

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
THURSDAY, JULY 29, 1993

PRESENT: HOLMES R. SHAVER, PRESIDENT
JEAN GRAPES, COMMISSIONER
STEVEN A. GRIMM, COMMISSIONER

On this date, the County Commission met in regular session. They signed purchase orders, invoices and other correspondence. The County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, approved minutes from Thursday, May 27, 1993. Upon a motion made by Steven A. Grimm, seconded by Holmes R. Shaver and passed, the County Commission approved minutes from Monday, June 14, 1993 and Thursday, June 17, 1993.

On this date, the County Commission approved Personal Property Improvers for John & Pauline M. Bee, William J. Stumbo, Earl M. West, Christopher Daniels, Amanda C. Parsons, Cathy A. Smith Morris, Parkersburg Obedience Training Club and Maxine Watterson. The County Commission approved Exonerations for Charles H. & Jacquelyn J. Phillips and Phillis E. Todd & Martha J. Ryyne.

At 9:30 A.M., Gerald Townsend was sworn in as a Fiduciary Commissioner.

At 9:55 A.M., the County Commission met with Carole Jones, who discussed the new legislation of fees to be collected; recording of liens and the results of HIV tests of certain offenders needing to be sealed and kept on file. Also there will be additional work added to her employees for the suspension of licenses for failure to appear in court or failure to pay assessments. Mrs. Jones stated that she uses her part-time help on a full-time basis whenever she can. (More discussion took place but minutes are incomplete due to a dead battery in the tape recording system.)

On this date, Jeff Devol, President of the Wood County Parks and Recreation Commission (Mountwood Park) presented a letter in regard to allegations made July 22, 1993 by Mr. Greg Bailey. Said letter is attached

to these minutes.

On this date, came Michele Rusen, Prosecuting Attorney for Wood County and announced unto the County Commission of an Application to the Honorable Gaston Caperton, Governor of the State of West Virginia, requesting the Governor of the State of Ohio for the extradition of Patrick T. Shaw, who stands charged with the crime of Theft of Lease Property, committed in the County of Wood, of this State, in November of 1991, and who is now a fugitive from justice of this State, and as the Prosecuting Attorney is informed, is now within the jurisdiction of the said State of Ohio, in the County of Washington, and the City of Marietta. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and made unanimous by Holmes R. Shaver, agreed to enter into a Preventive Maintenance KIT (P.M. KIT) by and between the County Commission and Best Office Machines, Inc., Belpre, OH, in regard to the SF-7100 Sharp copier located in the Sheriff's Tax Office. Said Sharp copier requires an 8,000 copy KIT at \$264.00 which is a cost of .033 cents per copy for everything except materials to print on. Said KIT provides all labor, parts, toner, developer and drum. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, adopted a Resolution in reference to Budget Revision No. 1 in the General County Fund budget for the fiscal year 1993/1994. The Request for Revision to the Approved Budget, being submitted to the Department of Tax and Revenue, Charleston, WV was signed by Holmes R. Shaver, President. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion duly made, seconded and passed, executed a Memorandum of Understanding between the West Virginia Regional Jail and Correctional Facility and the County Commission to house

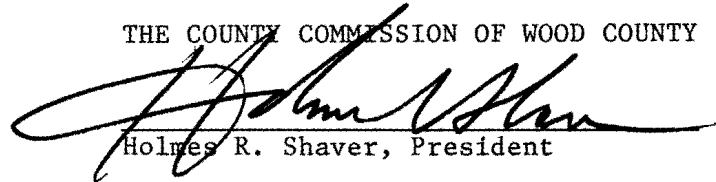
prisoners in the South Central Regional Jail located in Kanawha County. The per diem rate for each prisoner is \$32.20 set by the Authority for the fiscal year ending June 30, 1994. As per the letter from Chief Jailer, Mark Rhodes, five female prisoners were transferred to the South Central Regional Jail. Further pursuant to Mr. Rhodes' letter, the Memorandum of Understanding executed by the County Commission of Wood County in regard to the housing of prisoners in the Central Regional Jail is now VOID. An Order was prepared regarding this matter.

