

ADJOURNED SESSION OF THE COUNTY COMMISSION OF BROOKE COUNTY,
WEST VIRGINIA, HELD TUESDAY, OCTOBER 4, 2022.

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The County Commission of Brooke County, West Virginia met in adjourned session this 4th day of October, 2022 at 10:30 a.m. at the Courthouse.

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Present: Andrew J. Thomas, President - absent
Stacey Wise, Commissioner
Tim Ennis, Commissioner Pro-Tem
Kimberly M. Barbetta, Clerk

The Commission held their preliminaries before the meeting including a prayer and the pledge of allegiance.

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Commissioner Tim Ennis made a motion, seconded by Commissioner Stacey Wise and unanimously passed to approve the minutes of the meeting held on September 27, 2022.

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A copy of the following correspondences was given to each of the Commissioner's for their review:

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This being the first regular meeting for the month of October, 2022 fiduciary matters were presented to the Commission for approval after having been cared for in the absence of the Commission by the County Clerk. The meeting will remain open until the end of the regular meeting and if no objections are filed will close at the end of the regular meeting.

Stacey Wise made a motion, seconded by Tim Ennis and unanimously passed to approve the Resolution in support of the West Virginia Records Management Preservation Board Grant Program for the Brooke County Clerk's Office.

Stacey Wise made a motion, seconded by Tim Ennis and unanimously passed to approve the Fiber Lease Agreement between The Chillicothe Telephone Company & Brooke County Commission. Installment Fee - \$14,500.00 then monthly cost \$1,250.00. The Commission thanked Adrienne Ward, County Coordinator on her hard work on this project.

Stacey Wise made a motion, seconded by Tim Ennis and unanimously passed to approve the Revise Web Services Sales Agreement. The original was approved September 27, 2022. Website initial cost - \$10,300.00 then \$1,800.00 annually.

Minutes were received by BCPSD - July 28, 2022 & August 10, 2022.

Stacey Wise made a motion, seconded by Tim Ennis and unanimously passed to approve a Petition to reopen the estate of James R. Murphy.

Open Bids for Sheriff vehicle Ford F-150 interceptor - 1 bid was received from Jim Robinson Ford-Lincoln, Inc. \$40,432.00 unit in stock with delivery in 3-5 days.

Stacey Wise made a motion, seconded by Tim Ennis and unanimously passed to award the above bid to Jim Robinson Ford-Lincoln, Inc.

Open Bids for County Clerk's Payroll/Budget Software Systems.

1. Paycom - One time Conversion \$6,816.76 then \$1,096.66 per pay period
2. Paychex -

Stacey Wise made a motion, seconded by Tim Ennis and unanimously passed to approve the attached letter to be sent to Dr. Crook, all members of the School Board and Kim Croyle, Attorney. (See below)

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The above correspondences were ordered filed in the County Clerk's Office.

Invoices and vouchers were approved and the following checks were ordered written:

Payroll Withholdings	ACH - for \$49,814.21
General County	001 CKS - 28255-28274 for \$175,581.37
E-911 Communications	007 CKS - 2897-2899 for \$10,157.74
Ambulance	025 CKS - 5918-5922 for \$72,557.50
Shelter Levy	030 CKS - 1571-1574 for \$3,717.19
Valuation	056 CKS - 1985-1986 for \$18,338.65

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No further business to come before the Commission a motion was made by Commissioner Stacey Wise, seconded by Commissioner Tim Ennis and unanimously passed to adjourn.

Timothy R. Ennis, Pro-Tem

Teste:

Kimberly M. Barbetta, Clerk

Dear Superintendent Crook and
Brooke County Board of Education Members:

We have been attempting to negotiate an MOU for placing three (3) Prevention Resource Officers (PRO) requested by the Brooke County Board of Education (BOE) in Brooke County's Schools for approximately six weeks. The Brooke County Commission (BCC) President and Brooke County Sheriff proceeded with a negotiation meeting on September 20th, 2022, with Superintendent Crook, President Pauls, and the BOE attorney Kim Croyle in good faith and assumed that the BOE had desired those parties to move forward with negotiations like wise.

We were advised by the Brooke County Coordinator that during your meeting of September 26th, 2022, you went into executive session to discuss the negotiated agreed proposed terms for the settlement of this issue and that upon return, you voted without discussion on an amount (\$67,500.00) per officer which was a decrease from the amount agreed (\$80,000.00) per officer to be proposed from the September 20th, 2022 meeting.

Evidence of lack of good faith was further demonstrated after the September 20th, 2022, meeting when one or all of the board members would not authorize Ms. Croyle to provide the BCC with the agreed MOU she was drafting during our negotiation meeting to block the BCC from taking action at the special meeting scheduled for September 23rd, 2022 so that the BOE could move to submarine the negotiations and change the terms at your meeting of the 26th. Not only did this bar the BCC from taking action for the good of Brooke County's citizens and children, but it also made it impossible for the

deputies to start performing the PRO duties on October 3rd, 2022, as again was agreed at the negotiation meeting.

This action was confirmed upon receipt of a draft MOU (which was not voted upon at your meeting), in which the proposed amount per officer was set at \$67,500.00. It is our understanding that despite the Brooke County Prosecutor appearing at the meeting on behalf of the BCC as our attorney and chief negotiator, you chose not to allow him to appear in your executive session to answer questions that may have existed or to explain the total costs associated with staffing 3 PRO officers in Brooke County Schools. The opportunity to further discuss this issue in a public session was declined when Mr. Barki was again not called upon to address the matter before you voted on the \$67,500 figure. Surprisingly, despite

Superintendent Crook and President Pauls's representation at the negotiation meeting that the \$80,000 per officer number they proposed would be set forth for a vote by the board, that number was never put forth by Superintendent Crook, and President Pauls voted for the new \$67,500.00 figure.

In short, the \$80,000.00 proposed BOE figure was not only fair to all parties but, in actuality, would have allowed the BOE to staff three PRO officers for 200 out of 261 days at a discounted rate over the anticipated five-year agreed period of the MOU. The BCC believes this would have been clear to the majority of the BOE if they had bothered to consider the proposal in an open forum, allowing for the terms to be discussed and explained. This did not occur, and despite the BOE's obligation under Brooke County's Excess Levy, we still do not have an agreement for PRO deputies to be in Brooke County Schools.

As the BCC cannot rely on normal negotiations to be conducted in good faith in this matter, please put any suggested resolutions in writing to be forwarded through the BOE's attorney to the Brooke County Prosecutor after any such proposals have been formally approved by the BOE.

The BCC and Brooke County Sheriff intend to continue to try and find a solution to ensure the placement of PRO deputies in Brooke County Schools as soon as possible. Any further proposals the parties have will be forwarded in writing to Ms. Kim Croyle, who may provide them to whatever party or parties the BOE designates.

Sincerely,

Signed by: Commissioners Andrew J. Thomas, Timothy R. Ennis, Stacey Wise and Sheriff Richard E. Beatty, Jr.

