The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, January 16th, 2013. Present were Commissioner Tennant, Commissioner VanGilder and President Elliott.

The proceedings of Wednesday, January 16th, 2013, together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission on January 17th, 18th and 22nd, 2013 were approved as submitted and signed.

D. D. Meighen led the Court with a prayer. Jake Brumage led the Court with the Pledge of Allegiance. President Elliott called the meeting to order. Commissioner Tennant moved to dispense with the reading of the minutes of Wednesday, January 16th, 2013 and accept them as presented. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note James Priester, Assessor presented to the County Commission the following Exonerations for approval.

Dated January 23, 2013
Nos. #2013-44 through #2013-51

Pursuant to the recommendation of James Priester, Assessor and approval of Patrick Wilson, Prosecuting Attorney; Commissioner Tennant moved that the President to sign Nos. #2013-44 through #2013-51. Commissioner VanGilder seconded. President Elliott concurred.

The Commission received presented the Adoption of Resolutions and other Documents for the Greater Marion PSD Sewer Line Replacement Project. County Administrator Kris Cinalli stated that the County Attorney Chuck Shields has reviewed all documents and has informed the Commission that everything is in proper order.
RESOLUTION OF THE MARION COUNTY COMMISSION TO ADOPT A WRITTEN PROCEDURE FOR DETERMINING REASONABLENESS, ALLOWABILITY AND ALLOCABILITY OF PROJECT COSTS RELATING TO THE GREATER MARION PSD SEWER LINE REPLACEMENT PROJECT

WHEREAS, the Marion County Commission is in receipt of an Appalachian Regional Commission Grant in the amount of $1,250,000 to assist in the funding of the Greater Marion PSD Sewer Line Replacement Project within the communities of Idamay and Carolina; and

WHEREAS, it is required that the Marion County Commission adopt a written procedure to ensure that project costs are reasonable, allowable and allocable as outlined in the regulations of the Department of Housing & Urban Development Small Cities Block Grant Program;

NOW THEREFORE, BE IT RESOLVED, that the Marion County Commission adopts the following procedure for determining reasonableness, allowability and allocability for said project costs:

Procurement of services will be by competitive bid, competitive negotiation, or non-competitive negotiation. All construction contracting over $10,000 must be by competitive bid. Bid openings will be held at the Marion County Commission. Approval of selection and recommendation to grantee by participating funding agencies will be solicited. Selection and contract award will be approved by the Marion County Commission.

All project invoices will be presented to Region VI Planning & Development Council (Project Administrator) to be vouchedered and reviewed. If, after review by the Administrator, reasonableness, allowability and allocability have been determined, each vouchedered invoice will be presented first to the Marion County Commission for review and approval. Once approval has been given by the County Commission for the invoices, Region VI will proceed to request project monies from the State.

All construction invoices will be first reviewed and approved by the engineering firm's project inspector, followed by review and approval by the project engineer. Upon approval by the engineering representatives, the invoices will be sent to Region VI for review. The construction invoices will be reviewed and vouchedered by the Administrator and presented to the Marion County Commission for approval. Once approval has been given by the County Commission for the invoices, Region VI will proceed to request project monies from the State.
The Project Administrator shall be informed by grantee immediately upon receipt of State ARC funds. Checks shall be written and disbursed within three days of receipt of ARC funds. Checks must be written by Project Administrator or by the bookkeeping department for the Marion County Commission. Checks shall be submitted to the grantee for signature. Checks shall be copied and copies mailed to Project Administrator. Checks shall be disbursed by the Project Administrator or the bookkeeping department for the Marion County Commission.

ADOPTED by the Marion County Commission at its regular meeting this 23rd day of January 2013.

MARION COUNTY COMMISSION

Randy Elliot, President

ATTEST:

Kristopher Cialli, County Administrator
MARION COUNTY COMMISSION
JANUARY 23, 2013
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Marion County Commission

Address Correspondence to:
200 JACKSON STREET • ROOM 403
FAIRMONT, WEST VIRGINIA 26554
(304) 367-5400
FAX (304) 367-5431

WRITTEN COMPLAINT PROCEDURE FOR THE
GREATER MARION PSD SEWER LINE REPLACEMENT PROJECT

If, at anytime during the course of the Greater Marion PSD Sewer Line Replacement Project, a citizen has a complaint or concern, they shall render that concern to Region VI PDC. Attn: Lea Wolfe, Project Administrator in writing.

