FICA	\$2,295.00
001-700.00-1-05.01	Sheriff’s LED Hospitalization	\$12,285.00
001-700.00-1-05.02	Sheriff’s LED Dental	\$1,000.00
001-700.00-1-06.00	Sheriff’s LED Retirement	\$3,300.00
❖ 001-973.14-4-59.00	Federal Grant – Homeland Security Equipment	\$740,000.00

8. Fiscal Year 2009-2010 Federal Grant Fund Budget Revision

Commissioner Hardy moved to approve Federal Grant Fund Budget Revision.
 Commissioner Shores seconded. Motion carried.

EXPENDITURES:

001-412.00-2-14.00	Extension Services – Dues and Subscriptions	\$100.00
001-412.00-2-18.00	Extension Services – Postage	(\$100.00)

9. Fiscal Year 2009-2010 Federal Grant Fund Budget Revision

Commissioner Hardy moved to approve Federal Grant Fund Budget Revision.
 Commissioner Shores seconded. Motion carried.

REVENUE:

009-299-0-32.00	Federal Grant – Mental Health Fund Balance	\$4,703.00
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EXPENDITURE:

009-442.32-2-30.00	Federal Grant – Mental Health Contracted Services	\$4,703.00
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10. Fiscal Year 2009-2010 Parking Facility Line Item Budget Revision

Commissioner Hardy moved to approve Parking Facility Line Item Budget Revision.
Commissioner Shores seconded. Motion carried.

REVENUE:

271-280-0-00.00	Parking Facility – Reserve for Enc.	\$814.00
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EXPENDITURE:

271-466.00-3-45.00	Parking Facility Uniforms	\$814.00
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11. Fiscal Year 2009-2010 Fiduciary Fund Line Item Budget Revision

Commissioner Hardy moved to approve Fiduciary Fund Line Item Budget Revision.
Commissioner Shores seconded. Motion carried.

REVENUE:

061-388-0-02.00	Fiduciary Transfers from General County	\$5,500.00
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EXPENDITURES:

016-411.00-2-19.00	Fiduciary Postage	\$5,000.00
016-411.00-3-41.00	Fiduciary Refunds	\$500.00

12. Fiscal Year 2009-2010 Capital Fund Line Item Budget Revision

Commissioner Hardy moved to approve Capital Fund Line Item Budget Revision.
Commissioner Shores seconded. Motion carried.

REVENUE:

090-388-0-00.00	Capital Equipment – Transfers from Other Funds	\$7,500,000.00
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EXPENDITURE:

090-401.00-4-50.07	Capital Equipment – Project 301 Buildings	\$7,500,000.00
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CHECK REGISTERS/SUPPLEMENTALS (Order Confirming and Approving Disbursements to be made by the Clerk of the County Commission of Kanawha County)

Commissioner Hardy moved to approve all check registers/supplementals.
Commissioner Shores seconded. Motion carried.

Supplemental voucher, WV Regional Jail Authority, \$1,455,891.43
(October 2008, \$390,411.42; November 2008, \$348,965.26;
December 2008, \$353,528.14; and January 2009, \$362,986.61)

Supplemental voucher, WV Regional Jail Authority, \$324,487.31 (February 2009)

- ❖ **Supplemental voucher, Waterfront Place Hotel, \$315.84 (hotel accommodations for Dale Petry for SERC Meeting 9/13-16/09 Morgantown, West Virginia)**

Commissioner Carper stated emergency checks needed include payment to the US Supreme Court in the amount of \$200 for Maryclaire Akers, per diem for individuals to attend the WG meeting for homeland security, \$58.50 for each attendee, and \$291.60 per diem for Allen Bleigh and Pam Hensley to attend the Sheriff's Annual Conference. Commissioner Carper stated that these items meet all the requirements and constitute that they need action now and will be ratified at the next meeting. He directs the County Clerk's Office to prepare these items immediately. Commissioner Carper inquired as to where the money will come from to pay for the phones. Jeri Whitehead stated that a purchase order needs approved for \$65,000. Commissioner Carper moved to amend the agenda to include the approval of that purchase order with the proviso that Commissioner Hardy does not have any objections. Commissioner Shores seconded. The purchase order will be ratified at the next meeting. Commissioner Carper stated that the decision to use the lease will be discussed next meeting. Ms. Whitehead stated that there is a pending budget revision with the state and the payment can no be processed until that is approved. She clarified that no check is needed at this time. Motion carried.

- ❖ **AND BOLD DENOTES CHANGE TO THE AGENDA (Example, typographical error, addition, change and/or omission from first version of Agenda)**

- ◆ **AND BOLD PRINT DENOTES EMERGENCY ITEM**

**THE KANAWHA COUNTY COMMISSION MEETING OF SEPTEMBER 10, 2009, RECESSED
AT 7:30 P.M., UNTIL THE 22ND DAY OF SEPTEMBER, 2009, AT 8:30 A.M.**

THE FOREGOING MINUTES ARE APPROVED THIS 1ST DAY OF OCTOBER, 2009.

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY