

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**FIRST QUARTERLY SESSION - JANUARY-MARCH 2023**  
**THURSDAY, JANUARY 5, 2023**  
**9:30 A.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

1. 9:30 a.m. County Commission Organization
  - a. Selection of President
  - b. Selection of Vice President
  - c. Committee Assignments

**APPROVAL OF ACCOUNTS PAYABLE**

- December 22, 2022
- December 29, 2022
- January 5, 2023

**APPROVAL OF MANUAL CHECKS**

- December 23, 2022
- December 30, 2022
- January 6, 2023

**APPROVAL OF REQUISITIONS**

- January 5, 2023

**APPROVAL OF PAYROLL**

- December 23, 2022

**ANNOUNCEMENTS**

Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

***\*\*You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to [Info@jeffersoncountywv.org](mailto:Info@jeffersoncountywv.org). Your comments will be included in the minutes and agenda correspondence. Please include your name.***

## **PRESENTATIONS**

2. 9:45 a.m. Angie Banks, Assessor
  - Approval of 2023 Board of Review and Equalization Notice
  - Scheduling of Board of Assessment Appeals Hearing(s)
3. 9:55 a.m. Lynn Fields, Probate Office
  - Quarterly Review of Accountings and Waivers
4. 10:05 a.m. Bob Burner, Director, Jefferson County Emergency Services Agency
  - Monthly Update on the progress of the EMS transition
  - Request reimbursement of \$8,189.84 for labor cost of the EMS transition project for November 2022
  - Request reimbursement of supply and equipment expenses for the EMS transition for November 2022
5. 10:20 a.m. Nathan Cochran, Assistant Prosecuting Attorney
  - a. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
  - b. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP 45170).

## **NEW BUSINESS**

6. Discussion and consideration of potential action on drafting a letter of no confidence in the current Jefferson County Board of Education (JK)
7. Discussion and consideration of potential action on opening sessions of the Jefferson County Commission with a prayer (JK)
8. Budget Revision Guidelines: Discuss and adopt a budget revision policy that addresses both State and internal budget revision processes and approval by the County Commission based on the WV State Auditor's Local Government Services Budget Revision Guidelines (TJ)
9. Purchase Order and Invoicing Policy 305: Review, edit, and implement policy 305 to be consistent with generating purchase orders for goods, services, and materials prior to ordering or taking delivery of such items (TJ)
10. Budget Reports (TJ)
11. Discuss possibility of moving all Commission meetings to evenings to make more accessible and convenient for constituents to participate (TJ)

**\*\*\*Letters in parentheses following New Business Items denote the initials of the commissioner making the agenda request\*\*\***

## **COUNTY ADMINISTRATOR REPORTS**

## **COUNTY COMMISSION REPORTS**

## **12. ADJOURN**

## **DEPARTMENTS, BOARDS, COMMISSIONS, AND AGENCY WRITTEN REPORTS**

Jefferson County Historic Landmarks Commission Nomination Report for Designation of Fairview Cemetery to the list of Jefferson County Historic Landmarks

## **CORRESPONDENCE AND INFORMATION**

Notices of Intent to Appoint to the following: Jefferson County Board of Zoning Appeals, Jefferson County Parks and Recreation Commission, Eastern Panhandle Transit Authority, Nominees to the Charles Town Utility Board

Correspondence received from the following: Michael Higgins, Susan Hoover, Michael Janney, David Tabb, and Dan Casto

*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public*





**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica James

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **January 5, 2023**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Committee Assignments - Annual Selection of Boards & Commissions Liaisons**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

<b>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</b>
not applicable



# 2023 Jefferson County Commission Assignments to Boards, Commissions, and Organizations

<b>Organization</b>	<b>2022</b>	<b>2023</b>
Approval of Bills	Jackson	
Board of Health – BOH	Hudson	
Building Repair & Security Courthouse Committee	Hudson	
Charles Town Utility Board Liaison - CTUB	Hudson	
Community Corrections Committee – Day Report Center	Jackson	
Development Authority – JCDA	Stolipher	
E911 Council	Ath	
Extension Service	Tabb	
Farmland Protection Board – JCFPB	Tabb	
Jefferson County Convention & Visitors Bureau - JCCVB	Stolipher	
Jefferson County Emergency Services Agency – JCESA /Fire & Rescue Association - JCFRA	Jackson	
Historic Landmarks Commisison – JCHLC	Hudson	
Homeland Security/LEPC	Jackson	
Legislative Liaison	Co. Administrator	
Jefferson County Parks and Recreation Commission	Ath	
Jefferson County Planning Commission	Stolipher	
Region 9	Stolipher	
Solid Waste Authority	Ath	
Water Advisory Committee	Tabb	
Hagerstown-Eastern Panhandle Metropolitan Planning Org. (HEPMPO)	Stolipher	
Eastern Panhandle Transit Authority (EPTA)	Tabb	
Workforce Investment Act Liaison	Jackson	



## **SPECIAL SESSION**

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held via GoToWebinar on December 05, 2022, beginning at 09:30 o'clock a.m.

**PRESENT:** Caleb Hudson, President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
John Nissel, County Administrator  
Cindy Rezmer, Deputy County Administrator  
Sorayda Pitts, Administrative Assistant

**\*\* Commissioner Stolipher was absent with notice.**

### **In re: Special Session:**

The Meeting was called to order at 09:30 am by President Hudson.

1. Requested hiring of new Finance Director.

- **Motion by Mrs. Tabb to hire Krista Davis as the Finance Director with a starting salary of \$95,000 with a start date of December 7, 2022. Motion passed with a 3-1 vote with Commissioner Jackson opposing.**

There being no further business, the meeting adjourned at 09:34am.

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Caleb Hudson, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant



## **Minutes**

### **Jefferson County Commission**

**Thursday, December 15, 2022**

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A meeting of the Jefferson County Commission was held on Thursday, December 15, 2022 during the second quarterly session at 6:00 p.m. The meeting was held via GoToWebinar and in-person. Present were Caleb Hudson, President, Steve Stolipher, Vice President, and Commissioners Tricia Jackson, Clare Ath, and Jane Tabb. Also present were John Nissel, County Administrator, Cindy Rezmer, Deputy County Administrator, Krista Davis, Finance Director, Jacki Shadle, County Clerk and Sorayda Pitts Administrative Assistant (The archived meeting of the Thursday, December 15, 2022 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Hudson led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

Motion by Mr. Hudson to approve the December 1, 2022 regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the December 5, 2022 Special Session Meeting Minutes as presented. Motion seconded and unanimously approved.

#### **APPROVAL OF PAYROLL**

Motion by Mr. Hudson to approve the Payroll for December 09, 2022 in the amount of **\$301,765.86**. Motion seconded and unanimously approved.

#### **APPROVAL OF REQUISITIONS**

Motion by Mr. Hudson to approve the Requisitions for December 15, 2022 in the amount of **\$66,326.03** Motion seconded and unanimously approved.

#### **APPROVAL OF ACCOUNTS PAYABLE**

CHECK#		VENDOR NAME	AMOUNT
87242		ADAM WARD	\$ 464.29
87243		AMANDA JOHNSON	\$ 215.00
87244		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 2,413.98
87245		AMERITEL CORP	\$ 208.45
87246		ARIN ELIZABETH FLOOK	\$ 1,064.25
87247		BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY	\$ 70,000.00
87248		BUREAU OF CHILD SUPPORT	\$ 373.39
87249		CAPITAL LIGHTING & SUPPLIES LLC	\$ 322.27
87250		CITY OF CHARLES TOWN	\$ 72.00
87251		CITY OF CHARLES TOWN	\$ 24.00
87252		CITY OF CHARLES TOWN	\$ 52.00
87253		CLARE ATH	\$ 82.00
87254		COLONIAL LIFE	\$ 95.68
87255		COMPTROLLER OF MARYLAND	\$ 629.85
87256		DODSON SEPTIC SERVICE LLC	\$ 570.00
87257		EFTPS IRS TAXES	\$ 109,141.55
87258		ELIZABETH JUNE BOWERS	\$ 3,250.00
87259		EMPOWER RETIREMENT	\$ 6,106.49
87260		FEDEX	\$ 67.03
87261		GAIL MCMILLION	\$ 59.43
87262		GUTTMAN OIL CO	\$ 6,208.60
87263		HIRERIGHT	\$ 35.20
87264		INSIGHT PUBLIC SECTOR INC	\$ 1,283.22
87265		J.C. EHRLICH	\$ 773.18
87266		JAMES P HAYDEN	\$ 554.85
87267		JEFFERSON SECURITY BANK	\$ 4,510.00
87268		JCCOA JEFFERSON CENTER	\$ 100.00
87269		JUSTTECH LLC	\$ 111.31
87270		KENT PARSONS FORD INC	\$ 291.50
87271		KONE BROOKLYN	\$ 541.64
87272		MICHAEL MONAGHAN	\$ 143.34
87273		MILLER'S CHRYSLER JEEP	\$ 106.54
87274		MILLERS SUPPLIES AT WORK	\$ 85.16
87275		MONROE SYSTEMS FOR BUSINESS	\$ 68.09
87276		NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
87277		POTOMAC EDISON	\$ 25,536.92
87278		REBECCA HALL	\$ 3,250.00
87279		RETIREE HEALTH BENEFIT TRUST	\$ 7,732.00
87280		RICE TIRES CO	\$ 1,230.66
87281		SEN COMMUNICATIONS LLC	\$ 184.90
87282		SHERIFF OF JEFFERSON COUNTY	\$ 3,510.00
87283		SOFTWARE SYSTEMS INC	\$ 1,192.02
87284		SPIRIT OF JEFFERSON	\$ 210.68
87285		STATE TAX DEPARTMENT	\$ 150.00
87286		TEK ADVISORS LLC	\$ 4,200.00
87287		THE HARTFORD	\$ 2,368.55
87288		THE HARTFORD	\$ 3,687.12
87289		TRI COUNTY RENTAL INC	\$ 22.98
87290		V.E. MAUCK PLUMBING SPPLY	\$ 39.71
87291		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 18,846.90
87292		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	\$ 256.70
87293		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 47,914.94
87294		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 166.49
87295		XEROX CORPORATION	\$ 2,306.97



87296	GS/004	GENERAL CO FUND -004	\$ 8,575.19
87297	FG/009	SHERIFF OF JEFFERSON CO	\$ 4,347.57
87298	BS/011	SHERIFF OF JEFFERSON CO	\$ 8,519.40
87299	AM/053	SHERIFF OF JEFFERSON CO	\$ 1,630.82
<b>TOTAL</b>			<b>\$ 356,738.81</b>

- **Motion by Mr. Hudson to approve the Accounts Payable for December 08, 2022 in the amount of \$356,738.81. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME	AMOUNT
87300		AMERIFLEX	\$ 125.80
87301		AT&T	\$ 133.02
87302		AT&T MOBILITY - CC	\$ 385.11
87303		DOUGLAS H FLETCHER	\$ 24.68
87304		ESS ELECTION SYSTEMS & SOFTWARE	\$ 4,975.00
87305		FIFTH THIRD BANK	\$ 62,998.85
87306		JEFFERSON CO SCHOOLS	\$ 909.00
87307		JSCM GROUP	\$ 1,800.00
87308		SHAUN PACETTI	\$ 101.00
87309		SHERIFF OF JEFFERSON COUNTY	\$ 16.95
87310		SHERIFF OF JEFFERSON COUNTY	\$ 78.12
87311		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$ 65,764.75
87312		XEROX CORPORATION	\$ 859.18
87313		XEROX FINANCIAL SERVICES	\$ 249.81
<b>TOTAL</b>			<b>\$ 138,421.27</b>

- **Motion by Mr. Hudson to approve the Accounts Payable for December 15, 2022 in the amount of \$138,421.27. Motion seconded and unanimously approved.**

### APPROVAL OF MANUAL CHECKS

9-Dec-22

OTHER FUNDS			
Check#	Fund	VENDOR	Amount
825	HD/008	SHERIFF OF JEFFERSON CO	\$ 1,228.78
139	AR/207	SHERIFF OF JEFFERSON CO	\$ 6,649.70

396	WV369	WVDSRF	\$ 633.00
951	CW/O59	WV STATE POLICE	\$ 15.00
1027	AV/O56	JUSTTECH	\$ 161.37
1028	AV/O56	MONROE	\$ 1,413.05
1029	AV/O56	SEGRA	\$ 616.00
<b>TOTAL</b>			<b>\$ 10,716.90</b>

- **Motion by Mr. Hudson approve the Manual Checks for December 9, 2022, in the amount of \$10,716.90. Motion seconded and unanimously approved.**

**16-Dec-22**

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
564	CS/2	BENDA HINKLE		\$ 376.40
826	HD/8	ATTENTI		\$ 3,356.80
827	HD/8	ENVIVO HEALTH		\$ 64.00
828	HD/8	FIFTH THIRD BANK		\$ 90.98
356	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 109,234.19
1030	AV/56	FIFTH THIRD BANK		\$ 718.70
1797	CO/246	STORAGE NETWORK		\$ 163,275.00
1372	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 3.00
1373	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 532.95
1374	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 2,848.45
1375	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 301.12
1376	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 132.42
<b>TOTAL</b>				<b>\$ 280,934.01</b>

- **Motion by Mr. Hudson approve the Manual Checks for December 16, 2022 in the amount of \$280,934.01. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:** Barbara Fuller, Jacki Shadle, David Tabb

**PRESENTATIONS**

1. Angie Banks- Assessor- Requested approval of Exonerations and/ or Apportionments.

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
CCAP Auto Lease LTD	PP	MD	\$326.50	313483

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 313483 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Lewis Ellen C	PP	KT	\$190.66	310468

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 310468 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Jason & Julie Fowler	PP	MD	\$28.60	312053

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 312053 as presented by Ms. Banks. Motion seconded and unanimously approved.**

2. Tom Hansen-Sheriff- Requested approval for

a- Holiday Hours

- **No motion required**
- **Vacation Hours**
- **Motion by Mr. Stolipher to extend the accrue time until March 31, 2023, while the deputies still get to accrue time. Motion seconded and unanimously approved.**

b- New Hire-Trip Guard

- **Motion by Mr. Stolipher to approve the hire of Dale Gottshalk as a part-time trip guard at the hourly rate of \$15.00/hour, effective immediately. Motion seconded and unanimously approved.**

3. Dennis Jarvis- Director-Jefferson County Development Authority -Requested approval for a 2% raise following the probationary period.

- **Motion by Mr. Stolipher to approve the 2% raise following the probationary period of Ryan Snyder-Agriculture coordinator. Motion seconded and unanimously approved.**
4. Elizabeth Wheeler-Jefferson County Farmland Protection Board- Requested approval of purchase of one Agriculture Conservation Easement.
- **Motion by Mrs. Tabb to approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program one conservation easement on the property in Jefferson County owned by Conrad Lotze and Kristina Maciunas, (Property 2021-03). Motion seconded and unanimously approved.**
5. Jeff Polczynski-Jefferson County Emergency Communications- Requested Priority Dispatch EOD and EFD software project.
- **Motion by Mrs. Tabb to approve the added purchase of the Priority Dispatch EPD software cal/ taking and quality assurance systems to be allocated from the County Capital Outlay Fund in the amount of \$63,965.90. Motion seconded and unanimously approved.**
6. Russell Burges- IT- Requested Cyber Security Incident/Response/Discussion and purchase of additional Cyber Security Tools to protect county networks.
- **Motion by Mr. Stolipher to approve the purchase of MDR (Managed Detection and Response, NDR (Network Detection and Response) with Firewall integration in the amount of \$52,304.66 using the Capital Outlay Fund. Motion seconded and unanimously approved.**
7. Roger Goodwin- Chief County Engineer- Requested the following:
- a. Partial construction bond release for: Town homes Rental LLC-Rocky Ridge Subdivision, Phase I, lots 1-6,61-132, Commercial Lot A & Residue (Future Phases I and III) File#19-7-SD
  - **Motion by Mr. Stolipher to approve the partial release of \$1,632,904.00 from the Town homes Rental LLC-Rocky Ridge Subdivision, Phase I, lots 1-6,61-132, Commercial Lot A & Residue (Future Phases I and III) File # 19-7-SD. Motion seconded and unanimously approved.**

- b. Complete Bond release request for Sleep Hollow Telecommunication Town (FPC File # 22-1-SP)
  - **Motion by Mr. Stolipher to approve the release of Performance Bond No. K40492549 with the Federal Insurance Company, Whitehouse Station, NJ in the amount of \$200,000,00. For a maintenance and removal of bond for Sleepy Hollow Telecommunication Tower (PC File # 22-1-SP). Motion seconded and unanimously approved.**

8. Nathan Cochran- Assistant prosecuting attorney-

- a- Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103 and 2022-C-141 and WV Supreme Court No.'s 21-0727, 21-0728, and 21- 0731.
- b- Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170) and related matters.

**NO UPDATES PROVIDED**

**NEW BUSINESS**

- 9. Review Charles Town Utility Board Article 147 and consider nominations(s) for appointment of Director.
  - Keep advertising for both positions: Director and Liaison positions
- 10. Discussion and Approval of payment for Overdue Invoices:
  - a. Sandy McDonald-

- **Motion by Mr. Stolipher to release the invoice hold for Sandy McDonald in the amount of \$1,120.00. Motion passed on a 4-1 vote with Commissioner Jackson opposing.**

b. Miller's Supplies at Work-

- **Motion by Mr. Stolipher to release the invoice hold for Miller's Supplies at Work for the amount of \$4,455.51. Motion passed on a 4-1 vote with Commissioner Jackson opposing.**

## **ADJOURN**

The Commission adjourned at 7:40 pm on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

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Caleb Hudson, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$433,264.40		\$433,264.40
6.2% Tax Payable OASDI	\$25,803.59		\$25,803.59
1.45% Tax Payable HI	\$6,034.68		\$6,034.68
Fed Withholding	\$37,738.95		\$37,738.95
WV State Withholding	\$18,212.07		\$18,212.07
VA State Tax	\$330.96		\$330.96
MD State Tax	\$716.67		\$716.67
PERS Retirement Deduct 4.5%	\$8,983.16		\$8,983.16
PERS Retirement Deduct 6%	\$7,336.01		\$7,336.01
DSRS Retirement Deduct 8.5%	\$7,099.85		\$7,099.85
EMS Retirement Deduct 9%	\$0.00		\$0.00
Hosp. Pre-Taxed	\$15,001.00		\$15,001.00
D/VF	\$1,711.90		\$1,711.90
AFLAC Pre-Taxed	\$363.65		\$363.65
AFLAC Post-Taxed	\$803.62		\$803.62
Optional Life Post-Taxed	\$1,848.05		\$1,848.05
Wage Attach #1	\$373.39		\$373.39
Wage Attach #2	\$150.00		\$150.00
Wage Attach #3	\$340.56		\$340.56
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$5,019.01		\$5,019.01
457R - Roth	\$1,245.00		\$1,245.00
Christmas Club	\$4,520.00		\$4,520.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$144,513.96	\$0.00	\$144,513.96
Net Wages Total	\$288,750.44	\$0.00	\$288,750.44
Payroll Date	December 23, 2022		





## REQUISITIONS TO BE APPROVED

January 5, 2023

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
IT/GIS	23054	\$ 53,427.78	Insight	CyberSecurity MDR NDR Firewall Int.
COUNTY CLERK - ELECTIONS	23055	\$ 6,417.70	ESS	22 Gen.Election Media Seutup & Burn
OTHER BUILDINGS	23056	\$ 10,633.00	Fidelity Power Systems	Rental Generator for E911 Backup
COMMUNICATIONS	23058	\$ 47,213.37	Motorola Solutions	Annual Service Contract
<b>GRAND TOTAL</b>		<b>\$ 117,691.85</b>		



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Angela Banks, Assessor

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **January 5, 2023**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Review & Approval of the 2023 Board of Review and Equalization Notice**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Please see document provided.

**If changes need to be made to accommodate schedules to ensure a quorum is present for each date, please be mindful of the following:**

**BORE may also start on Tuesday, January 31<sup>st</sup> rather than January 26<sup>th</sup>.**

**The Board cannot go beyond 3 business days before meeting again.**

**BORE cannot commence any later than February 1<sup>st</sup> and cannot adjourn *sine die* before February 16<sup>th</sup>.**

**More dates may be added as needed to accommodate the public BORE cannot go past February 28<sup>th</sup>.**

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N



**NOTICE**  
**Board of Review and Equalization**

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on Thursday, January 26<sup>th</sup>, 2023, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2023.

If you disagree with your appraisal, you may appeal by filing a written petition for an informal review with your county Assessor within eight (8) business days of receiving your Notice of Increase in Assessment.

Please be advised that questions of property tax class changes, questions of taxability or late filing requesting of farm use valuation shall not be addressed.

The Jefferson County Commission will continue to sit as a Board of Review and Equalization in February, 2023 and hold hearings at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on the following dates and times:

Thursday	January 26, 2023	1:30 p.m.
Tuesday	January 31, 2023	1:30 p.m.
Thursday	February 7, 2023	1:30 p.m.
Tuesday	February 9, 2023	1:30 p.m.
Thursday	February 14, 2023	1:30 p.m.
Tuesday	February 16, 2023	1:30 p.m.

Persons wishing to appear before the Commission should apply with the Assessor's office no later than Friday, February 10, 2023 in order to complete the proper forms and to schedule a hearing date prior to the planned final hearing date of Thursday, February 16<sup>th</sup>, 2023.

You can also appeal this matter in writing to the West Virginia Office of Tax Appeals no later than February 20<sup>th</sup>, 2023.

Given under my hand this 5<sup>th</sup> day of January, 2023.