The Region VI Planning & Development Council’s office is located at 34 Mountain Park Drive, White Hall, West Virginia 26554 and is open between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday. Written complaints should be addressed to the attention of Lea Wolfe at the above mentioned address. The telephone number is (304) 366-5693 Ext. 101.

Official project compliant forms are available at the above office.

Once a complaint has been received, it will be documented and every effort will be made by the Project Administrator, and Engineer to resolve the complaint or at least respond to the complaint within fifteen days of receipt.

ADOPTED by the Marion County Commission at its regular meeting this 23rd day of January 2013.

MARION COUNTY COMMISSION

Randy Elliott, President

ATTEST:

Janice Cosco, County Clerk
SIGNATOR AUTHORIZATION

Whereas, the Marion County Commission is in receipt of an Appalachian Regional Commission Grant in the amount of $1,250,000 to assist in the funding of the Greater Marion PSD Sewer Line Replacement Project within the communities of Idamay and Carolina.

Whereas, the Marion County Commission will accept and receive funds from the Appalachian Regional Commission Grant Program; and

Whereas, these programs require that a signator be appointed to sign all contract documents, certifications and assurances with regard to the said grant, and

Now Therefore Be it Resolved, that the Marion County Commission authorizes any member of the County Commission to act as signator for the Marion County Commission’s Greater Marion PSD Sewer Line Replacement Project.

ADOPTED by the Marion County Commission at its regular meeting this 23rd
day of January 2013.

MARION COUNTY COMMISSION

[Signature]

Randy Elliott, President

ATTEST:

[Signature]

Janice Kosco, County Clerk
RESOLUTION ENACTING A THREE DAY RULE PROCEDURE

WHEREAS, the Marion County Commission is in receipt of an Appalachian Regional Commission Grant in the amount of $1,250,000 to assist in the funding of the Greater Marion PSD Sewer Line Replacement Project within the communities of Idamay and Carolina; and

WHEREAS, it is required that the Marion County Commission adopt a procedure to ensure compliance with the Three Day Rule as outlined in the regulations of the Department of Housing & Urban Development;

NOW THEREFORE, BE IT RESOLVED, that the Marion County Commission adopt a "Three Day Rule Procedure" which requires that at no time in the course of the sewer improvement project that funds in the non-interest bearing checking account exceed $5,000 which includes all deposits and disbursements for a period of three (3) consecutive working days which excludes weekends and holidays; and

FURTHER BE IT RESOLVED that the Marion County Commission and/or its designated representative will notify the project administrator when an outstanding check appears on the bank statements for two consecutive periods.

ADOPTED by the Marion County Commission at its regular meeting this 23rd day of January 2013.

MARION COUNTY COMMISSION

[Signature]
Randy Elliott, President

ATTEST:
[Signature]
Janice Cosco, County Clerk
RESOLUTION
TO ADOPT THE PROCUREMENT STANDARDS
MARION COUNTY COMMISSION
GREATER MARION PSD SEWER LINE REPLACEMENT PROJECT

WHEREAS, the Marion County Commission is in receipt of an Appalachian Regional Commission Grant in the amount of $1,250,000.00 to assist in the funding of the Sewer Line Replacement Project.

WHEREAS, it is required that the Marion County Commission adopt procurement standards to ensure compliance with the State, Federal and Local procurement standards as outlined in the Federal Regulations 24 CFR Part 85.

NOW THEREFORE, BE IT RESOLVED, that the Marion County Commission in procuring services for the sewer line replacement project will follow or will cause to be followed the standards specified in Federal Regulations. Procurement contained in 24 CFR Part 85. The Marion County Commission will also add any additional standards they deem necessary to assure that quality material, supplies, services or equipment is procured.

ADOPTED by the Marion County Commission at its regular meeting this 23rd day January 2013.

MARION COUNTY COMMISSION

Randy Elliott, President

Janice Gosco, County Clerk
CODE OF CONDUCT
GREATER MARION PSD SEWER LINE REPLACEMENT PROJECT

The Marion County Commission hereby certifies that it will maintain the following Code of Conduct governing the performance of its officers, employees or agents engaged in the award and administration of contracts:

1. No employee, officer or agent of the subgrantee shall participate in the selection, award or administration of a contract in which State or Federal funds are used, where to his or her knowledge, he/she or his/her immediate family, partners, or organization in which he/she has a financial interest or with whom he/she is negotiating or has any arrangement concerning prospective employment.

