

WEST VIRGINIA:

At a regular meeting of the Raleigh County Commission held on the 16th day of November, 2021 in the Commission Courtroom thereof:

CALL TO ORDER

President Tolliver called the meeting to Order.

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ROLL CALL

Present: David Tolliver, President
Linda K. Epling, Commissioner
Greg Duckworth, Commissioner
Carl Roop, County Attorney
Jay Quesenberry, County Administrator
Billy Michael, Assistant County Administrator

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INVOCATION AND PLEDGE OF ALLEGIANCE

Meeting was opened with the invocation by PJ Moon of Christ Like Worship Center and the recitation of the Pledge of Allegiance.

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EXONERATIONS

Commissioner Epling moved to approve 1 exoneration, 1 cancellation and 0 refunds for personal property; and 3 exoneration, 0 cancellations and 0 letters of correction for real property as presented today. Motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT A)

-0-

BUDGET REVISIONS

A motion was made by Commissioner Epling to approve the budget revision of the Sheriff for Law Enforcement for reimbursement in the amount of \$62,838.97. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT B)

Commissioner Epling moved to approve the Budget Revision of the Levy Estimate in the amount of \$68,221.00 for Payroll Reimbursements and Sign-On Bonuses. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT C)

A motion was made by Commissioner Epling to approve the In-house Budget Revision of the Prosecuting Attorney in the amount of \$1500. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT D)

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CHARLES RUSTY WEBB – JUUL LAWSUIT

Attorney Charles “Rusty” Webb presented the Resolution declaring the distribution of Juul’s E-Cigarette product has created a public nuisance for the citizens of Raleigh County. County Attorney Roop recommended the Resolution be approved as submitted. Commissioner Epling moved to approve the Resolution. Commissioner Duckworth seconded the motion and motion carried unanimously. (SEE EXHIBIT E)

-0-

CONSIDERATION OF A TWO-YEAR GRANT FOR A PEER RECOVERY COACH AT THE DAY REPORT CENTER FOR \$96,735.60

A motion was made by Commissioner Epling to approve the WV COSSAP Grant Application for a Raleigh County Day Report Center Peer Recovery Coach Position in the amount of \$96,736.00. This is a 2-year Grant. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT F)

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NOTICE OF PUBLIC HEARING – ROAD CLOSURE – 275 FEET OF SECOND STREET – TAX MAP 35B; PARCELS 196-202

There being no opposition at the hearing set today for the road closure of the Chester and Ann Testement property in Midway, WV, Commissioner Epling moved to approve the Order to close 275 feet of Second Street. Representatives for the Testements were present. The motion was seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT G)

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CONSIDERATION OF THE BYRNE GRANT FROM THE DEPARTMENT OF JUSTICE FOR THE SHERIFF'S DEPARTMENT \$18,510 FOR RIFLE SCOPES AND UPGRADED RADAR

A motion was made by Commissioner Epling to approve the Edward Byrne Memorial Justice Assistance Grant in the amount of \$18,510.00 for rifle scopes and upgraded radar. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT H)

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APPROVAL OF ATLAS COUNTY REDISTRICTING ANALYSIS AND MAPPING PROPOSAL FOR \$5,000.00

A motion was made by Commissioner Epling to approve the Atlas County Redistricting Analysis and Mapping Proposal in the amount of \$5,000.00. This will modify the existing voting precincts to comply with the WV State Code. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT I)

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APPROVAL OF THE PURCHASE OF 5 POLICE CARS FOR THE SHERIFF'S DEPARTMENT FOR \$193,105.00

Commissioner Epling moved to approve the purchase of 5 Police cars from Stephens Auto Center for the Sheriff's Department in the amount of \$193,105.00. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT J)

-0-

OLD BUSINESS

Pamela Price – \$5400 Lien to clean up burned property

A motion was made by Commissioner Epling to approve a cash payment of \$3,000 in order to Release a \$5400 lien for the clean up of the Clercy Redden Property at 254 Hoist Rd. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE INSTRUMENT 50752235)

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PUBLIC PARTICIPATION

None

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APPROVAL OF MINUTES

A motion was made by Commissioner Epling to approve the minutes of the Special Session of this Commission on October 6, 2021. Seconded by Commissioner Duckworth and motion carried unanimously.

A motion was made by Commissioner Epling to approve the minutes of the Special Session of this Commission on October 12, 2021. Seconded by Commissioner Duckworth and motion carried unanimously.

A motion was made by Commissioner Epling to approve the minutes of the Regular Session of this Commission on October 19, 2021. Seconded by Commissioner Duckworth and motion carried unanimously.

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VACATION ORDERS

Commissioner Epling moved to approve the Vacation Orders from November 2, 2021 to November 15, 2021, inclusive. Seconded by Commissioner Duckworth and motion carried unanimously. (SEE EXHIBIT K)

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FINAL ACCOUNTINGS AND WAIVERS OF FINAL SETTLEMENT

The following Final Accountings and Waivers of Final Settlement of the Fiduciary Supervisor (SEE EXHIBIT L), Final Accountings and Waivers of Final Settlement of the County Clerk (SEE EXHIBIT M) and the Certificates of Completion of Ancillary Administration (SEE EXHIBIT N) were read into the minutes and approved.