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**JACQUELINE C. SHADLE, COUNTY CLERK**



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Angela Banks, Assessor

Department or Organization: **Assessor's Office**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **January 5, 2023**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Scheduling of Board of Assessment Appeals Hearing(s)**

**Please provide the County Commission with a description of your request or presentation, including any background information:**

Three applicants during the 2022 Board of Review and Equalization elected to appeal their increase in assessment during the Board of Assessment Appeals, which has been postponed since October of this year. Staff would like to contact the applicants to schedule these potential hearings during the January 19, 2023 regularly scheduled meeting or call a special session at a time agreeable to all parties. These hearings follow the same procedure as the Board of Review and Equalization hearings which requires the taxpayer(s) to be attend either in-person or virtually to present their case(s).

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable





Property Tax Appeals Process  
As of Tax Year 2023

§11-3-15f –

-- If the Assessor rejects a petition filed pursuant to §11-3-15c (Real Property), §11-3-15d (Personal Property), or §11-3-15e, the petitioner may appeal to the County Board of Equalization and Review as provided in §11-3-24, or to the Office of Tax Appeals.

-- Appeal standard is now a simple preponderance of evidence.

§11-3-15i –

-- A petitioner whose request is denied, in whole or in part, by an assessor; or a petitioner who does not receive a response from an assessor by February 10, may file a protest with the County Commission sitting as a Board of Equalization and Review, as provided in §11-3-24 of this code, or the Office of Tax Appeals.

§11-3-23a --

-- Provides that issues regarding valuation of property may be appealed either to the County Commission sitting as a Board of Equalization and Review, or to the Office of Tax Appeals.

-- Provides that if a Board of Equalization and Review has adjourned sine die before February 20<sup>th</sup>, a notice of appeal may be made to the Office of Tax Appeals.

-- Provides that if the Board of Equalization and Review increases an assessed value subsequent to February 20<sup>th</sup>, an appeal may be made to the Office of Tax Appeals.

-- Provides that a natural resources property taxpayer or an industrial taxpayer may apply for relief to the Board of Equalization and Review, or the Office of Tax Appeals.

-- Changes standard of proof from clear and convincing to a preponderance of the evidence.

§11-3-24 –

-- Requires that an appeal from a decision of the Board of Equalization and Review is to be made to the Office of Tax Appeals.

-- Changes the standard of proof from clear and convincing to a preponderance of the evidence.

-- Appeals to the Office of Tax Appeals are de nova (evidentiary) processes (see §11-10A-10 (b)).

§11-3-24a –

-- Requires that a ruling of taxability or classification by the State Tax Commissioner is to be appealed to the Office of Tax Appeals.

-- Changes the standard of proof from clear and convincing to a preponderance of the evidence.

§11-3-24b -- Board of Assessment Appeals (No longer exists)

-- Repealed

§11-3-25 –

-- Repealed

§11-10A-19 –

Modifies the statute to include provisions indicating that appeals of decisions of the Office of Tax Appeals regarding property tax matters may be made to Circuit Court.

-- Provides that the standard of proof on a property tax appeal is a preponderance of evidence.

-- Appeals from the Office of Tax Appeals to Circuit Court will be a de nova (evidentiary) hearing.

Jerry Knight  
Knight Consulting  
November, 2022

AGENDA REQUEST FORM

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

**NAME:** Lynn Fields

**DEPARTMENT OR ORGANIZATION:** Probate Office

**ESTIMATION OF TIME NEEDED FOR APPT.:** 5-10 minutes

**DATE REQUESTED: 1<sup>ST</sup> CHOICE** January 5<sup>th</sup>, 2023

**IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:**

**SUBJECT:** Quarterly Review of Accountings and Waivers

**PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:**

Approve accounts and waivers that have met all the requirements of the probate office and are ready to be closed, and approve new estates that have been opened since last quarterly review.

**RECOMMENDED MOTION:**

**ARE DOCUMENTS ATTACHED:** To Follow

**IS A PROJECTOR NEEDED?:** NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Bob Burner**

Department or Organization: **JCESA**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1<sup>st</sup> Choice: **Jan. 5, 2023**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

- 1. Provide monthly update to the JCC on the progress of the EMS transition**
- 2. Request reimbursement of \$8,189.84 for labor cost of the EMS Transition project for November, 2022.**
- 3. Request reimbursement of supply and equipment expenses for the EMS Transition for November, 2022.**

Please provide the County Commission with a description of your request or presentation, including any background information:

1. Monthly update on the progress of the EMS transition including completed tasks, upcoming tasks, and any challenges.
2. JCESA has incurred labor costs performing the work necessary for the EMS Transition. The work hours and associated costs were not anticipated in our FY23 budget allocation. We seek reimbursement for the cost of hours expended specifically for this project for times when employees were not on-duty as part of our existing mission. The bulk of the effort has been for elements of the transition that were not within HealthNet's proposed list of deliverables and would have been required of JCESA to perform - even if HealthNet was contracted. We are not requesting reimbursement for time expended by senior staff whose wages are already budgeted.
3. JCESA has incurred costs for supplies, equipment, and services necessary to prepare and maintain ambulances for operation. These costs were not considered in the development of our FY23 budget but set-aside by the JCC to be funded from the project ARPA: EMS System.

Is this a funding request? **Y/N YES**

If so, how much? **\$ 8,189.84 + \$17,563.26**

Provide exact financial impact/request:

**\$8,189.84 for labor reimbursement for November, 2022 and \$17563.26 for reimbursement of supply and equipment expenses for November, 2022.**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

- 1. Approve the reimbursement of \$8,189.84 to JCESA for the cost of labor expended on the EMS Transition During the month of November, 2022, to be funded from the ARPA: EMS System allocation.**
- 2. Approve the reimbursement of \$8,189.84 to JCESA for the cost of supplies, equipment, and services for the EMS Transition During the month of November, 2022, to be funded from the ARPA: EMS System allocation.**

Attach supporting documents for request, or request may be denied.

If not attached, explain: Documentation regarding supply & equipment was provided to JCC staff on 12/21. Documentation regarding labor reimbursement request is attached.

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address: **bburner@jcesa.org**

Phone Number: **304-728-3287**

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>
not applicable

# INVOICE

**DATE:** December 22, 2022  
**INVOICE #** 9901

**Jefferson County Commission**  
124 E. Washington Street  
Charles Town, WV 25414

Make all checks payable to Jefferson County Emergency Services Agency  
If you have any questions concerning this invoice,  
Contact Debbie Lancaster at 304-728-3287 or [dlancaster@jcesa.org](mailto:dlancaster@jcesa.org)

**THANK YOU FOR YOUR BUSINESS!**





PP End	Name	In	PayType	Hours	\$W	age	\$F	ICA	\$M	C	\$R	etire	\$W	C	M	edical	Dental	Vision	Life	ADD	STD	Total Shift Cost		
9/4/2022	Lyons, John	8/31/2022 9:00 R	egT	2	\$	81.45	\$	5.05	\$	1.18	\$	7.74	\$	4.81	\$	-	\$	-	\$	-	\$	-	\$	100.23
9/4/2022	Sine, Theodore	8/31/2022 14:05 R	eg	3	\$	77.37	\$	4.80	\$	1.12	\$	7.35	\$	4.57	\$	23.62	\$	0.44	\$	0.22	\$	0.43	\$	120.44
9/4/2022	Smith, Joshua	9/1/2022 5:55 R	eg	1.57	\$	33.58	\$	2.08	\$	0.49	\$	3.19	\$	1.98	\$	19.91	\$	0.91	\$	0.25	\$	0.86	\$	64.20
9/4/2022	Lyons, John	9/2/2022 10:00 R	egT	3.5	\$	142.54	\$	8.84	\$	2.07	\$	13.54	\$	8.41	\$	-	\$	-	\$	-	\$	-	\$	175.39
9/18/2022	Lyons, John	9/6/2022 9:00 R	egT	4	\$	162.90	\$	10.10	\$	2.36	\$	15.48	\$	9.62	\$	-	\$	-	\$	-	\$	-	\$	200.45
9/18/2022	Sine, Theodore	9/6/2022 9:05 R	eg	4	\$	103.16	\$	6.40	\$	1.50	\$	9.80	\$	6.09	\$	27.33	\$	0.51	\$	0.26	\$	0.50	\$	156.15
9/18/2022	Smith, Joshua	9/7/2022 15:30 R	egT	3	\$	96.26	\$	5.97	\$	1.40	\$	9.14	\$	5.68	\$	-	\$	-	\$	-	\$	-	\$	118.45
9/18/2022	Lyons, John	9/8/2022 12:30 R	egT	1.5	\$	61.09	\$	3.79	\$	0.89	\$	5.80	\$	3.61	\$	-	\$	-	\$	-	\$	-	\$	75.17
9/18/2022	Lyons, John	9/8/2022 15:30 R	eg	4	\$	108.60	\$	6.73	\$	1.57	\$	10.32	\$	6.41	\$	25.53	\$	0.47	\$	0.24	\$	0.47	\$	160.90
9/18/2022	Lyons, John	9/10/2022 8:30 R	eg	1.35	\$	36.66	\$	2.28	\$	0.53	\$	3.48	\$	2.16	\$	8.61	\$	0.15	\$	0.08	\$	0.16	\$	54.31
9/18/2022	Wilson, George	9/11/2022 14:00 R	eg	1	\$	26.16	\$	1.62	\$	0.38	\$	2.49	\$	1.54	\$	2.69	\$	0.12	\$	0.02	\$	0.12	\$	35.28
9/18/2022	Lyons, John	9/14/2022 12:00 R	eg	4.95	\$	134.40	\$	8.33	\$	1.95	\$	12.77	\$	7.93	\$	31.59	\$	0.58	\$	0.30	\$	0.58	\$	199.12
9/18/2022	Lyons, John	9/15/2022 5:45 R	egT	1	\$	40.73	\$	2.53	\$	0.59	\$	3.87	\$	2.40	\$	-	\$	-	\$	-	\$	-	\$	50.12
9/18/2022	Lyons, John	9/16/2022 8:00 R	eg	4	\$	108.60	\$	6.73	\$	1.57	\$	10.32	\$	6.41	\$	25.53	\$	0.47	\$	0.24	\$	0.47	\$	160.90
9/18/2022	Smith, Joshua	9/16/2022 11:46 R	egT	8.32	\$	266.95	\$	16.55	\$	3.87	\$	25.36	\$	15.75	\$	-	\$	-	\$	-	\$	-	\$	328.48
9/18/2022	Lyons, John	9/16/2022 17:30 R	eg	1	\$	27.15	\$	1.68	\$	0.39	\$	2.58	\$	1.60	\$	6.38	\$	0.12	\$	0.06	\$	0.12	\$	40.22
10/2/2022	Lyons, John	9/18/2022 9:00 R	eg	1.5	\$	41.51	\$	2.58	\$	0.60	\$	3.95	\$	2.45	\$	9.58	\$	0.18	\$	0.09	\$	0.18	\$	61.31
10/2/2022	Lyons, John	9/21/2022 9:30 R	eg	1.5	\$	41.51	\$	2.57	\$	0.60	\$	3.94	\$	2.45	\$	9.57	\$	0.17	\$	0.09	\$	0.18	\$	61.29
10/2/2022	Lyons, John	9/21/2022 16:30 R	eg	1.25	\$	34.59	\$	2.15	\$	0.50	\$	3.29	\$	2.04	\$	7.98	\$	0.15	\$	0.08	\$	0.15	\$	51.09
10/2/2022	Smith, Joshua	9/22/2022 18:50 R	eg	2.5	\$	53.48	\$	3.32	\$	0.78	\$	5.08	\$	3.16	\$	8.40	\$	0.38	\$	0.11	\$	0.36	\$	75.47
10/2/2022	Smith, Joshua	9/26/2022 8:39 R	eg	1.07	\$	22.89	\$	1.42	\$	0.33	\$	2.17	\$	1.35	\$	3.60	\$	0.16	\$	0.05	\$	0.16	\$	32.30
10/2/2022	Lyons, John	9/26/2022 8:45 R	eg	12	\$	332.04	\$	20.59	\$	4.81	\$	31.54	\$	19.59	\$	76.59	\$	1.40	\$	0.72	\$	1.41	\$	490.38
10/2/2022	Lyons, John	9/27/2022 8:00 R	eg	2.45	\$	67.80	\$	4.20	\$	0.98	\$	6.44	\$	4.00	\$	15.64	\$	0.29	\$	0.15	\$	0.29	\$	100.12
10/2/2022	Lyons, John	9/27/2022 8:00 R	egT	3	\$	124.52	\$	7.72	\$	1.81	\$	11.83	\$	7.35	\$	-	\$	-	\$	-	\$	-	\$	153.22
10/2/2022	Lyons, Christopher	9/27/2022 9:00 R	eg	2.25	\$	50.74	\$	3.15	\$	0.74	\$	4.82	\$	2.99	\$	16.45	\$	0.31	\$	0.16	\$	0.30	\$	80.00
10/2/2022	Fleming, Heath	9/27/2022 9:00 R	egT	2.28	\$	65.36	\$	4.05	\$	0.95	\$	6.21	\$	3.86	\$	-	\$	-	\$	-	\$	-	\$	80.43
10/2/2022	McLaughlin, Brittany	9/27/2022 9:02 R	eg	2.05	\$	51.41	\$	3.19	\$	0.75	\$	4.88	\$	3.03	\$	11.66	\$	0.31	\$	0.04	\$	0.30	\$	75.92
10/2/2022	Billings, Brice	9/27/2022 9:02 R	eg	2.33	\$	44.53	\$	2.76	\$	0.65	\$	4.23	\$	2.63	\$	8.51	\$	0.29	\$	0.13	\$	0.28	\$	64.27
10/2/2022	Viands, Gary	9/27/2022 9:05 R	eg	1.92	\$	46.06	\$	2.86	\$	0.67	\$	4.38	\$	2.72	\$	5.93	\$	0.27	\$	0.07	\$	0.26	\$	63.52
10/2/2022	Kain-Sisk, Carliegh	9/27/2022 9:11 R	eg	2.53	\$	46.02	\$	2.85	\$	0.67	\$	4.37	\$	2.72	\$	9.01	\$	0.39	\$	0.06	\$	0.39	\$	66.84
10/2/2022	Biller, Scott	9/27/2022 9:12 R	eg	1.8	\$	45.56	\$	2.82	\$	0.66	\$	4.33	\$	2.69	\$	8.80	\$	0.24	\$	0.07	\$	0.22	\$	65.66
10/2/2022	Dunn, Donald, Jr.	9/27/2022 9:13 R	egT	1.9	\$	72.13	\$	4.47	\$	1.05	\$	6.85	\$	4.26	\$	-	\$	-	\$	-	\$	-	\$	88.76
10/2/2022	Longerbeam, Trevor	9/27/2022 9:24 R	egT	1.85	\$	55.06	\$	3.41	\$	0.80	\$	5.23	\$	3.25	\$	-	\$	-	\$	-	\$	-	\$	67.75
10/2/2022	Lyons, John	9/28/2022 9:00 R	egT	9	\$	373.55	\$	23.16	\$	5.42	\$	35.49	\$	22.04	\$	-	\$	-	\$	-	\$	-	\$	459.66
10/2/2022	Carroll, Brandon	9/28/2022 9:00 R	egT	0.75	\$	23.18	\$	1.44	\$	0.34	\$	2.20	\$	1.37	\$	-	\$	-	\$	-	\$	-	\$	28.53
10/2/2022	Lesko, Ryan	9/28/2022 9:00 R	egT	0.75	\$	28.38	\$	1.76	\$	0.41	\$	2.70	\$	1.67	\$	-	\$	-	\$	-	\$	-	\$	34.92
10/2/2022	Minnick, Matthew	9/28/2022 9:00 R	egT	0.75	\$	22.32	\$	1.38	\$	0.32	\$	2.12	\$	1.32	\$	-	\$	-	\$	-	\$	-	\$	27.46
10/2/2022	Tabor, Johanna	9/28/2022 9:00 R	eg	0.75	\$	14.25	\$	0.88	\$	0.21	\$	1.35	\$	0.84	\$	2.38	\$	0.10	\$	0.02	\$	0.10	\$	20.23
10/2/2022	Rice, Amanda	9/28/2022 9:00 R	egT	0.75	\$	20.46	\$	1.27	\$	0.30	\$	1.94	\$	1.21	\$	-	\$	-	\$	-	\$	-	\$	25.18
10/2/2022	Lyons, John	9/29/2022 8:00 R	egT	7	\$	290.54	\$	18.01	\$	4.21	\$	27.60	\$	17.15	\$	-	\$	-	\$	-	\$	-	\$	357.51
10/2/2022	Smith, Joshua	9/29/2022 13:59 R	eg	2.92	\$	62.46	\$	3.87	\$	0.91	\$	5.93	\$	3.69	\$	9.82	\$	0.45	\$	0.12	\$	0.42	\$	88.14
10/2/2022	Smith, Joshua	10/1/2022 19:47 R	eg	1.3	\$	27.81	\$	1.72	\$	0.40	\$	2.64	\$	1.64	\$	3.86	\$	0.18	\$	0.05	\$	0.17	\$	38.66
10/16/2022	Sine, Theodore	10/3/2022 13:25 R	eg	3.5	\$	90.27	\$	5.60	\$	1.31	\$	8.58	\$	5.33	\$	20.87	\$	0.39	\$	0.20	\$	0.38	\$	133.39
10/16/2022	Sine, Theodore	10/4/2022 8:00 R	eg	5.52	\$	142.36	\$	8.83	\$	2.06	\$	13.52	\$	8.40	\$	32.91	\$	0.62	\$	0.31	\$	0.60	\$	210.34
10/16/2022	Lyons, John	10/4/2022 9:00 R	eg	2.7	\$	74.71	\$	4.63	\$	1.08	\$	7.10	\$	4.41	\$	14.89	\$	0.27	\$	0.14	\$	0.27	\$	107.84
10/16/2022	Lyons, John	10/5/2022 8:00 R	eg	4	\$	110.68	\$	6.86	\$	1.60	\$	10.51	\$	6.53	\$	22.06	\$	0.40	\$	0.21	\$	0.40	\$	159.73

