STATE OF WEST VIRGINIA, COUNTY OF UPSHUR, CITY OF BUCKHANNON, TO WIT:

A regular meeting of the Buckhannon Animal Care & Control Commission was held on Monday, July 13, 2020 at 5:30 p.m. in Council Chambers of City Hall. The following was in attendance:

Robbie Skinner III	Mayor	Present
Randy Sanders	City Recorder	Present
Alison Clausen Whitehair	Lewis-Upshur ACF Representative	Present – by phone
Elissa Mills	Commission Member	Present
Robin Keough	Commission Member	Absent
Jason Knicely	Upshur County Dog Warden	Absent
DNR Representative	Ex Officio	Absent
Matt Gregory	BPD	Absent
Jeff Wamsley	Cat Trapper	Present
Lisa Critchfield	Buckhannon Dog Park Committee	Absent

Also, in attendance: Denise Weaver

Meeting Agenda Posted 07/02/20

To Participate in the AC&C Board meeting during the COVID-19 Safer at Home Order, Please contact us at 304-472-1651 for the GoToMeeting link/access

> City of Buckhannon Animal Care & Control Commission – July 13, 2020, 5:30pm at City Hall in Council Chambers

- A. Call to Order
 A.1 Moment of Silence
 A.2 Pledge to the Flag of the United States of America
- B. Recognized Guests B.1
- C. Consent Agenda
 - C.1 Approval of Minutes 01/13/20
- D. Correspondence & Information
 - D.1 Upshur County Commission Report of Cats-December 2019 to May 2020
 - D.2 Upshur County Commission Report of Dogs- December 2019 to May 2020
 - D.3 Ordinance No. 441 Live Animals as Prizes
 - D.4 Ordinance No. 442 Revising AC&C Membership
 - D.5 Buckhannon Dog Park Certificate of Recognition for Volunteer Service by Governor Justice
- E. Strategic Issues for Discussion and/or Vote
 E.1 Discussion/Update Buckhannon Dog Park Committee Report
 E.2 Discussion Complaint of Cats at River Walk Trail
- F. Board Members Comments and Announcements
- G. Adjournment

POSTED 07/02/2020 Next Meeting Date of the AC&C October 13, 2020

A. Call to Order - The meeting was called to order, led by a moment of silence. The pledge to the US flag was then led by Elissa Mills.

B. Recognized Guests

B.1 None

C. Consent Agenda

C.1 Approval of Minutes -01/13/20

Motion to approve the Minutes of 01/13/20 was made by Mills/Skinner. Motion Carried.

D. Correspondence & Information – The Mayor reviewed the following with the Board:

D.1 Upshur County Commission Report of Cats- December 2019 to May 2020

LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT ACCOUNT OF CATS JANIELIA COCHRAN, SUPERVISOR OF ANIMAL SERVICES (December) 2019 LEWIS-UPSHUR ANIMAL CONTROLOFACIUITY REPORT ACCOUNT OF CATS JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES (Jonubry) 2020



TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	6	0	6
Cats brought in by Animal Control Officer	0	0	0
Cats brought in by County Residents	20	6	26
Cats brought in by Law Enforcement	0	0	0
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	0	0	0
Cats Escaped	0	0	0
Adoptions:			
With Charge	10	1	11
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	12	5	17
Euthanasia:			
Owner Request	0	0	0
Other	0	3	3

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	2	0	2
Cats brought in by Animal Control Officer	0	1	1
Cats brought in by County Residents	22	9	31
Cats brought in by Law Enforcement	0	0	0
Cuts in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	0	0	0
Cats Escaped	0	0	0
Adoptions:			
With Charge	n	1	12
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	13	3	16
Euthanasia:			
Owner Request	0	0	0
Other	0	5	5

Janeth & lockson 1-7-2020 Date

Jamella & Behran Jeb 3, 20 20 Date

LEWIS-UPSHUR ANIMAL CONTROLOGACILITY REPORT ACCOUNT OF CATS JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES (February) 2020 CO

LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT ACCOUNT OF CATS JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES (March) 2020

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	5	0	5
Cats brought in by Animal Control Officer	0	2	2
Cats brought in by County Residents	9	1	10
Cats brought in by Law Enforcement	0	1	1
Cats in Drop Box	0	0	0
Cirts Quarantined	0	0	0
Cat returned to owner	1	0	1
Cats Escaped	0	0	0
Adoptions:			
With Charge	9	2	11
Without Charge	0	0	0
Rescues:			
With Charge	0	0	0
Without Charge	1	0	1
Euthanasia:			
Owner Request	0	Ð	0
Other	3	0	3

