

STATE OF WEST VIRGINIA

RANDOLPH COUNTY COMMISSION SS:

At a regular session of the County Commission in and for the aforesaid County and State, at the Commission Annex, on the 16th day of April, 2026 at 1:30 p.m.

Present: Randolph County Commission President, David Kesling and Commissioner Chris Siler.
Commissioner Chris See was absent

Meeting called to order by Commissioner Kesling

PUBLIC COMMENT: None

MINUTES:

Commissioner Siler moved to approve the minutes from the regular meeting that was held on April 2, 2026, as submitted. All yes – Motion passed unanimously

REPORTS:

Erin Golden, Director of North Central Community Corrections, reported that there are currently 130 participants on the program and the program has saved the County \$1,303,542.96 in regional jail bills so far this fiscal year.

County Clerk, Brenda Wiseman reported on the upcoming Primary election. She said her office is still currently mailing out Absentee Ballots and anybody that needs an Absentee Ballot has until May 6th to request one from her Office. She said voters have until April 21st to make any changes on their voters registration such as address change, name change or party change. She reminded everyone that Independent voters can no longer choose a Republican Ballot in the Primary. She said her Office is getting ready to conduct the poll worker training on April 23rd in the Courtroom. She said they still need back up poll workers if anyone is interested. She said they will begin testing the election equipment tomorrow and the public test is scheduled for Friday April 24, 2026 at 10:00 a.m. in the Courthouse lobby. She said early voting begins on April 29th and will continue until May 9th. She said there will be two locations for people to early vote. She said this building, the Commission Annex, will be the location in Elkins and the second location is at the Russell Memorial Public Library in Mill Creek. She said election day is May 12th and all 27 precincts will be open that day from 6:30 a.m. until 7:30 p.m. She said if anyone needs to know where to go vote, on election day, her office will be open and the voters can call and we will tell them where they need to go vote. She said sample ballots are available at her office and they are on the County Commission website, the County Clerk's Facebook page, Govotewv.com site and they will be published in the Inter Mountain soon.

Commissioner Siler reported on the Fire Fee. He said he met with the fire board last night and by law they have to make a request to the County Commission because they are working on making some amendments and trying to cut out some loop holes. He said they will be getting the Commission a letter. He said they would like to put a cap on the fire fee for businesses also.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Kesling welcomed Lisa Wood and Leadership Randolph County for attending today's County Commission meeting.

Commissioner Kesling announced there will be a special meeting held on April 21, 2026 at noon at this location. He said the meetings in May are going to be changed because of having early voting here. He said the meetings in May will be held on May 14th and May 28th. He announced that the Canvass of the election results will be held on May 18, 2026 at 9:00 a.m. at this location.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER APPROVAL OF CHILD ABUSE PREVENTION MONTH PROCLAMATION

Karina Shreve, a representative from Randolph/Tucker Children's Advocacy Center appeared before the Commission. Commissioner Kesling read the proclamation out loud. Commissioner Siler moved to approve the proclamation, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION

Katelynn Schauman, with Centers against Violence, appeared before the Commission. Commissioner Kesling read the proclamation out loud. Commissioner Siler moved to approve the proclamation, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF CRIME VICTIMS' RIGHTS PROCLAMATION

Melinda Boggs from the Randolph County Prosecuting Attorney's Office appeared before the Commission and thanked the Commission for the unwavering support for the victims of Randolph County. Commissioner Siler moved to approve the proclamation, as presented. All yes – Motion passed unanimously

CONSIDER APPROVAL OF ROTARY INTERNATIONAL FESTIVAL FUNDING REQUEST

Hoy Ferguson appeared before the Commission on behalf of the Rotary. He said on May 30, 2026 at the Elkins Town Square they will have the Rotary International Festival. He said the money they collect will go to support Randolph County Schools and Libraries to help them get grants. He said the event is open to the public but in order to get in the raffles you must purchase a ticket. Commissioner Siler moved to approve the funding request from the Rotary for their international festival in the amount of \$3,000.00 and that is to be taken out of Hotel/Motel Tax funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF HOOKED ON FISHING NOT ON DRUGS EVENT FUNDING REQUEST