10/16/2022 Smith, Joshua	10/5/2022 8:39 Reg	4.13	\$	88.34	\$	5.48	\$	1.28	\$	8.39	\$	5.21	\$	12.27	\$	0.56	\$	0.15	\$	0.53	\$	0.08	\$	0.50	\$	122.79
10/16/2022 Lyons, John	10/6/2022 12:00 Reg	5.5	\$	152.19	\$	9.44	\$	2.21	\$	14.46	\$	8.98	\$	30.33	\$	0.55	\$	0.29	\$	0.56	\$	0.09	\$	0.58	\$	219.68
10/16/2022 Smith, Joshua	10/6/2022 15:00 Reg	3.58	\$	76.58	\$	4.75	\$	1.11	\$	7.28	\$	4.52	\$	10.63	\$	0.49	\$	0.13	\$	0.46	\$	0.07	\$	0.43	\$	106.45
10/16/2022 Sine, Theodore	10/7/2022 8:26 Reg	4.57	\$	117.86	\$	7.31	\$	1.71	\$	11.20	\$	6.96	\$	27.24	\$	0.51	\$	0.26	\$	0.50	\$	0.08	\$	0.52	\$	174.15
10/16/2022 Biller, Andrew	10/7/2022 8:59 Reg OT	3.5	\$	102.27	\$	6.34	\$	1.48	\$	9.72	\$	6.04	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	125.85
10/16/2022 Lyons, John	10/11/2022 8:00 Reg	4	\$	110.68	\$	6.86	\$	1.61	\$	10.52	\$	6.53	\$	22.06	\$	0.41	\$	0.21	\$	0.41	\$	0.07	\$	0.42	\$	159.75
10/16/2022 Sine, Theodore	10/12/2022 13:50 Reg	3	\$	77.37	\$	4.80	\$	1.12	\$	7.35	\$	4.57	\$	17.88	\$	0.33	\$	0.17	\$	0.33	\$	0.05	\$	0.34	\$	114.31
10/16/2022 Smith, Joshua	10/13/2022 6:53 Reg	1.12	\$	23.96	\$	1.49	\$	0.35	\$	2.28	\$	1.41	\$	3.33	\$	0.15	\$	0.04	\$	0.14	\$	0.02	\$	0.13	\$	33.30
10/16/2022 Biller, Andrew	10/13/2022 12:09 Reg OT	3.43	\$	100.22	\$	6.21	\$	1.45	\$	9.52	\$	5.91	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	123.31
10/16/2022 Smith, Joshua	10/14/2022 10:19 Reg	4.32	\$	92.40	\$	5.73	\$	1.34	\$	8.78	\$	5.45	\$	12.83	\$	0.59	\$	0.16	\$	0.55	\$	0.09	\$	0.52	\$	128.44
10/16/2022 Lyons, John	10/14/2022 13:00 Reg	2.5	\$	69.18	\$	4.29	\$	1.01	\$	6.57	\$	4.08	\$	13.79	\$	0.25	\$	0.13	\$	0.26	\$	0.04	\$	0.27	\$	99.85
10/16/2022 Smith, Joshua	10/14/2022 13:00 Reg	6.1	\$	130.48	\$	8.09	\$	1.89	\$	12.40	\$	7.70	\$	18.12	\$	0.83	\$	0.23	\$	0.78	\$	0.12	\$	0.73	\$	181.37
10/16/2022 Lyons, John	10/15/2022 7:30 Reg	4.2	\$	116.21	\$	7.20	\$	1.69	\$	11.04	\$	6.86	\$	23.16	\$	0.42	\$	0.22	\$	0.43	\$	0.07	\$	0.44	\$	167.74
10/30/2022 Lyons, John	10/18/2022 8:00 Reg OT	4	\$	166.02	\$	10.29	\$	2.41	\$	15.77	\$	9.80	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	204.29
10/30/2022 Carroll, Brandon	10/18/2022 8:00 Reg	4	\$	82.40	\$	5.11	\$	1.19	\$	7.83	\$	4.86	\$	9.35	\$	0.40	\$	0.06	\$	0.40	\$	0.06	\$	0.36	\$	112.02
10/30/2022 Minnick, Matthew	10/18/2022 8:00 Reg OT	3	\$	89.28	\$	5.54	\$	1.29	\$	8.48	\$	5.27	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	109.86
10/30/2022 Tabor, Johanna	10/18/2022 8:56 Reg	2.95	\$	56.05	\$	3.48	\$	0.81	\$	5.32	\$	3.31	\$	9.96	\$	0.43	\$	0.06	\$	0.43	\$	0.07	\$	0.34	\$	80.26
10/30/2022 Smith, Joshua	10/19/2022 8:22 Reg	3.57	\$	77.79	\$	4.82	\$	1.13	\$	7.39	\$	4.59	\$	10.60	\$	0.48	\$	0.13	\$	0.46	\$	0.07	\$	0.43	\$	107.89
10/30/2022 Lyons, John	10/20/2022 6:00 Reg OT	9.8	\$	406.75	\$	25.22	\$	5.90	\$	38.64	\$	24.00	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	500.51
10/30/2022 Smith, Joshua	10/20/2022 18:35 Reg	1.5	\$	32.69	\$	2.03	\$	0.47	\$	3.11	\$	1.93	\$	4.45	\$	0.20	\$	0.06	\$	0.19	\$	0.03	\$	0.18	\$	45.34
10/30/2022 Smith, Joshua	10/21/2022 7:39 Reg	11.45	\$	249.50	\$	15.47	\$	3.62	\$	23.70	\$	14.72	\$	34.01	\$	1.55	\$	0.43	\$	1.47	\$	0.23	\$	1.38	\$	346.08
10/30/2022 Tabor, Johanna	10/21/2022 9:45 Reg	3.78	\$	71.82	\$	4.45	\$	1.04	\$	6.82	\$	4.24	\$	12.77	\$	0.55	\$	0.08	\$	0.55	\$	0.09	\$	0.44	\$	102.85
10/30/2022 Megeath, Leah	10/21/2022 10:14 Reg OT	7.38	\$	197.71	\$	12.26	\$	2.87	\$	-	\$	11.67	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	224.51
10/30/2022 Tabor, Johanna	10/21/2022 15:38 Reg	1.18	\$	22.42	\$	1.39	\$	0.33	\$	2.13	\$	1.32	\$	3.99	\$	0.17	\$	0.03	\$	0.17	\$	0.03	\$	0.14	\$	32.12
10/30/2022 Lyons, John	10/23/2022 13:00 Reg OT	4	\$	166.02	\$	10.30	\$	2.41	\$	15.78	\$	9.80	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	204.30
10/30/2022 Smith, Joshua	10/23/2022 14:58 Reg	1.27	\$	27.67	\$	1.72	\$	0.40	\$	2.63	\$	1.63	\$	3.77	\$	0.17	\$	0.05	\$	0.16	\$	0.03	\$	0.15	\$	38.38
10/30/2022 Tabor, Johanna	10/24/2022 7:56 Reg	7.97	\$	151.43	\$	9.39	\$	2.20	\$	14.39	\$	8.94	\$	26.92	\$	1.16	\$	0.17	\$	1.16	\$	0.18	\$	0.93	\$	216.87
10/30/2022 Biller, Andrew	10/24/2022 11:31 Reg OT	5.08	\$	148.44	\$	9.20	\$	2.15	\$	14.10	\$	8.76	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	182.65
10/30/2022 Tabor, Johanna	10/25/2022 7:58 Reg	7.72	\$	146.68	\$	9.09	\$	2.13	\$	13.93	\$	8.66	\$	26.07	\$	1.12	\$	0.16	\$	1.13	\$	0.18	\$	0.90	\$	210.05
10/30/2022 Biller, Andrew	10/25/2022 8:11 Reg	4.608	\$	89.77	\$	5.57	\$	1.30	\$	8.53	\$	5.30	\$	16.45	\$	0.53	\$	0.08	\$	0.54	\$	0.08	\$	0.45	\$	128.59
10/30/2022 Megeath, Leah	10/25/2022 9:31 Reg OT	4.67	\$	125.11	\$	7.76	\$	1.81	\$	-	\$	7.38	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	142.06
10/30/2022 Wilson, George	10/25/2022 9:48 Reg OT	2.77	\$	108.69	\$	6.74	\$	1.58	\$	10.33	\$	6.41	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	133.75
10/30/2022 Longerbeam, Trevor	10/25/2022 9:59 Reg OT	4.02	\$	119.64	\$	7.42	\$	1.73	\$	11.37	\$	7.06	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	147.22
10/30/2022 Lyons, John	10/26/2022 8:00 Reg	10.8	\$	298.84	\$	18.53	\$	4.33	\$	28.39	\$	17.63	\$	59.55	\$	1.09	\$	0.56	\$	1.09	\$	0.17	\$	1.14	\$	431.32
10/30/2022 Tabor, Johanna	10/26/2022 8:38 Reg	7.73	\$	146.87	\$	9.11	\$	2.13	\$	13.95	\$	8.67	\$	26.11	\$	1.12	\$	0.16	\$	1.13	\$	0.18	\$	0.90	\$	210.33
10/30/2022 Sine, Theodore	10/26/2022 9:00 Reg	8	\$	206.32	\$	12.79	\$	2.99	\$	19.60	\$	12.18	\$	47.69	\$	0.89	\$	0.45	\$	0.88	\$	0.14	\$	0.91	\$	304.84
10/30/2022 Carroll, Brandon	10/26/2022 13:15 Reg	3.08	\$	63.45	\$	3.93	\$	0.92	\$	6.03	\$	3.74	\$	7.20	\$	0.31	\$	0.05	\$	0.31	\$	0.05	\$	0.28	\$	86.27
10/30/2022 Lyons, John	10/27/2022 7:30 Reg OT	4	\$	166.02	\$	10.29	\$	2.41	\$	15.77	\$	9.80	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	204.29
10/30/2022 Sine, Theodore	10/27/2022 10:00 Reg	8.52	\$	219.73	\$	13.62	\$	3.19	\$	20.87	\$	12.97	\$	50.79	\$	0.95	\$	0.48	\$	0.93	\$	0.15	\$	0.97	\$	324.65
10/30/2022 Tabor, Johanna	10/27/2022 11:26 Reg	5.57	\$	105.83	\$	6.56	\$	1.53	\$	10.05	\$	6.25	\$	18.81	\$	0.81	\$	0.12	\$	0.81	\$	0.13	\$	0.65	\$	151.55
10/30/2022 Carroll, Brandon	10/27/2022 12:35 Reg	5.5	\$	113.30	\$	7.02	\$	1.64	\$	10.76	\$	6.69	\$	12.85	\$	0.55	\$	0.08	\$	0.56	\$	0.09	\$	0.49	\$	154.03
10/30/2022 Lyons, John	10/28/2022 7:30 Reg	3.15	\$	87.16	\$	5.40	\$	1.27	\$	8.28	\$	5.15	\$	17.37	\$	0.32	\$	0.16	\$	0.32	\$	0.05	\$	0.34	\$	125.81
10/30/2022 Lyons, John	10/28/2022 7:30 Reg OT	2.25	\$	93.38	\$	5.79	\$	1.35	\$	8.87	\$	5.51	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	114.90
10/30/2022 Tabor, Johanna	10/28/2022 8:40 Reg	7.38	\$	140.22	\$	8.69	\$	2.03	\$	13.32	\$	8.27	\$	24.93	\$	1.07	\$	0.16	\$	1.08	\$	0.17	\$	0.86	\$	200.80
		342.708	\$	9,418.50	\$	583.95	\$	136.57	\$	864.08	\$	555.83	\$	1,084.96	\$	29.66	\$	10.05	\$	29.23	\$	4.64	\$	27.64	\$	12,745.09







Name: **Nathan Cochran**

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **January 5, 2022**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice: **January 19, 2022**

Subject (*Wording to be placed on agenda*):

- a. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103 and 2022-C-141 and WV Supreme Court No.'s 21-0727, 21-0728, and 21- 0731.
- b. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation) and related matters.

Is this a funding request? **No**

If so, how much? **N/A**

Provide exact financial impact/request:

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector    **N**      Internet/Wi Fi    **N**      Telephone for conference call    **N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

*not applicable*



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jennifer Krouse, Commissioner

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice:

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

1. Discussion and consideration of potential action on drafting a letter of no confidence in the current Jefferson County Board of Education
2. Discussion and consideration of potential action on opening sessions of the Jefferson County Commission with a prayer

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector    Y/N      Internet/Wi Fi    Y/N      Telephone for conference call    Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



Wednesday, December 14, 2022

To the Jefferson County Board of Education,

Today, Jefferson High School's Faculty Senate passed a vote of "no confidence" in Jefferson County Board of Education members Laurie Ogden, Mark Osbourn, and Kathy Skinner for their approval of policy change in semester exam grade weights on Monday, December 12. We do so for the following reasons:

- The vote disrespected the daily work that teachers do, as well as the educational experience of Jefferson County high school students.
- The action appears to be in violation of board bylaws "1.12 Policy Development and Change" that state "substantial change" must be put out for public review. Board members voted on a change in semester exam grade weights (3 percent) that was substantially different from the proposed weight (10 percent) that was put out for public review on Monday, Nov. 28. We are also notifying the West Virginia State Board of Education and the Jefferson County Commission of this concern.
- Lack of best practices in creating a coherent academic experience, as such decisions need to be made before an academic year begins, not days before semester exams are set to be administered.
- Dismissing professional feedback from high school administrators and faculty representatives and relying on comments from a relatively small proportion of the general public.

In closing, we wish to call out the lack of professional respect of said board members. Decisions about exams and grade weights can be debates on their own, but the timing, manner and message sent by the decision on Monday were all unacceptable.

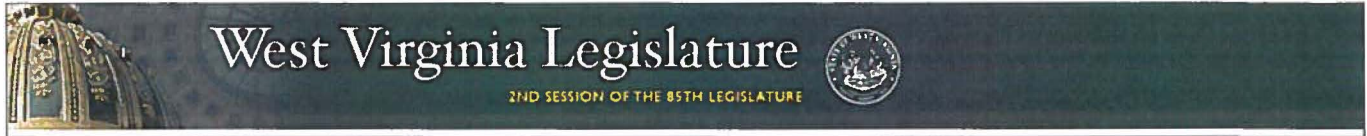
Sincerely,

Michael W. Janney  
President

On Behalf of  
Jefferson High School Faculty Senate







## RULES OF THE HOUSE OF DELEGATES

### Election and Duties of Officers

#### Officers and Their Compensation

1. The House, at the commencement of each Legislature, shall elect a Speaker, Clerk, Sergeant at Arms, and Doorkeeper. All officers, except the Speaker, shall receive such compensation as the House may determine.

#### Vote to be by Roll Call

2. In the election of officers by the House, the vote shall be given by calling of the roll, and a majority of the whole number of votes given, a quorum being present, shall be necessary to elect. If, upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the counting to affect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again. If there is only one nominee, the vote may be done by acclamation. No question before the House, or in committee of the whole, shall be voted on by ballot. (HR1, Reg. Sess., 2019; HR1, Reg. Sess., 2021)

**Effect of the 2019 Amendment.** Required the election of officers be by roll call instead of *vive voce*.

**Effect of the 2021 amendment.** Clarified that the election of officers is to be done verbally.

### Duties and Rights of the Speaker

#### Call to Order

3. The Speaker shall take the chair on each legislative day at the hour to which the House shall have adjourned; call the members to order and, after prayer and the Pledge of Allegiance, if a quorum is present, proceed to the order of business. (HR21, Reg. Sess., 1985; HR1, Reg. Sess., 2017)

**Effect of 1985 amendment.** The Pledge of Allegiance was added to the Call to Order.

**Effect of 2017 amendment.** Deleted the word "precisely" following the words "each legislative day"; and deleted the words "shall immediately" preceding the words "call the members".

#### Preservation of Order

4. The Speaker shall preserve order and decorum while the House is in session; enforce the rules and orders of the House; prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; announce the question of business before the House when properly requested by any member; receive all messages and communications; put to vote all questions which are properly moved; announce the result of all votes and authenticate, when necessary, the acts and proceedings of the House.

#### Decorum in Debate

5. In debate, the Speaker shall prevent personal reflections and confine members to the question under discussion, but he shall not engage in any debate, or propose his opinion on any question without first calling some other member to the chair, except as otherwise provided by these rules or other rules applicable to the proceedings of the House. When two or more members seek recognition at the same time, he shall name the one entitled to the floor. (HR1, Reg. Sess., 2019)

**Effect of the 2019 amendment.** Added the phrase "except as otherwise provided by these rules or other rules applicable to the proceedings of the House" at the end of the first sentence and changed "arise" to "seek recognition"



*Thursday*

MADISON

*June 28*

for equality of votes among the States is that the States as such being equal, and being represented not as districts of individuals, but in their political & corporate capacities, are entitled to an equality of suffrage. According to this mode of reasoning the representation of the burroughs in Engld which has been allowed on all hands to be the rotten part of the Constitution, is perfectly right & proper. They are like the States represented in their corporate capacity like the States therefore they are entitled to equal voices, old Sarum to as many as London. And instead of the injury supposed hitherto to be done to London, the true ground of complaint lies with old Sarum; for London instead of two which is her proper share, sends four representatives to Parliament.

Mr. Sherman. The question is not what rights naturally belong to men; but how they may be most equally & effectually<sup>10</sup> guarded in Society. And if some give up more than others in order to obtain this end, there can be (no) room for complaint. To do otherwise, to require an equal concession from all, if it would create danger to the rights of some, would be sacrificing the end to the means. The rich man who enters into Society along with the poor man, gives up more than the poor man. yet with an equal vote he is equally safe. Were he to have more votes than the poor man in proportion to his superior stake, the rights of the poor man would immediately cease to be secure. This consideration prevailed when the articles of confederation were formed.

(The determination of the question from striking out the word "not" was put off till to morrow at the request of the Deputies of N. York.)<sup>11</sup>

[Dr. Franklin.]<sup>12</sup>

Mr. President

The small progress we have made after 4 or five weeks close

<sup>10</sup> Crossed out "best".

<sup>11</sup> Taken from *Journal*.

<sup>12</sup> Madison originally made an abstract of Franklin's speech in about 200 words. This was later stricken out — and this note made: "see opposite page & insert the speech of Doctr F in this place." On the opposite page under the heading "June 28, in convention" is the speech which is here given — but without Franklin's name.

Among the Franklin Papers in the Library of Congress is a copy of this speech differing hardly at all from the text except in more frequent use of capitals.

Thursday

MADISON

June 28

attendance & continual reasonings with each other — our different sentiments on almost every question, several of the last producing as many noes as ays, is methinks a melancholy proof of the imperfection of the Human Understanding. We indeed seem to feel<sup>18</sup> our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of Government, and examined the different forms of those Republics which having been formed with the seeds of their own dissolution now no longer exist. And we have viewed Modern States all round Europe, but find none of their Constitutions suitable to our circumstances.

In this situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, Sir, that we have not hitherto once thought of humbly applying to the Father of lights to illuminate our understandings? In the beginning of the Contest with G. Britain, when we were sensible of danger we had daily prayer in this room for the divine protection.—Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need his assistance? I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth — *that God*<sup>19</sup> *governs in the affairs of men.* And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings, that “except the Lord build the House they labour in vain that build it.” I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little

<sup>18</sup> “feel” is underscored in Franklin MS.

<sup>19</sup> “God” twice underscored in Franklin MS.

*Thursday*

MADISON

*June 28*

partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. And what is worse, mankind may hereafter from this unfortunate instance, despair of establishing Governments by Human Wisdom and leave it to chance, war and conquest.

I therefore beg leave to move — that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the Clergy of this City be requested to officiate in that service —

Mr. Sharman seconded the motion.

Mr. Hamilton & several others expressed their apprehensions that however proper such a resolution might have been at the beginning of the convention, it might at this late day, 1. bring on it some disagreeable animadversions. & 2. lead the public to believe that the cmbarrassments and dissensions within the convention, had suggested this measure. It was answered by Docr. F. Mr. Sherman & others, that the past omission of a duty could not justify a further omission — that the rejection of such a proposition would expose the Convention to more unpleasant animadversions than the adoption of it: and that the alarm out of doors that might be excited for the state of things within. would at least be as likely to do good as ill.

Mr. Williamson, observed that the true cause of the omission could not be mistaken. The Convention had no funds.

Mr. Randolph proposed in order to give a favorable aspect to ye. measure, that a sermon be preached at the request of the convention on 4th of July, the anniversary of Independence, — & thenceforward prayers be used in ye Convention every morning. Dr. Frankn. 2ded. this motion After several unsuccessful attempts for silently postponing the matter by adjourng. the adjournment was at length carried, without any vote on the motion.<sup>15</sup>

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<sup>15</sup> In the Franklin MS. the following note is added: — “The Convention, except three or four persons, thought Prayers unnecessary.” A distorted account of this incident is given in Appendix A, CCCLV; see also CXCV, CCCLXVII, CCCLXXIX and CCCXCIII.



## Town of Greece v. Galloway, 572 U.S. 565 (2014)

### Justia Opinion Summary and Annotations

Since 1999, Greece, New York has opened monthly town board meetings with a roll call, recitation of the Pledge of Allegiance, and a prayer by a local clergy member. While the prayer program is open to all creeds, nearly all local congregations are Christian. Citizens alleged violation of the First Amendment's Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers and sought to limit the town to "inclusive and ecumenical" prayers that referred only to a "generic God." The district court entered summary judgment upholding the prayer practice. The Second Circuit reversed, holding that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that the town endorsed Christianity. A divided Supreme Court reversed, upholding the town's practice. Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. Most states have also had a practice of legislative prayer and there is historical precedent for opening local legislative meetings with prayer. Any test of such a practice must acknowledge that it was accepted by the Framers and has withstood the scrutiny of time and political change. The inquiry is whether the town of Greece's practice fits within that tradition. To hold that invocations must be nonsectarian would force legislatures sponsoring prayers and courts deciding these cases to act as censors of religious speech, thus involving government in religious matters to a greater degree than under the town's current practice of neither editing nor approving prayers in advance nor criticizing their content after the fact. It is doubtful that consensus could be reached as to what qualifies as a generic or nonsectarian prayer. The First Amendment is not a "majority rule" and government may not seek to define permissible categories of religious speech. The relevant



constraint derives from the prayer’s place at the opening of legislative sessions, where it is meant to lend gravity and reflect values long part of the Nation’s heritage. Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based only on the content of a particular prayer will not likely establish a constitutional violation. If the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers to achieve religious balance.

## Annotation

### Primary Holding

It is constitutional for a town council to hold a sectarian prayer at the start of a meeting.

<u>Syllabus</u>	<b><u>Syllabus</u></b>	<u>Opinion</u>	<u>Concurrence (Alito)</u>
<u>Concurrence (Thomas)</u>		<u>Dissent (Breyer)</u>	<u>Dissent (Kagan)</u>

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U.S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

### Syllabus

TOWN OF GREECE, NEW YORK *v.* GALLOWAY et al.

certiorari to the united states court of appeals for the second circuit

No. 12–696. Argued November 6, 2013—Decided May 5, 2014

Since 1999, the monthly town board meetings in Greece, New York, have opened with a roll call, a recitation of the Pledge of Allegiance, and a prayer given by clergy selected from the congregations listed in a local directory. While the prayer program is open to all creeds, nearly all of the local congregations are Christian; thus, nearly all of the participating prayer givers have been too. Respondents, citizens who attend meetings to speak on local issues, filed suit, alleging that the town violated the First Amendment’s Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers. They sought to limit the town to “inclusive and ecumenical” prayers that referred only to a “generic God.” The District Court upheld the prayer practice on summary judgment, finding no impermissible preference for Christianity; concluding that the Christian identity of most of the prayer givers reflected the predominantly Christian character of the town’s congregations, not an official policy or practice of discriminating against minority faiths; finding that the First Amendment did not require Greece to invite clergy from congregations beyond its borders to achieve religious diversity; and rejecting the theory that legislative prayer must be nonsectarian. The Second Circuit reversed, holding that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that Greece was endorsing Christianity.

*Held:* The judgment is reversed.

681 F.3d 20, reversed.

Justice Kennedy delivered the opinion of the Court, except as to Part II–B, concluding that the town’s prayer practice does not violate the Establishment Clause. Pp. 6–18.

(a) Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. *Marsh v. Chambers*, 463 U.S. 783, 792. In *Marsh*, the Court concluded that it was not necessary to define the Establishment Clause's precise boundary in order to uphold Nebraska's practice of employing a legislative chaplain because history supported the conclusion that the specific practice was permitted. The First Congress voted to appoint and pay official chaplains shortly after approving language for the First Amendment, and both Houses have maintained the office virtually uninterrupted since then. See *id.*, at 787–789, and n. 10. A majority of the States have also had a consistent practice of legislative prayer. *Id.*, at 788–790, and n. 11. There is historical precedent for the practice of opening local legislative meetings with prayer as well. *Marsh* teaches that the Establishment Clause must be interpreted “by reference to historical practices and understandings.” *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U.S. 573, 670 (opinion of Kennedy, J.). Thus, any test must acknowledge a practice that was accepted by the Framers and has withstood the critical scrutiny of time and political change. The Court's inquiry, then, must be to determine whether the prayer practice in the town of Greece fits within the tradition long followed in Congress and the state legislatures. Pp. 6–9.