UPSHUR	LEWI5	TOTAL
5	0	5
2	Ø	2
10	4	14
0	0	ū
0	0	0
0	0	0
1	0	1
0	0	0
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Janelle & Cichian 3-3-2020 Sporture Date

Janilla & Carlan 4-6-2030 Agenatum Date

LEWHS-UPSHUR ANIMAL CONTROL FACILITY REPORT ACCOUNT OF CATS IANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES (April) 2020

LEWIS-UPSHUR ANIMAL CONTROL FACILITY REPORT ACCOUNT OF CATS JANELLA COCHRAN, SUPERVISOR OF ANIMAL SERVICES (May) 2020

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	0	0	o
Cats brought in by Animal Control Officer	Ű	0	0
Cats brought in by County Residents	2	0	2
Cats brought in by Law Enforcement	0	0	0
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	0	0	0
Cats Escaped	0	0	0
Adoptions:			
With Charge	1	2	3
Without Charge	0	0	D
Rescues:			
With Charge	0	0	D
Without Charge	1	0	1
Euthanesia:			
Owner Request	1	0	1
Other	0	0	0

TRANSACTION	UPSHUR	LEWIS	TOTAL
Cats brought in by City Trapper	0	0	0
Cats brought in by Animal Control Officer	0	0	0
Cats brought in by County Residents	3	2	5
Cats brought in by Law Enforcement	0	0	0
Cats in Drop Box	0	0	0
Cats Quarantined	0	0	0
Cat returned to owner	0	0	0
Cats Escaped	0	0	0
Adoptions:		1	
With Charge	0	1	1
Without Charge	0	0	a
Rescues:			
With Charge	0	0	0
Without Charge	0	0	0
Euthanasia:			
Owner Request	3	0	3
Other	0	0	0

Janille & Cochran 5-5-2020 Hereture Date

Janella & achian 6-1-2020 Date

D.2 Upshur County Commission Report of Dogs- December 2019 to May 2020

DUSTIN HOLLEN, ANIMAL CONTROL / HUMANE OFFICER MONTHLY ANIMAL REPORT

December 2019

DUSTIN HOLLEN, ANIMAL CONTROL / HUMANE OFFICER 💛 💛 🤟

January 2020

TRANSACTION	1
Animals picked up by ACO:	11
Dogs	11
Other	0
Animals retained to Owner by ACO:	
Dogs	
Other	
Animals Delivered to LUACE:	11
Dogs	- 11
Other	
Animals Quarantined by ACO	A Station Alexand
Dogs	
Other	
Animals Terminated	The second second
Dogs	
Other	
Total Number of Hours Involved	154

TRANSACTION	
Animals picked up by ACO:	5
Dogs	5
Other	0
Animals returned to Owner by ACO:	A REAL PROPERTY IN
Dogs	- 1
Other	0
Animals Delivered to LUACF:	der beite signe for s
Dogs	
Other	
Animals Oparantined by ACO:	
Dogs	
Other	
Animals Terminated:	
Dogs	
Other	
Total Number of Hours involved	116 1/
2 × 10101	

Senature L. Hollin 1-2-20

Sutton I. Holler 2-3-20 Date

DUSTIN HOLLEN, ANIMAL CONTROL / HUMANE OFFICER MONTHLY ANIMAL REPORT

February 2020



Jason Knicely, ANIMAL CONTROL / HUMANE OFFICER MONTHLY ANIMAL REPORT March 1-31

TRANSACTION	#
Animals picked up by ACO:	2
Dogs	2
Other	0
Animals returned to Owner by ACO:	0
Dogs	0
Other	0
Animals Delivered to LUACF:	2
Dogs	2
Other	0
Animals Quarantined by ACO:	(
Dogs	
Other	0
Animals Terminated:	
Dogs	(
Other	
Total Number of Hours Involved	40

	TRANSACTION	ŧ
"	Animals picked up by ACO:	Storas & Ma
	2 Dogs	1
	Other	
11/2/2015	0 Animals returned to Dwner by ACO.	
	0 Dogs	
	Other	
	Animals Delivered to LUACE	人和国家認識
	2 Dogs	1
	0 Other	
1.1.1.1.1.1.1	Animals Quarantined by ACO:	
	Dogs	
	0 Dther	
5.55	0 Animals Terminated	in the second
	0 Dogs	
	0 Other	
	10 Total Number of Hours Involved	84

