

MINUTES OF A SPECIAL SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 31ST DAY OF MAY 2011.

A SPECIAL MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 31ST DAY OF MAY 2011. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 12:00 P.M. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE.

THE FOLLOWING MEMBERS WERE PRESENT:

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

Documents NOT on Agenda but processed/approved at 5/31/11 Commission Meeting:

05/31/11	2011-320	Certificate of Board of Canvassers' Votes Cast for Candidates at Special Primary Election of May 14, 2011
05/31/11	2011-321	Noah Black Jones, Kanawha County Sheriff's Office, Summer Intern, \$10.00 per hour, Temporary Employee, effective June 1, 2011
05/31/11	2011-322	Order Confirming and Approving Purchase Order in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department

Document on Agenda and approved/processed on 5/20/11 (listed but only for ratification purposes):

Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department - (Vendor Name change - 2011-291)

AGENDA ITEMS

5:00 P.M. Discussion, Approval, and Certification of the May 11, 2010, Primary Election Results as declared by the Board of Canvassers during Canvass on May 17, 2010
Commission President Kent Carper
Commissioner Henry C. Shores
Commissioner Dave Hardy
Marc J. Slotnick, County Attorney

County Clerk, Vera McCormick stated 240 additional ballots were counted during canvass. She stated the results did not change and her office has received no notification of a challenge. Commissioner Carper verified the Commission Office received no requests for a challenge of the results. Commissioner Shores moved to certify the results of the election. Commissioner Hardy seconded. Motion carried. Mrs. McCormick stated the elected cost Kanawha County \$400,000 and the bill is almost ready to submit to the State for reimbursement. She stated work for the General Election will begin soon with the poll worker nominations to take place in July. Staff is to send a letter to Committee Chairpersons. Commissioner Carper directed the next agenda to include election duties

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and deadlines for the upcoming General Election. Commissioner agreed the County Clerk and her office did an exceptional job on the election process. They additionally agreed having the election was the right thing to do.

Commissioner Shores moved to recess as the Board of Canvassers to discuss items of the Special Commission meeting. Commissioner Hardy seconded. Motion carried.

Commissioner Carper acknowledged receipt of a \$30,354, final collection warning notice from PEIA referencing an employee that retired in 2009. Jennifer Sayre stated the first notice was received two weeks ago. Marc Slotnick stated he is working on obtaining an attorney that has previous experience with PEIA issues. Commissioner Carper stated disinterest in an attorney that will defeat the public employee benefits. He questioned why have a retirement system that can not be used. It was stated this change in addition to the Commission affects Yeager Airport, Parks and Recreation, Metro and the Solid Waste Authority. Commissioner Carper stated the Ambulance Authority switched to PEIA several years ago. It was stated this affects employees hired after July 2010. Mrs. Sayre stated she was told by PEIA that prior notice of this would not have been sent to the Commission because the Commission was not a participator in the program. Mr. Slotnick stated he hoped legal counsel will be acquired by this afternoon. Commissioner Carper additionally suggested looking at the past law suits and the settlements of those cases. It was verified the Commission switched from PEIA in 1991. Commissioner Carper directed staff to hire Bill Chambers to review the figures of the situation and have a presentation for the June 9th meeting. There was no objection to the hiring of Mr. Chambers. Commissioner Hardy spoke of past attempts to comingle insurance with the City of Charleston. He stated the difference being that the City employees remained on the City's insurance upon retirement and the County employees joined PEIA upon retirement. It was determined the County had a better risk pool and the two never joined. Commissioner Carper assured that if he had known of the outcome of this change he would have protested and worked toward objection. He directed staff to send a copy of the notice to the Governor's Office. Mrs. Sayre stated the invoice is due to a mistake by PERS and now they are attempting to force the County to pay. Commissioner Carper verified there was no objection to Mr. Slotnick hiring legal counsel today, someone with past experience in employment law and PEIA. Mr. Slotnick stated he has contacted Steve Weber and Mr. Weber is to follow up with others in his office to locate someone with past PEIA experience. Commissioner Carper requested to see the abstract as to when this bill was changed. Mrs. Sayre stated there are 12 counties that do not participate in PEIA that this will affect. Commissioner Hardy stated this may be grounds for injunctive relief and there may a chance for a joint effort with the other counties. Commissioner Carper stated some counties are approving of this change because it offers some monetary relief for them. Mrs. Sayre stated Ron Walters is offering assistance with the situation also. Commissioner Carper hopes for a decision to be reached within 60 days. He requested staff to FOIA documents to assist in the process. He directed the Finance Committee to address this issue at the next meeting.

Commissioner Carper stated fiscal year end figures should be as projected; \$2 million in the General Fund and \$3 million in Financial Stabilization Fund. He confirmed all bills are current. He stated the need for an open discussion with employees with regard to the PEIA situation.

Commissioner Carper confirmed the prototype for the window will be ready on Thursday, June 2nd. He stated Mr. Marshall has been able to determine the original color of the frame. It is a sand tone. Jeri Whitehead is to follow up with the window contractor regarding caution signs for the work area on the Boulevard.

NEW EMPLOYEE:

SHERIFF'S OFFICE

Noah Jones, Kanawha County Sheriff's Office, Summer Intern, \$10.00 per hour, temporary employee, effective June 1, 2011

Commissioner Hardy moved to approve the temporary employee for the Sheriff's Department. Commissioner Shores seconded. Motion carried.

David Dodd confirmed the office is waiting on the Board of Education to submit charges for the school custodians, in order to submit the bill to the State for election reimbursement. Mrs. McCormick is to call Dr. Duerring regarding the request.

PURCHASE ORDER:

Order Confirming and Approving Purchase Orders in Excess of \$4,99.00 to be issued by the Kanawha County Commission Purchasing Department

Vendor	Department	Amount	Comments/Description
Watch Guard Digital In-Car Video	Sheriff's Law Enforcement Div.	\$10,250.00	2 in-car video cameras for law enforcement

Chief Deputy John Rutherford confirmed this is in the Sheriff's budget and will be reimbursed by a grant. Commissioner Shores moved to approve the purchase order. Commissioner Hardy seconded. Motion carried.

Jennifer Sayre requested Commissioners' signatures on a previously approved purchase order for the County Clerk's Office van. She stated it was approved at the last meeting. Commissioner Carper verified the issue of a new van for the County Clerk was a request of the Commission and not the County Clerk. It was stated the amount to be approximately \$18,000. Commissioner Carper moved to ratify the purchase order. Commissioner Shores seconded. Motion carried.

Commissioner Hardy moved to recess until the next scheduled Commission Meeting. Commissioner Shores seconded. Motion carried.

THE KANAWHA COUNTY COMMISSION MEETING OF MAY 31, 2011, ADJOURNED AT 12:43 P.M.,
UNTIL THE 9TH DAY OF JUNE, 2011.

THE FOREGOING MINUTES ARE APPROVED THIS 9TH DAY OF JUNE, 2011.


COMMISSIONER


COMMISSIONER


COMMISSIONER


COUNTY ATTORNEY