(b) Respondents' insistence on nonsectarian prayer is not consistent with this tradition. The prayers in *Marsh* were consistent with the First Amendment not because they espoused only a generic theism but because the Nation's history and tradition have shown that prayer in this limited context could “coexis[t] with the principles of disestablishment and religious freedom.” 463 U. S., at 786. Dictum in *County of Allegheny* suggesting that *Marsh* permitted only prayer with no overtly Christian references is irreconcilable with the facts, holding, and reasoning of *Marsh*, which instructed that the “content of the prayer is not of concern to judges,” provided “there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” 463 U. S., at 794–795. To hold that invocations must be nonsectarian would force the legislatures sponsoring prayers and the courts deciding these cases to act as supervisors and censors of religious speech, thus involving government in religious matters to a far greater degree than is the case under the town's current practice of neither editing nor approving prayers in advance nor criticizing their content after the fact. Respondents' contrary arguments are unpersuasive. It is doubtful that consensus could be reached as to what qualifies as a generic or nonsectarian prayer. It would also be unwise to conclude that only those religious words acceptable to the majority are permissible, for the First Amendment is not a majority rule and government may not seek to define permissible categories of religious speech. In rejecting the suggestion that legislative prayer must be

nonsectarian, the Court does not imply that no constraints remain on its content. The relevant constraint derives from the prayer's place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation's heritage. From the Nation's earliest days, invocations have been addressed to assemblies comprising many different creeds, striving for the idea that people of many faiths may be united in a community of tolerance and devotion, even if they disagree as to religious doctrine. The prayers delivered in Greece do not fall outside this tradition. They may have invoked, *e.g.*, the name of Jesus, but they also invoked universal themes, *e.g.*, by calling for a "spirit of cooperation." Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a particular prayer will not likely establish a constitutional violation. See 463 U. S., at 794–795. Finally, so long as the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers in an effort to achieve religious balancing. Pp. 9–18.

Justice Kennedy, joined by The Chief Justice and Justice Alito, concluded in Part II–B that a fact-sensitive inquiry that considers both the setting in which the prayer arises and the audience to whom it is directed shows that the town is not coercing its citizens to engage in a religious observance. The prayer opportunity is evaluated against the backdrop of a historical practice showing that prayer has become part of the Nation's heritage and tradition. It is presumed that the reasonable observer is acquainted with this tradition and understands that its purposes are to lend gravity to public proceedings and to acknowledge the place religion holds in the lives of many private citizens. Furthermore, the principal audience for these invocations is not the public, but the lawmakers themselves. And those lawmakers did not direct the public to participate, single out dissidents for opprobrium, or indicate that their decisions might be influenced by a person's acquiescence in the prayer opportunity. Respondents claim that the prayers gave them offense and made them feel excluded and disrespected, but offense does not equate to coercion. In contrast to *Lee v. Weisman*, 505 U.S. 577, where the Court found coercive a religious invocation at a high school graduation, *id.*, at 592–594, the record here does not suggest that citizens are dissuaded from leaving the meeting room during the prayer, arriving late, or making a later protest. That the prayer in Greece is delivered during the opening ceremonial portion of the town's meeting, not the policymaking portion, also suggests that its purpose and effect are to acknowledge religious leaders and their institutions, not to exclude or coerce nonbelievers. Pp. 18–23.

Justice Thomas, joined by Justice Scalia as to Part II, agreed that the town's prayer practice does not violate the Establishment Clause, but concluded that, even if the Establishment Clause were properly incorporated against the States through the Fourteenth Amendment.

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the Clause is not violated by the kind of subtle pressures respondents allegedly suffered, which do not amount to actual legal coercion. The municipal prayers in this case bear no resemblance to the coercive state establishments that existed at the founding, which exercised government power in order to exact financial support of the church, compel religious observance, or control religious doctrine. Pp. 1–8.

Kennedy, J., delivered the opinion of the Court, except as to Part II–B. Roberts, C. J., and Alito, J., joined the opinion in full, and Scalia and Thomas, JJ., joined except as to Part II–B. Alito, J., filed a concurring opinion, in which Scalia, J., joined. Thomas, J., filed an opinion concurring in part and concurring in the judgment, in which Scalia, J., joined as to Part II. Breyer, J., filed a dissenting opinion. Kagan, J., filed a dissenting opinion, in which Ginsburg, Breyer, and Sotomayor, JJ., joined.

Oral Argument - November 06, 2013

Opinion Announcement - May 05, 2014

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## Town of Greece v. Galloway, 572 U.S. 565 (2014)

### Justia Opinion Summary and Annotations

Since 1999, Greece, New York has opened monthly town board meetings with a roll call, recitation of the Pledge of Allegiance, and a prayer by a local clergy member. While the prayer program is open to all creeds, nearly all local congregations are Christian. Citizens alleged violation of the First Amendment's Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers and sought to limit the town to "inclusive and ecumenical" prayers that referred only to a "generic God." The district court entered summary judgment upholding the prayer practice. The Second Circuit reversed, holding that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that the town endorsed Christianity. A divided Supreme Court reversed, upholding the town's practice. Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. Most states have also had a practice of legislative prayer and there is historical precedent for opening local legislative meetings with prayer. Any test of such a practice must acknowledge that it was accepted by the Framers and has withstood the scrutiny of time and political change. The inquiry is whether the town of Greece's practice fits within that tradition. To hold that invocations must be nonsectarian would force legislatures sponsoring prayers and courts deciding these cases to act as censors of religious speech, thus involving government in religious matters to a greater degree than under the town's current practice of neither editing nor approving prayers in advance nor criticizing their content after the fact. It is doubtful that consensus could be reached as to what qualifies as a generic or nonsectarian prayer. The First Amendment is not a "majority rule" and government may not seek to define permissible categories of religious speech. The relevant constraint derives from the prayer's place at the opening of legislative sessions, where it is meant to lend gravity and reflect values long part of the Nation's heritage. Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government

purpose, a challenge based only on the content of a particular prayer will not likely establish a constitutional violation. If the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers to achieve religious balance.

## Annotation

### Primary Holding

It is constitutional for a town council to hold a sectarian prayer at the start of a meeting.

<u>Syllabus</u>	<u>Syllabus</u>	<b><u>Opinion</u></b>	<u>Concurrence (Alito)</u>
<u>Concurrence (Thomas)</u>	<u>Dissent (Breyer)</u>	<u>Dissent (Kagan)</u>	

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SUPREME COURT OF THE UNITED STATES

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No. 12–696

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TOWN OF GREECE, NEW YORK, PETITIONER v. SUSAN GALLOWAY et al.

on writ of certiorari to the united states court of appeals for the second circuit

[May 5, 2014]

Justice Kennedy delivered the opinion of the Court, except as to Part II–B.[1]\*

The Court must decide whether the town of Greece, New York, imposes an impermissible establishment of religion by opening its monthly board meetings with a prayer. It must be concluded, consistent with the Court’s opinion in *Marsh v. Chambers*, 463 U. S. 783 (1983) , that no violation of the Constitution has been shown.

I

Greece, a town with a population of 94,000, is in upstate New York. For some years, it began its monthly town board meetings with a moment of silence. In 1999, the newly elected town supervisor, John Auberger, decided to replicate the prayer practice he had found meaningful while serving in the county legislature. Following the roll call and recitation of the Pledge of Allegiance, Auberger would invite a local clergyman to the front of the room to deliver an invocation. After the prayer, Auberger would thank the minister for serving as the board’s “chaplain for the month” and present him with a commemorative plaque. The prayer was intended to place town board members in a solemn and deliberative frame of mind, invoke divine guidance in town affairs, and follow a tradition practiced by Congress and dozens of state legislatures. App. 22a–25a.

The town followed an informal method for selecting prayer givers, all of whom were



unpaid volunteers. A town employee would call the congregations listed in a local directory until she found a minister available for that month's meeting. The town eventually compiled a list of willing "board chaplains" who had accepted invitations and agreed to return in the future. The town at no point excluded or denied an opportunity to a would-be prayer giver. Its leaders maintained that a minister or layperson of any persuasion, including an atheist, could give the invocation. But nearly all of the congregations in town were Christian; and from 1999 to 2007, all of the participating ministers were too.

Greece neither reviewed the prayers in advance of the meetings nor provided guidance as to their tone or content, in the belief that exercising any degree of control over the prayers would infringe both the free exercise and speech rights of the ministers. *Id.*, at 22a. The town instead left the guest clergy free to compose their own devotions. The resulting prayers often sounded both civic and religious themes. Typical were invocations that asked the divinity to abide at the meeting and bestow blessings on the community:

"Lord we ask you to send your spirit of servanthood upon all of us gathered here this evening to do your work for the benefit of all in our community. We ask you to bless our elected and appointed officials so they may deliberate with wisdom and act with courage. Bless the members of our community who come here to speak before the board so they may state their cause with honesty and humility. . . . Lord we ask you to bless us all, that everything we do here tonight will move you to welcome us one day into your kingdom as good and faithful servants. We ask this in the name of our brother Jesus. Amen." *Id.*, at 45a.

Some of the ministers spoke in a distinctly Christian idiom; and a minority invoked religious holidays, scripture, or doctrine, as in the following prayer:

"Lord, God of all creation, we give you thanks and praise for your presence and action in the world. We look with anticipation to the celebration of Holy Week and Easter. It is in the solemn events of next week that we find the very heart and center of our Christian faith. We acknowledge the saving sacrifice of Jesus Christ on the cross. We draw strength, vitality, and confidence from his resurrection at Easter. . . . We pray for peace in the world, an end to terrorism, violence, conflict, and war. We pray for stability, democracy, and good government in those countries in which our armed forces are now serving, especially in Iraq and Afghanistan. . . . Praise and glory be yours, O Lord, now and forever more. Amen." *Id.*, at 88a–89a.

Respondents Susan Galloway and Linda Stephens attended town board meetings to speak about issues of local concern, and they objected that the prayers violated their

religious or philosophical views. At one meeting, Galloway admonished board members that she found the prayers “offensive,” “intolerable,” and an affront to a “diverse community.” Complaint in No. 08-cv-6088 (WDNY), ¶66. After respondents complained that Christian themes pervaded the prayers, to the exclusion of citizens who did not share those beliefs, the town invited a Jewish layman and the chairman of the local Baha’i temple to deliver prayers. A Wiccan priestess who had read press reports about the prayer controversy requested, and was granted, an opportunity to give the invocation.

Galloway and Stephens brought suit in the United States District Court for the Western District of New York. They alleged that the town violated the First Amendment’s Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers, such as those given “in Jesus’ name.” 732 F. Supp. 2d 195, 203 (2010). They did not seek an end to the prayer practice, but rather requested an injunction that would limit the town to “inclusive and ecumenical” prayers that referred only to a “generic God” and would not associate the government with any one faith or belief. *Id.*, at 210, 241.

The District Court on summary judgment upheld the prayer practice as consistent with the First Amendment. It found no impermissible preference for Christianity, noting that the town had opened the prayer program to all creeds and excluded none. Although most of the prayer givers were Christian, this fact reflected only the predominantly Christian identity of the town’s congregations, rather than an official policy or practice of discriminating against minority faiths. The District Court found no authority for the proposition that the First Amendment required Greece to invite clergy from congregations beyond its borders in order to achieve a minimum level of religious diversity.

The District Court also rejected the theory that legislative prayer must be nonsectarian. The court began its inquiry with the opinion in *Marsh v. Chambers*, 463 U. S. 783, which permitted prayer in state legislatures by a chaplain paid from the public purse, so long as the prayer opportunity was not “exploited to proselytize or advance any one, or to disparage any other, faith or belief,” *id.*, at 794–795. With respect to the prayer in Greece, the District Court concluded that references to Jesus, and the occasional request that the audience stand for the prayer, did not amount to impermissible proselytizing. It located in *Marsh* no additional requirement that the prayers be purged of sectarian content. In this regard the court quoted recent invocations offered in the U. S. House of Representatives “in the name of our Lord Jesus Christ,” e.g., 156 Cong Rec. H5205 (June 30, 2010), and situated prayer in this context as part a long tradition. Finally, the trial court noted this Court’s statement in *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U. S. 573, 603 (1989), that the prayers in *Marsh* did not offend the Establishment Clause “because the particular chaplain had ‘removed all references to

Christ.’ ” But the District Court did not read that statement to mandate that legislative prayer be nonsectarian, at least in circumstances where the town permitted clergy from a variety of faiths to give invocations. By welcoming many viewpoints, the District Court concluded, the town would be unlikely to give the impression that it was affiliating itself with any one religion.

The Court of Appeals for the Second Circuit reversed. 681 F. 3d 20, 34 (2012). It held that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that Greece was endorsing Christianity. The town’s failure to promote the prayer opportunity to the public, or to invite ministers from congregations outside the town limits, all but “ensured a Christian viewpoint.” *Id.*, at 30–31. Although the court found no inherent problem in the sectarian content of the prayers, it concluded that the “steady drumbeat” of Christian prayer, unbroken by invocations from other faith traditions, tended to affiliate the town with Christianity. *Id.*, at 32. Finally, the court found it relevant that guest clergy sometimes spoke on behalf of all present at the meeting, as by saying “let us pray,” or by asking audience members to stand and bow their heads: “The invitation . . . to participate in the prayer . . . placed audience members who are nonreligious or adherents of non-Christian religion in the awkward position of either participating in prayers invoking beliefs they did not share or appearing to show disrespect for the invocation.” *Ibid.* That board members bowed their heads or made the sign of the cross further conveyed the message that the town endorsed Christianity. The Court of Appeals emphasized that it was the “interaction of the facts present in this case,” rather than any single element, that rendered the prayer unconstitutional. *Id.*, at 33.

Having granted certiorari to decide whether the town’s prayer practice violates the Establishment Clause, 569 U. S. \_\_\_\_ (2013), the Court now reverses the judgment of the Court of Appeals.

## II

In *Marsh v. Chambers*, 463 U. S. 783 , the Court found no First Amendment violation in the Nebraska Legislature’s practice of opening its sessions with a prayer delivered by a chaplain paid from state funds. The decision concluded that legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. As practiced by Congress since the framing of the Constitution, legislative prayer lends grav-ity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful soci-ety. See *Lynch v. Donnelly*, 465 U. S. 668, 693 (1984) (O’Connor, J., concurring); cf. A. Adams & C. Emmerich, *A Nation Dedicated to Religious Liberty* 83 (1990). The Court has considered

this symbolic expression to be a “tolerable acknowledgement of beliefs widely held,” Marsh, 463 U. S., at 792, rather than a first, treacherous step towards establishment of a state church.

Marsh is sometimes described as “carving out an exception” to the Court’s Establishment Clause jurisprudence, because it sustained legislative prayer without subjecting the practice to “any of the formal ‘tests’ that have traditionally structured” this inquiry. *Id.*, at 796, 813 (Brennan, J., dissenting). The Court in Marsh found those tests unnecessary because history supported the conclusion that legislative invocations are compatible with the Establishment Clause. The First Congress made it an early item of business to appoint and pay official chaplains, and both the House and Senate have maintained the office virtually uninterrupted since that time. See *id.*, at 787–789, and n. 10; N. Feldman, *Divided by God* 109 (2005). But see Marsh, *supra*, at 791–792, and n. 12 (noting dissenting views among the Framers); Madison, “Detached Memoranda”, 3 *Wm. & Mary Quarterly* 534, 558–559 (1946) (hereinafter Madison’s Detached Memoranda). When Marsh was decided, in 1983, legislative prayer had persisted in the Nebraska Legislature for more than a century, and the majority of the other States also had the same, consistent practice. 463 U. S., at 788–790, and n. 11. Although no information has been cited by the parties to indicate how many local legislative bodies open their meetings with prayer, this practice too has historical precedent. See *Reports of Proceedings of the City Council of Boston for the Year Commencing Jan. 1, 1909, and Ending Feb. 5, 1910*, pp. 1–2 (1910) (Rev. Arthur Little) (“And now we desire to invoke Thy presence, Thy blessing, and Thy guidance upon those who are gathered here this morning . . .”). “In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with a prayer has become part of the fabric of our society.” Marsh, *supra*, at 792.

Yet Marsh must not be understood as permitting a practice that would amount to a constitutional violation if not for its historical foundation. The case teaches instead that the Establishment Clause must be interpreted “by reference to historical practices and understandings.” *County of Allegheny*, 492 U. S., at 670 (Kennedy, J., concurring in judgment in part and dissenting in part). That the First Congress provided for the appointment of chaplains only days after approving language for the First Amendment demonstrates that the Framers considered legislative prayer a benign acknowledgment of religion’s role in society. D. Currie, *The Constitution in Congress: The Federalist Period 1789–1801*, pp. 12–13 (1997). In the 1850’s, the judiciary committees in both the House and Senate reevaluated the practice of official chaplaincies after receiving petitions to abolish the office. The committees concluded that the office posed no threat of an establishment because lawmakers were not compelled to attend the deliberations. S. Rep.

establishment because lawmakers were not compelled to attend the daily prayer, S. Rep. No. 376, 32d Cong., 2d Sess., 2 (1853); no faith was excluded by law, nor any favored, id., at 3; and the cost of the chaplain's salary imposed a vanishingly small burden on taxpayers, H. Rep. No. 124, 33d Cong., 1st Sess., 6 (1854). Marsh stands for the proposition that it is not necessary to define the precise boundary of the Establishment Clause where history shows that the specific practice is permitted. Any test the Court adopts must acknowledge a practice that was accepted by the Framers and has withstood the critical scrutiny of time and political change. *County of Allegheny*, supra, at 670 (opinion of Kennedy, J.); see also *School Dist. of Abington Township v. Schempp*, 374 U. S. 203, 294 (1963) (Brennan, J., concurring) (“[T]he line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers”). A test that would sweep away what has so long been settled would create new controversy and begin anew the very divisions along religious lines that the Establishment Clause seeks to prevent. See *Van Orden v. Perry*, 545 U. S. 677–704 (2005) (Breyer, J., concurring in judgment).

The Court's inquiry, then, must be to determine whether the prayer practice in the town of Greece fits within the tradition long followed in Congress and the state legislatures. Respondents assert that the town's prayer exercise falls outside that tradition and transgresses the Establishment Clause for two independent but mutually reinforcing reasons. First, they argue that Marsh did not approve prayers containing sectarian language or themes, such as the prayers offered in Greece that referred to the “death, resurrection, and ascension of the Savior Jesus Christ,” App. 129a, and the “saving sacrifice of Jesus Christ on the cross,” id., at 88a. Second, they argue that the setting and conduct of the town board meetings create social pressures that force nonadherents to remain in the room or even feign participation in order to avoid offending the representatives who sponsor the prayer and will vote on matters citizens bring before the board. The sectarian content of the prayers compounds the subtle coercive pressures, they argue, because the nonbeliever who might tolerate ecumenical prayer is forced to do the same for prayer that might be inimical to his or her beliefs.

A

Respondents maintain that prayer must be nonsectarian, or not identifiable with any one religion; and they fault the town for permitting guest chaplains to deliver prayers that “use overtly Christian terms” or “invoke specifics of Christian theology.” Brief for Respondents 20. A prayer is fitting for the public sphere, in their view, only if it contains the “most general, nonsectarian reference to God,” id., at 33 (quoting M. Meyerson, *Endowed by Our Creator: The Birth of Religious Freedom in America* 11–12 (2012)), and

eschews mention of doctrines associated with any one faith, Brief for Respondents 32–33. They argue that prayer which contemplates “the workings of the Holy Spirit, the events of Pentecost, and the belief that God ‘has raised up the Lord Jesus’ and ‘will raise us, in our turn, and put us by His side’ ” would be impermissible, as would any prayer that reflects dogma particular to a single faith tradition. *Id.*, at 34 (quoting App. 89a and citing *id.*, at 56a, 123a, 134a).

An insistence on nonsectarian or ecumenical prayer as a single, fixed standard is not consistent with the tradition of legislative prayer outlined in the Court’s cases. The Court found the prayers in *Marsh* consistent with the First Amendment not because they espoused only a ge-neric theism but because our history and tradition have shown that prayer in this limited context could “coexis[t] with the principles of disestablishment and religious freedom.” 463 U. S., at 786. The Congress that drafted the First Amendment would have been accustomed to invocations containing explicitly religious themes of the sort respondents find objectionable. One of the Senate’s first chaplains, the Rev. William White, gave prayers in a series that included the Lord’s Prayer, the Collect for Ash Wednesday, prayers for peace and grace, a general thanksgiving, St. Chrysostom’s Prayer, and a prayer seeking “the grace of our Lord Jesus Christ, &c.” Letter from W. White to H. Jones (Dec. 29, 1830), in B. Wilson, *Memoir of the Life of the Right Reverend William White, D. D., Bishop of the Protestant Episcopal Church in the State of Pennsylvania* 322 (1839); see also *New Hampshire Patriot & State Gazette*, Dec. 15, 1823, p. 1 (describing a Senate prayer addressing the “Throne of Grace”); *Cong. Globe*, 37th Cong., 1st Sess., 2 (1861) (reciting the Lord’s Prayer). The decidedly Christian nature of these prayers must not be dismissed as the relic of a time when our Nation was less pluralistic than it is today. Congress continues to permit its appointed and visiting chaplains to express themselves in a religious idiom. It acknowledges our growing diversity not by proscribing sectarian content but by welcoming ministers of many creeds. See, e.g., 160 Cong. Rec. S1329 (Mar. 6, 2014) (Dalai Lama) (“I am a Buddhist monk—a simple Buddhist monk—so we pray to Buddha and all other Gods”); 159 Cong. Rec. H7006 (Nov. 13, 2013) (Rabbi Joshua Gruenberg) (“Our God and God of our ancestors, Everlasting Spirit of the Universe . . .”); 159 Cong. Rec. H3024 (June 4, 2013) (Satsguru Bodhinatha Veylanswami) (“Hindu scripture declares, without equivocation, that the highest of high ideals is to never knowingly harm anyone”); 158 Cong. Rec. H5633 (Aug. 2, 2012) (Imam Nayyar Imam) (“The final prophet of God, Muhammad, peace be upon him, stated: ‘The leaders of a people are a representation of their deeds’ ”).