Owen Peet appeared before the Commission. He said last year HOFNOD served over 900 children in 5 hours. He said this year they will be bringing in a virtual gun simulator and will have lots of other activities going on. He said the County support keeps this alive. Commissioner Kesling said every year he has been on the Commission they have helped support it. Commissioner Siler moved to approve the funding request for Hooked on Fishing Not on Drugs event in the amount of \$5,000.00 and that is to be taken out of Hotel/Motel Tax funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF ABCA LETTER OF SUPPORT FOR TYGART VALLEY LIONS CLUB'S ANNUAL GREAT GIVEAWAY PRIVATE EVENT

Randolph County Prosecuting Attorney and member of the Tygart Valley Lions Club, Michael Parker, appeared before the Commission. He said the Great Giveaway is one of the biggest fundraisers the club does and they donate the money back to the community for the children. Commissioner Siler moved to approve the ABCA letter of support for the Tygart Valley Lions Club, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF ABCA LETTER OF SUPPORT FOR OLD TIMER'S REUNION ANNUAL CAVER'S REUNION EVENT

Commissioner Siler moved to approve the ABCA letter of support for the Old Timer's Reunion annual Caver's event, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF ABCA LETTER OF SUPPORT FOR HURLEY MOTORSPORTS, INC. DBA ELKINS SPEEDWAY

Commissioner Siler moved to approve the ABCA letter of support for Hurley Motorsports, DBA Elkins Speedway, as submitted. All yes – Motion passed unanimously

CONSIDER RATIFICATION OF SIGNATURE ON RANDOLPH COUNTY POOL AMUSEMENT RIDE/ATTRACTION PERMIT APPLICATION

Commissioner Kesling said this was something he had to sign to meet the timeline for a permit to open the pool. Commissioner Siler moved to approve the ratification of signature on the Randolph County Pool Amusement Ride/Attraction permit application. All yes – Motion passed unanimously

CONSIDER APPROVAL OF BID PROPOSAL FOR POOL OPENING READINESS

Commissioner Kesling said this is a bid for pool opening readiness which is to power wash the chairs, tables etc. Commissioner Siler moved to approve the bid for pool opening readiness in the amount up to \$1,523.84. All yes – Motion passed unanimously

CONSIDER APPROVAL OF 1ST INSTALLMENT OF POOL FUNDING FOR 2026

Commissioner Kesling said each year they budget money for the pool. This is the 1st installment of that. Commissioner Siler moved to approve the 1st installment of pool funding for 2026 in the amount of \$7,500.00 and that is to be taken out of Hotel/Motel Tax funds. All yes – Motion passed unanimously

CONSIDER APPROVAL OF TOWN OF MILL CREEK FUNDING REQUEST FOR MOTHER'S DAY CELEBRATION

Dennis Defibaugh representing the Town of Mill Creek appeared before the Commission. He said they will be having a wrestling event, parade and lots of other activities on Mother's Day weekend in the Town of Mill Creek. Commissioner Siler moved to approve the funding request from the Town of Mill Creek for their Mother's Day celebration in the amount of \$2,500.00 and that is to be taken out of Hotel/Motel Tax funding. All yes – Motion passed unanimously

CONSIDER APPROVAL OF BOARD RE-APPOINTMENT OF FRANK M. SANTMYER, JR. TO MIDLAND PSD

Commissioner Kesling said he serves on the Midland PSD Board and highly recommends the re-appointment of Frank M. Santmyer, Jr. to the board. Commissioner Siler moved to approve the re-appointment of Franklin M. Santmyer, Jr. to the Midland PSD Board of Directors for another six year term beginning July 1, 2026 and ending June 30, 2032. All yes – Motion passed unanimously

CONSIDER RATIFICATION OF SIGNATURE ON ELECTED OFFICIALS APPROVAL LETTER FOR THE LEASE-PURCHASE OF WHITMER VFD'S NEW FIRE ENGINE/PUMPER

Commissioner Kesling said this letter had to be signed and submitted before today's meeting. It is for the Whitmer Fire Department to enter into a lease-purchase agreement to get a new fire engine. Commissioner Siler moved to approve the ratification of signature on the approval letter for Whitmer VFD, as submitted. All yes – Motion passed unanimously

CONSIDER APPROVAL OF 911'S EATON CONTRACT

Commissioner Kesling said this is the updated contract that needs approved and signed and sent back to them for the Eaton UPS system at the 911 Center. The contract is in the amount of \$67,953.42. This is for the battery replacement, maintenance and warranty. Commissioner Siler moved to approve the contract with Eaton Corporation for the UPS system at the 911 Center in the amount of \$67,953.42. All yes – Motion passed unanimously