Sustin h. Hollen

Jason.Knicely, ANIMAL CONTROL / HUMANE OFFICER MONTHLY ANIMAL REPORT

April 1-30

TRANSACTION	¥
Animals picked up by ACO:	
Dogs	38
Other	2
Animals returned to Owner by ACO:	0
Dogs	0
Other	0
Animals Delivered to LUACF:	0
Dogs	- 4
Other	0
Animals Quarantined by ACO:	0
Dogs	0
Other	d
Animals Terminated:	0
Dogs	
Other	0
Total Number of Hours Involved	80

Jason-Knicely, ANIMAL CONTROL / HUMANE OFFICER MONTHLY ANIMAL REPORT May

9,aj

TRANSACTION	u
Animals picked up by AEO:	
Dogs	-11
Other	
Animals returned to Owner by ACO:	0
Dogs	0
Other	0
Animals Delivered to LUACF:	0
Dogs	7
Other	0
Animals Quarantined by ACD:	1
Dogs	1
Other	0
Animals Terminated:	(
Dogs	4
Other	3
Total Number of Hours Involved	80

5/5/20 Date Jason Knicely Signature

Signature

unan Knicety free throng 5/5/20 Date

D.3 Ordinance No. 441 Live Animals as Prizes

ORDINANCE NO. 441 OF THE CITY OF BUCKHANNON, AN ORDINANCE PROHIBITING THE OFFERING OR ACCEPTANCE OF LIVE ANIMALS AS PRIZES OR INDUCEMENTS IN CARNIVAL GAMES OPERATING WITHIN THE CORPORATE LIMITS OF THE CITY AND SETTING AN EFFECTIVE DATE

WHEREAS, West Virginia Code §8-12-5(13) empowers a municipality to "prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome"; and,

WHEREAS, West Virginia Code §8-12-5(26) empowers a municipality to "regulate or prohibit the keeping of animals or fowls"; and,

WHEREAS, West Virginia Code §8-12-5(44) empowers a municipality to "protect and promote the public morals, safety, health, welfare and good order"; and,

WHEREAS, the City's Animal Care & Control Commission recommends to the City Council that a municipal ordinance prohibiting the use of animals as prizes or inducements to participate in carnival games or other commercial activities be ordained and enacted by the Council; and,

WHEREAS, the Council of the City of Buckhannon recognizes that the welfare of animals, and the prevention of their keeping within circumstances that threaten their wellbeing is a matter of interest to the people as represented by their municipal government; and,

WHEREAS, the Council of the City of Buckhannon recognizes that the practice of keeping small animals, including but not limited to fish, reptiles, other vertebrates, or small mammals for purposes of using said animals as prizes or inducements for members of the public to participate in games of skill or chance within the context of carnival or other amusement games exposes said animals to adverse circumstances, ill treatment, and substantially introduces the possibility of abusive treatment of said animals; and,

WHEREAS, the Council of the City of Buckhannon does not intend by this Ordinance to regulate, prohibit, or otherwise control the activities or programs of certified youth organizations teaching animal husbandry and related disciplines such as 4-H and the Future Farmers of America; and,

WHEREAS, the Council of the City of Buckhannon has determined that the provisions of this Ordinance are reasonably designed and intended to promote public and animal welfare within the enumerated powers of the municipality as set forth in the laws of the State of West Virginia; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

ARTICLE I – PROHIBITED ACTS

No person may offer or accept any live animal, reptile, fowl, livestock or wildlife as a prize for or as an inducement to enter any contest, game or other competition; or as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer is for the purpose of attracting trade or is a promotion for any other commercial purpose.

ARTICLE II – CERTAIN YOUTH ORGANIZATIONS EXPRESSLY EXEMPTED

The prohibition contained in Article I of this Ordinance shall not apply to fish or to animals given as prizes at a rodeo contest or livestock show or as part of a Future Farmers of America program, a 4-H project or show, or other activity of a bona-fide youth organization whose purpose and practices are designed to teach or promote animal husbandry, agriculture, or other academic fields.

ARTICLE III - PENALTIES

Any person or organization violating the provisions of Article I of this Ordinance shall be fined not less than fifty dollars (\$50.00) for a first offense, not less than one hundred dollars (\$100.00) for a second offense, and not less than two hundred fifty dollars (\$250.00) for any third or subsequent offense.

ARTICLE IV – EFFECTIVE DATE:

This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., March 7, 2020.

FIRST READING: SECOND READING, PASSAGE AND ADOPTION: January 16, 2020 February 6, 2020

6 - Canler

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 441 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on February 6, 2020.