The contention that legislative prayer must be generic or nonsectarian derives from dictum in *County of Allegheny*, 492 U. S. 573, that was disputed when written and has been repudiated by later cases. There the Court held that a prayer placed on the steps of a

been repudiated by later cases. There the Court held that a creche placed on the steps of a county courthouse to celebrate the Christmas season violated the Establishment Clause because it had “the effect of endorsing a patently Christian message.” *Id.*, at 601. Four dissenting Justices disputed that endorsement could be the proper test, as it likely would condemn a host of traditional practices that recognize the role religion plays in our society, among them legislative prayer and the “forthrightly religious” Thanksgiving proclamations issued by nearly every President since Washington. *Id.*, at 670–671. The Court sought to counter this criticism by recasting *Marsh* to permit only prayer that contained no overtly Christian references:

“However history may affect the constitutionality of nonsectarian references to religion by the government, history cannot legitimate practices that demonstrate the government’s allegiance to a particular sect or creed . . . . The legislative prayers involved in *Marsh* did not violate this principle because the particular chaplain had ‘removed all references to Christ.’ ” *Id.*, at 603 (quoting *Marsh*, *supra*, at 793, n. 14; footnote omitted).

This proposition is irreconcilable with the facts of *Marsh* and with its holding and reasoning. *Marsh* nowhere suggested that the constitutionality of legislative prayer turns on the neutrality of its content. The opinion noted that Nebraska’s chaplain, the Rev. Robert E. Palmer, modulated the “explicitly Christian” nature of his prayer and “removed all references to Christ” after a Jewish law-maker complained. 463 U. S., at 793, n. 14. With this foot-note, the Court did no more than observe the practical demands placed on a minister who holds a permanent, appointed position in a legislature and chooses to write his or her prayers to appeal to more members, or at least to give less offense to those who object. See Mallory, “An Officer of the House Which Chooses Him, and Nothing More”: How Should *Marsh v. Chambers* Apply to Rotating Chaplains?, 73 U. Chi. L. Rev. 1421, 1445 (2006). *Marsh* did not suggest that Nebraska’s prayer practice would have failed had the chaplain not acceded to the legislator’s request. Nor did the Court imply the rule that prayer violates the Establishment Clause any time it is given in the name of a figure deified by only one faith or creed. See *Van Orden*, 545 U. S., at 688, n. 8 (recognizing that the prayers in *Marsh* were “often explicitly Christian” and rejecting the view that this gave rise to an establishment violation). To the contrary, the Court instructed that the “content of the prayer is not of concern to judges,” provided “there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” 463 U. S., at 794–795.

To hold that invocations must be nonsectarian would force the legislatures that sponsor prayers and the courts that are asked to decide these cases to act as supervisors and censors of religious speech, a rule that would involve government in religious matters to a far

greater degree than is the case under the town's current practice of neither editing or approving prayers in advance nor criticizing their content after the fact. Cf. *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U. S. \_\_\_, \_\_\_ (2012) (slip op., at 13–14). Our Government is prohibited from prescribing prayers to be recited in our public institutions in order to promote a preferred system of belief or code of moral behavior. *Engel v. Vitale*, 370 U. S. 421, 430 (1962) . It would be but a few steps removed from that prohibition for legislatures to require chaplains to redact the religious content from their message in order to make it acceptable for the public sphere. Government may not mandate a civic religion that stifles any but the most generic reference to the sacred any more than it may prescribe a religious orthodoxy. See *Lee v. Weisman*, 505 U. S. 577, 590 (1992) (“The suggestion that government may establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds strikes us as a contradiction that cannot be accepted”); *Schempp*, 374 U. S., at 306 (Goldberg, J., concurring) (arguing that “untutored devotion to the concept of neutrality” must not lead to “a brooding and pervasive devotion to the secular”).

Respondents argue, in effect, that legislative prayer may be addressed only to a generic God. The law and the Court could not draw this line for each specific prayer or seek to require ministers to set aside their nuanced and deeply personal beliefs for vague and artificial ones. There is doubt, in any event, that consensus might be reached as to what qualifies as generic or nonsectarian. Honorifics like “Lord of Lords” or “King of Kings” might strike a Christian audience as ecumenical, yet these titles may have no place in the vocabulary of other faith traditions. The difficulty, indeed the futility, of sifting sectarian from nonsectarian speech is illustrated by a letter that a lawyer for the respondents sent the town in the early stages of this litigation. The letter opined that references to “Father, God, Lord God, and the Almighty” would be acceptable in public prayer, but that references to “Jesus Christ, the Holy Spirit, and the Holy Trinity” would not. App. 21a. Perhaps the writer believed the former grouping would be acceptable to monotheists. Yet even seemingly general references to God or the Father might alienate nonbelievers or polytheists. *McCreary County v. American Civil Liberties Union of Ky.*, 545 U. S. 844, 893 (2005) (Scalia, J., dissenting). Because it is unlikely that prayer will be inclusive beyond dispute, it would be unwise to adopt what respondents think is the next-best option: permitting those religious words, and only those words, that are acceptable to the majority, even if they will exclude some. *Torcaso v. Watkins*, 367 U. S. 488, 495 (1961) . The First Amendment is not a majority rule, and government may not seek to define permissible categories of religious speech. Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates, unfettered by what an administrator or judge considers to be nonsectarian.



In rejecting the suggestion that legislative prayer must be nonsectarian, the Court does not imply that no constraints remain on its content. The relevant constraint derives from its place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation's heritage. Prayer that is solemn and respectful in tone, that invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves that legitimate function. If the course and practice over time shows that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion, many present may consider the prayer to fall short of the desire to elevate the purpose of the occasion and to unite lawmakers in their common effort. That circumstance would present a different case than the one presently before the Court.

The tradition reflected in *Marsh* permits chaplains to ask their own God for blessings of peace, justice, and freedom that find appreciation among people of all faiths. That a prayer is given in the name of Jesus, Allah, or Jehovah, or that it makes passing reference to religious doctrines, does not remove it from that tradition. These religious themes provide particular means to universal ends. Prayer that reflects beliefs specific to only some creeds can still serve to solemnize the occasion, so long as the practice over time is not "exploited to proselytize or advance any one, or to disparage any other, faith or belief." *Marsh*, 463 U. S., at 794–795.

It is thus possible to discern in the prayers offered to Congress a commonality of theme and tone. While these prayers vary in their degree of religiosity, they often seek peace for the Nation, wisdom for its lawmakers, and justice for its people, values that count as universal and that are embodied not only in religious traditions, but in our founding documents and laws. The first prayer delivered to the Continental Congress by the Rev. Jacob Duché on Sept. 7, 1774, provides an example:

"Be Thou present O God of Wisdom and direct the counsel of this Honorable Assembly; enable them to settle all things on the best and surest foundations; that the scene of blood may be speedily closed; that Order, Harmony, and Peace be effectually restored, and the Truth and Justice, Religion and Piety, prevail and flourish among the people.

"Preserve the health of their bodies, and the vigor of their minds, shower down on them, and the millions they here represent, such temporal Blessings as Thou seest expedient for them in this world, and crown them with everlasting Glory in the world to come. All this we ask in the name and through the merits of Jesus Christ, Thy Son and our Saviour, Amen." W. Federer, *America's God and Country* 137 (2000).

From the earliest days of the Nation, these invocations have been addressed to assemblies comprising many different creeds. These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion. Even those who dis-agree as to religious doctrine may find common ground in the desire to show respect for the divine in all aspects of their lives and being. Our tradition assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith. See Letter from John Adams to Abigail Adams (Sept. 16, 1774), in C. Adams, *Familiar Letters of John Adams and His Wife Abigail Adams, During the Revolution* 37–38 (1876).

The prayers delivered in the town of Greece do not fall outside the tradition this Court has recognized. A number of the prayers did invoke the name of Jesus, the Heavenly Father, or the Holy Spirit, but they also invoked universal themes, as by celebrating the changing of the seasons or calling for a “spirit of cooperation” among town leaders. App. 31a, 38a. Among numerous examples of such prayer in the record is the invocation given by the Rev. Richard Barbour at the September 2006 board meeting:

“Gracious God, you have richly blessed our nationand this community. Help us to remember your generosity and give thanks for your goodness. Bless the elected leaders of the Greece Town Board as they conduct the business of our town this evening. Give them wisdom, courage, discernment and a single-minded desire to serve the common good. We ask your blessing on all public servants, and especially on our police force, firefighters, and emergency medical personnel. . . . Respectful of every religious tradition, I offer this prayer in the name of God’s only son Jesus Christ, the Lord, Amen.” Id., at 98a–99a.

Respondents point to other invocations that disparaged those who did not accept the town’s prayer practice. One guest minister characterized objectors as a “minority” who are “ignorant of the history of our country,” id., at 108a, while another lamented that other towns did not have “God-fearing” leaders, id., at 79a. Although these two remarks strayed from the rationale set out in *Marsh*, they do not despoil a practice that on the whole reflects and embraces our tradition. Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a prayer will not likely establish a constitutional violation. *Marsh*, indeed, requires an inquiry into the prayer opportunity as a whole, rather than into the contents of a single prayer. 463 U. S., at 794–795.

Finally, the Court disagrees with the view taken by the Court of Appeals that the town of Greece contravened the Establishment Clause by inviting a predominantly Christian set of ministers to lead the prayer. The town made reasonable efforts to identify all of the

congregations located within its borders and represented that it would welcome a prayer by any minister or layman who wished to give one. That nearly all of the congregations in town turned out to be Christian does not reflect an aversion or bias on the part of town leaders against minority faiths. So long as the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers in an effort to achieve religious balancing. The quest to promote “a ‘diversity’ of religious views” would require the town “to make wholly inappropriate judgments about the number of religions [it] should sponsor and the relative frequency with which it should sponsor each,” *Lee*, 505 U. S., at 617 (Souter, J., concurring), a form of government entanglement with religion that is far more troublesome than the current approach.

## B

Respondents further seek to distinguish the town’s prayer practice from the tradition upheld in *Marsh* on the ground that it coerces participation by nonadherents. They and some amici contend that prayer conducted in the intimate setting of a town board meeting differs in fundamental ways from the invocations delivered in Congress and state legislatures, where the public remains segregated from legislative activity and may not address the body except by occasional invitation. Citizens attend town meetings, on the other hand, to accept awards; speak on matters of local importance; and petition the board for action that may affect their economic interests, such as the granting of permits, business licenses, and zoning variances. Respondents argue that the public may feel subtle pressure to participate in prayers that violate their beliefs in order to please the board members from whom they are about to seek a favorable ruling. In their view the fact that board members in small towns know many of their constituents by name only increases the pressure to conform.

It is an elemental First Amendment principle that government may not coerce its citizens “to support or participate in any religion or its exercise.” *County of Allegheny*, 492 U. S., at 659 (Kennedy, J., concurring in judgment in part and dissenting in part); see also *Van Orden*, 545 U. S., at 683 (plurality opinion) (recognizing that our “institutions must not press religious observances upon their citizens”). On the record in this case the Court is not persuaded that the town of Greece, through the act of offering a brief, solemn, and respectful prayer to open its monthly meetings, compelled its citizens to engage in a religious observance. The inquiry remains a fact-sensitive one that considers both the setting in which the prayer arises and the audience to whom it is directed.

The prayer opportunity in this case must be evaluated against the backdrop of historical

practice. As a practice that has long endured, legislative prayer has become part of our heritage and tradition, part of our expressive idiom, similar to the Pledge of Allegiance, inaugural prayer, or the recitation of “God save the United States and this honorable Court” at the opening of this Court’s sessions. See *Lynch*, 465 U. S., at 693 (O’Connor, J., concurring). It is presumed that the reasonable observer is acquainted with this tradition and understands that its purposes are to lend gravity to public proceedings and to acknowledge the place religion holds in the lives of many private citizens, not to afford government an opportunity to proselytize or force truant constituents into the pews. See *Salazar v. Buono*, 559 U. S. 700 –721 (2010) (plurality opinion); *Santa Fe Independent School Dist. v. Doe*, 530 U. S. 290, 308 (2000) . That many appreciate these acknowledgments of the divine in our public institutions does not suggest that those who disagree are compelled to join the expression or approve its content. *West Virginia Bd. of Ed. v. Barnette*, 319 U. S. 624, 642 (1943) .

The principal audience for these invocations is not, indeed, the public but lawmakers themselves, who may find that a moment of prayer or quiet reflection sets the mind to a higher purpose and thereby eases the task of governing. The District Court in *Marsh* described the prayer exercise as “an internal act” directed at the Nebraska Legislature’s “own members,” *Chambers v. Marsh*, 504 F. Supp. 585, 588 (Neb. 1980), rather than an effort to promote religious observance among the public. See also *Lee*, 505 U. S., at 630, n. 8 (Souter, J., concurring) (describing *Marsh* as a case “in which government officials invoke[d] spiritual inspiration entirely for their own benefit”); *Atheists of Fla., Inc. v. Lakeland*, 713 F. 3d 577, 583 (CA11 2013) (quoting a city resolution providing for prayer “for the benefit and blessing of” elected leaders); Madison’s Detached Memoranda 558 (characterizing prayer in Congress as “religious worship for national representatives”); Brief for U. S. Senator Marco Rubio et al. as Amici Curiae 30–33; Brief for 12 Members of Congress as Amici Curiae 6. To be sure, many members of the public find these prayers meaningful and wish to join them. But their purpose is largely to accommodate the spiritual needs of lawmakers and connect them to a tradition dating to the time of the Framers. For members of town boards and commissions, who often serve part-time and as volunteers, ceremonial prayer may also reflect the values they hold as private citizens. The prayer is an opportunity for them to show who and what they are without denying the right to dissent by those who disagree.

The analysis would be different if town board members directed the public to participate in the prayers, singled out dissidents for opprobrium, or indicated that their decisions might be influenced by a person’s acquiescence in the prayer opportunity. No such thing occurred in the town of Greece. Although board members themselves stood, bowed their

heads, or made the sign of the cross during the prayer, they at no point solicited similar gestures by the public. Respondents point to several occasions where audience members were asked to rise for the prayer. These requests, however, came not from town leaders but from the guest ministers, who presumably are accustomed to directing their congregations in this way and might have done so thinking the action was inclusive, not coercive. See App. 69a (“Would you bow your heads with me as we invite the Lord’s presence here tonight?”); *id.*, at 93a (“Let us join our hearts and minds together in prayer”); *id.*, at 102a (“Would you join me in a moment of prayer?”); *id.*, at 110a (“Those who are willing may join me now in prayer”). Respondents suggest that constituents might feel pressure to join the prayers to avoid irritating the officials who would be ruling on their petitions, but this argument has no evidentiary support. Nothing in the record indicates that town leaders allocated benefits and burdens based on participation in the prayer, or that citizens were received differently depending on whether they joined the invocation or quietly declined. In no instance did town leaders signal disfavor toward nonparticipants or suggest that their stature in the community was in any way diminished. A practice that classified citizens based on their religious views would violate the Constitution, but that is not the case before this Court.

In their declarations in the trial court, respondents stated that the prayers gave them offense and made them feel excluded and disrespected. Offense, however, does not equate to coercion. Adults often encounter speech they find disagreeable; and an Establishment Clause violation is not made out any time a person experiences a sense of affront from the expression of contrary religious views in a legislative forum, especially where, as here, any member of the public is welcome in turn to offer an invocation reflecting his or her own convictions. See *Elk Grove Unified School Dist. v. Newdow*, 542 U. S. 1, 44 (2004) (O’Connor, J., concurring) (“The compulsion of which Justice Jackson was concerned . . . was of the direct sort—the Constitution does not guarantee citizens a rightentirely to avoid ideas with which they disagree”). If circum-stances arise in which the pattern and practice of ceremonial, legislative prayer is alleged to be a means to coerce or intimidate others, the objection can be addressed in the regular course. But the showing has not been made here, where the prayers neither chastised dissenters nor attempted lengthy disquisition on religious dogma. Courts remain free to review the pattern of prayers over time to determine whether they comport with the tradition of solemn, respectful prayer approved in *Marsh*, or whether coercion is a real and substantial likelihood. But in the general course legislative bodies do not engage in impermissible coercion merely by exposing constituents to prayer they would rather not hear and in which they need not participate. See *County of Allegheny*, 492 U. S., at 670 (Kennedy, J., concurring in judgment in part and dissenting in part).

This case can be distinguished from the conclusions and holding of *Lee v. Weisman*, 505 U. S. 577 . There the Court found that, in the context of a graduation where school authorities maintained close supervision over the conduct of the students and the substance of the ceremony, a religious invocation was coercive as to an objecting student. *Id.*, at 592–594; see also *Santa Fe Independent School Dist.*, 530 U. S., at 312. Four Justices dissented in *Lee*, but the circumstances the Court confronted there are not present in this case and do not control its outcome. Nothing in the record suggests that members of the public are dissuaded from leaving the meeting room during the prayer, arriving late, or even, as happened here, making a later protest. In this case, as in *Marsh*, board members and constituents are “free to enter and leave with little comment and for any number of reasons.” *Lee*, *supra*, at 597. Should nonbelievers choose to exit the room during a prayer they find distasteful, their absence will not stand out as disrespectful or even noteworthy. And should they remain, their quiet acquiescence will not, in light of our traditions, be interpreted as an agreement with the words or ideas expressed. Neither choice represents an unconstitutional imposition as to mature adults, who “presumably” are “not readily susceptible to religious indoctrination or peer pressure.” *Marsh*, 463 U. S., at 792 (internal quotation marks and citations omitted).

In the town of Greece, the prayer is delivered during the ceremonial portion of the town’s meeting. Board members are not engaged in policymaking at this time, but in more general functions, such as swearing in new police officers, inducting high school athletes into the town hall of fame, and presenting proclamations to volunteers, civic groups, and senior citizens. It is a moment for town leaders to recognize the achievements of their constituents and the aspects of community life that are worth celebrating. By inviting ministers to serve as chaplain for the month, and welcoming them to the front of the room alongside civic leaders, the town is acknowledging the central place that religion, and religious institutions, hold in the lives of those present. Indeed, some congregations are not simply spiritual homes for town residents but also the provider of social services for citizens regardless of their beliefs. See App. 31a (thanking a pastor for his “community involvement”); *id.*, at 44a (thanking a deacon “for the job that you have done on behalf of our community”). The inclusion of a brief, ceremonial prayer as part of a larger exercise in civic recognition suggests that its purpose and effect are to acknowledge religious leaders and the institutions they represent rather than to exclude or coerce nonbelievers.

Ceremonial prayer is but a recognition that, since this Nation was founded and until the present day, many Americans deem that their own existence must be understood by precepts far beyond the authority of government to alter or define and that willing participation in civic affairs can be consistent with a brief acknowledgment of their belief in

a higher power, always with due respect for those who adhere to other beliefs. The prayer in this case has a permissible ceremonial purpose. It is not an unconstitutional establishment of religion.

\* \* \*

The town of Greece does not violate the First Amendment by opening its meetings with prayer that comports with our tradition and does not coerce participation by nonadherents. The judgment of the U. S. Court of Appeals for the Second Circuit is reversed.

It is so ordered.

### **Notes**

1 \* and join this opinion in full. and join this opinion except as to Part II–B.

Oral Argument - November 06, 2013

Opinion Announcement - May 05, 2014

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## Prayer Practices

Legislatures operate with a certain element of pomp, ceremony and procedure that flavor the institution with a unique air of tradition and theatre. The mystique of the opening ceremonies and rituals help to bring order and dignity to the proceedings. One of these opening ceremonies is the offering of a prayer.

***Use of legislative prayer.*** The practice of opening legislative sessions with prayer is long-standing. The custom draws its roots from both houses of the British Parliament, which, according to noted parliamentarian Luther Cushing, from time "immemorial" began each day with a "reading of the prayers." In the United States, this custom has continued without interruption at the federal level since the first Congress under the Constitution (1789) and for more than a century in many states. Almost all state legislatures still use an opening prayer as part of their tradition and procedure (see table 02-5.50). In the Massachusetts Senate, a prayer is offered at the beginning of floor sessions for special occasions.

Although the use of an opening prayer is standard practice, the timing of when the prayer occurs varies (see table 02-5.51). In the majority of legislative bodies, the prayer is offered after the floor session is called to order, but before the opening roll call is taken. Prayers sometimes are given *before* floor sessions are officially called to order; this is true in the Colorado House, Nebraska Senate and Ohio House.

Many chambers vary on who delivers the prayer. Forty-seven chambers allow people other than the designated legislative chaplain or a visiting chaplain to offer the opening prayer (see table 02-5.52). Legislators, chamber clerks and secretaries, or other staff may be called upon to perform this opening ceremony. A guest in the Arizona, Michigan and Utah houses may be invited to give the prayer.

As indicated above, many different individuals may present the opening prayer. As a result, some legislative assemblies have established guidelines for its delivery. The guidelines in 37 chambers were developed by legislative leadership, the clerk or secretary, or a rules or management committee (see table 02-5.53 and table 02-5.54). Forty-eight chambers do not set guidelines.

