

GRANT COUNTY COMMISSION  
PETERSBURG, WEST VIRGINIA 26847

GRANT COUNTY COMMISSION MINUTES

**Date:** March 24, 2020      **Time:** 3:30 p.m.      **Location:** Conference Room  
Grant County Courthouse

**Commissioners:**  
Doug Swick  
Jeff Berg  
Scotty Miley

**Reporting:**  
Erin Camp, Grant County Press

**AGENDA ITEM:** Commissioner Swick called the regular meeting to order at 3:30 p.m.

**AGENDA ITEM:** Approval of Minutes

**DISCUSSION:** Presented for approval were the minutes from the regular meeting held on March 10, 2020.

**ACTION:** A Motion was made to approve the minutes from the regular meeting held on March 10, 2020. **MOTION: Miley-Berg**

**AGENDA ITEM: Update of PVTA**

**DISCUSSION:** Doug Pixler was to appear before the Commission; however, he cancelled until a later date.

**ACTION:** No action needed.

**AGENDA ITEM: Discuss Planting Trees on County Land at Stoplight & Extending Walking Path on Dike**

**DISCUSSION:** Bob McCalley was to appear before the Commission; however, he canceled until a later date.

**ACTION:** No action needed.

**AGENDA ITEM: Public Nuisance Resolution**

**DISCUSSION:** This resolution is to authorize the Commission to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the Commission determines to be a public nuisance.

**ACTION:** A Motion was made authorizing the Commission to sign the resolution. **MOTION: Berg-Miley**

**AGENDA ITEM: Authorization for Full Settlement Authority & Informed Consent**

**DISCUSSION:** This authorization is regarding the opioid litigation giving Mullens & Mullens, PLLC and The Chafin Law Firm PLLC to represent the Commission.

**ACTION:** A Motion was made authorizing the President of the Commission sign the authorization. **MOTION: Berg-Miley**

**AGENDA ITEM: Discuss Opioid Lawsuit**

**DISCUSSION:** Commissioner Swick stated that it would be necessary to go into Executive Session, pursuant to WV Code §6-9A-4.

**ACTION:** A Motion was made to go into executive session pursuant to WV Code §6-9A-4 at 3:42 p.m. **MOTION: Miley-Berg**

The Commission was out of executive session at 3:48 p.m., with no action taken.

**AGENDA ITEM: Fair Housing Resolution**

**DISCUSSION:** This is the resolution that is signed every year regarding fair housing.

**ACTION:** A Motion was made authorizing the President of the Commission to sign the Fair Housing Resolution. **MOTION: Miley-Berg**

**AGENDA ITEM: Bid Opening for Grant County Courthouse Stucco Project**

**DISCUSSION:** Michelle Sites stated that there are still no bids for this project.

**ACTION:** No action needed.

**AGENDA ITEM: RMPB Grant Agreement**

**DISCUSSION:** This the is agreement for the money award for the record preservations grant for the County Clerk's Office.

**ACTION:** A Motion was made authorizing the President to sign the RMPB grant agreement. **MOTION: Miley-Berg**

**AGENDA ITEM: Change of Meeting Date in May Due to Primary Election**

**DISCUSSION:** This matter will be discussed at the next meeting.

**ACTION:** No action needed.

**AGENDA ITEM: Family Court Lease MOU (tabled)**

**DISCUSSION:** This matter shall remain on the table.

**ACTION:** No action needed.

**AGENDA ITEM: Actions of the Clerk**

**DISCUSSION:** None required.

**ACTION:** Commission approved the following actions of the County Clerk:

-Wills lodged in Clerk's Office: None

-Wills admitted to probate:

Eston D. Kimble  
Nevada Y. Amtower  
Eleanor B. Painter

-Qualification orders granted in the following estates:

Mary S. Kimble, Executrix in the Estate of Eston D. Kimble  
Emory Keith Amtower, Executor in the Estate of Nevada Y. Amtower  
Larry M. Porter, Executor in the Estate of Eleanor B. Painter

**MOTION: Miley-Berg**

**AGENDA ITEM: Approval of Estates**

**DISCUSSION:** No discussion required.

**ACTION:** Commission approved the following estates for closure:

Waiver of Final Settlement in the Estate of Beryle Lockie Hanlin **MOTION:**

Waiver of Final Settlement in the Estate of Ruth B. Harman **MOTION:**

Waiver of Final Settlement in the Estate of Irene Iman **MOTION:**

Waiver of Final Settlement in the Estate of Jack C. Sturgill **MOTION:**

**AGENDA ITEM: Exonerations**

**DISCUSSION:** There were no exonerations this day presented.

**ACTION:** No action needed.

**AGENDA ITEM: Budget Revisions**

**DISCUSSION:** The Commission reviewed the following budget revision:

404-Sheriff's Treasure	Decrease	\$64,157.00
412-Agricultural Agent	Increase	\$13,270.00
413-Elections County Clerk	Increase	\$22,000.00
425-Other Buildings	Increase	\$16,800.00