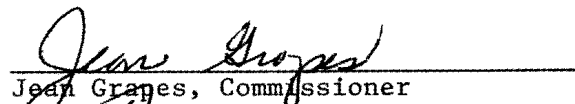
On this date, the County Commission, upon a motion made by Jean Grapes, seconded by Steven A. Grimm and made unanimous by Holmes R. Shaver, DENIED the Petition to close a portion of McKinney Street located in Union District, Waverly, Wood County, West Virginia. Said action is pursuant to the hearing held on the 7th day of June, 1993 at which time the County Commission did hereby Order that such matter be continued generally; and is further pursuant to an opinion rendered by Michele Rusen, Prosecuting Attorney for Wood County. An Order was prepared regarding this matter.

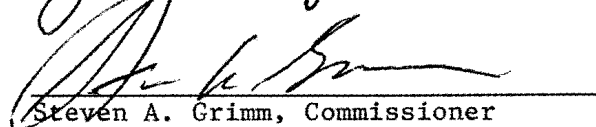
Having no scheduled appointments or further business to attend to, the County Commission adjourned at 12:00 Noon.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY

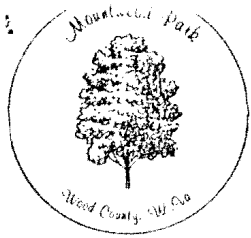

Holmes R. Shaver, President


Jean Grapes, Commissioner


Steven A. Grimm, Commissioner

PURCHASE ORDERS SIGNED ON JULY 29, 1993

No. 17579	Viking Office Products	\$ 244.73
17580	Graphic Communications	329.67
17582	Freestyle	82.25
17601	Quill Corporation	86.53
17602	Industrial Rubber	3.60
17603	Travel Trailer Center	357.99
17606	Broadwaters Motorcar	24.54
17609	Bernhardt's	153.00
17616	McClinton Chevrolet	20.60
17619	Radio Shack	23.95
17620	Broadwaters Motorcar	5676.25
17621	Broadwaters Motorcar	1024.00
17622	Oakes Radiator Shop	46.40
17625	Mary's Towing	21.00
17627	Broadwaters Motorcar	21.46
17630	Byers Lock & Key	32.00
17631	Signs & More In 24	250.00
17632	Wharton Cadillac Olds	10.25
17634	Universal Supply	1.17
17635	Safety Kleen	63.00
17636	Parkersburg Office Supply	28.65
17638	Sears	27.98
17643	Broadwaters Motorcar	53.28
17644	Fore Timber Company	80.00

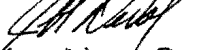


Mountwood Park

Route 2—Box 56
Waverly, West Virginia 26184
Phone (304) 679-3611

July 23, 1993

TO: The Honorable Butch Shaver
The Honorable Jean Grapes
The Honorable Steve Grimm
Wood County Commission
Parkersburg WV 26101

FROM: Jeff DeVol, President 
Wood County Parks & Recreation Commission

RE: Allegations made July 22 by Mr. Greg Bailey

Dear Commissioners:

On behalf of the Wood County Parks and Recreation Commission, I feel compelled to answer certain allegations made by Mr. Bailey in his recent appearance before you. I believe it unfortunate that those instances continue to occur, but Mr. Bailey's actions - much less his thinking - are beyond our influence, despite all efforts to deal with him in a reasonable manner. Certainly, I regret having to occupy yet more of your time in such a non-productive matter, however I must counter any misinformation you have been presented with in order to achieve a correct understanding of the situation.

On July 22, Mr. Bailey stated to you that we went into executive session. That's true. However, Mr. Bailey went on to state that we emerged from that executive session with a "new policy not allowing one speaker to donate speaking time to another" and further stated: "A new gag rule was in effect." Those statements are absolutely false.