According to the National Conference of Community and Justice (formerly known as the National Conference of Christians and Jews), "accepting an invitation to lead the general community in prayer includes a genuine responsibility to be sensitive to the diversity of faiths among those in whose names the prayer is being offered. A request to offer a public invocation, blessing, benediction or other form of prayer should not be construed as an opportunity to give a personal testimony or a Bible devotional. Such religious meditations or preaching should be reserved for church and synagogue or for public events where the sponsors specifically request it. Religious sectarianism at public events is not only a breach of etiquette, but represents an insensitivity to the faith of others."



### Basic Guidelines

Before rendering a public prayer it may be most worthwhile to consider several guidelines relevant to the community setting:

- 1. Special Occasions.** In giving an invocation or benediction one calls upon God's presence on behalf of the particular public gathered (civic clubs, chambers of commerce, graduations, baccalaureates, etc.). Consequently, one is serving as a representative for others present and not as an individual petitioner.
- 2. Common Language.** In communicating on behalf of others, one is expected to use common language and shared symbols which are acceptable and understandable and not offensive or unintelligible. When appropriate, one may want to utilize a moment of group silence or consider a creative alternative. The challenge is to seek the "highest common denominator" and the best level of inspiration without compromise of conscience.
- 3. Nature of Public Prayer.** Such a public prayer may call for addressing, confessing, appealing and advocating. It is not an occasion for preaching or testifying to the public.
- 4. Appropriate Expressions.** In opening and closing the prayer, the leader should be especially sensitive to expressions that may be unsuitable to members of some faiths.

**Source:** The National Conference for Community and Justice (formerly known as the National Conference of Christians and Jews).

Three chambers require that prayers be reviewed before their presentation (see table 02-5.55). The Florida House asks that prayers be presented to the House chaplain for review at least one hour before the floor session begins. The Ohio House requires that prayers be submitted to the speaker of the House for review 72 hours in advance. In the Puerto Rico House, one week advance submission to the speaker of the House is required.

The constitutionality of legislative prayer was upheld by the U.S. Supreme Court in 1983. In its decision on *Marsh, Nebraska State Treasurer, et al v. Chambers*, the court ruled that Congress and state legislatures do not violate the U.S. Constitution's separation of church and state even when clergy are paid to lead daily devotionals. Chief Justice Warren Burger's opinion held that the use of legislative prayer "has become part of the fabric of our society" and that it is not "an establishment of religion or a step toward establishment; it is simply a tolerable acknowledgement of beliefs."

Although the above case did not mention prayer in public schools, the high court's rulings in freedom of religion cases generally have asserted a difference between "impressionable children" and adults. As has been said, "legislators can choose to leave the chamber during an opening prayer; school children typically don't have the option to leave a classroom."

**Chaplains.** In many chambers, it is a tradition for a chaplain to be selected to serve the body. Two main types of chaplains are used by legislative assemblies—a designated Senate or House chaplain and visiting chaplains.

*Senate or House Chaplains.* Twenty-seven chambers designate someone as the Senate or House chaplain (see table 02-5.56). Although many Senate or House chaplains are legislative employees, their actual employment status varies. In 15 chambers, the chaplain is a session-only employee. The chaplains of the California Senate, Massachusetts House and American Samoa House are permanent, full-time employees. In the Florida House and Minnesota House, the chaplains are considered permanent, part-time staff (see table 02-5.57).

In 22 chambers, the Senate or House chaplain receives compensation—such as a salary, per diem or mileage reimbursement (see table 02-5.60). In the Washington Senate, however, the compensation provided for the chaplain goes directly to the ministerial association. Three legislative assemblies—the Florida House, West Virginia House and American Samoa House—do not compensate their chaplains.

*Visiting Chaplains.* Seventy-nine chambers use visiting chaplains, who serve by invitation (see table 02-5.61). They are asked to offer the opening prayer for a particular session day or week. In 60 legislative assemblies, the visiting chaplain is recommended by a Senate or House member (see table 02-5.62). In 19 legislative bodies, the clerk or secretary makes the selection. In another 18 chambers, a visiting chaplain is chosen by the presiding officer of the body. Eight chambers allow a local ministerial association to choose. The visiting chaplains usually rotate among religions (see table 02-5.63).

Thirty-one chambers provide compensation to their visiting chaplains—typically paying per diem or mileage (see table 02-5.64). Visiting chaplains in 29 legislative assemblies receive a commemoration for giving an opening prayer (see table 02-5.65). For example, 15 chambers provide a copy of the journal for the day on which the prayer was offered, 13 legislative bodies give certificates, and six legislative assemblies give copies of the video of the prayer. Visiting chaplains in the Virginia Senate and House receive special cups and copies of their prayers.

**Table 02-5.50 Opening Prayer Offered Each Session Day****In the following chambers, a prayer is offered at the beginning of each session day.**

Alabama Senate and House	Montana Senate and House
Alaska Senate and House	Nebraska Senate
Arizona Senate and House	Nevada Senate and Assembly
Arkansas Senate and House	New Hampshire House
California Senate and Assembly	New Jersey Senate
Colorado House	New Mexico Senate and House
Connecticut Senate	North Carolina House
Delaware House	North Dakota Senate and House
Florida Senate and House	Ohio Senate and House
Georgia Senate and House	Oklahoma Senate and House
Hawaii Senate and House	Oregon Senate
Idaho Senate and House	Pennsylvania Senate and House
Illinois Senate and House	Rhode Island Senate
Indiana House	South Dakota Senate and House
Iowa Senate and House	Tennessee Senate
Kansas Senate and House	Texas Senate and House
Kentucky Senate and House	Utah Senate and House
Louisiana Senate and House	Vermont Senate and House
Maine Senate and House	Virginia Senate and House
Maryland Senate	Washington Senate and House
Massachusetts House	West Virginia Senate and House
Michigan Senate and House	Wisconsin Senate and Assembly
Minnesota Senate and House	Wyoming Senate and House
Mississippi House	American Samoa House
Missouri Senate and House	Puerto Rico House

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

**Table 02-5.51 When the Prayer Is Offered**

<b>State (1)</b>	<b>Before the floor session is officially called to order</b>	<b>After the floor session is called to order, but before the opening roll call is taken</b>	<b>After the floor session is called to order and after the opening roll call is taken</b>	<b>Other</b>
Alabama		B		
Alaska			B	
Arizona		S	H	
Arkansas		H	S	
California			H	
Colorado	H			
Connecticut		S		
Delaware			H	
Florida		H	S	
Georgia			B	
Hawaii		B		
Idaho			B	
Illinois		B		
Indiana		H		
Iowa		S		2
Kansas		H	S	
Kentucky		B		
Louisiana			B	
Maine		B		
Maryland			S	
Massachusetts		B		
Michigan		B		
Minnesota		B		
Mississippi		H		
Missouri		B		
Montana		B		
Nebraska	S			
Nevada			B	
New Hampshire		H		
New Jersey		S		
New Mexico			B	
New York				
North Carolina		H		
North Dakota		B		

**Table 02-5.51 When the Prayer Is Offered, cont'd.**

<b>State (1)</b>	<b>Before the floor session is officially called to order</b>	<b>After the floor session is called to order, but before the opening roll call is taken</b>	<b>After the floor session is called to order and after the opening roll call is taken</b>	<b>Other</b>
Ohio	H	S		
Oklahoma			B	
Oregon			S	
Pennsylvania		B		
Rhode Island			S	
South Carolina				
South Dakota		B		
Tennessee		S		
Texas			B	
Utah		B		
Vermont		B		
Virginia		B		
Washington			B	
West Virginia		B		
Wisconsin		H		3
Wyoming			B	
American Samoa		H		
Puerto Rico		H		

**Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate
2. Iowa: In the House, the prayer is offered after the session is called to order. There is no opening roll call.
3. Wisconsin: In the Senate, the timing varies, but usually it is after the roll call.

Table 02-5.52 Who Delivers the Prayer

State (1)	The Senate or House chaplain	A visiting chaplain	A member	The clerk or secretary	A legislative staff person	Other
Alabama		B	B	S	B	
Alaska	B	B	B			
Arizona		B			S	2
Arkansas	H	B	B		H	
California	B	S	S		S	
Colorado	H					
Connecticut	S		S		S	
Delaware		H	H		H	
Florida	H	B	B	S	S	
Georgia		B	S			
Hawaii		S	B		S	3
Idaho	B	B	B			
Illinois	B	H			H	
Indiana		H				
Iowa		B	B	H	H	
Kansas	B	B	B			
Kentucky		B				
Louisiana		B	B			
Maine		B				
Maryland		S				
Massachusetts	H	S				
Michigan		S	H			4
Minnesota	B	B				
Mississippi		H	H			
Missouri	B	H	H		H	
Montana	S	S	B			
Nebraska		S	S			
Nevada		B	S		S	
New Hampshire	H					
New Jersey		S				
New Mexico		B	S			
New York						
North Carolina	H	H	H			
North Dakota		B				

**Table 02-5.52 Who Delivers the Prayer, cont'd.**

State (1)	The Senate or House chaplain	A visiting chaplain	A member	The clerk or secretary	A legislative staff person	Other
Ohio		B				
Oklahoma		B	H			
Oregon		S	S		S	
Pennsylvania	H	S		S		
Rhode Island			S			
South Carolina						
South Dakota		B				
Tennessee		S	S		S	
Texas		B	S			5
Utah		S	B			6
Vermont		B	H			
Virginia		B				
Washington	S	B	B	S	S	
West Virginia	H	B	B		H	
Wisconsin		B	H			
Wyoming	S	H				
American Samoa						7
Puerto Rico		H				

**Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Arizona: In the House, a guest of a member also may be invited to offer the prayer.
3. Hawaii: In the House, someone invited by a House member may be asked to give the prayer.
4. Michigan: In the House, a guest may be invited to offer the prayer.
5. Texas: In the Senate, if there is no visiting chaplain, the doorkeeper may give the prayer.
6. Utah: In the House, a guest of a member may be invited to offer the prayer.
7. American Samoa: In the House, the prayer is delivered by someone appointed by the speaker.

**Table 02-5.53 Guidelines for Delivering an Opening Prayer****The following chambers have established guidelines for the delivery of an opening prayer.**

Alaska Senate and House	North Carolina House
California Senate and Assembly	North Dakota Senate and House
Colorado House	Ohio Senate and House
Connecticut Senate	Oregon Senate
Florida Senate and House	Pennsylvania Senate and House
Georgia Senate	Tennessee Senate
Hawaii Senate and House	Texas Senate
Kansas Senate and House	Vermont House
Maine House	Virginia Senate
Michigan Senate and House	Washington Senate and House
Minnesota Senate and House	West Virginia House
Nebraska Senate	Wisconsin Senate
Nevada Senate and Assembly	

**The following chambers do not have guidelines for the delivery of an opening prayer.**

Alabama Senate and House	Montana Senate and House
Arizona Senate and House	New Hampshire House
Arkansas Senate and House	New Jersey Senate
Delaware House	New Mexico Senate and House
Georgia House	Oklahoma Senate and House
Idaho Senate and House	Rhode Island Senate
Illinois Senate and House	South Dakota Senate and House
Indiana House	Texas House
Iowa Senate and House	Utah Senate and House
Kentucky Senate and House	Vermont Senate
Louisiana Senate and House	Virginia House
Maine Senate	West Virginia Senate
Maryland Senate	Wisconsin Assembly
Massachusetts Senate and House	Wyoming Senate and House
Mississippi House	American Samoa House
Missouri Senate and House	Puerto Rico House

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.



Table 02-5.54 Who Develops the Prayer Guidelines

State (1)	The lieutenant governor or Senate president	The speaker of the House	A rules or management committee	The clerk or secretary	An interfaith clergy committee, council or association	Other
Alabama				B		
Alaska						2
Arizona						
Arkansas						
California			H			3
Colorado			H			
Connecticut			S			
Delaware						
Florida					B	
Georgia	S			S		
Hawaii		H		S		
Idaho						
Illinois						
Indiana						
Iowa						
Kansas	S			H		4
Kentucky						
Louisiana						
Maine				H		
Maryland						
Massachusetts						
Michigan			H	S		
Minnesota	S		H	S		5
Mississippi						
Missouri						
Montana						
Nebraska				S		
Nevada						6
New Hampshire						
New Jersey						
New Mexico						
New York						
North Carolina		H				
North Dakota					B	

**Table 02-5.54 Who Develops the Prayer Guidelines, cont'd.**

State (1)	The lieutenant governor or Senate president	The speaker of the House	A rules or management committee	The clerk or secretary	An interfaith clergy committee or council	Other
Ohio	S	H		B		
Oklahoma						
Oregon				S		
Pennsylvania				S		7
Rhode Island						
South Carolina						
South Dakota						
Tennessee	S		S			
Texas		S				
Utah						
Vermont	H	H				
Virginia				S	S	
Washington	S					8
West Virginia			H			
Wisconsin				S		
Wyoming						
American Samoa						
Puerto Rico						

**Table 02-5.54 Who Develops the Prayer Guidelines, cont'd.****Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Alaska: A detailed response was not provided.
3. California: The Senate chaplain establishes the guidelines at the request of the Rules Committee.
4. Kansas: In both chambers, the chaplain helps set the guidelines.
5. Minnesota: In the Senate, the fourth assistant secretary assists.
6. Nevada: For the Senate, the majority leader and the House speaker agree upon the guidelines; for the House, the Counsel Bureau sets the guidelines.
7. Pennsylvania: In the House, the parliamentarian sets the guidelines.
8. Washington: In the House, the guidelines were set by a bipartisan task force and recently updated by the chief clerk.

**Table 02-5.55 Opening Prayers Are Reviewed Before Presentation****The following chambers review all prayers before their presentation.**

Florida House	Puerto Rico House
Ohio House	

**The following chambers do not review prayers before their presentation.**

Alabama Senate and House	Montana Senate and House
Alaska Senate and House	Nebraska Senate
Arizona Senate and House	Nevada Senate and Assembly
Arkansas Senate and House	New Hampshire House
California Senate and Assembly	New Jersey Senate
Delaware House	New Mexico Senate and House
Florida Senate	North Carolina House
Georgia Senate and House	North Dakota Senate and House
Hawaii Senate and House	Ohio Senate
Idaho Senate and House	Oklahoma Senate and House
Illinois Senate and House	Pennsylvania Senate and House
Indiana House	Rhode Island Senate
Iowa Senate and House	South Dakota Senate and House
Kansas Senate and House	Tennessee Senate
Kentucky Senate and House	Texas Senate and House
Louisiana Senate and House	Utah Senate and House
Maine Senate and House	Vermont Senate and House
Maryland Senate	Virginia Senate and House
Massachusetts Senate and House	Washington Senate and House
Michigan Senate and House	West Virginia Senate and House
Minnesota Senate and House	Wisconsin Senate and Assembly
Mississippi House	Wyoming Senate and House
Missouri Senate and House	American Samoa House

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

**Table 02-5.56 Designated Senate or House Chaplain****In the following chambers, a person has been designated as the Senate or House chaplain.**

Arkansas House	Nebraska Senate
California Senate and Assembly	Nevada Senate
Colorado House	New Hampshire House
Connecticut Senate	North Carolina House
Florida House	Pennsylvania House
Idaho Senate and House	Washington Senate
Kansas Senate and House	West Virginia House
Massachusetts House	Wyoming Senate and House
Minnesota Senate and House	American Samoa House
Missouri Senate and House	Puerto Rico House
Montana Senate	

**The following chambers do not have a designated Senate or House chaplain.**

Alabama Senate and House	Nevada Assembly
Alaska Senate and House	New Jersey Senate
Arizona Senate and House	New Mexico Senate and House
Arkansas Senate	North Dakota Senate and House
Delaware House	Ohio Senate and House
Florida Senate	Oklahoma Senate and House
Georgia Senate and House	Oregon Senate
Hawaii Senate and House	Pennsylvania Senate
Illinois Senate and House	Rhode Island Senate
Indiana House	South Dakota Senate and House
Iowa Senate and House	Tennessee Senate
Kentucky Senate and House	Texas Senate and House
Louisiana Senate and House	Utah Senate and House
Maine Senate and House	Vermont Senate and House
Maryland Senate	Virginia Senate and House
Massachusetts Senate	Washington House
Michigan Senate and House	West Virginia Senate
Mississippi House	Wisconsin Senate and Assembly
Montana House	

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

**Table 02-5.57 Employment Status of the Senate or House Chaplain**

State (1)	Permanent, full-time employee	Permanent, part-time employee	Session-only employee	Other
Alabama				
Alaska				
Arizona				
Arkansas			H	
California	S		H	
Colorado				2
Connecticut			S	
Delaware				
Florida		H		
Georgia				
Hawaii				
Idaho			B	
Illinois				
Indiana				
Iowa				
Kansas			B	
Kentucky				
Louisiana				
Maine				
Maryland				
Massachusetts	H			
Michigan				
Minnesota		H		3
Mississippi				
Missouri			B	
Montana			S	
Nebraska				
Nevada				4
New Hampshire			H	
New Jersey				
New Mexico				
New York				
North Carolina			H	
North Dakota				

**Table 02-5.57 Employment Status of the Senate or House Chaplain, cont'd.**

State (1)	Permanent, full-time employee	Permanent, part-time employee	Session-only employee	Other
Ohio				
Oklahoma				
Oregon				
Pennsylvania				5
Rhode Island				
South Carolina				
South Dakota				
Tennessee				
Texas				
Utah				
Vermont				
Virginia				
Washington				6
West Virginia				7
Wisconsin				
Wyoming			B	
American Samoa	H			
Puerto Rico			H	

**Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Colorado: In the House, the chaplain is a daily employee.
3. Minnesota: In the Senate, the position of chaplain is a ceremonial position.
4. Nevada: The Senate chaplain is paid on an "as worked" basis.
5. Pennsylvania: In the House, the chaplain is selected on a monthly basis.
6. Washington: The Senate chaplain is not an employee; the person is rotated at least weekly.
7. West Virginia: A member of the House serves as chaplain.

**Table 02-5.58 Who Selects the Senate or House Chaplain**

State (1)	Elected by the entire body	Appointed by the lieutenant governor or Senate president	Appointed by the House speaker	Chosen by a rules or management committee	Other
Alabama					
Alaska					
Arizona					
Arkansas			H		
California	H			S	
Colorado					2
Connecticut					3
Delaware					
Florida			H		
Georgia					
Hawaii					
Idaho				B	
Illinois					
Indiana					
Iowa					
Kansas		S	H		
Kentucky					
Louisiana					
Maine					
Maryland					
Massachusetts			H		
Michigan					
Minnesota	B				4
Mississippi					
Missouri	H			S	
Montana		S			
Nebraska					
Nevada			S		5
New Hampshire					6
New Jersey					
New Mexico					
New York					
North Carolina			H		
North Dakota					



**Table 02-5.58 Who Selects the Senate or House Chaplain, cont'd.**

<b>State (1)</b>	<b>Elected by the entire body</b>	<b>Appointed by the lieutenant governor or Senate president</b>	<b>Appointed by the House speaker</b>	<b>Chosen by a rules or management committee</b>	<b>Other</b>
Ohio					
Oklahoma					
Oregon					
Pennsylvania			H		
Rhode Island					
South Carolina					
South Dakota					
Tennessee					
Texas					
Utah					
Vermont					
Virginia					
Washington		S			
West Virginia			H		
Wisconsin					
Wyoming		B			
American Samoa			H		
Puerto Rico	H				7

**Table 02-5.58 Who Selects the Senate or House Chaplain, cont'd.****Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Colorado: In the House, the chaplain is selected by the chief clerk and then approved by the House Services Committee.
3. Connecticut: In the Senate, the chaplain is appointed by the Senate president pro tem.
4. Minnesota: In the Senate, the chaplain is nominated by the majority leader before the full body votes.
5. Nevada: In the Senate, the majority leader also is involved in the appointment.
6. New Hampshire: In the House, a committee to select the chaplain is established by resolution.
7. Puerto Rico: In the House, the chaplain is selected by the majority caucus.

**Table 02-5.59 Senate or House Chaplain Rotates Among Religions****In the following chambers, the Senate or House chaplain rotates among religions.**

California Senate	Montana Senate
Colorado House	Nevada Senate
Connecticut Senate	Pennsylvania House
Florida House	Washington Senate
Idaho Senate	West Virginia House
Kansas House	American Samoa House
Minnesota Senate and House	Puerto Rico House
Missouri House	

**The following chambers do not rotate their Senate or House chaplains among religions.**

Arkansas House	Missouri Senate
California Assembly	New Hampshire House
Idaho House	North Carolina House
Kansas Senate	Wyoming Senate
Massachusetts House	

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

**Table 02-5.60 Compensation for the Senate or House Chaplain**

State (1)	Compensation Provided		Type of Compensation		
	Yes	No	Salary	Per Diem	Mileage
Alabama					
Alaska					
Arizona					
Arkansas	H		H		H
California	B		B		
Colorado	H		H		
Connecticut	S		S		
Delaware					
Florida		H			
Georgia					
Hawaii					
Idaho	B		B		
Illinois					
Indiana					
Iowa					
Kansas	B		B		
Kentucky					
Louisiana					
Maine					
Maryland					
Massachusetts	H				
Michigan					
Minnesota	B		H	B	S
Mississippi					
Missouri	B		B		
Montana	S		S		
Nebraska					
Nevada	S			S	
New Hampshire	H		H		
New Jersey					
New Mexico					
New York					
North Carolina	H		H		
North Dakota					
Ohio					
Oklahoma					
Oregon					

**Table 02-5.60 Compensation for the Senate or House Chaplain, cont'd.**

State (1)	Compensation Provided		Type of Compensation		
	Yes	No	Salary	Per Diem	Mileage
Pennsylvania	H			H	
Rhode Island					
South Carolina					
South Dakota					
Tennessee					
Texas					
Utah					
Vermont					
Virginia					
Washington	2				
West Virginia		H			
Wisconsin					
Wyoming	S		S		
American Samoa		H			
Puerto Rico	H		H		

**Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Washington: In the Senate, the compensation provided for the chaplain goes directly to the ministerial association.

