

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD  
OCTOBER 11, 1990

PRESENT: PRESIDENT LEWIS E. GUINN  
COMMISSIONER STEVEN A. GRIMM  
COMMISSIONER HOLMES R. SHAVER

On this date, the County Commission met in regular session. They signed purchase orders, invoices, correspondence, and minutes from Monday, October 1, 1990, Thursday, October 4, 1990, and minutes from the Special Session held on Tuesday, October 2, 1990. These minutes were approved upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver, and made unanimous by Lewis E. Guinn.

At 9:00 A.M., the County Commission met with Reverend Harley Bailey from the Board of Education. Mr. Bailey discussed wanting to use someone from the Prosecutor's Office as legal counsel for the Board of Education. Board of Education will pay half of the salary and County Commission will pay other half, stated Mr. Bailey. Mr. Bailey presented a Resolution to the County Commission. The County Commission took this matter under advisement.

At 10:00 A.M., the County Commission opened one sealed bid in regard to the Wood County Magistrate's Parking Lot Project. The bid was from Stephen's Construction Company, 501 East Street, Parkersburg, WV 26101. Bid with concrete parking lot is \$146,700.00; bid with asphalt parking lot is \$105,400.00. The County Commission took said bid under advisement upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver, and made unanimous by Lewis E. Guinn.

AT 10:30 A.M., the County Commission met with Bob Waters, Assistant Prosecuting Attorney to discuss the Welch Estate. Mr. Waters presented documents, evidence, correspondence, and depositions to the Commission. After discussion, the Commission decided to review the exceptions and will meet with Mr. Waters on Monday, October 22, 1990.

At 11:30 A.M., the County Commission met with Rae Browne to discuss the Summerite Association, Inc. Their Grant was not renewed. They need help with maintenance for the building. The County Commission made several suggestions of whom Mrs. Browne should contact for assistance.

On this date, the County Commission met with Emmett Pickens and Rick Woodyard to discuss having a helicopter landing on Avery Street. They will have a Grant for this project.

On this date, the County Commission was in receipt of a Certificate of Insurance from Reagle & Padden, Inc., Agent for Arthur R. Cooper dba Community Antenna Service. Said Certificate satisfies the requirement of \$1,000,000.00 insurance coverage set by the County Commission of Wood County in an Agreement entered into by and between the County Commission and Community Antenna Service for a franchise to operate a television cable service in Wood County in accordance with Chapter 8, Article 31, Section 1 of the West Virginia Code. An Order was prepared regarding this matter.

On this date, the County Commission authorized Lewis E. Guinn to co-sign a letter, along with Cpl. Terry Miller, Crime Analysis Officer with the Wood County Sheriff's Department, requesting permission to use remaining funds for the purchase of additional items. Said request is in reference to the Drug Control and System Improvement Formula Grant No. 90-DC-028, and is requesting permission to buy additional software and surge protectors to be used in accordance with the computer recently purchased through funds from such Grant. An Order was prepared regarding this matter.

On this date, the County Commission approved the recommendation for appointments to the Wood County Commission on Crime, Delinquency and Correction. The approved recommended appointees are Lora Swarr, the Comprehensive Health Coordinator for RESA V, and Haynes Huddleston, the Drug Education Coordinator for Wood County Schools. An Order was prepared regarding this matter.

On this date, the County Commission authorized Lewis E. Guinn to sign the Monthly Financial Report and the Request For Reimbursement for the period of September 1, 1990, to September 30, 1990, in regard to the Drug Free Communities Grant No. DFC-89-055. In addition to the above reports, a Monthly Progress Report for the month of September, 1990, is being submitted to the Criminal Justice and Highway Safety Office. Expenditures for the month of September, 1990 were in the amount of \$792.33 and represents payment of personnel services performed by Dr. Judith A. Huber of Mountain State College, Consultant for said Grant on behalf of the Wood County Commission, and payment of \$272.33 for materials and supplies. An Order was prepared regarding this matter.