Of course, I cannot disclose the details of that executive session, but I can clearly state that at no time were our rules governing speaking to our meetings discussed. No decision was made on the subjects discussed in that session, nor was any decision made after that session pertaining to any matter.

The rules governing how the public can speak at our meetings are part of our Bylaws, section E, paragraph g, and have been in effect since their adoption on April 21, 1993 and are enclosed for your review. Those rules were promulgated, pursuant to WVa Code, Chapter 6, Article 9A, and were modeled after rules long established by other public governing bodies. Mr. Bailey was present when the above rules were adopted and has spoken at each and every regular meeting since that time.

My interpretation of those rules is that they clearly provide all persons properly registered up to five minutes to address the Commission. It is just as clear to me that no provision is made to allow one person to transfer or yield their allotted time to another, thus allowing a person more than five minutes. It is obvious to me that it is the intent of the rule to allow all persons, properly registered, a fair and equal opportunity to speak and not to allow unfair and unequal opportunities to accrue to one individual by engaging in collusion with others.

During our meeting on July 21st, six speakers were registered to speak. The speakers were called in the order in which they registered. The first registered stated that her time was to be given to Mr. Bailey. I then explained my ruling disallowing that transfer and again offered her five minutes to speak. She declined her opportunity. The second speaker also declined his opportunity, stating that he too wished to give his time to Mr. Bailey. The third speaker did use his opportunity to speak. The fourth speaker was Mr. Bailey, Mr. Bailey did not use all of his allotted five minutes. The fifth and sixth speakers declined their opportunity.

It is apparent to me that Mr. Bailey, along with speakers one, two and five had intentionally set-out to circumvent the clear intent of our rules and our established practice. The only occasion on which we have deviated from the above described procedure was at our June regular meeting when Mr. Bailey insisted that he had signed the roster to speak and his name was not found to be on the roster. The Chair did give Mr. Bailey the "benefit-of-the-doubt" on that occasion and allowed him to speak in his wife's place - she was registered to speak and did agree to allow Mr. Bailey to speak in her place.

Mr. Bailey's contention that "Citizens were stifled" is misleading - at best. Every person was given fair opportunity to speak. I can only assume that those who

chose not to, had no intention of speaking when they signed the roster to speak.

As you know, all our meetings are taped. Those tapes will verify what actually transpired and are available for your review or to the Prosecutor's office for review.

Mr. Bailey's contention that "the Board changes its rules to fit the situation" is obviously false and misleading.

I take particular exception to his characterization of the Commission as "spineless". To not yield to the posturing, gamesmanship, and intimidation of one who contrives situations for the sole objective of gaining media attention is certainly not spineless. To yield to such pressures would be spineless.

Mr. Bailey was not seeking fair treatment, he was seeking preferential treatment.

I am not now surprised by any action Mr. Bailey might take, but I was rather puzzled that he appeared before you on July 22nd - as he was also advised by members of our Commission on the 21st that the nature of his disagreement with, and contentions towards, the Commission were most properly handled by the Courts and/or the Prosecutor's office.

The above described incidents are also linked to a preceding effort by Mr. Bailey to be "placed on the agenda as an individual item" at our meeting on the 21st. On July the 20th the Park Commission's office received the attached request from the "Volunteers". As you can see, the request did not state, in anyway, the subject matter to be discussed. The request was not signed. The request was reviewed and discussed with several Commission members and with our legal counsel. It was determined that the request could not be responsibly honored. In setting the agenda, the Commission's President has the responsibility to determine both the timeliness and the pertinence of an item to be placed on the agenda - that was obviously impossible in this case. Further, even assuming that the request pertained to the OHV issue or the Abraxas issue, it would be highly inappropriate for the Commission to grant unilateral access to one side of the issue and particularly so in light of the fact that a Committee is currently working the former and our legal counsel is currently researching the latter. It would be inappropriate to allow one individual to preempt those charged with resolving an

issue in a comprehensive manner. It has been our experience that Mr. Bailey does not introduce new, nor complete, information during his presentations that has not been previously known or discussed by others involved in the process.