Randall Sanders, City Recorder

D.4 Ordinance No. 442 Revising AC&C Membership

ORDINANCE NO. 442 OF THE CITY OF BUCKHANNON, AMENDING MODIFYING AND RE-ENACTING ORDINANCE NOS. 300, 397, and 412 OF THE CITY OF BUCKHANNON, KNOWN, CITED AND REFERRED TO AS "THE BUCKHANNON ANIMAL CARE AND CONTROL ORDINANCE"

WHEREAS, pursuant to Chapter 8, Article 12, Section 5 (26) of the West Virginia Code, as amended, municipalities are granted plenary power and authority to regulate or prohibit the keeping of animals or fowls and to provide for impounding, sale or destruction of animals or fowls kept contrary to law or found running at large within the corporate limits; and,

WHEREAS, the Council of the City of Buckhannon has deemed it to be reasonable and appropriate to adopt comprehensive regulations respecting animals kept, maintained or otherwise brought or coming into the corporate limits, adopting said regulations in Ordinance Nos. 300, 397, and 421 of the City of Buckhannon; and,

WHEREAS, the Council of the City of Buckhannon deems it to be reasonable and appropriate to make certain amendments and changes to the membership of the Animal Care and Control Board, as established in said Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

That the provisions of said Ordinance Nos. 300, 397, and 421 concerning the establishment of the Municipal Animal Care and Control Commission is deemed amended and reenacted as follows:

ARTICLE I – ESTABLISHMENT OF MUNICIPAL ANIMAL CARE AND CONTROL COMMISSION:

Section 1. For purposes of receiving input from the residents of the corporate limits and surrounding Upshur County respecting matters concerning the care and control of animals in general, and of the application and enforcement of the provisions of this ordinance in particular, and the policies and regulations of the City in general respecting the care and control of animals within the corporate limits, there is hereby created the Municipal Animal Care and Control Commission.

Section 2. The Commission shall for all purposes be deemed to be and shall serve as an administrative subdivision of the City of Buckhannon, and shall convene public meetings from time to time to permit local residents the opportunity to be heard upon matters involving or affecting animals within the corporate limits.

Section 3. The Commission shall not have rule-making authority, except insofar as establishing reasonable and necessary rules for the conducting of Commission meetings, but rather the Commission shall serve as a municipal agency of the City, to recommend amendments or additions to this ordinance and to the policies and regulations of the City respecting animal care and control.

Section 4. The Commission shall be convened at least annually, and shall consist of five (5) voting members constituted as follows: (1) the Mayor of the City of Buckhannon who shall serve as Chairperson; (2) a representative, named in writing, of the Lewis-Upshur Animal Control Facility; and (3) (4) and (5), three residents of Upshur County, West Virginia, duly appointed as "at large members" by the Council of the City of Buckhannon, at least one of which much be a resident of the City of Buckhannon. The terms of service for the five (5) members shall be, in the case of the mayor, for the term of his or her office, and for all other members for a term of up to one (1) year ending at the close of business each June 30, unless otherwise specified by the Council. Members may be reappointed by the Council for unlimited terms of service. The Council may fill unexpired terms for vacated seats upon such vacancies, for the term ended June 30 annually. Additionally, the Council may from time to time appoint other nonvoting members, whose terms shall similarly expire each June 30, and who may or may not be residents of the corporate limits, as nominated by the Mayor. A quorum shall be deemed to be the presence of any three (3) voting members of the Commission.

Section 5. All recommendations which the Commission seeks the Council to formally consider, shall be submitted to the Council in written form, and shall be duly considered by the Council during a regularly convened council meeting with the Commission's report to be made a part of the minutes of the Council meeting during which the recommendations are considered.

Section 6. The City Recorder of Buckhannon shall serve as the ex officio secretary of the Animal Care and Control Commission, without vote, and shall take and maintain all minutes of all meetings together with appropriate correspondence received or generated by the Commission.

ARTICLE II - EFFECT UPON OTHER MUNICIPAL ORDINANCES: Any and all other ordinances of the City of Buckhannon not amended hereby, shall remain in full force and legal effect except for those provisions which are expressly amended pursuant to the provisions hereof.

ARTICLE III - SEVERABILTY: In the event that any section(s) or provision(s) of this Ordinance is determined to be in violation of state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable by a Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the sections and provisions thereof which are not specifically held to be in violation of state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable.

ARTICLE IV - EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2nd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., March 7, 2020.

FIRST READING: SECOND READING, PASSAGE AND ADOPTION:

January 16, 2020

February 6, 2020

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Randall Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 442 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on February 6, 2020.