CONSIDER APPROVAL OF SPECIAL FIDUCIARY COMMISSIONER'S REPORT ON THE ESTATE OF JIMMY DURRETT

Special Fiduciary Commissioner, Dava Wright appeared before the Commission. She said Jimmy Durrett died in 2024 and four months later Caleb Pennington went into the County Clerk's Office and said he was Mr. Durrett's grandson and was appointed over Mr. Durrett's estate. He is not related by blood or any type of relationship. He has since sold Mr. Durrett's real estate. There are 2 claims that have been filed against this estate. Ms. Wright said 9 months after the death an heir stepped forward. She said she did an investigation into all of this and gave Mr. Pennington two options. She said he did not respond to her. She said this estate cannot be resolved as it stands. She recommends that Caleb Pennington be removed as Administrator and the Sheriff of Randolph County be appointed. She said the list of heirs at

the County Clerk's Office will need to be changed to the correct heirs. She said the Deed to the property that Mr. Pennington signed should be set aside. She said the County (Sheriff) would need to go to Circuit Court for that and have all the heirs sign a new Deed. She said she feels that Mr. Pennington did nothing wrong as he felt and was always treated like a grandson by Mr. Durrett. She said she feels the County Clerk's Office did nothing wrong regarding this estate. Mr. Herman Yeager who is one of the legal heirs was present and said it was nice to learn the money from the sale of the house and property was in an escrow account. He said he is the only one left in the State and he saw where the house and property were sold for \$14,000.00. Commissioner Siler moved to approve the recommendation of Special Fiduciary Commissioner Daya Wright on the estate of Jimmy Durrett, as presented. All yes – Motion passed unanimously

CONSIDER APPROVAL OF SECOND AND FINAL READING OF THE SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE (See copy attached)

Commissioner Kesling said this is the second reading of the Ordinance and he is not going to read the whole thing this time because he read the whole thing last meeting. He said this fee is going to be collected along with the 6% sales tax. He said it will be an additional 0.04% fee. He said it will be collected by all businesses that collect the sales tax in the County. He said the money will be put into a fund which will be called the Randolph County EMS Fund. He said the money can only be used for certain things and the EMS will have to submit a request or invoice to the County Commission and it will be approved at a meeting. He said this Ordinance can be amended and it will be reviewed quarterly to make sure we are not collecting more than we need. He said if approved today the first payment will be due July 5th. He said they chose this route because it will be more fair to everyone. Commissioner Siler asked when does the businesses start collecting the fees? Commissioner Kesling said June 1, 2026. He said all the businesses will be mailed a letter soon. Commissioner Siler moved to approve the second and final reading of the Randolph County West Virginia Special Emergency Ambulance Service Fee. All yes – Motion passed unanimously

FINAL SETTLEMENTS:

Commissioner Siler moved to approve the (6) Final Settlements, as submitted.

Charles L. Chandler

Tanya Lynn Epperly

Mary L. Fincham

William Kight Gibson

Larry W. Johnson

Josephine Arizona Wingfield

All yes – Motion passed unanimously

BUDGET REVISIONS:

Commissioner Siler moved to approve an In-House Budget Revision in the amount of \$175.00 for the Sheriff's Office to cover expenses for the rest of the FY. All yes – Motion passed unanimously

Commissioner Siler moved to approve an In-House Budget Revision in the amount of \$425.00 for the Sheriff's Law Enforcement to cover expenses for the rest of the FY. All yes – Motion passed unanimously

Commissioner Siler moved to approve an In-House Budget Revision for the Sheriff's Office in the amount of \$10,000.00 to cover overtime for the Task Force. All yes – Motion passed unanimously

Commissioner Siler moved to approve an In-House Budget Revision for the Sheriff's Office in the amount of \$2,200.00 to cover expenses for the rest of the FY. All yes – Motion passed unanimously

Commissioner Kesling moved to approve a State Budget Revision in the amount of \$10,000.00. The County will be a pass thru agency for a LEDA Grant for Elkins Babe Ruth. Commissioner Kesling voted yes, Commissioner Siler voted yes, Commissioner See was absent. Motion passed

DIVISION OF PROPERTY/ERRONEOUS ASSESSMENTS/INCREASE OF ASSESSMENTS:

Commissioner Siler moved to approve the division of property, erroneous assessments, and increase of assessments, as submitted. All yes – Motion passed unanimously

DISTRESSED PROPERTIES: None

ZONING LETTERS: None

FIRE FEE ADJUSTMENTS:

Commissioner Siler moved to approve the fire fee adjustments, as submitted. All yes – Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Siler moved to pay the bills, as submitted. All yes – Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Siler moved to adjourn the meeting. All yes – Motion passed unanimously

Attest: _____

**RANDOLPH COUNTY, WEST VIRGINIA
SPECIAL EMERGENCY AMBULANCE SERVICE FEE**

LEGISLATIVE AUTHORITY:

This Ordinance concerns the imposition and collection of a Special Emergency Ambulance Service Fee, and is adopted under the authority of Chapter 7, Article 15, Section 17 and Chapter 7, Article 15, Section 18 of the Code of West Virginia, as amended.

PURPOSE:

This Ordinance is enacted for the purpose of maintaining an adequate Randolph County emergency ambulance system within the geographic boundaries of Randolph County, West Virginia, as an adequate emergency ambulance system is necessary to promote the health and welfare of the residents of and visitors to Randolph County. Emergency Ambulance service is a public purpose and a State-mandated (W. Va. Code § 7-15-4) responsibility of county government for which public money may be spent. Residents of Randolph County and visitors to Randolph County are users of emergency ambulance service within Randolph County.

ARTICLE ONE: DEFINITIONS

BUSINESS ACTIVITY: All purposeful revenue-generating activity engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. For clarification of all sales of the 6% of WV state sales tax is collected an additional zero-point four percent (0.4%) will be collected by the business from the consumer.

BUSINESS: Any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, club, society, or other group or combination thereof acting as a unit, or political subdivision, etc., who is engaging in any business activity.

EMERGENCY AMBULANCE SYSTEM: Any emergency ambulance service established and provided pursuant to Chapter 7, Article 15 of the West Virginia State Code, as amended, in Randolph County, West Virginia, hereinafter called Randolph County Emergency Squad Inc. maintained by the Randolph County Ambulance Authority.

APPROVED ANNUAL BUDGET ESTIMATE: The final or amended budget formally approved and adopted by the Board of Directors of the Randolph County Ambulance Authority.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE: A zero-point 4 percent (0.4%) fee to be collected by all business in Randolph County that collects state sales tax.

EMERGENCY AMBULANCE RATES: The individual transport charges as established and promulgated by the Randolph County Ambulance Authority. These charges shall be applied to all users of emergency ambulance services within Randolph County and those counties requiring mutual aid EMS services.

EMERGENCY INTERAGENCY AND NON-EMERGENCY TRANSPORTS: The established individual transport charges as might be established and promulgated by the Randolph County Ambulance Authority for routine transport or secondary transports from one medical care facility to another. Such transport charges shall be applied to all users of such transport services, as defined to-wit: resident and non-resident.

EXEMPTIONS: Registered non-profit organizations are exempt from this Ordinance; more specifically exempted are volunteer fire departments, schools, churches, senior centers, Randolph County Fair, Randolph County 4H, Municipalities, and any business that is exempt from paying state sales tax.

ARTICLE TWO: ESTABLISHMENT OF SPECIAL EMERGENCY AMBULANCE SERVICE FEE

Each Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for Randolph County Emergency Ambulance Squad for a fiscal year beginning July 1st through June 30th. The Special Emergency Ambulance Service Fee shall be a fee of zero-point four percent (0.4%), imposed on all sales to which sales tax is imposed as described above paid by any individual user to be collected by all businesses within Randolph County as specified in the definition of Special Emergency Ambulance Service Fee, less exemptions.

ARTICLE THREE: AMBULANCE AUTHORITY BUDGET DEVELOPMENT

No later than May 1st of each year, the Randolph County Ambulance Authority shall prepare a detailed annual budget estimate for the total cost of providing emergency services within the geographical boundaries of the county for the following fiscal year.

ARTICLE FOUR: BILLING AND COLLECTION PROCEDURES

A. Special Emergency Ambulance Service Fees.

Payment of fees shall be made monthly to Randolph County Sheriff Office for the Randolph County EMS Fund, on or before the 5th day of the month to pay for the month previous fees. Payments should be designated as the Special Ambulance Fee and mailed or dropped off in person to Randolph County Sheriff Office, 4 Randolph Ave suite #100, Elkins WV 26241. These payments can be made also via the Randolph Co Sheriff Office webpage(randolphsheriffwv.gov). After on webpage scroll down to pay taxes and click on the Special Ambulance Service Fee and enter information requested. (PREFERRED METHOD).