699-Contingency	Decrease	\$311,070.00
700-Sheriff's Law Enforcement	Increase	\$112,157.00
701-Sheriff's Service of Process	Decrease	\$10,000.00
715-Ambulance Authority	Increase	\$218,000.00
900-Park & Recreation	Increase	\$3,000.00

**ACTION:** A Motion was made to approve the budget revision. **MOTION: Berg-Miley**

**Miley**

**AGENDA ITEM: Board Appointments/Removals**

**DISCUSSION:** There were no board appointments this day presented.

**ACTION:** No action needed.

**AGENDA ITEM: Commissioner's Packet**

**DISCUSSION:** Commissioner Swick reviewed the commissioner's packet and presented the following information:

- Disbursement of wireless Eg11 subscription fees in the amount of \$137,487.11;
- Letter from North Fork Ruritan Club asking the Commission to assist in providing funding to upgrade the outdoor lighting, which will cost approximately \$1,842.74;
- Minutes of a regular Grant County PSD Board meeting of 3/5/2020;
- Project update of the water extension for the Knobley area.


**AGENDA ITEM: Approval of Expenses**

**DISCUSSION:** The Commission reviewed the expenses as presented.

**ACTION:** Commission approved the expenses as presented. **MOTION: Berg-Miley**

**AGENDA ITEM: Adjournment**

**ACTION:** There being no further business before the Commission, the meeting adjourned. **MOTION: Miley-Berg**

  
 PRESIDENT

ATTEST:

  
 CLERK OF THE COUNTY COMMISSION

4-28-2020  
 DATE APPROVED

## IN THE COUNTY COMMISSION OF GRANT COUNTY, WEST VIRGINIA

The Grant County Commission hereby orders the following actions taken by the Grant County Clerk, Seymour V. Fisher, in vacation of the County Commission be approved:

1. Wills Lodged in the Clerk's Office:

None

2. Wills Admitted to Probate:

Eston D. Kimble  
Nevada Y. Amtower  
Eleanor B. Painter

3. Qualification Orders Granted in the Following Estates:


Estate

Eston D. Kimble  
Nevada Y. Amtower  
Eleanor B. Painter

Person Qualifying:

Mary S. Kimble, Executrix  
Emory Keith Amtower, Executor  
Larry M. Porter, Executor

Approved this the 24<sup>th</sup> day of March 2020.

  
\_\_\_\_\_  
President



## COUNTY COMMISSION OF GRANT COUNTY

5 Highland Avenue  
 Petersburg, WV 26847  
 Phone: (304) 257-4422  
 Fax: (304) 257-9645  
 Email: [administrator@grantcountywv.org](mailto:administrator@grantcountywv.org)

COMMISSIONERS:  
 DOUGLASE, SWICK,  
 PRESIDENT  
 JEFFREY R. BERG  
 SCOTTY W. MILEY  
 ADMINISTRATOR:  
 MICHELLE SITES

## RESOLUTION

In addition to all other powers and duties now conferred by law upon county commissions, the Grant County Commission is "authorized to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance." W. Va. Code §7-1-3kk [2002]; W. Va. Code §16-3-6 (1977).

"A public nuisance is an act or condition that unlawfully operates to hurt or inconvenience an indefinite number of persons. The distinction between a public nuisance and a private nuisance is that the former affects the general public, and the latter injures one person or a limited number of persons only. Ordinarily, a suit to abate a public nuisance cannot be maintained by an individual in his private capacity, as it is the duty of the proper public officials to vindicate the rights of the public." *Sharon Steel Corp. v. City of Fairmont*, 175 W. VA. 479, 483, 334 S.E.2d 616,620 (1985).

Between 2006 and 2014, approximately 3,760,720 prescription pain pills were sold in Grant County, which had a 2010 census population of 11,937. That equates to 315 pills for every man, woman and child during that time period. The dumping of millions of pain pills into our community has spawned a public health and safety hazard to the residents of Grant County, devastated our families, hurt our economy, wasted our public resources and created a generation of narcotic dependence.

There are those in the chain of manufacturing, distribution, dispensing that have wrongfully abused the privilege of providing medication to our residents and must be held accountable. It is the duty of the Grant County Commission to vindicate the rights of the residents of Grant County and take action to abate this public nuisance.

On March 10, 2020, the Grant County Commission, having recognized and declared this a public nuisance, retained Mullens and Mullens and The Chafin Law Firm, PLLC, as counsel, on a contingent fee basis, to hold accountable those entities who caused this public nuisance and to abate the same by seeking all civil remedies which may be afforded under West Virginia law.

Therefore, **BE IT RESOLVED**, that the Grant County Commission does hereby Memorialize its declaration of a public nuisance made on March 24, 2020 that the wrongful manufacturing, distribution and dispensing of prescription pain pills, including hydrocodone and oxycodone, has created a public nuisance to the people of Grant County.