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ADJOURNMENT

Commissioner Epling moved to adjourn this meeting until the next regular scheduled meeting of this Commission on December 7, 2021 at 10:00 a.m. Seconded by Commissioner Duckworth and motion carried.

s/s


David Tollver
President

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RALEIGH COUNTY
SCOTT VANMETER, SHERIFF
 History Report

From Date 11/01/2021 From Year 2019 Print Date 11/09/2021
 Thru Date 11/09/2021 Thru Year 2021 Print Time 9:10:41AM
 Date Type Transaction Tax Type Personal-Supplement Page 1 of 1

Type Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
EXONERATION						
P	2021	801811 LEWIS STEPANIE A	2021/11/02	-124.31	-124.31	-248.62
P	2021	805508 BRAGG ERIC R	2021/11/02	-156.60	-156.60	-313.20
P	2021	807020 KLOCKNER PENTAPLAST OF AMERICA	2021/11/02	0.00	-63,058.04	-63,058.04
P	2021	813382 JD BYRIDER USED CARS WV MOTOR SALES LLC	2021/11/02	-184.90	-184.90	-369.80
Total For EXONERATION				-465.81	-63,523.85	-63,989.66
PENDING EXONERATION						
P	2019	602148 MEADOWS AMANDA J BURGESS	2021/11/01	-87.74	-87.74	-175.48
P	2021	801381 HARVEY GREGORY	2021/11/09	-201.60	-201.60	-403.20
Total For PENDING EXONERATION				-289.34	-289.34	-578.68
REFUND						
P	2020	711986 CARTER CODY	2021/11/02	1.58	1.52	3.10
P	2020	713560 JD BYRIDER USED CARS WV MOTOR SALES LLC	2021/11/02	195.50	195.50	391.00
Total For REFUND				197.08	197.02	394.10

[Signature]
 Assessor

[Signature]
 Prosecuting Attorney

[Signature]
 County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on NOV 16, 2021



RALEIGH COUNTY
SCOTT VANMETER, SHERIFF
 History Report

From Date 10/29/2021 From Year 2001 Print Date 11/10/2021
 Thru Date 11/10/2021 Thru Year 2021 Print Time 12:02:51PM
 Date Type Transaction Tax Type Real Page 1 of 1

Type Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
R	2021	7030 NEW DOMINION PROPERTIES LLC	2021/11/08	-2,591.62	-2,591.62	-5,183.24
R	2021	10181 WALTON MI YANG	2021/11/08	-1,414.25	-1,414.25	-2,828.50
R	2020	22115 JUSTICE HOLDINGS LLC	2021/11/10	-17,643.87	-17,643.87	-35,287.74
Total For PENDING EXONERATION				-21,649.74	-21,649.74	-43,299.48

[Signature]
 Assessor

[Signature]
 Prosecuting Attorney

[Signature]
 County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on November 16, 2021



Type Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
R	2020	27917	2021/09/13	-12,213.15	-12,213.15	-24,426.30
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOC				
R	2021	21876	2021/09/13	-1,011.34	-1,011.34	-2,022.68
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	21877	2021/09/13	-5,021.37	-5,021.37	-10,042.74
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	21878	2021/09/13	-686.96	-686.96	-1,373.92
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	21879	2021/09/13	-1,415.01	-1,415.01	-2,830.02
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	21880	2021/09/13	-1,350.14	-1,350.14	-2,700.28
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	21881	2021/09/13	-13,871.85	-13,871.85	-27,743.70
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	21882	2021/09/13	-4,750.58	-4,750.58	-9,501.16
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOCIATION INC				
R	2021	27900	2021/09/13	-12,175.71	-12,175.71	-24,351.42
		GLADE SPRINGS VILLAGE PROPERTY OWNERS ASSOC				
R	2021	34455	2021/09/16	-35.69	-35.69	-71.38
		SHREWSBURY CLINTON K				
Total For PENDING EXONERATION				-52,531.80	-52,531.80	-105,063.60

[Signature]
Assessor

[Signature]
Prosecuting Attorney

[Signature]
County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on 11/16/21

****AMENDED****

This amended signature page does hereby rescind and replace the former signature page for real estate exonerations approved at the regular session of the Raleigh County Commission on September 21, 2021. No changes have been made to the exonerations previously approved.



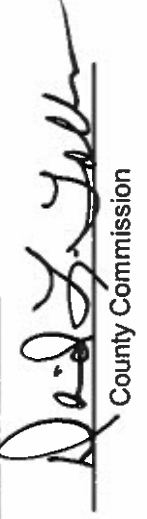
RALEIGH COUNTY
SCOTT VANMETER, SHERIFF
 History Report

From Date 10/01/2021 From Year 2001 Print Date 11/09/2021
 Thru Date 10/14/2021 Thru Year 2021 Print Time 2:56:38PM
 Date Type Transaction Tax Type Real Page 1 of 1

Type Year	Ticket/Suff	Tax Name1/Tax Name2	Date	First Half	Second Half	Transaction Total
R	2020	27940	2021/10/07	-7.25	-7.25	-14.50
		GLADE SPRINGS VILLAGE				
		PROPERTY OWNERS ASSOC INC				
R	2021	27901	2021/10/07	-7.21	-7.21	-14.42
		GLADE SPRINGS VILLAGE				
		PROPERTY OWNERS ASSOC INC				
R	2021	2864	2021/10/13	-1,949.81	-1,949.81	-3,899.62
		EISENHOWER DEVELOPMENT				
		PARTNERS LLC				
R	2021	50855	2021/10/13	-135.52	-135.52	-271.04
		HEAVYLONG REAL ESTATE LLC				
		ETAL				
R	2021	52595	2021/10/13	-23.79	-23.79	-47.58
		LAYNE JOSEPH J & DIANE M				
Total For PENDING EXONERATION				-2,123.58	-2,123.58	-4,247.16