On this date, the County Commission authorized Lewis E. Guinn to sign the amended Monthly Financial Report and the amended Request For Reimbursement for the period of August 1, 1990, to August 31, 1990, in regard to the Drug Free Communities Grant No. DFC-89-055. In addition to the above reports, an amended Monthly Progress Report is being submitted to the Criminal Justice and Highway Safety Office. Expenditures for the month of August, 1990, were in the amount of \$520.00 which represents monthly payment to Dr. Judith Huber of Mountain State College, Consultant for such Grant on behalf of the Wood County Commission. An Order was prepared regarding this matter.

On this date, the County Commission authorized Lewis E. Guinn to sign the amended Monthly Financial Report and the amended Request For Reimbursement for the period of July 1, 1990, to July 31, 1990, in regard to the Drug Free Communities Grant No. DFC-89-055. In addition to the above mentioned reports, an amended Monthly Progress Report is being submitted to the Criminal Justice and Highway Safety Office. Expenditures for the month of July 1990 were in the amount of \$1,050.00 and represents payment for personnel services performed by Dr. Judith Huber of Mountain State College, Consultant for such Grant on behalf of the Wood County Commission, during the months of June and July, 1990.

An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of an approval of a budget adjustment request in regard to the Drug Free Communities Grant No. DFC-88-HR-047. Said letter of approval was from Helena B. Carpenter, Drug-Free Communities Specialist of the Criminal Justice and Highway Safety Office. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of the fully executed Contract between the Governor's Office of Community and Industrial Development and the Wood County Commission in regard to the Governor's Community Partnership Grant for fencing of the ballfield at Godbey Field. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of a check in the amount of \$3,700.00 from the State of West Virginia. Receipt of said check represents reimbursement to Wood County in regard to the Drug Free Communities Grant No. DFC-88-HR-047. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of a check in the amount of \$3,199.50 from the State of West Virginia, which represents reimbursement to the County from the Drug Law Enforcement Grant No. 88-DLE-011. An Order was prepared regarding this matter.

On this date, the County Commission authorized Steven A. Grimm to sign the Request for Funds. Said Request is for the period of July 1, 1990 through September 30, 1990. No expenditures were made by the County during this period. In addition to the Request for Funds, a Grant Progress Report and a Grant Financial Report are being submitted to the Criminal Justice and Highway Safety Office. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of an Affidavit and Agreement With Respect to Lost, Stolen, or Destroyed Securities along with a Bond of Indemnity in regard to lost Bond No. R-15017 in the amount of \$5,000.00, registered in the name of Martin Eglov and in reference to the above Mortgage

Revenue Bond. Written approval/rejection is being requested by One Valley Bank, Charleston, WV, in regard to the replacement of said bond. The County Commission, upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver, and made unanimous by Lewis E. Guinn, gave approval by letter, addressed to One Valley Bank, to replace said Bond. An Order was prepared regarding this matter.

On this date, David G. Palmer, Attorney, presented to the Commission a Resolution. Said Resolution was concerning Emma B. Crawford who was declared incompetent in another state. This Resolution discharged the committee and released security on said Estate. Attorney Charles V. Renner recalled himself as Fiduciary Commissioner. This was signed upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver, and made unanimous by Lewis E. Guinn.

Having no further business to attend to or scheduled appointments, the County Commission adjourned at 12:00 noon.

Approved:

COUNTY COMMISSION OF WOOD COUNTY

  
Lewis E. Guinn, President

  
Steven A. Grimm, Commissioner

  
Holmes R. Shaver, Commissioner

7/1/2009

BOARD OF EDUCATION, COUNTY OF WOOD

A RESOLUTION REGARDING THE PROVISION  
OF LEGAL SERVICES TO THE BOARD

WHEREAS the Prosecuting Attorney is required by Section 7-4-1 of the West Virginia Code to provide legal services to the Board of Education, and

WHEREAS the Board of Education may, under the provisions of Section 18-5-13 (12) of the West Virginia Code, hire its own legal counsel, and

WHEREAS the Prosecuting Attorney has indicated to the County Commission of Wood County that he has insufficient and/or unqualified staff to serve the Board of Education properly, and