Randall Sanders, City Recorder

D.5 Buckhannon Dog Park Certificate of Recognition for Volunteer Service by Governor Justice.



June 27, 2019

Buckhannon Dog Park 20 Randolph Street Buckhannon, WV 26201

Dear Buckhannon Dog Park,

Congratulations on being nominated for a 2019 Governor's Service Award by Casey Gilbert. West Virginia is truly blessed to have an abundance of individuals and organizations who positively impact communities across our state and who illustrate every day the true meaning of volunteerism.

We received many outstanding nominations for the 2019 Governor's Service Awards and although you were not chosen as a recipient this year, I commend you for your contribution to your community.

The Mountaineer spirit endures through the volunteer work that so many individuals and organizations do throughout our state's communities, improving the quality of life of West Virginians each and every day.

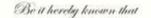
Volunteers are not just the heart of activities; they are also the heart of each community. I would like to take this opportunity to acknowledge your contribution and to encourage you to continue your commitment to volunteerism.

Sincerely, Justice 20 m Justice

State of West Virginia Office of the Chief Executive









has been awarded this

Commendation for Volunteer Service

to the State of West Virginia

for outstanding commitment to volunteerism and exceptional contributions toward making West Virginia a better place.

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Governor Jun Juitice

E. Strategic Issues for Discussion and/or Vote

E.1 Discussion/Update Buckhannon Dog Park Committee Report – Nothing available from the committee. Board Member Mills ask about the Whisker Wonderland fundraiser and Amby Jenkins reported that it had gross income of \$5,312 with expenses of \$1,722 leaving a net of \$3,590.

E.2 Discussion Complaint of Cats at River Walk Trail – The Board discussed the status of cats, specifically cat colonies, which include feral cats and the problems they sometimes cause and the benefits they provide. Board Member Whitehair discussed the email that is in the packet from Kim Bjorgo-Thorne indicating that she was going to try and relocate the cats. Jeff Wamsley reported that has had a recurring problem with the traps being tampered with and/or removed. The Mayor reiterated the fact that there are differing opinions on the problems versus the benefits. It was decided that we wait to hear from Kim Bjorgo-Thorne before any additional action be taken.

Re: Campus cats		
McCauley, David <mccauley@wvwc.edu> fo: "Bjorgo-Thorne, Kim" <bjorgo@wvwc.ec <amby.j@buckhannor.wv.org>, "teresa.sum Cc: Scott McKinney <mckinney.s@wvwc.ec< th=""><th>mers* <teresa.summers@buckha< th=""><th></th></teresa.summers@buckha<></th></mckinney.s@wvwc.ec<></amby.j@buckhannor.wv.org></bjorgo@wvwc.ec </mccauley@wvwc.edu>	mers* <teresa.summers@buckha< th=""><th></th></teresa.summers@buckha<>	
Thanks, I'm adding our City folks to this e	mail, particularly our City cat trap	per, Jeff Wamsley. Dave
On Tue, Mar 10, 2020 at 10:20 AM Bjorge	-Thorne, Kim <bjorgo@wvwc.ed< td=""><td>iu> wrote:</td></bjorgo@wvwc.ed<>	iu> wrote:
Good morning, Dave-		
You may recall we had a city council make a concerted effort to relocate		it the nature walk/river trail area. This spring I
I've enlisted the help of the district wildl		we the cats
Please let me know if I need to reach o them know the removal is coming. Sign feeders know that removal is imminent.	s near the feeding stations will al	call the Upshur-Lowis animal control to let so be posted in the coming weeks to let the cat
Thank you.		
Cheers.		
Kim		
cc: Soott McKinney		
Non-the-Sector Sector Sector		
Kim Bjorgo-Thome, Ph.D.		
Associate Professor of Biology and Em		
Coordinator, Environmental Studies Pro		
Certified Senior Ecologist, Ecological S abc/ber/bers	ociety of America	
she/ ber/ bers		
West Virginia Wesleyan College		
59 College Avenue Box 61		
Buckhannon, WV 26201		
bjorgo@wvwc.edu office: 304.473.8126		

F. Board Members Comments and Announcements

- Alison Whitehair Nothing further
- Elissa Mill She ask about asking the County Commission to consider an ordinance banning live animals being given away at events, such as Gambills Amusement. Discussion took place regarding whether the Carnival would continue setting up outside the City limits.
- Robin Keough Absent
- Lisa Critchfield Absent
- G. Adjournment

There being no further business to be transacted, motion to adjourn at 6:02 PM by Mills/Whitehair. Motion carried.

Mayor Robert N. Skinner III

City Recorder Randall H. Sanders