 Assessor


 Prosecuting Attorney


 County Commission

At a regular session of the County Commission of Raleigh County, West Virginia, held at the Courthouse of said County, the County Commission did approve these exonerations on 11/16/21

****AMENDED****

This amended signature page does hereby rescind and replace the former signature page for real estate exonerations approved at the regular session of the Raleigh County Commission on October 19, 2021. No changes have been made to the exonerations previously approved.

OFFICE OF THE



RALEIGH COUNTY
PROSECUTING ATTORNEY

BENJAMIN HATFIELD

112 NORTH HEBER STREET
P.O. BOX 907
BECKLEY, WEST VIRGINIA 25801
PHONE (304) 255-9148
FAX (304) 255-9168 • (304) 252-8530
email: Benjamin.Hatfield@rcpawv.com

To: Raleigh County Commission
From: Benjamin N. Hatfield, Raleigh County Prosecuting Attorney
Subject: Budget Revision/Line-Item Transfer Request
Date: November 2, 2021

I am requesting the following in house budget revisions for the Prosecuting Attorney's Office Funds 2020/2021 fiscal year:

<u>Account Number</u>	<u>Line Number</u>	<u>Object Number</u>	<u>Decrease</u>	<u>Increase</u>
01	405	16	\$1500.00	
01	405	53		\$1500.00
		TOTAL:	\$1500.00	\$1500.00

APPROVED:



DAVID TOLLIVER, PRESIDENT



LINDA K. EPLING, COMMISSIONER



GREGORY A. DUCKWORTH, COMMISSIONER



Sheriff - Treasurer of Raleigh County
Raleigh County Courthouse
215 Main Street
Beckley, West Virginia 25801

Telephone: 304-255-9195
Fax: 304-255-9307

SCOTT VAN METER

TO: Jay Quesenberry, County Administrator
FROM: Sheriff Scott Van Meter *SVM*
DATE: November 10, 2021
RE: Law Enforcement Budget Revision

I have attached a list of monies receipted for reimbursement in the amount of \$62,838.97 for services provided by our office and request the Law Enforcement Budget for FY 2021-2022 to be funded as follows:

01-700-14	Law Enforcement – Travel	\$ 3,000.00
01-700-41	Law Enforcement – Materials & Supplies	\$ <u>59,838.97</u>

TOTAL: \$ 62,838.97

Thank you for your assistance in this matter.

Approved By:

David J. Yell Commissioner
Lynette G. Rplinger Commissioner
Mary Decker Commissioner

SVM/ab
cc: R. Tolliver

Attachment

RALEIGH COUNTY SHERIFF'S OFFICE

FISCAL YEAR 2021/2022

Supplement Vendor / Receipt List

<u>VENDOR</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
AEP	\$ 456.37	Utility Work Traffic Detail
Appalachia HIDTA	\$ 20,061.25	Drug Task Force OT
Area Wide Protection	\$ 383.20	Utility Work Traffic Detail
Beckley Motor Sports	\$ 762.48	Racetrack Security
City of Beckley	\$ 8,516.62	SRHSP Grant
Dept. of Justice	\$ 6,250.46	US Marshals Fugitive Task Force
FBI	\$ 3,937.75	VCAC Task Force
Glade Springs Resort	\$ 293.77	Halloween Fright Nights
Law Enforcement	\$ 2,552.78	Personnel Unused Travel Expenses
Marquee Cinema	\$ 4,794.49	Movie Theatre Security
Raleigh Co. Mem. Airport	\$ 12,840.00	TSA Security Support
State of West Virginia	\$ 1,989.80	CDDP Grant
	\$ 62,838.97	(Total Receipted Reimbursements)

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: 304-340-5090
 Email: igs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 FY: 2021-2022
 Fund: 01
 Rev. No. 3
 Pages: 1 of 1

RALEIGH COUNTY COMMISSION
 GOVERNMENT ENTITY

Person To Contact Regarding Request: 215 MAIN STREET
 Name: R.D. TOLLIVER STREET OR PO BOX
 Phone: 304-255-9115
 Fax: 304-255-9352 BECKLEY 25801
 Email: rtolliver@raleighcounty.com CITY ZIP CODE

COUNTY
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
397	Payroll Reimbursements	600,000	68,221		668,221
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			68,221		

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
700	Sheriff-Law Enforcement	5,139,156	68,221		5,207,377
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Expenditures			68,221		

APPROVED BY THE STATE AUDITOR
 BY: _____ Date _____
 Deputy State Auditor, Local Government Services Div.

R.D. Tolliver
 AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE



County Commission of Raleigh County

116 1/2 North Heber Street
Beckley, West Virginia 25801-4522



At a regular session of the Raleigh County Commission, held on the 16th day of November, 2021, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Raleigh, \$68,221 to 01-397 (Payroll Reimbursements); \$68,221 to 01-700 (Sheriff-Law Enforcement).