2. Subgrantee officers, employees, or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors.

3. Penalties, sanctions, or other disciplinary actions will be applied for violations of the above standards by the subgrantee officers, employees, or agents or by contractors or their agents, to the extent permissible by Federal, State or local law.

ADOPTED by the Marion County Commission at its regular meeting this 23rd day of January 2013.

[Signatures]

MARION COUNTY COMMISSION

Janice Comco, County Clerk
RESOLUTION TO OPEN A NON-INTEREST BEARING CHECKING ACCOUNT

WHEREAS, the Marion County Commission is in receipt of an Appalachian Regional Commission Grant in the amount of $1,250,000 to assist in the funding of the Greater Marion PSD Sewer Line Replacement Project within the communities of Idamay and Carolina; and

WHEREAS, it is required that the Marion County Commission open a non-interest bearing checking account expressly for the purpose of handling the Appalachian Regional Commission Grant Funds, and

NOW THEREFORE, BE IT RESOLVED, that the Marion County Commission does hereby authorize the creation of a non-interest bearing checking account at the and

FURTHER BE IT RESOLVED that the Marion County Commission authorizes the following officials to sign checks from this account:

ADOPTED by the Marion County Commission at its regular meeting this 23rd day of January 2013.

MARION COUNTY COMMISSION

Randy Elliott, President

ATTEST:

Janice Gosco, County Clerk
Commissioner Tennant moved that the Commission President and Clerk sign the Adoption of Resolutions and other Documents for the Greater Marion PSD Sewer Line Replacement Project. Commissioner VanGilder seconded. President Elliott concurred.

Lea Wolfe, from Region VI was present and stated for the record that this project is in the amount of 3.6 million dollars and that the Commission will be the Grantee for the ARC, the Appalachian Regional Commission; the Commission will act as a pass through for the funding of this project. She continued that all of the funding has been secured for this project. She stated that this project will replace the current vacuum system with a new gravity system.
The Commission received an Internal Budget Revision Request from Ron Vernon, Chief Tax Deputy.

Commissioner Tennant moved that the Commission sign the Internal Budget Revision Request from Ron Vernon, Chief Tax Deputy in the amount of $20,656.00. Commissioner VanGilder seconded. President Elliott concurred.

The Commission presented the Appointment of Sandra Hulsey to Marion County Development Authority as Worthington Representative.

Commissioner Tennant moved that the Commission appoint Sandra Hulsey to Marion County Development Authority as Worthington Representative. Commissioner VanGilder seconded. President Elliott concurred.

Charlie Reese added for the record that we still need representatives from Rivesville and Fairview. He continued that he has contacted the respective Mayors for their list of candidates for the Commission to select a person to fill their position. He added that we do have the recommendation of the Whitehall representative and we are trying to contact that person to see if they are willing to serve.
For the record, note the Commission received a request for reimbursement from West Virginia Division of Justice and Community Service to cover expenditures from December 1, 2012 through December 31, 2012 in the amount of $7,933.91 for our Day Report Center, Grant #13-CC-10.

For the record, note the Commission received the Law Enforcement Mutual Assistance Agreement with the City of Farmington. County Administrator Kris Cinalli stated that this agreement is between the City of Farmington and the Marion County Sheriff’s Department.

For the record, note the Commission received an Informational Notice of Section 106 filing from the Federal Communications Commission in Washington, D. C., for Verizon Wireless for their New Tower located as Route 73 Cell Site.
For the record, note the Commission received the notice of agreements that are due to expire, from Time Warner Cable.

Commissioner Tennant stated that the County has had a new building constructed at the 911 Center and he added that the Sheriff and the Marion County Maintenance staff has been at the site pouring and working the concrete for the floor of the new building. Commissioner Tennant wanted to publicly thank all involved with the project. President Elliott added that we do have a great staff that can do various types of work and this allows the County to not have to bid those projects out which saves the County money that it does not have to spend when we have the talented work force already on staff. Jeff Beafore the Maintenance Supervisor wanted to thank all of those individuals involved personally.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, January 30th, 2013 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randy Elliott, President