B. Transport Charges.

Ambulance transport rates per call for all categories of users shall be in amounts established by the Randolph County Ambulance Authority. Charges for individual transport

shall be processed by the Randolph County Authority as appropriate, with due allowance for insurance coverage, if any. Any accounts becoming delinquent shall be submitted to the appropriate collection agency as engaged by the Randolph County Ambulance Authority.

C. Collections Procedures.

Special Emergency Ambulance Service Fees delinquent after the 15th day of the month following the date due shall be reviewed by the Randolph County Commission. The Randolph County Commission, in its sole discretion, may collect unpaid fees through a collection agency engaged by the Randolph County Commission, Randolph Co Ambulance Authority (if designated), or by civil action filed in a court of competent jurisdiction. Any such suit need not be brought in the same fiscal year the fee was due and owing. In any suit for collection of delinquent fees, the Randolph County Commission is authorized to recover costs of collection, including court costs, attorney fees, service costs and statutory interest.

D. Erroneous Assessment and Appeals.

If a business owner or individual believes he/she/it is or should be exempt from collecting the Special Emergency Ambulance Service Fee, they can send a formal request in writing to Randolph County Commission. Upon receipt of said written request, Randolph County Commission shall, within a reasonable time, cause to be investigated any request for exoneration/exemption. The County Commission may ask for documentation to verify the need for the exoneration/exemption. If good cause for exoneration/exemption is found by the County Commission, said Commission shall exempt and shall notify the business owner or individual in writing of its actions. An exoneration/exemption shall only be valid for the fiscal year in which it was requested. On July 1st, all temporary previous exemptions are null and void.

E. Receipts.

Businesses on your added itemized tax line on bottom of receipt, the language should read (RC Ambu Ser Fee) 0.4%.

ARTICLE FIVE: MANAGEMENT OF REVENUES

All revenues received in accordance with this Ordinance shall be deposited into a fund known as the **Randolph County EMS Fund**. These funds shall be used by the Randolph County Ambulance Authority only to pay for reasonable and necessary expenses actually incurred, including personnel, medical supplies and equipment, utilities, vehicles, vehicle maintenance and service, and cost of rent or maintenance of buildings used in providing emergency ambulance service to residents and visitors of the county that might require such services; provided, however, that revenues received and deposited into the Randolph County EMS Fund shall remain in that Fund and only release for use by the Randolph County Ambulance Authority after it submits to the Randolph County Commission a request for release of an amount of funds with supporting invoice or other documentation acceptable to the County Commission that is approved by the County Commission at one of its meetings. The County Commission may retain up to, but not exceed, six percent (6%) of the Special Emergency Ambulance Service Fee collected for administration. Collected fees not expended in a given fiscal year shall be maintained in the Fund for the Randolph County Ambulance Authority to use in subsequent fiscal years.

ARTICLE SIX: AMENDMENTS AND EXECUTION

This Ordinance may, from time to time, be amended by a majority of the members of the Randolph County Commission as they deem necessary and appropriate. If a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective, in whole or in part, the effect of such decision(s) shall be limited to those provision(s) which are

expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

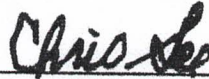
This Ordinance may be reviewed annually, before the Randolph County Commission budget meetings.

This Ordinance, as amended, is adopted by the Randolph County Commission and shall become effective on this day of April 16, 2026, and first payment to the RCSO on July 5, 2026.

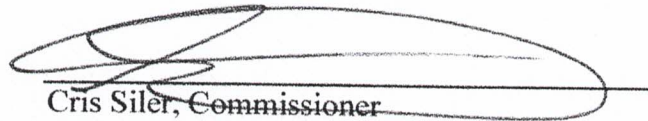
Approved by:



David Kesling, President, Randolph County Commission



Chris See, Commissioner



Cris Siler, Commissioner

Attest: Brenda Wiseman
Clerk of the Randolph County Commission

Randolph County
Brenda Wiseman, Clerk
Instrument 202604274
04/20/2026 @ 09:25:19 AM
ORDINANCE
Book 1 @ Page 161
Pages Recorded 6