The following resolution was offered:

RESOLVED: That subject to the approval of the State Auditor as ex-officio chief inspector of public offices, the County Commission does hereby direct the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on General Fund budget revision number 3 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Linda K. Epling duly seconded by Gregory A. Duckworth, the vote thereon was as follows:

Linda K. Epling	Yea
Gregory A. Duckworth	Yea
David L. Tolliver	Yea

Whereupon, David L. Tolliver, declared said resolution duly adopted and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is hereby adopted as so stated above and the President is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for Approval.

**RESOLUTION DELCARING THAT THE DISTRIBUTION OF
JUUL'S E-CIGARETTE PRODUCT HAS CREATED A PUBLIC NUISANCE FOR
THE CITIZENS OF RALEIGH COUNTY, WEST VIRGINIA**

WHEREAS, pursuant to *West Virginia Code* §16-2-11 and §16-2-13 the Raleigh County Commission has the ultimate authority to take action to protect the public health, safety, and welfare of the citizens of Raleigh County; and

WHEREAS, there exists a serious public health and safety crisis involving nicotine abuse and addiction in Raleigh County; and

WHEREAS, the diversion of legally produced high-dose nicotine products into the illicit market causes or contributes to the serious public health and safety crisis involving nicotine abuse, addiction and morbidity in Raleigh County; and

WHEREAS, Juul's high-dose nicotine products has caused a youth "e-cigarette" vaping epidemic and that the introduction of these sophisticated, high-nicotine delivery products in communities is directly associated with the unprecedented growth in youth vaping in West Virginia in recent years. Largely in part to Juul's high-nicotine products, e-cigarette use among high school students more than doubled from 2017 to 2019 (from 11.7% to 27.5%) and over 5.3 million U.S. kids used e-cigarettes in 2019 – an increase of over 3 million in just two years. In West Virginia the use of Juul and other vaping products has caused an epidemic of use among high school students:

- More than 1 in 3 (35.7%) West Virginia high school students report current use of electronic vapor products, a 150% increase from 2017 to 2019.
- In 2019, over 60% of West Virginia high school students (62.4%) reported having tried electronic vapor products, up from 44.4% in 2017.
- Since 2017, West Virginia high school students who report frequent use of vaping products (20+ days a month) increased by almost 440% from 3.1% to 16.7%.

WHEREAS, upon information and belief, JUUL has engaged in deceitful practices of designing and promoting its products so that they are attractive to children. Everything about the product's design, from its size and appearance, unique nicotine and flavored chemical formulation, and aggressive social media promotion, has been directed to teen and adolescent users; and

WHEREAS, JUUL's conduct has exposed a new generation of children to record levels of nicotine addiction, local communities are being uniquely impacted and incur a multitude of costs to address and prevent youth vaping epidemic. The Raleigh County Commission is now faced with the challenge of how to remedy and abate the situation.

WHEREAS, the violation of any laws of West Virginia or of the United States of America controlling the advertising, manufacturing and distribution of nicotine products is inimical, harmful, and adverse to the public welfare of the citizens of Raleigh County and constitutes a public nuisance; and

WHEREAS, the Raleigh County Commission has the authority to take 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 Raleigh County Commission determines to be a public nuisance; and

WHEREAS, the Raleigh County Commission has expended, is expending, and/or will expend in the future County public funds to respond to the serious public health and safety crisis involving nicotine abuse, addiction and morbidity in Raleigh County; and

WHEREAS, the Raleigh County Commission has received information which indicates that JUUL has violated federal laws and regulations by engaged in deceitful practices of designing and promoting products geared toward teen and adolescent users; and

WHEREAS, the public nuisances continues to be unabated by those entities causing the public nuisance; and

NOW, THEREFORE, BE IT RESOLVED by Raleigh County Commission with at least a majority of its members thereto concurring **DECLARES** that nicotine abuse, addiction and morbidity has created a serious public health and safety crisis in Raleigh County and is a **PUBLIC NUISANCE**.

This Resolution was duly passed on the 16th day of November, 2021.

ATTEST:



Raleigh County Commission

AGREEMENT FOR LEGAL SERVICES FOR E-CIGARETTE LITIGATION

If no recovery (by settlement or trial) is obtained, client will not owe a legal fee or expenses.

CLIENT Raleigh County Commission

TAX ID 55-6000389

CLIENT REPRESENTATIVE _____

STREET ADDRESS 116 1/2 Heber Street

CITY, STATE, ZIP Beckley, West Virginia 25801

PHONE: Business (304) 255-9146

PHONE: Cell _____

EMAIL: RALCOM@RALEIGHCOUNY.COM

LEGAL REPRESENTATION. Client hires the law firms Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.; Goza & Honnold, LLP; Wagstaff & Cartmell, LLP; Panish, Shea & Boyle, LLP; Baron & Budd, P.C.; Walkup Melodia Kelly & Schoenberger, P.C.; and The Webb Law Centre, PLLC (hereinafter "Attorneys") to pursue potential claims for injuries and damages against JUUL and other manufacturers and/or distributors of e-cigarettes or vaping devices related to losses suffered by the Gilmer County Commission (hereinafter referred to as "Client"). Client authorizes Attorneys to pursue available sources of recovery as Attorneys deem necessary. Client appoints Attorneys and/or their designees to do any and all acts which in their judgment may be reasonable and necessary in the handling of my cause of action, the same as though such acts were actually performed by me, including but not limited to obtaining of medical records of mine or my decedent through the submission of medical record releases/authorizations signed by me or the decedent but later completed, filled in and dated by Attorneys. Client agrees that Attorneys may associate additional lawyers/firms to assist with this case and Client agrees to the sharing of fees between lawyers. Client understands the terms herein apply to other lawyers associated on this case and that association of other lawyers or law firms does not increase the amount of the attorney fee due to lawyers on successful resolution of the claim.