The request also eludes to saving legal expenses as being among the objectives. If that is an objective, it is more surely accomplished by simply providing relevant documents in an informal way so that our attorney can review and research them in an efficient manner. It surely does not necessitate the dramatic "grandstanding" that characterizes the majority of Mr. Bailey's presentations. Mr. Bailey has very regular contact with the Park's Commission, its members and staff, and has had ample opportunity to present his concerns and contentions. I believe the above request was at best frivolous and at worst an orchestrated, planned move designed to have the above request denied.

The continuing trend of Mr. Bailey's actions must be characterized as harassment. I must believe that the primary objective is simply media attention for attention's sake and not to resolve anything.

The Wood County Park's and Recreation Commission welcomes participation by the public. We do not want to appear to discourage, or hold with disdain, such participation. However, the continued contemptuous, adversarial, and manipulative methods employed by Mr. Bailey are not productive nor welcome. Any individual who engages in such conduct, forfeits all expectation of being treated with the dignity, credibility, and respect deserved by the public generally, and particularly cannot expect the inordinate attention Mr. Bailey seems to demand and too often has received.

Again, I apologize for involving your time in this regard.

We appreciate your understanding and continued support, despite such irritations. Your questions and interest are always welcome on this or any other matter.

g. The Public shall be afforded the opportunity to address the Commission. Any person desiring to address the Commission shall notify the President or presiding officer of such intent. Said person shall also be required to sign the register with name and address on a form supplied by the Commission no less than five minutes prior to the scheduled meeting time. All persons addressing the Commission shall stand and give their name and address in an audible tone of voice for the record. At the conclusion of business of the current agenda items, the members of the Commission shall remain for up to 30 minutes to hear public input. All persons registered as above shall be allowed up to five minutes to address the Commission and shall also take questions from the Commission for up to five minutes. After all registered persons have spoken or after 30 minutes from the completion of agenda items, the Commission shall adjourn.

h. The presiding officer shall preserve strict order and decorum, at all times, during every meeting of the Commission. The presiding officer shall state every question coming before the Commission, and shall also announce the decision of the Commission on all matters coming before it, except as otherwise provided by Federal or State law or by these By-laws. All questions of order, rules, organization and the conduct of business shall be governed by Roberts Rules of Order (newly revised).

1. Any member of the Commission, once recognized, shall not be interrupted when speaking, unless it be to call said member to order, or as provided in Roberts Rules of Order. If a member is called to order, he/she shall cease speaking until the question of order is determined by the presiding officer or parliamentarian, and if found in order, shall be permitted to proceed.
2. All remarks shall be addressed to the presiding officer and to the Commission as a whole, and not to any individual in attendance or any member of the Commission unless granted permission by the presiding officer. No person, other than the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.
3. Any person, making personal, impertinent, slanderous remarks, or loud and abusive remarks may be deemed out of order while addressing the Commission and shall be prohibited by the presiding officer from further audience before the Commission.
4. The President, or his/her designee shall act as parliamentarian and determine all matters of parliamentary law.

TO THE WOOD COUNTY PARKS & RECREATION COMMISSION:

The Volunteers, from Wood County, W.V., have voted and elected a representative to speak at the next regularly scheduled park board meeting, on July 21, 1993.

We hereby request that our representative be permitted to address the full board of Mountwood; as an "item" on the agenda, while the meeting is still "in order", and business may still be transacted; as we feel that a motion may be in order after our presentation is made.

Our purpose in making this request is to solve one of the current park problems, in the most cost-efficient manner, thus saving Wood County tax dollars by eliminating park board attorney fees.

We hope the park will be receptive to this request, and hopefully resolve, satisfactorily, one of the many park problems.

RESPECTFULLY,
THE VOLUNTEERS,

P.O. BOX 71,
WALKER, W.V.,
26180

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