WHEREAS it is the desire of the Board to obtain for itself and its staff competent legal counsel capable of responding to the needs of the system in a timely fashion and at a reasonable cost to the system,

THEREFORE, BE IT RESOLVED that effective January 1, 1991, all legal matters be referred to the Prosecuting Attorney of the County of Wood, who shall be considered to be the Board's legal counsel beginning on that date; Provided, however, that should the Prosecuting Attorney indicate in writing to the Board or Superintendent of Schools at an earlier date that he has sufficient qualified staff, knowledgeable in school law, all legal matters will be referred to the Prosecuting Attorney immediately after receipt of that indication; Provided further, that the firm of Davis, Bailey, Pfalzgraf & Hall shall continue to be retained to conclude law suits, complaints, grievances and other matters in progress on the date the Prosecuting Attorney assumes the duties of legal counsel to the Board.

BE IT FURTHER RESOLVED that the Superintendent is hereby empowered to petition the <sup>Circuit</sup> ~~County~~ Court of Wood County for a Writ of Mandamus which would require the Prosecuting Attorney to serve as legal counsel to the Board should he, for any reason refuse to fulfill the responsibilities of Section 7-4-1 of the West Virginia Code.

BE IT FURTHER RESOLVED that should the Prosecuting Attorney not be able to provide timely answers to questions the Board or its staff present to his office, or should the Prosecuting Attorney not handle grievance procedures within the time frames prescribed by law, or if there is other just cause, the Superintendent or other staff member may refer matters to Davis, Bailey, Pfalzgraf & Hall after documenting in writing any delay or inadequacy on the part of the Prosecuting Attorney or his staff, which delays or inadequacies shall be brought to the attention of the Board of Education, the County Commission or the Prosecuting Attorney, as appropriate.

Mary

BE IT RESOLVED BY THE WOOD COUNTY BOARD OF EDUCATION, THAT THE PRESIDENT OF THE WOOD COUNTY BOARD OF EDUCATION AND/OR HIS DESIGNEE'S, AND THE SUPERINTENDENT AND/OR HIS DESIGNEE'S, BE DIRECTED TO MEET WITH THE COUNTY COMMISSIONERS OF WOOD COUNTY AND THE PROSECUTING ATTORNEY, FOR THE PURPOSE OF DETERMINING IF IT IS THE RESPONSIBILITY OF THE PROSECUTING ATTORNEY TO REPRESENT THE WOOD COUNTY BOARD OF EDUCATION AND THE ADMINISTRATION IN ALL LEGAL MATTERS AND LEGAL QUESTIONS THAT MAY PROPERLY COME BEFORE THE BOARD OR THE ADMINISTRATION. AND, WHEREAS, IT HAS BEEN IMPLIED THAT IT IS THE RESPONSIBILITY OF THE PROSECUTING ATTORNEY OFFICE TO HANDLE ANY AND ALL LEGAL MATTERS INVOLVING THE COUNTY SCHOOL SYSTEM. AND, WHEREAS, IT IS THE EXPRESSED INTENT OF THE WOOD COUNTY BOARD OF EDUCATION TO ELIMINATE OR REDUCE THE AMOUNT OF LEGAL EXPENSES INCURRED BY THE BOARD AND THE ADMINISTRATION FOR THE NORMAL DAY TO DAY OPERATION OF THE COUNTY SCHOOL SYSTEM. AND, WHEREAS, THIS IS A GOOD FAITH EFFORT ON BEHALF OF THE WOOD COUNTY BOARD OF EDUCATION AND THE ADMINISTRATION TO DETERMINE THE FEASIBILITY AND ABILITY OF THE PROSECUTING ATTORNEY'S OFFICE TO HANDLE THE LEGAL MATTERS INVOLVING THE WOOD COUNTY SCHOOL SYSTEM. AND, HEREFORE BE IT FURTHER RESOLVED BY THE WOOD COUNTY BOARD OF EDUCATION, THAT IT IS THE INTENT OF THE BOARD TO RESOLVE THIS MATTER IN A SATISFACTORY AND TIMELY MANNER.