The Marion County Commission sat in regular session pursuant to its adjournment on Wednesday, January 16th, 2019. Present were Commissioner Garcia, Commissioner Elliott and Commissioner VanGilder via go to meeting.

D. D. Meighen led the Court with a prayer. Sheriff James Riffle led the Court with the Pledge of Allegiance.

President Elliott called the meeting to order.

The proceedings of Wednesday, December 12th, 2018 together with those had and done under the supervision of Janice Cosco, Clerk and Recorder for the Marion County Commission January 2 and 15th, 2019 were approved as submitted and signed.

Commissioner Garcia moved to dispense with the reading of the minutes of Wednesday, January 16th, 2019 and accept them as presented. Commissioner VanGilder seconded. President Elliott concurred.

For the record, notes Mark Trach, Assessor presented to the County Commission the following Exonerations for approval.

Dated January 30th, 2019
Nos. #2019-35 through #2019-39

Pursuant to the recommendation of Mark Trach, Assessor and approval of Jeffery Freeman, Prosecuting Attorney; Commissioner Elliott moved that the President sign Nos. #2019-35 through #2019-39. Commissioner Garcia seconded. President VanGilder concurred.

The Commission received the Order Confirming and Ratifying Fiduciary Supervisor’s Report of Claims and Settlement Reports; Order # 406.

At a Regular Session of the County Commission of Marion County, West Virginia, continued and held for this County at their offices in the J. Harper Meredith Building on the 30th, day of January, 2019.

This day came David A. Glance, Fiduciary Supervisor for Marion County, West Virginia, and presented to the Commission his Report of Claims and First and Final Settlement Reports for the following estates which reports he has filed in the Office of the Clerk of the County Commission, pending confirmation. There being no further objections received to these reports and no errors appearing, the Report of Claims and First and Final Settlement Reports are hereby ratified, confirmed and approved.
Commissioner Garcia stated that hearing no objection moved that the Commission sign the Order. Commissioner VanGilder seconded. President Elliott concurred.
The Commission received a request for advice and consent from James C. Riffle, Sheriff, to hire Austin Stahl as Holding/Transport officer, full time with benefits, to be effective Tuesday, January 22, 2019.

Commissioner Garcia moved that the Commission grant its advice and consent from James C. Riffle, Sheriff, to hire Austin Stahl as Holding/Transport officer, full time with benefits, to be effective Tuesday, January 22, 2019. Commissioner VanGilder seconded. President Elliott concurred.

For the record, note the Commission received from Black Hawk Mining, Inc., submitted Permit #S-2206-13 MR-19 Operator Assignment; for public review.

For the record, note the Commission received Valley Falls Public Service District Reconciliation Summary for periods ending 10/31/2018 and 11/31/2018.

For the record, note the Commission received notification from Charter Communications (Spectrum) of agreement reached Tribune Broadcasting.
President Elliott stated that the Winston Bill passed the State Senate 29 to 4 vote. He added that he thought it would pass. County Administrator Kris Cinalli added that the owner of Winston was going to come today to court to ask for a letter of support from the Commission on their behalf. President Elliott stated Kris could prepare and send one out.

Jeff Biafore is back to work form time off due to an illness. He added that he was glad to be back.

President Elliott added that the Commission received a Courthouse Facilities Grant for an 80/20 split of funds to replace the chiller in our HVAC unit; thanks to Belinda Biafore.

Chris McIntire stated that they had some wrecks this morning due to the weather and he also added that his department is preparing for the cold weather that is coming in order to be prepared if something arises.

There being no further business to come before the County Commission will recess until 10:30 a.m. for it public hearing.
President Elliott called Public Hearing to order.

President Elliott asked if anyone was present in opposition to his Ordinance and its passage. No one in attendance was against the Ordinance.

President Elliott asked Assistant Prosecuting Attorney if all steps were completed in proper sequence. Mr. Shields replied in the affirmative.

County Administrator Kris Cinalli stated for the record that the Commission received no emails, mail or phone calls against the passage of this Ordinance.