COOPERATION. Client agrees to be available for consultation, investigation, deposition, trial preparation, and do necessary work as Attorneys direct and do nothing to impair the value of the case. Attorneys agree to use their best effort and skill in pursuing this case but do not guarantee a specific result. Client appoints Attorneys as his/her attorneys-in-fact to present claims and/or endorse checks or drafts representing settlement or judgment proceeds to expedite disbursement.

33% LEGAL FEE. If no recovery (by settlement or trial) is obtained, client will not owe a legal fee or expenses. If Attorneys obtain settlement or judgment, by trial or otherwise for Client, Client will pay to Attorneys thirty-three percent (33%) of the net recovery, after reimbursement of expenses. In the unlikely event that case expenses exceed the amount of recovery obtained by settlement or trial, Client will under no circumstances be responsible for payment of expenses that exceed amount of total recovery.

CASE EXPENSES & AUTHORIZATION. Attorneys will not ask Client for expense money during the handling of the case. Case costs and expenses will be advanced by Attorneys. Examples of typical expenses include court filing fees, investigation, auto mileage, photocopies, court reporters, medical records, interest on any money Attorneys borrow for expenses, expert witness fees, air fare, etc. If a recovery is obtained, Attorneys will be reimbursed for these expenses from the total recovery. Instead of hiring private outside investigators, Attorneys employ a full-time staff of investigators whose actual time will be charged as an expense like other out-of-pocket expenses. The fee for an investigator's time will be \$35.00 per hour for time spent working in this matter, which will be deducted from the gross recovery.

COMMON BENEFIT CASE EXPENSES: Client understands that Attorneys will be representing several school districts, cities, counties, states, and/or municipalities, and may incur generic costs necessary to prosecute the claims. Client agrees to pay a pro rata share of the generic costs of prosecuting this case. Client shall have the right to an accounting of generic costs of this case.

TERMINATION OF THIS AGREEMENT. If this agreement is terminated before the case is resolved, Client gives Attorneys a lien against any subsequent recovery in this case for Attorneys' time and expenses. If an offer has been negotiated, Attorneys will have a lien upon any subsequent recovery equal to 33% of the offer, or an amount to compensate for time and expenses, whichever is greater. Attorneys may withdraw from representation of Client at any time if they determine prosecution of the claim is not feasible. It is expressly understood that Attorneys has made no promises of success or guarantees regarding the outcome of the case to Client.



County Commission of Raleigh County

116 ½ North Heber Street
Beckley, West Virginia 25801-4522



November 16, 2021

THE COUNTY COMMISSION OF RALEIGH COUNTY, WEST VIRGINIA


IN RE: CHESTER & ANN TESTEMENT

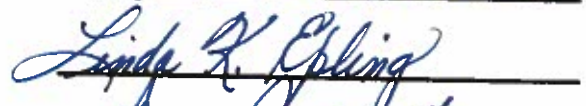
ORDER


This the 16th day of November, 2021, came the Petitioner Chester & Ann Testement before the County Commission to request the closing of 275.43 feet of Second Street in Midway, WV, located in the Town District, Tax Map 35B, adjacent to Parcels 196-202.

Pursuant to notice as required by the West Virginia State Code, the County Commission of Raleigh County received and accepted an affidavit of publication of the Register-Herald for the publication of the Notice of Hearing as a Class I Legal Advertisement of 10/28/2021 setting forth this day and time for hearing. Further, the County Commission of Raleigh County opened the meeting to anyone desiring to speak for or against the proposed road closing.

There being no opposition to the road closing, the County Commission of Raleigh County finds that the use and rights of no person shall be impaired or lost by the closing of this 275.43 feet of Second Street, does hereby grant the Petition and orders that the road be closed.







**West Virginia COSSAP
Grant Program Application**

**General Administrative Information
Page 1**

Applicant Agency: Raleigh County Commission Address: 116 ½ N. Heber Street Beckley, WV 25801 Phone: 304-255-9100, option 7 Fax Number: 304-255-9166	Type of Agency: <input type="checkbox"/> Non-Profit <input checked="" type="checkbox"/> County
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Project Director: James Miller PD Title: Executive Director Address: 115 W. Prince Street Beckley, WV 25801 Phone: 304-255-3794, ext 103 Fax: 304-254-2952 Email: James.miller@raleighcountyc.org	Fiscal Officer: Jay Quesenberry FO Title: County Administrator Address: 116 ½ N. Heber St. Beckley, WV 25801 Phone: 304-255-9100, option 7 Fax: 304-255-9166 Email: jayq@raleighcounty.com
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Funds Requested: 96,735.60 *copy* **Amount Awarded:** _____
Local Funds Committed: -0-
Project Period: December 1, 2021 – September 30, 2023 *(for JCS use only)*