**Table 02-5.61 Use of Visiting Chaplains****The following chambers use visiting chaplains.**

Alabama Senate and House	Nebraska Senate
Alaska Senate and House	Nevada Senate and Assembly
Arizona Senate	New Hampshire House
Arkansas Senate and House	New Jersey Senate
California Senate and Assembly	New Mexico Senate and House
Connecticut Senate	North Carolina House
Delaware House	North Dakota Senate and House
Florida Senate and House	Ohio Senate and House
Georgia Senate and House	Oklahoma Senate and House
Hawaii Senate and House	Oregon Senate
Idaho Senate and House	Pennsylvania Senate and House
Illinois Senate and House	Rhode Island Senate
Indiana House	South Dakota Senate and House
Iowa Senate and House	Tennessee Senate
Kansas Senate and House	Texas Senate and House
Kentucky Senate and House	Utah Senate
Louisiana Senate and House	Vermont Senate and House
Maine Senate and House	Virginia Senate and House
Maryland Senate	Washington Senate and House
Massachusetts Senate and House	West Virginia Senate and House
Michigan Senate	Wisconsin Senate and Assembly
Minnesota Senate and House	Wyoming House
Mississippi House	American Samoa House
Missouri House	Puerto Rico House
Montana Senate	

**The following chambers do not use visiting chaplains.**

Arizona House	Montana House
Colorado House	Utah House
Michigan House	Wyoming Senate
Missouri Senate	

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 02-5.62 Who Chooses the Visiting Chaplain

State (1)	Chosen by lieutenant governor, Senate president or president pro tem	Chosen by the House speaker	Recommended by a Senate or House member	Selected by the clerk or secretary	Selected by the Senate or House chaplain	Selected by the local ministerial association	Other
Alabama	S		H				
Alaska			B				
Arizona			S				
Arkansas	S		H				
California			B				
Colorado							
Connecticut			S				
Delaware			H	H			
Florida			S				2
Georgia	S		B				
Hawaii			B	S		S	
Idaho			B		B		
Illinois	S		B	S			
Indiana			H				
Iowa			B				
Kansas	S		B		S		
Kentucky			H			B	3
Louisiana	S		B				
Maine		H	B	B			
Maryland	S		S				
Massachusetts	S		H				
Michigan			S				
Minnesota			B		H		4
Mississippi		H	H				
Missouri				H			
Montana	S			S	S		
Nebraska			S				
Nevada			S				5
New Hampshire				H			
New Jersey			S				
New Mexico		H				S	
New York							
North Carolina			H	H	H		
North Dakota			B			B	

Table 02-5.62 Who Chooses the Visiting Chaplain, cont'd.

State (1)	Chosen by lieutenant governor, Senate president or president pro tem	Chosen by the House speaker	Recommended by a Senate or House member	Selected by the clerk or secretary	Selected by the Senate or House chaplain	Selected by the local ministerial association	Other
Ohio			B	S			
Oklahoma			B				
Oregon			S				
Pennsylvania			B	S			
Rhode Island	S						
South Carolina							
South Dakota						B	
Tennessee	S		S				
Texas	S		B				6
Utah			S	S			
Vermont		H		S			
Virginia			B	B			7
Washington			B	H			
West Virginia			B				
Wisconsin			B	B			
Wyoming		H					
American Samoa	H	H	H	H	H		8
Puerto Rico		H					



**Table 02-5.62 Who Chooses the Visiting Chaplain, cont'd.****Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Florida: In the House, the sergeant at arms makes the selection.
3. Kentucky: In the Senate, a rules or management committee makes the selection.
4. Minnesota: In the Senate, the visiting chaplains are scheduled by the fourth assistant secretary.
5. Nevada: The chaplain coordinator in both chambers chooses.
6. Texas: In the Senate, legislative employees also make recommendations.
7. Virginia: When circumstances require, the House clerk may recommend a local minister, or the body may ask a current member to offer the prayer.
8. American Samoa: In the House, the majority leader also helps in the selection.

**Table 02-5.63 Visiting Chaplains Rotate Among Religions****In the following chambers, the visiting chaplains rotate among religions.**

Alabama Senate and House	Nevada Senate and Assembly
Alaska Senate and House	New Hampshire House
Arizona Senate	New Jersey Senate
Arkansas Senate	New Mexico Senate and House
California Senate and Assembly	North Carolina House
Connecticut Senate	North Dakota Senate and House
Florida Senate and House	Ohio Senate
Georgia Senate	Oklahoma Senate and House
Hawaii Senate and House	Oregon Senate
Idaho Senate	Pennsylvania Senate and House
Illinois Senate and House	Rhode Island Senate
Iowa Senate and House	South Dakota Senate and House
Kansas Senate and House	Tennessee Senate
Kentucky Senate and House	Texas House
Louisiana Senate	Utah Senate
Maine Senate and House	Virginia Senate and House
Massachusetts Senate	Washington Senate and House
Michigan Senate	West Virginia Senate and House
Minnesota Senate and House	Wisconsin Senate and Assembly
Mississippi House	Wyoming House
Montana Senate	American Samoa House
Nebraska Senate	Puerto Rico House

**The following chambers do not rotate the visiting chaplains among religions.**

Arkansas House	Massachusetts House
Delaware House	Missouri House
Georgia House	Ohio House
Idaho House	Texas Senate
Indiana House	Vermont Senate and House
Louisiana House	Wyoming Senate

**Note:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

**Table 02-5.64 Compensation for the Visiting Chaplain**

State (1)	Compensation Provided		Type of Compensation		
	Yes	No	Salary	Per Diem	Mileage
Alabama		B			
Alaska	2				
Arizona		S			
Arkansas	H	S		H	H
California		B			
Colorado					
Connecticut		S			
Delaware					
Florida	3				
Georgia	B			B	S
Hawaii		B			
Idaho		B			
Illinois	B			B	
Indiana		H			
Iowa	B			S	B
Kansas		B			
Kentucky	S	H		S	
Louisiana		B			
Maine	B			B	
Maryland		S			
Massachusetts		B			
Michigan		S			
Minnesota	B			B	S
Mississippi		H			
Missouri		H			
Montana		S			
Nebraska		S			
Nevada	B			B	
New Hampshire	H			H	
New Jersey	4				
New Mexico		B			
New York					
North Carolina		H			
North Dakota	B			B	
Ohio	5	H			
Oklahoma	B		H	B	B
Oregon		S			

**Table 02-5.64 Compensation for the Visiting Chaplain, cont'd.**

State (1)	Compensation Provided		Type of Compensation		
	Yes	No	Salary	Per Diem	Mileage
Pennsylvania	S	H		S	
Rhode Island		S			
South Carolina					
South Dakota	6				
Tennessee		S			
Texas		B			
Utah		S			
Vermont	S	H		S	
Virginia		B			
Washington		B			
West Virginia		B			
Wisconsin	S	H		S	
Wyoming		B			
American Samoa		H			
Puerto Rico	H		H		

**Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Alaska: In both chambers, visiting chaplains receive stipends.
3. Florida: In both chambers, visiting chaplains receive honoraria.
4. New Jersey: In the Senate, a \$100 donation is given to the visiting chaplain.
5. Ohio: In the Senate, the visiting chaplain receives free parking in the State House garage.
6. South Dakota: In both chambers, the chief chaplain receives a \$100 honoraria for serving as chief chaplain, securing other visiting chaplains and organizing the schedule for the prayers. Each visiting chaplain receives a \$20 honorarium per appearance.

**Table 02-5.65 Commemorations for Visiting Chaplains**

**In the following chambers, visiting chaplains receive a commemoration for giving an opening prayer.**

Alabama House	Maine House
Arkansas House	Minnesota Senate
Delaware House	Nevada Senate
California Senate and Assembly	Ohio Senate
Connecticut Senate	Oklahoma Senate and House
Florida Senate and House	Pennsylvania Senate and House
Georgia House	Tennessee Senate
Hawaii Senate	Virginia Senate and House
Iowa Senate	Wisconsin Senate and Assembly
Kansas Senate and House	Wyoming House
Louisiana House	American Samoa House

**In the following chambers, visiting chaplains do not receive any commemoration for giving an opening prayer.**

Alabama Senate	Nebraska Senate
Alaska Senate and House	Nevada Assembly
Arizona Senate	New Hampshire House
Arkansas Senate	New Jersey Senate
Georgia Senate	New Mexico Senate and House
Hawaii House	North Carolina House
Idaho Senate and House	North Dakota Senate and House
Illinois Senate and House	Ohio House
Iowa House	Oregon Senate
Kentucky Senate and House	Rhode Island Senate
Louisiana Senate	South Dakota Senate and House
Maine Senate	Texas Senate
Maryland Senate	Utah Senate
Massachusetts Senate and House	Vermont Senate and House
Michigan Senate	Washington Senate and House
Minnesota House	West Virginia Senate and House
Mississippi House	Wyoming Senate
Missouri Senate and House	Puerto Rico House
Montana Senate	

Note:

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

**Table 02-5.66 Type of Commemoration Given to Visiting Chaplains**

State (1)	Certificate	Copy of the video of the prayer	Copy of the journal for the day on which the prayer was given	Other
Alabama	H			2
Alaska				
Arizona				
Arkansas	H			
California		S	B	
Colorado				
Connecticut			S	
Delaware				3
Florida			B	4
Georgia	H			
Hawaii	S			
Idaho				
Illinois				
Indiana	S		S	
Iowa				
Kansas	H		B	5
Kentucky				
Louisiana	H			
Maine			H	
Maryland				
Massachusetts				
Michigan				
Minnesota			S	
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				6
New Hampshire				
New Jersey				
New Mexico				
New York				
North Carolina				
North Dakota				

**Table 02-5.66 Type of Commemoration Given to Visiting Chaplains, cont'd.**

<b>State (1)</b>	<b>Certificate</b>	<b>Copy of the video of the prayer</b>	<b>Copy of the journal for the day on which the prayer was given</b>	<b>Other</b>
Ohio				7
Oklahoma	B	S	B	
Oregon				
Pennsylvania	S	B	S	
Rhode Island				
South Carolina				
South Dakota				
Tennessee	S			
Texas	H			
Utah				
Vermont				
Virginia		B		8
Washington				
West Virginia				
Wisconsin			B	9
Wyoming	H			
American Samoa				10
Puerto Rico				

**Table 02-5.66 Type of Commemoration Given to Visiting Chaplains, cont'd.****Key:**

S=Senate

H=House or Assembly

B=Both chambers

**Notes:**

1. The following chambers did not return a survey: Colorado Senate, Connecticut House, Delaware Senate, Indiana Senate, Maryland House, Mississippi Senate, New Hampshire Senate, New Jersey General Assembly, New York Senate and Assembly, North Carolina Senate, Oregon House, Rhode Island House, South Carolina Senate and House, Tennessee House, American Samoa Senate, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
2. Alabama: In the House, a visiting chaplain receives a small booklet that contains all prayers for the session.
3. Delaware: In the House, visiting chaplains may receive a tribute for offering the opening prayer.
4. Florida: In the House, a visiting chaplain also receives a letter of gratitude from the House chaplain.
5. Kansas: In the House, a visiting chaplain also receives a letter of thanks from the House chaplain.
6. Nevada: In the Senate, a visiting chaplain receives a copy of the prayer booklet that is compiled after session adjourns.
7. Ohio: In the Senate, a visiting chaplain also receives a letter from the Senate clerk.
8. Virginia: Both chambers provide a special cup. In the Senate, a visiting chaplain also receives a copy of the prayer on certificate paper. In the House, a visiting chaplain also receives a framed copy of the prayer.
9. Wisconsin: In the Assembly, a visiting chaplain also receives a picture.
10. American Samoa: In the House, a visiting chaplain receives a cultural gift or offering.





**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Commissioner Jackson

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice:

*If a specific date is needed, please provide reason for specific date: 1/5/2023*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

1. Budget Revision Guidelines: Discuss and adopt a budget revision policy that addresses both state and internal budget revision processes and approval by the county commission based on the WV State Auditor's Office Local Government Services Budget Revision Guidelines.
2. Purchase Order and Invoicing Policy 305: Review, edit, and implement policy 305 to be consistent with generating purchase orders for goods, services, and materials prior to ordering or taking delivery of such items. Implementing a good purchase order process will help the county commission and departments determine if sufficient funds are available for purchases.
3. Budget Reports
4. Commission meetings: discuss the possibility of moving all commission meetings to evenings to make more accessible and convenient for constituents to participate.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed?      Projector    Y/N      Internet/Wi Fi    Y/N      Telephone for conference call    Y/N

Contact information:

Email address:

Phone Number:

<b>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</b>
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## BUDGET CONTROL REPORTS

Each county government is required to maintain a budget control report. The report should include the fund type, an account description, account number and category, the amount budgeted July 1, and any approved revisions to the budgeted amount, the amount received or expended to date and the balance for the period ending.

The entity may use their own form or a computer program to prepare the budget control report, as long as the report contains at least the information provided in the sample by revenue source and objects of expenditure for each expenditure account.

The county commission, through their clerk, should monitor the budget using the budget control report. The county commission and/or other elected officials and department heads should be notified when an object of expenditure is in danger of being over expended so that the proper adjustments may be made to the account through the budget revision process outlined in this guideline.

**Please Note:** The budget control report is not submitted to the State Auditor's office; however, this does not eliminate the requirement for maintaining this type of information for bookkeeping and account purposes and for monitoring or tracking the budget.

## REVISING THE BUDGET

The State Auditor, by uniform regulations, provides for the revision of the budget of the county commission to permit expenditures for purposes for which no appropriation or an insufficient appropriation was made. **The revision must be made prior to the obligation and expenditure of funds and with the prior written approval of the State Auditor. W. Va. Code § 11-8-26a**

The clerk of the county commission, through the bookkeeping and accounting records, should alert the county commission and/or other elected officials and department heads **when an object of expenditure is in danger of being over expended.** This may be accomplished by providing the official with a copy of the **Budget Control Report.** See section on Budget Control in this guideline.

The following pages should facilitate the preparation of the budget revisions for county commissions, elected officials and department heads. While many questions may be answered with a careful review of the material, it is difficult to anticipate all questions that may arise. Please feel free to contact this office at any time if we may be of further assistance.

### Budget Revision Guideline

1. County commissions are charged with the fiscal authority for their counties, which includes the responsibility of preparing and revising the budget.
2. **Elected officials and department heads may not transfer funds from one item of their budget to another item without approval of the county commission.** They may not solicit approval directly from the State Auditor to revise their budget.
3. A county commission should be prepared to provide reasonable support as to why an elected official's request to revise his/her budget was denied.

The following accounts are under the control of the elected official and their budget accounts may not be altered without the request or authorization of the elected official:

402 & 975	County Clerk
413	Elections – County Clerk
403 & 976	Circuit Clerk
414	Elections – Circuit Clerk
404 & 979	Sheriff –Treasurer
405 & 978	Prosecuting Attorney
406 & 977	Assessor
407	Assessor's Valuation Fund
700 & 980	Sheriff-Law Enforcement
701	Sheriff – Service of Process
702 & 981	County Jail – Reimbursable Jail Costs
703	County Jail – Non-reimbursable Jail Costs

## REVISING THE BUDGET (con't)

4. All expenditures of a department are to be **budgeted, properly classified and charged to that department**. Particular attention will be given to the budget accounts of elected officials to ensure that funds have been allocated for the operation of their offices. For example, funding should be included in each elected official's budget for, but not limited to salaries, including benefits and overtime, travel, training, materials and supplies and record books. *W. Va. Code §6-9-3*
5. The county commission must ensure that an adequate budgetary appropriation exists in an object of expenditure under a department, **prior to the obligation or expenditure of funds**.
6. Budget revisions require a record of **formal action** taken by the county commission and therefore, must be acted upon during a regular or special session of the county commission; therefore, revisions to the budget should appear on the agenda of the county commission meeting.
7. The budget revision request should be typed. Budget revisions must be submitted on the form provided by the Auditor's Office. The revision is to be forwarded to the Local Government Services Division, 200 West Main Street, Clarksburg, WV 26301 for approval. A copy should be retained by the county commission for their record.

**A. CONTROL NUMBER:**

**FY** is the fiscal year for which the request to revise the budget applies

**FUND** is 01 General or 02 Coal Severance

**REV. NO.** is the number of cumulative budget revisions related to each fund

**PG OF NO.** means this page of the budget revision is "Page 1 OF the total number of pages". For

Example: Page 1 of 3, Page 2 of 3 and Page 3 of 3

- B. This area is reserved for the **name and address** of the county commission.
- C. Please include the name, telephone number and fax number of the person to contact if any questions arise regarding the budget revision.
- D. **REVENUES:** The top half of the budget revision form should be used by the county commission to report any REVENUE accounts to be adjusted.
  1. **Account Number** is the 3-digit number of the revenue account and any sub account number; for example: Current Year Property Tax would be 301-01. The Auditor's Office does **NOT** deal with sub accounts so unless it is a 301 account that has -01 to -99 after it, please do **NOT** include sub accounts with the 3-digit account number.
  2. **Account Description** should reflect the name of the account; for example: The Account Description for 301-01 would be Property Tax-Current Year and for 299 the account description would be Unassigned Fund Balance.
  3. **Previously Approved Amount** is the amount originally approved by the State Auditor's Office plus any budget revisions approved by the State Auditor prior to the budget revision under consideration.

## REVISING THE BUDGET (con't)

4. **Increase** should reflect the amount to be added to the account.
5. **Decrease** should reflect the amount to be subtracted from the account.
6. **Revised Amount** should reflect the equivalent of:

Previously Approved Amount + Increase = Revised Amount

OR

Previously Approved Amount – Decrease = Revised Amount

7. Must reflect the **net** effect of increases/decreases to revenues.
- E. **EXPENDITURES:** The lower half of the budget revision form should be used by the county commission to report any EXPENDITURE accounts to be adjusted.
1. **Account Number** is a 3-digit number of the expenditure account; for example: the 3-digit account number for the county clerk would be 402.
  2. **Account Description** should reflect the name of the account; for example: The account description for #424 would be Courthouse and for #442 the account description would be Federal Grants.
  3. **Previously Approved Amount** is the amount originally approved by the State Auditor plus any budget revisions approved by the State Auditor prior to the budget revision under consideration.
  4. **Decrease** should reflect the amount to be subtracted from the account.
  5. **Increase** should reflect the amount to be added to the account.
  6. **Revised Amount** should reflect the equivalent of:
- Previously Approved Amount – Decrease = Revised Amount
- OR
- Previously Approved Amount + Increase = Revised Amount
7. Must reflect the **net** effect of increases/decreases on expenditures. **Revenues and expenditures must balance.**

**NOTE:** Budget revisions which involve adjustments to accounts too numerous to list on the budget revision form should be listed on a **supplemental budget revision form, located on a tab on the bottom of the form from our website**. The supplemental form may be used for the listing of revenue or expenditure accounts. This form is also available in excel format.

## REVISING THE BUDGET (con't)

F. **Authorized Signature for Governing Body – Entity Approval Date**

Each budget revision should include the signature of the person whose name appears on the original budget submitted to the State Auditor for approval in March. This person's name appears on the roster of the budget on file with the State Auditor. The Entity Approval Date is the date of the county meeting in which the budget revision was on the agenda and should correspond with the date reflected on the resolution.

G. **Approved by the State Auditor:** Reflects the signature of the person who has authority to approve budget revisions from the State Auditor's Office. **DO NOT SIGN IN THIS AREA.**

8. **Resolutions/Orders:** Budget revisions require a record of formal action taken by the county commission and therefore must be acted upon during a regular or special session of the county commission. Budget revisions must be accompanied by the resolution or order of the county commission approving such revision. The resolution/order must include:

- A. The name of the county commission
- B. The date of the meeting in which the budget revision was on the agenda
- C. The fund to be revised (general or coal severance)
- D. The statement that the request to revise the budget is **"PRIOR TO THE EXPENDITURE OF OBLIGATION OF FUNDS"**
- E. The commission who moved and seconded the budget revision to be approved
- F. The yes or no vote of the commission
- G. The person authorized to sign the budget revision form

9. Budget revisions will not be approved by the Auditor's Office for a county commission that has not satisfactorily responded to the issues of noncompliance or the request for additional information outlined in the county's **"Conditional Approval of the Levy Estimate-Budget"**.

10. If an object of expenditure is deficient, first determine if there is any way to make adjustments within the previously approved expenditure account, so that the original appropriation approved in the levy estimate will be sufficient without a transfer of funds from one account to the deficient account. For example:

	<u>Approved Amount</u>
Account #404 – Sheriff – Tax Office	\$ X,XXX
Object of Expenditure #459 Capital Outlay – Equipment	\$ X,XXX

11. A revision to the coal severance fund must be made by July 15 to bring into the current year's budget the actual amount of assigned fund balance (acct. #298) from the previous year. *W. Va. Code § 11-13A-6* For whatever reason, if the county finds that the fund balance has changed from the amount that was reported on the fund balance budget revision that was submitted by July 15, you may revise the fund balance again to correct the error.



## REVISING THE BUDGET (con't)

12. A revision to bring in the actual amount of carry-over or unassigned fund balance (acct. #299) in the general fund should be submitted by July 30. This amount should include balances in checking accounts, savings accounts, investments, etc. For whatever reason, if the county finds that the fund balance has changed from the amount that was reported on the fund balance budget revision that was submitted by July 30, you may revise the fund balance again to correct the error.