Chris McIntire stated for the record that he is in favor of the passage of this increase in rate from $2.25 to $3.34 per land line to match the State of West Virginia cell phone fee rate. He added that this is not to obtain a surplus in funds, but to assist the County 911 Center in meeting its financial burdens. He did not believe that the fee would need to be increased based upon current drops in land lines for 3 to 5 years. He added that land lines are dropping off at about 1,000 per year. He stated that Marion County has about 17,000 land lines currently. He also stated that his department is operated very efficiently on it budget. He stated that this would go into effect on July 1, 2019.
ORDINANCE NO 2019-1

AN ORDINANCE AMENDING ORDINANCE 03-01, THE MARION COUNTY ENHANCED EMERGENCY TELEPHONE SYSTEM RATE PER MONTH PER LOCAL EXCHANGE SERVICE LINE

WHEREAS, there has been adopted Ordinance Number 03-01 regarding the establishment of an enhanced telephone system and which imposed a fee for capital improvements or modifications, maintenance and personnel service cost of the said system in Marion County, West Virginia; and

WHEREAS, the Marion County Commission has experienced increased cost for the provision of an enhanced emergency telephone system; and

WHEREAS, the Marion County Commission has not increased the fee for the monthly rate for each local exchange service line since 2011; and

WHEREAS, in judgement of the Marion County Commission, it is fiscally necessary and appropriate to modify the rates or fees for consumers of enhanced emergency telephone system equal to the state cellular fee.

NOW THEREFORE, THE MARION COUNTY COMMISSION HEREBY ORDAINS AND ORDERS:

SECTION 1. REPEALED SECTION OF ORDINANCE (ORIGINAL NUMBER 94-1) ADMENENING ADMENDMENT 03-01 The following section of Ordinance 03-01 is hereby repealed: "SECTION 6- IMPOSITION OF FEE ADOPTION OF FEE, subsection.

SECTION 1. MODIFICATION SECTION: The Ordinance 03-01 shall be and is hereby amended and modified to include as follows:

SECTION 6- IMPOSITION OF FEE: RATE PER LOCAL EXCHANGE SERVICE LINE:

(1) Pursuant to West Virginia Code § 7-1-3-cc, the Marion County Commission imposes a fee of 3 dollar ($) and 34 cents ($3.34) per month per local exchange service line to finance the capital improvements or modifications, maintenance, personnel cost of the Enhanced Emergency Telephone System.

This Ordinance prepared by: [Signature]
SECTION II. EFFECTIVE DATE: This ordinance shall become effective upon its passage.

Randy Elliott, President
Rick Garcia, Commissioner
Ernie VanGilder, Commissioner

Attest:
Janice Cosco, County Clerk by Thomas F. Antulov, deputy

First Reading: 1-16-19
Second Reading: 1-30-19
Public Hearing: 1-30-19
Adopted: 1-30-19
Publication: 1-19-19 / 1-24-19

This Ordinance prepared by: [Signature]
The procedure for changing the monthly wireline Enhanced 9-1-1 fee is exactly the same as the procedure for adopting the initial Enhanced 9-1-1 ordinance. This is covered in ~24-6-6 of WV State Law (see below my e-signature.)

The county must make a copy of the proposed change to the ordinance available to the public. The County Clerk’s Office is a good location for this.

Notice of the proposed change and the date, time and location of a County Commission public meeting (at least one must be held) dealing with the change must be published at least once in a newspaper of general circulation in the county. This notice must appear within the time period of between 60 and 30 calendar days before the meeting. I have attached a Word document that you can use as a guide for the public notice.

The meeting may be a separate gathering or the fee change proposal may be one of the items on the agenda of a regular County Commission meeting. At or following the meeting, the proposed change may be adopted as proposed, adopted with changes or rejected. This must be done by majority vote of the County Commissioners. If it is decided to vote on the change after the hearing, this vote must take place within 90 calendar days of the date of the hearing. If this is not done, then the County must either drop the matter or begin completely anew and redo everything stated above.

Whenever an Enhanced 9-1-1 ordinance is amended, the County Commission must send a signed copy of the ordinance amendment to the Public Service Commission. This may be done by mailing it to me or by providing me a pdf file via email. Fax is discouraged due to the generally poor quality of the document copy generated by the fax machine.

The County should contact all local exchange type telephonne companies serving in the county (for example, Verizon, Frontier, StratusWave, FiberNet) at least 90 days prior to the new rate going into effect. This will give them sufficient time to adjust their billing and should avoid the unpopular practice of back billing.

Dannie WVPSC
Commissioner Garcia moved that the Commission sign Ordinance # 2019-1 increasing the monthly land line rate from $2.25 to $3.34 per month. Commissioner VanGilder seconded. President Elliott concurred.

There being no further business to come before the County Commission, it is ordered that this Commission do now recess until, Wednesday, February 13th, 2019 at 10:00 a.m. for the next scheduled County Commission Meeting.

Randall J. Elliott, President