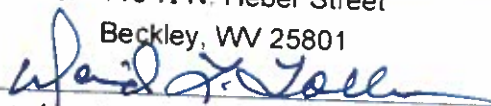
Number of years previously funded: -0- **Previous Year Number admitted:** 184
Geographic Area(s) Served: Raleigh County

Total Population: 74,591
DUNS Number: 83036402
FEIN Number: 55-6000-389-001
wvOASIS Vendor Number: 212230

Project Title: Raleigh County DRC Peer Recovery Coach Position

Project Description: Hiring of one peer recovery coach utilizing grant funds

Certification: To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by the governing body and the applicant will comply with the attached special conditions and assurances, if funding is provided

Authorized Official: David L. Tolliver Address: 116 ½ N. Heber Street Beckley, WV 25801  Signature:	AO Title: Commission President Phone: 304-255-9100, option 7 Fax: 304-255-9166 E-Mail: ralcom@raleighcounty.com Date:
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- Part 18. Administrative Review Procedures.
- Part 20. Criminal Justice Information Systems
- Part 22. Confidentiality of Identifiable Research and Statistical Information.
- Part 23. Criminal Intelligence Systems Operating Policies.
- Part 30. Intergovernmental Review of Department of Justice Programs and Activities Part
- 42. Nondiscrimination Equal Employment Opportunity Policies and Procedures

13. **ADDITIONAL REGULATIONS AND PROCEDURES:** In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines.

- National Environmental Policy Act of 1969 (NEPA)
- National Historic Preservation Act of 1966
- Flood Disaster Protection Act of 1973.
- Clean Air Act and Federal Water Pollution Control Act Amendments of 1972.
- Control Act Amendments of 1972.
- Safe Drinking Water Act.
- Endangered Species Act of 1973.
- Wild and Scenic Rivers Act.
- Fish and Wildlife Coordination Act.
- Historical and Archaeological Data Preservation
- Coastal Zone Management Act of 1979.
- Animal Welfare Act of 1970
- Impoundment Control Act of 1974.
- Uniform Relation Assistance and Real Property Acquisitions Policies Act of 1970, Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended Death in Custody Act of 2000.

To the best of my knowledge the applicant has and will comply with all the attached Conditions and Assurances.

Authorized Official [please print]: David L. Tolliver

Authorized Official Signature:



Date:

11/19/21



O-BJA-2021-35004
BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Department of Justice
Bureau of Justice Assistance

AVAILABLE VERSIONS

Synopsis History:

Version	Modification Description	Updated Date
Synopsis 4	Closing extended one day.	Aug 12, 2021
Synopsis 3	deadline extended	Aug 04, 2021
Synopsis 2	Solicitation extended until 08/04/21.	Jul 26, 2021
Synopsis 1		Jun 08, 2021

GENERAL INFORMATION

Document Type:	Grants Notice
Funding Opportunity Number:	O-BJA-2021-35004
Funding Opportunity Title:	BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation
Opportunity Category:	Other
Opportunity Category Explanation:	Formula
Funding Instrument Type:	Grant
Category of Funding Activity:	Affordable Care Act
Category Explanation:	
Expected Number of Awards:	1185
CFDA Number(s):	16.738 -- Edward Byrne Memorial Justice Assistance Grant Program
Cost Sharing or Matching Requirement:	No

Version:	Synopsis 1
Posted Date:	Jun 08, 2021
Last Updated Date:	Jun 08, 2021
Original Closing Date for Applications:	Jul 26, 2021
Current Closing Date for Applications:	Jul 26, 2021
Archive Date:	
Estimated Total Program Funding:	\$89,878,997
Award Ceiling:	\$4,095,916
Award Floor:	\$0

ELIGIBILITY



O-BJA-2021-35004
BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Department of Justice
Bureau of Justice Assistance

AVAILABLE VERSIONS

Synopsis History:

Version	Modification Description	Updated Date
Synopsis 4	Closing extended one day.	Aug 12, 2021
Synopsis 3	deadline extended	Aug 04, 2021
Synopsis 2	Solicitation extended until 08/04/21.	Jul 26, 2021
Synopsis 1		Jun 08, 2021

GENERAL INFORMATION

Document Type: Grants Notice
Funding Opportunity Number: O-BJA-2021-35004
Funding Opportunity Title: BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Opportunity Category: Other
Opportunity Category Explanation: Formula
Funding Instrument Type: Grant
Category of Funding Activity: Affordable Care Act
Category Explanation:
Expected Number of Awards: 1185
CFDA Number(s): 16.738 -- Edward Byrne Memorial Justice Assistance Grant Program
Cost Sharing or Matching Requirement: No

Version: Synopsis 2
Posted Date: Jun 08, 2021
Last Updated Date: Jul 26, 2021
Original Closing Date for Applications: Jul 26, 2021
Current Closing Date for Applications: Aug 04, 2021
Archive Date:
Estimated Total Program Funding: \$89,878,997
Award Ceiling: \$4,095,916
Award Floor: \$0

ELIGIBILITY



O-BJA-2021-35004
BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Department of Justice
Bureau of Justice Assistance

AVAILABLE VERSIONS

Synopsis History:

Version	Modification Description	Updated Date
Synopsis 4	Closing extended one day.	Aug 12, 2021
Synopsis 3	deadline extended	Aug 04, 2021
Synopsis 2	Solicitation extended until 08/04/21.	Jul 26, 2021
Synopsis 1		Jun 08, 2021

GENERAL INFORMATION

Document Type: Grants Notice
Funding Opportunity Number: O-BJA-2021-35004
Funding Opportunity Title: BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Opportunity Category: Other
Opportunity Category Explanation: Formula
Funding Instrument Type: Grant
Category of Funding Activity: Affordable Care Act
Category Explanation:
Expected Number of Awards: 1185
CFDA Number(s): 16.738 -- Edward Byrne Memorial Justice Assistance Grant Program
Cost Sharing or Matching Requirement: No

Version: Synopsis 3
Posted Date: Jun 08, 2021
Last Updated Date: Aug 04, 2021
Original Closing Date for Applications: Jul 26, 2021
Current Closing Date for Applications: Aug 09, 2021
Archive Date:
Estimated Total Program Funding: \$89,878,997
Award Ceiling: \$4,095,916
Award Floor: \$0

ELIGIBILITY



O-BJA-2021-35004
BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Department of Justice
Bureau of Justice Assistance

GENERAL INFORMATION

Document Type: Grants Notice
Funding Opportunity Number: O-BJA-2021-35004
Funding Opportunity Title: BJA FY 21 Edward Byrne Memorial Justice Assistance Grant (JAG) Program -
Local Solicitation
Opportunity Category: Other
Opportunity Category Explanation: Formula
Funding Instrument Type: Grant
Category of Funding Activity: Affordable Care Act
Category Explanation:
Expected Number of Awards: 1185
CFDA Number(s): 16.738 -- Edward Byrne Memorial Justice Assistance Grant Program
Cost Sharing or Matching Requirement: No

Version: Synopsis 4
Posted Date: Jun 08, 2021
Last Updated Date: Aug 12, 2021
Original Closing Date for Applications: Jul 26, 2021
Current Closing Date for Applications: Aug 12, 2021
Archive Date:
Estimated Total Program Funding: \$89,878,997
Award Ceiling: \$4,095,916
Award Floor: \$0

ELIGIBILITY

Eligible Applicants: County governments
City or township governments
Native American tribal governments (Federally recognized)
Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility: By law, for purposes of the JAG Program, the term "units of local government" includes a town, township, village, parish, city, county, borough, or other general-purpose political subdivision of a state; or it may be a federally recognized Indian tribal government that performs law enforcement functions (as determined by the Secretary of the Interior). A unit of local government also may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes; for example, in Louisiana, a unit of local government means a district attorney or parish sheriff. The expected eligible allocations by state for the fiscal year (FY) 2021 JAG Program can be found at: <https://bja.ojp.gov/program/jag/fy-2021-allocations>. Eligible allocations under JAG are posted annually on the JAG web page. See the allocation determination and Units of Local Government requirements section for more information. Applicants with eligible allocation amounts of less than \$25,000 will apply to Category 1, and applicants with eligible allocation amounts of \$25,000 or more will apply to Category 2. All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

ADDITIONAL INFORMATION

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Edward Byrne Justice Assistance Grant Program FY 2021 Local Solicitation
Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2021 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.



Signature of Chief Executive of the Applicant Unit of
Local Government

David L. Tolliver

Printed Name of Chief Executive

Raleigh County Commission

Name of Applicant Unit of Local Government

November 16, 2021

Date of Certification

President

Title of Chief Executive



County Redistricting Analysis and Mapping

November 4th, 2021

Atlas Geographic Data, Inc. (Atlas) is pleased to submit this proposal for County Redistricting Analysis and Mapping. Our proposed scope of work is based upon meeting all of the Redistricting requirements set forth in the WV State Code and further explained by the WV Secretary of State.

Atlas will modify the existing voting precincts or districts to comply with the WV State Code. The project will use the following digital inputs to redraw the district boundaries.

The following data will be used as a part of this project:

Digital Data Layer	Source
Current Voting Precinct Boundaries	County Clerk's Office
WV State House and WV State Senate Representation Boundaries	WV State Legislature
US Census (2020) Block Data	US Census
US Census Magisterial Districts (Minor Civil Divisions)	US Census
US Census (2020) Incorporated Places	US Census
County Voting Registration Rolls	County Clerk's Office/ Secretary of State
County Addressing Data	County E911 Addressing Office (WVSAMS)

The process starts with examining the existing voting precinct boundaries as given to Atlas by the client. Those boundaries will be compared to the 2021 WV State House boundaries and the 2021 WV State Senate boundaries. The client will receive a report and associated map detailing which voting precincts will need alteration to comply with the new WV State House and WV State Senate boundaries.

Deliverables and Processes:

- **Boundary Change Detection Report** - The client will receive a digital report (AGOL Web Map) of the boundary changes, which includes:
 - Listing of Precincts (current) that require changes to align with new state legislative district (SLD) boundaries
 - Precincts change locations identified in a digital map book.

- **Redistricted Boundary Digitization**
 - Counties that will redistrict their own precinct and magisterial boundaries can submit new boundaries to Atlas (formats to be discussed with client)
 - Atlas will adjust or digitize new boundaries into a GIS format such that they match the new state legislative districts and 2020 census block boundaries. This process will be in direct consultation with the client.
 - County will receive digital copies of new boundary files (shapefile or ESRI Geodatabase format). These files will also be stored in the WV State GIS Clearinghouse, made available for public consumption.