The adoption of the foregoing motion, having been made by Jeffrey R. Berg,  
Commissioner, seconded by Scotty W. Miley, Commissioner, the vote there on  
was follows:

\_\_\_\_\_, President, Douglas E. Swick

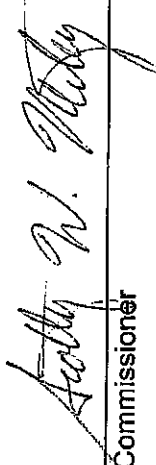
\_\_\_\_\_, Commissioner, Jeffrey R. Berg

\_\_\_\_\_, Commissioner, Scotty W. Miley

Whereupon, Douglas E. Swick, Commission President declared said motion duly adopted;  
and it is therefore ADJUDGED and ORDERED that said motion be, the same hereby adopted.

  
\_\_\_\_\_  
President of the Grant County Commission

  
\_\_\_\_\_  
Commissioner

  
\_\_\_\_\_  
Commissioner

**CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGE**

**AUTHORIZATION FOR FULL SETTLEMENT AUTHORITY  
AND INFORMED CONSENT**

The undersigned authorized representative of **The Grant County Commission** (hereinafter referred to as "Client") does hereby grant full authority to **Mullens & Mullens, PLLC** and **The Chafin Law Firm, PLLC** to act on the Client's behalf, including full authority to act as its legal representative to negotiate settlement of its case and respond to developments during the mediation process at court ordered mediation in the litigation pending before the West Virginia Mass Litigation Panel in matter 19-C-9000, In Re: Opioid Litigation. This Authorization for full settlement authority is given with the express understanding that any negotiated settlement agreement is subject to the approval of the Client.

The Client understands that **Mullens & Mullens, PLLC** and **The Chafin Law Firm PLLC** represents other West Virginia County Commissions and Municipalities asserting claims in connection with the opioid crisis. The Client has been advised and understands that this common representation of multiple claimants may give rise to a potential conflict of interest in connection with this multiple representation and/or the apportionment of monies that may be paid in the event of an aggregate settlement. W. Va. Rule of Professional Conduct 1.8(g) provides:

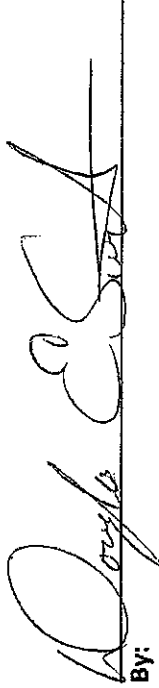
"A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients ..., unless each client consents after consultation, including the existence and nature of all the claims ... and of the participation of each person in the settlement."

**Mullens & Mullens, PLLC** and **The Chafin Law Firm PLLC** have explained and answered all questions concerning any potential conflicts of interest that may arise due to their representation of multiple claimants and has also explained the commonality of interest between the multiple claimants, such as common liability issues, and the sharing of costs associated with pursuing

claims. To the extent that any conflict of interests may exist by Mullens & Mullens, PLLC and The Chafin Law Firm PLLC representing other County Commissions and Municipalities, the Client hereby waives voluntarily and freely waives any such conflict of interest. In the event of a conflict that is not waived, Mullens & Mullens, PLLC and The Chafin Law Firm may have to withdraw as counsel. The Client further consents to Mullens & Mullens, PLLC and The Chafin Law Firm PLLC pursuing an aggregate settlement if the defendants request an aggregate settlement or global settlement negotiations.

This authorization is provided without limitation or reservation for court ordered mediation and any subsequent mediation(s) and negotiations that arise whether they be court ordered or initiated by the parties.

Dated this 24 day of MARCH, 2020.

  
By: \_\_\_\_\_

Its: President



**FAIR HOUSING RESOLUTION**

Whereas, the Grant County Commission desires to give meaning to the guarantees of equal rights contained in the Constitution and laws of this State and the United States, and to encourage and bring about mutual self-respect and understanding among all citizens and groups in Grant County; and,

Whereas, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968, it is illegal to deny housing to any person because of race, color, religion, sex, or national origin; and,

Whereas, under the West Virginia State Fair Housing Law, Title 49-2-305, MCA, it is illegal to deny housing to any person because of race, sex, religion, color, age, physical or mental handicap or national origin;

Therefore, be it resolved that the Grant County Commission, Grant County, West Virginia makes a firm commitment to do all within its power to eliminate prejudice, intolerance, disorder and discrimination in housing.

Therefore, be it also resolved that a Fair Housing Law poster, which has the "Equal Housing Opportunity" logo, will be displayed at the Grant County Courthouse.

Therefore, be it also resolved that the following procedures will be used to accomplish the purpose of the aforementioned resolution:

1. The Grant County Commission will inform all County employees of the Commission's commitment to fair housing.
2. The Grant County Commission will post this resolution in the County's buildings and other public places and publicize it.
3. The Grant County Commission shall direct all employees to forward immediately to the Commission President any reports they receive of housing discrimination.
4. The Commission President shall forward such complaints to the West Virginia Human Rights Commission, 1321 Plaza East, Room 108A, Charleston, West Virginia, 25301-1400, within 10 days of receipt of said complaint.

Signature: \_\_\_\_\_

*Douglas Swick*  
Douglas Swick  
President, Grant County Commission

Date: 03-24-2020