- **Voter Registration (VR) Change Detection Report** – The client will receive a digital report of the voters whose voting districts have changed due to the redistricting process.

- Report includes: digital format with voter identification, associated voter address as contained in the county's voter registration files, 2010 voting district name, and 2020 voting district name
 - Geocoding report detailing the number and percentage of positive geocode address match results of their voter registration rolls.
 - This report relies on the quality of VR address matches to e911 addressing data. It is anticipated that a portion of VR changes will need to be verified by the county manually.
- **Redistricted Precinct Digital Map Book (PDF)** - (suggested size 11"x17" pages) (page size as specified by client)
 - Precinct map with state district boundaries overlay
 - Basemap as ESRI Grayscale, (Other available upon request)
 - Additional layers available upon request
 - Printed Version of map available as upcharge cost (fees to be determined)
- **Redistricted Precinct Digital format Wall Map (PDF)** - (suggested size 36"x48") (page size as specified by client)
 - Basemap as ESRI Grayscale, (Other available upon request)
 - Additional layers available upon request
- **One Additional revision period** – The client will determine if an additional review period is required for county Clerk's Office.
- **Redistricted Precinct Boundaries**
 - Atlas will generate a suggested a redistricted precinct boundary based upon criteria as specified by the county, generally:
 - Minimize changes to existing precinct boundaries where possible
 - Conforms to State Code
 - Urban precincts between 300-1500 registered voters

- Rural precincts between 200-700 registered voters
 - Aligns with new state house and senate district boundaries
 - Aligns with incorporated place boundaries
 - Aligns with 2020 Census Block boundaries
- Requires high confidence in VR geocoding
 - Alternate method may substitute Voting Age Population in place of VR if deemed necessary
- **Redistricted Magisterial Districts**
 - Atlas will provide a suggested a redistricted magisterial district based upon criteria as specified by the county, generally:
 - Minimize changes to existing district boundaries where possible
 - Conforms to State Code,
 - Equalized population according to county deviation (typically 5%/10%)
 - Aligns with redistricted Precinct boundaries
 - Aligns with 2020 Census Block boundaries
 - Population Summary Report from redistricting software

Cost:

Atlas is offering all of the above-mentioned services for a flat fee of **\$5,000**

Terms:

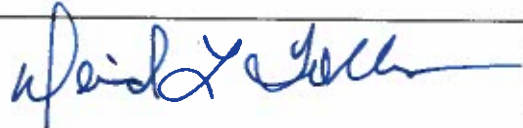
The County Clerk's office must deliver the voter registration rolls for their county and the Current 2010 voting district boundaries to Atlas no later than 10 business days following the execution of this document. Atlas will submit the first draft of the new voting district boundaries to the client by Monday, December 6th, 2021.

Client revision period will conclude by close of business on Friday, December 10th, 2021. The revised boundaries will be submitted back to the client by close of business on Friday, December 17th, 2021 for the second revision period. Should the client package include a third revision period, the third round of revision will be submitted to the client by January 7th, 2022. All products will be delivered to the client by January 14th, 2022.

We appreciate this opportunity to be of service.

Hays Lambert GISP PLS / President

Joe Waple / GIS Project Coordinator

Partner	Authorized Representative	Signature and Date
State	Hays Lambert Atlas Geographic Data, Inc. (910) 256 9892 hlambert@atlasgeodata.com	
County	RALEIGH COUNTY COMMISSION (304) 255-9146 RALCOM@RALEIGHCOUNTY.COM	 DATE: NOVEMBER 16, 2021

RALEIGH COUNTY COMMISSION
PURCHASING DEPARTMENT
215 MAIN STREET
BECKLEY WV 25801
(304) 255-9362
(304) 255-9352 FAX

DATE: NOVEMBER 4, 2021
REQUESTING DEPT.: RALEIGH COUNTY COMMISSION
REQUESTED DELIVERY DATE: ASAP

PURCHASE ORDER NO
CF220063

VENDOR NAME & ADDRESS

Stephens Auto Center
PO Box 278
Danville WV 25053

Contact Person: Mike Ballard or Richard Stephens
1-304-369-2411
1-304-369-2490 (f)

Item No.	Quantity	Description	Unit price	Total
1	5	2021 4Door AWD Utility Police Interceptor (Per State Contract)	\$33,250.00	\$166,250.00
WITH THE FOLLOWING OPTIONS:				
2	5	67H-Ready for the Road Package	3,595.00	17,975.00
3	5	65L-Full Face Wheel Covers	60.00	300.00
4	5	87P-Driver Power Seats	325.00	1,625.00
5	5	Grille Lights Blue/Blue	45.00	225.00
6	5	Rear Lights Blue/Blue	51.00	255.00
7	5	**-Whelen Light Bar-Uninstalled	1,295.00	6,475.00
Total Cost				\$193,105.00
Purchase Order Total				\$193,105.00

Ext. color: AGATE BLACK

Bill to: Raleigh County Commission
ATTN: Purchasing Department
215 Main Street
Beckley, WV 25801

Please Title vehicles: Raleigh County Commission
116 1/2 N. Heber Street
Beckley, WV 25801


Authorized Signature