Under the modified accrual basis of accounting, the fund balance should also include all other assets and liabilities as of June 30. This includes taxes receivable and an off-setting deferred revenue liability account for that portion of taxes receivable which will be collected within 60 days. All other delinquent taxes estimated to be received should be brought into the budget under account #301-02/05 – Prior Year Taxes, instead of #299 – Unassigned Fund Balance.

13. Make only **one entry** per account; that is the **net effect of all increases/decreases** to that single account.
14. **State account numbers in numerical order.** Budget revisions submitted with accounts not listed in numerical order are subject to be returned to the entity.
15. **Assignment of account numbers:** Account numbers are assigned by the State Auditor's Office Local Government Services Division only. Refer to the Uniform Chart of Accounts for assigned numbers OR the most current Budget document.
16. Amounts must be state in whole dollars; **DO NOT USE CENTS.**
17. Budget revisions for the **general and coal severance** fund must be submitted on **separate forms.**
18. **Budget revisions must balance.** Net change to revenues must equal the net change of expenditures.
19. Year End Budget Revisions: No budget revisions will be accepted at the end of the fiscal year which cannot be reviewed, posted approved and RETURNED TO THE COUNTY COMMISSION PRIOR TO JUNE 30. This means that the entity should submit its last revision no later than June 15, except in emergency situations.
20. Budget revisions made for the obvious purpose of bringing all line items into balance at the end of the year after the expenditures have been made will not be approved by this office. The county commission must set up budgetary controls to ensure that such year-end corrections of line items which have been over expended do not occur.
21. **Emergencies:** Budget revisions must be made prior to the obligation and expenditure of funds and with the prior approval of the county commission and the State Auditor, except in the following circumstances:

## REVISING THE BUDGET (con't)

In the event it becomes necessary to make an emergency purchase for an unanticipated expense and there is not sufficient time to obtain the prior approval of the county commission or State Auditor due to the urgent nature of the purchase, make the purchase and then make a budget revision request to rectify the action taken. In such instances, the resolution should state that the revision is being made to adjust the budget for emergency purchases, and it should also indicate the circumstances which required such emergency purchases.

**PLEASE NOTE THAT, GENERALLY, EMERGENCY CIRCUMSTANCES ARE VIEWED AS THOSE CONDITIONS WHICH ARE LIFE THREATENING OR FINANCIALLY SIGNIFICANT.**

22. Budget revisions for account #301-01, Property Taxes – Current Year, which are the result of the county commission having received an amended certificate of valuation from the assessor, must be accompanied by a new levy page and a copy of the amended certificate of value. Please note that if the difference in the taxes levied is not a material amount, the county commission may make an adjustment for the difference in uncollectable so that the new amount to be raised by the levy of property taxes remains unchanged. This action would not require a revision to the budgeted revenues. However, the entity should still submit a new levy page reflecting the amended values, adjustments, and a copy of the amended certificate of valuation.
23. **Special Funds:** County commissions are authorized to create, by proper order, special funds for specific purposes. They are authorized to allocate funds raised by tax levies, and transfer unexpended or surplus money in the county general fund to a special fund. Expenditures must be made only for the purpose for which the special fund was created. However, in the event of a necessity or emergency the county commission, by **unanimous vote and with the approval of the State Auditor**, may transfer money from the special fund to the county's general fund. When the purpose for which the special fund has been accomplished or completed, the county commission may transfer any balance remaining to the general county fund. *W. Va. Code § 7-1-9*

The request to transfer money from the special fund to the general county fund should include the following:

- A. Unanimous decision of the commission with the signatures of all commissioners
- B. Indicate the nature of the emergency or necessity
- C. Indicate that no other funds are available for the purpose
- D. Indicate the purpose for which the special fund was originally created and the balance currently in the fund
- E. Transfer must be requested and approved in writing from the State Auditor in advance of the obligation or expenditure of funds

Revenue account #388, "Transfers from Other Funds" was established to facilitate the transfer of monies from special funds created by the county commission to the county's general funds.

## REVISING THE BUDGET (con't)

Any county including budgeted amounts in account #388 should enclose a copy of the written authorization from the State Auditor with the budget. In addition, any budget revision made during the fiscal year to the general fund budget which reflects a contribution from a special fund should also be accompanied by a copy of the State Auditor's written request.

24. **Reimbursements** from a special fund created for a specified purpose must be reflected under a descriptive revenue account that reflects the type of funds being transferred. For example: If funds are transferred from the county's home confinement fund to reimburse the county's general fund for expenses paid on behalf of the home confinement program, the reimbursement should be reflected in revenue account #393 Home Confinement. Reporting reimbursements this way will provide a clearer understanding of the types of funds being transferred to the county's general fund and the amount of expense involved with providing particular services.

Reporting reimbursements in the general fund under the specific revenue source description does not in any way eliminate the county commission's responsibility for establishing special funds for special revenue sources where statutorily required to do so.

**Reimbursements/Refunds** account #382 may be used to reflect external refunds/reimbursements to the general county fund from external sources which are not material and are used to infrequently to classify or from rebates from the LG P-Card Program.

25. Please contact this office if a request to revise the budget is not returned within two (2) weeks.
26. Budget revision forms are prescribed and supplied by the State Auditor. You may download these forms from our website or by writing or telephoning the Local Government Services Division.

**It is not necessary to submit multiple copies of the budget revision form if you are using the forms created in excel format.**

### First Scenario:

The sheriff needs new equipment in the tax office but no funds were appropriated in the original levy estimate.

Determine if funds may be transferred from one of the other objects of expenditure within account #404 to object of expenditure #459 to satisfy the deficiency.

The sheriff has determined that he will have surplus funds available under objects of expenditure #341 materials and supplies.

**This is an in-house transfer and will require the authorization/request of the sheriff and approval of the county commission but not the approval of the State Auditor.**

## REVISING THE BUDGET (con't)

### Second Scenario

The sheriff needs new equipment in the tax office but no funds were appropriated in the original budget. The sheriff has determined that no surplus funds exist in any of the other objects of expenditure within expenditure account #404.

The county commission, in order to provide funding for this purpose, will need to determine if any of the other accounts in the budget have surplus funds appropriated.

The commission determines there are surplus funds available from another account #424, object of expenditure #211 – Telephone.

The commission must first submit a budget revision request to the State Auditor for approval **before they obligate or expend** the funds for the sheriff's tax office equipment.

In other words, the only budget revision requests that require the State Auditor's approval are those that have a NET EFFECT on the ACCOUNT TOTAL.

### Summary:

All Transfers within a single 3-digit account number are considered in-house transfers and require the approval of the elected official and the county commission. Transfers from one account to another also require the State Auditor's approval.

**Budget revisions submitted to the State Auditor for approval, which reflect reductions to an elected official's budget account, must also be accompanied by that official's request or authorization to make such a transfer.**



<b>Jefferson County Policies &amp; Procedures</b>			
Policy Name:	Purchase Order and Invoice Policy	Approved:	Rev 08-15-2019
Policy Number:	305	Author:	Grove, Gordon
Associated:		Previous Version approved 1-17-2019	

### **1.0 Purpose**

The purpose of this Policy is to provide a uniform procedure for processing all purchase orders and invoices for Jefferson County. Additionally, the policy will establish consistent procedures for the Jefferson County Clerk's Office, the Sheriff's Tax Office, and the Jefferson County Commission's Office. These procedures are intended to provide safeguards for maintaining the quality and integrity of the accounts payable and cash disbursement system.

### **2.0 Authority**

The County Clerk, Sheriff, and Finance Director (this team is referred to as "County") shall be responsible for the implementation and interpretation of this policy, as well as enforcement of this policy in accordance with the WV State Auditor. The County shall issue, maintain and update any procedure, control and form needed to ensure compliance with this policy and any WV State or Federal Code.

### **3.0 Definitions**

- AP means accounts payable (which includes payroll deduction checks)
- PO means Purchase Order
- Purchase Request means an internal document notifying the County Clerk and Commission offices of items to be ordered or services to be rendered.
- Vendor means a business or individual that provides a product or service to the County.

### **4.0 Vendors**

All vendors must be authorized by the Jefferson County, County Clerk's Office. Parties seeking to obtain qualified vendor status with the County of Jefferson must complete and return Form W-9: Request for Taxpayer Identification Number and Certification.

Applicable forms can be found on the Jefferson County website or by contacting the County Clerk's Office. Once vendors have been authorized, the Clerk's Office creates a new vendor in the county financial record keeping system which assigns a unique number to the vendor. Only vendors who have been authorized by the Jefferson County Clerk's Office will be paid by Jefferson County.

### **5.0 Purchase Orders, PCard & Invoice Processing**

A purchase order is to be used for items which have a cost of \$5,000 or greater. *Please note* that items should not be purchased separately to avoid the \$5,000 limit when ordering in bulk. For example, a department needing five computers at \$1,000 each should not

purchase the computers separately to avoid the PO policy. All purchases of goods or services at or above \$5,000 require the approval of the County Commission.

The process for Purchase Orders (PO) at or above \$5,000 is as follows:

- The **Purchase Requisition** is to be completed in the financial system, Tyler Munis. All fields must be completed including the budget expenditure line item(s) from which the expense should be paid. The expenditure account number on the Purchase Requisition must represent the appropriate account classification for the item being purchased or it will be rejected.
- The Purchase Requisition is automatically submitted by the system to the Commission Staff to be included on the next Commission Meeting Agenda.
- Once the Purchase Requisition is approved by the Commissioners, Commission Staff will electronically approve it in the financial system. They system will **automatically convert to a Purchase Order (PO)**.
- The originating department may obtain approved copies of the PO for vendor distribution or for reference by accessing the financial system or by contacting Accounts Payable.
- **ONLY after the PO has been approved by the Commission, should the originator of the PO purchase the item(s).** Once the item(s) is/are purchased and an invoice is received, department staff should enter the invoice into the financial system for payment referencing the PO number. Accounts Payable will then process the payment. A check, along with the invoice will be mailed to the vendor. (See also *6.0 Payment Process* of this policy) Accounts Payable will keep an electronic copy of the invoice and the purchase order for their files for auditing purchases.
- All purchases must be for reasonable and necessary costs. No purchases shall be made in excess of the PO amount approved by the Commission, unless the difference is strictly due to state tax and shipping costs.
- (See also *Financial Policy 318 – Bidding and Contract Policy* for additional guidelines.)

The process for invoices and PCard purchases without Purchase Orders (purchases less than \$5,000 or invoices that do not require a PO) are as follows:

- **PCard transactions** will be imported weekly by the AP Clerk into the financial system. PCard administrators in each department will be electronically notified when a PCard transaction for their department has been imported. The administrator must ensure that the PCard transaction is coded to the correct expenditure account and electronically attach receipts or other documents supporting that PCard transaction. (See also *Financial Policy 304-Purchasing Card Procedures* for additional PCard purchase guidelines.)
- **Non PCard invoices** are to be entered into the financial system by the appropriate department personnel. The paper invoice (all pages, front and back) should then be scanned and electronically attached to the invoice entry screen. After it has been released, the invoice will be electronically approved by the department manager or person designated by the department manager. This electronic signature provides the authorization that it was approved by the department for payment. The expenditure account coding in the system for the invoice to be paid must represent the appropriate account classification for the item being purchased. For example: if

supplies are coded to professional services the invoice will be declined for misclassification of the expenditure type.

The paper invoice for payroll deduction checks processed through accounts payable includes but is not limited to original invoices from all vendors (all pages, front and back), reconciliation reports and the payroll deduction reports that show the actual amount withheld from employee pay for each deduction. The first page of all payroll deduction invoices must be attached separately and marked as **CONFIDENTIAL for Accounts Payable**. The remaining invoice pages with sensitive employee detail, the deduction report, reconciliation report or other documents pertinent to that transaction must also be attached as a document(s) in the system AND must be marked as **CONFIDENTIAL for BOTH Accounts Payable and for Payroll**.

When coding invoices that are sent to AP for entry, departments are required provide a manual approval on the face of the invoice and must write the appropriate expenditure account code in the following format on the invoice XXXXXX-XXXXXX. Where the first set of numbers represent the organization code (org code) or fund and department number and the second set of numbers represents the object code of the expenditure. For example: if the Sheriff's Office was purchasing supplies the coding would be 001700-434100. In this example 001700 is the org code or fund and department number of the Sheriff's Office and 434100 is the expenditure object number for office supplies. If any department is paying an invoice from a fund other than the General Operating Budget of the County then it needs to be clearly written on the invoice which fund is being charges, as an example the Coal Severance Fund.

- **Reimbursement requests** must be submitted with an expense report, along with itemized receipts and supervisor's approval. (See also *Financial Policy 316 – Meal Per Diem Policy* AND *Financial Policy 302 – Travel Expenses Policy* for additional guidelines.)
- If the **budgeted line item does not have the necessary funds to pay the invoice**, the invoice will not be processed for payment. It will be the purchaser's responsibility to complete a budget revision request in the financial system, and obtain the electronic approvals of the Finance Director and/or the Commission. The Department Manager may also have to appear before the Commission to have monies moved within the budget to accommodate the purchase.
- Payments will not be made from monthly statements unless the department attaches the detail to the statement (the individual invoices or individual receipts).
- Any request for payment not submitted in the appropriate format is subject to being held by the Accounts Payable Department pending resolution of the Department Manager.
- Any **late charges** will be charged to the department that incurred the purchase. These late charges include late charges incurred by late submission of invoices; invoices that are being held for lack of budgeted funds; or requests for payments that are being held because they are in the wrong format.
- Departments should refrain from using credit cards other than the County issued PCard. Other credit cards include but are not limited to credit cards issued by Staples and Home Depot. Any rewards program incentives from any credit card other than the PCard are to be used only for authorized County purchases.



If an invoice that is entered for payment requires that a **remittance stub** or other documentation be sent with the check to the vendor at time of payment, that field must be checked in the system during invoice entry and back up must be sent to the AP Clerk. Additionally, utility invoices and invoices that impact **multiple departments will be allocated and entered for payment by the AP Clerk**. The original invoice of those types should be forwarded to the AP Clerk.

**If there are insufficient funds within a department's overall department budget to purchase the item, AND a budget transfer is NOT APPROVED by the Commission, then it is the responsibility of the purchaser to either return the product or be personally responsible.**

#### ***Exceptions to Purchase Orders***

- 1) *Emergency Purchases:* If the purchase is a required emergency for continued employee productivity or our citizens' use of our services and buildings, the maintenance department manager (in conjunction with the County Administrator) has the authority to spend up to \$10,000, if time is of the essence. Examples of exceptions would be, but not limited to, heating and air conditioning of the buildings, elevators for the public, car repairs for the deputies, or weather emergencies. If the purchase is above \$10,000, the maintenance department manager would be required to email the Commissioners to seek a majority approval.
- 2) *Grant Purchases:* If the purchase is a grant funded item and is time sensitive in order to meet grant obligation date deadlines, the department manager (in conjunction with the County Administrator) has the authority to spend up to \$10,000, if time is of the essence. If the purchase is above \$10,000, the department manager would be required to email the Commissioners to seek a majority approval. (See also *Financial Policy 317 –Grant Policy* for additional guidelines.)

**Either exception requires the department manager to submit the PO through the agenda at the next regularly scheduled meeting to receive formal approval / ratification.**

#### **6.0 Payment Process**

*AP and Payroll Checks:* The AP staff in conjunction with the Sheriff's Tax Office or the Sheriff's designee shall balance payables each week, and print checks and EFT files from the AP and Payroll Clerks. Printed checks AND the AP or payroll (PR) listing with AP invoices AND the AP or PR check register will first be reviewed, certified and approved by the County Clerk. Next, the printed checks AND the AP or PR Listing AND the AP or PR check register will be reviewed, certified and approved by the Sheriff's Tax Office. Lastly, a listing of accounts payable checks paid shall be approved by the Commission at the next regularly scheduled commission meeting. That listing shall sum all employee HRA (Health Reimbursement Account) payments (if any) into one line item listed as "HRA REIMBURSEMENT PAYMENTS" with no reference to the employee name(s) in order to maintain compliance with employee privacy laws.

- Checks shall be printed on check stock purchased from Tyler financial services with the appropriate bank approved security features.

- Checks shall be printed using printers designated specifically for check printing and must use MICR toner.
- The County Clerk's office shall safeguard and secure in a locked storage area the blank check stock.
- The County has been issued 2 Tyler Secure Check Signature Systems, a/k/a "black box". The secure check signature systems are the mechanical or electrical device that is required for making of the signatures of the president, clerk and sheriff. Such devices shall be safeguarded and secured in the County Clerk's office.
- 
- The County has been issued two (2) check void removal keys from Tyler financial services. One is held by the County Clerk, and a second key is held by the Sheriff's Tax Office.
- The check signature system black boxes and Void removal keys shall be segregated from the check stock and the black box.
- 
- Check void removal keys shall be safeguarded and secured in locking storage areas. The Clerk or Sheriff will distribute the key to the appropriate AP or PR clerk in order to print checks. Printed checks, the corresponding check register and the check void removal key must be returned to the Clerk or Sheriff for certification and approval.
- In the Clerk or Sheriff's absence, the County Clerk and/or Sheriff may designate an appropriate staff member to safeguard and distribute the check void removal key, and / or certify the printed checks, AP or PR listing, and the corresponding check register. **The designated person may not be the AP clerk or the Payroll clerk.**
- Checks will be printed with facsimile signatures of approved check signers.
- Payroll bank transfer and payroll electronic funds transfer checks needed for the payroll process are time sensitive and as such will require a shortened workflow. Those checks include the bi-weekly funding transfer from the General County bank account to the Payroll bank account, and periodic electronic funds transfers to government agencies and vendors for tax, retirement and other employee withholdings. To ensure that the Tax Office receives the transfer information for cash balancing in a timely manner, the electronic workflow approval shall consist of the County Administrator (approving on behalf of the County Commission), the County Clerk, and the Finance Director. Transfer checks must also be included in the listing of accounts payable checks paid and that list shall be approved by the Commission at the next regularly scheduled commission meeting (see 6.0 Payment Process paragraph 1 above).

Once approval is made, the Sheriff's Tax Office or the Sheriff's designee shall return all payments to the AP or Payroll Clerk to be mailed or distributed directly to the vendor or employee. A vendor may pick up the check directly from the Clerk's Office, if approved by the County Clerk.





December 16, 2022

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

To the Jefferson County Commission,

The by-laws of the Jefferson County Historic Landmarks Commission require that Jefferson County Commission and West Virginia State Historic Preservation Office be notified when the Landmarks Commission designates an additional structure or site as a Jefferson County Historic Landmark. At its December 7, 2022 meeting, the Landmarks Commission added **Fairview Cemetery of Gibsontown** to the list of Jefferson County Historic Landmarks.

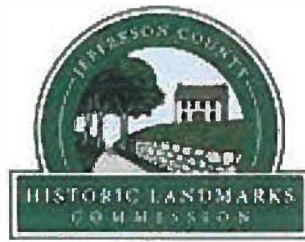
Enclosed is the Landmarks Commission's nomination report for **Fairview Cemetery of Gibsontown** including photographs and drawings. These are provided for your information and review; no action is required by the Jefferson County Commission. A duplicate report has been sent to the WV State Historic Preservation Office in Charleston.

If you have any questions regarding this report, please do not hesitate to contact me at (304) 876-3883.

Respectfully,

*Martin Burke*

Martin Burke  
Chair, JCHLC



## Fairview Cemetery of Gibsontown

*Jefferson County Landmarks Commission Nomination Report*



Established nearly 150 years ago, Fairview Cemetery of Gibsontown remains the largest black cemetery in Jefferson County, WV and is still an active burial ground today. Gibsontown was a small black community outside the city limits of Charles Town. In early 1875, the Fairview Cemetery Company was incorporated and purchased land in Gibsontown to be used as a burial ground. By 1917, the local paper reported that, “*nearly one-half of the colored people of the county use Fairview as a burial place for their dead.*”<sup>1</sup>

Fairview contains burials of some of the most prominent and influential black citizens of Jefferson County from the 19th and 20th centuries. There are more than 100 military veterans buried in the cemetery, including more than a dozen Civil War and Spanish American War service members. Among those buried are formerly enslaved individuals and those born free, business owners, educators, officers and charter members of black fraternal orders, farmers, trustees of Storer College, leaders and preachers of numerous local churches, and more. There are various types of unique handmade headstones as well as decorations and mementos left on graves that enhance the cultural significance of the site. This sacred burial ground provides insight into the people, events, and patterns of life that are part of the fascinating and rich black history of Jefferson County.

### **Historical Background**

On January 7, 1873, Charles Town’s newspaper, the *Spirit of Jefferson*, announced the need for “*a new burial ground for the colored people*” of Charles Town and vicinity; “*that they should have a decent and secure resting place for their dead is a question that admits of no debate but the plan by which such a burial place should be secured has not heretofore been definitively fixed upon.*”<sup>2</sup>

On May 10, 1873, the Virginia Press reported:

*“It is generally known that a lot has been set aside for the burial of colored people in the eastern end of town. But the lot is now full of graves, and has been filled for several years. For some time past it has been impossible to dig a grave without cutting down upon some old grave; and it is believed by all who have examined the lot, that there is not room for a single additional interment within its bounds. When this state of things was made known to the Mayor and Council, authority was given for graves to be dug in the alley which runs by the Burial Ground, and which is not used for public purposes; but with the necessary provision that all remains interred therein must be removed whenever the authorities desire to open the public alley. This contingency may arise at any time in the future. Moreover, this alley is narrow, and its length (for this use) limited to the breadth of the small lot now occupied as a cemetery—so that it will be but a short time*

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<sup>1</sup> Spirit of Jefferson. [volume] (Charles Town, Va. [W. Va.]), 13 Nov 1917. Chronicling America. Historic American Newspapers. Lib. of Congress. <https://chroniclingamerica.loc.gov/lccn/sn84026788/1917-11-13/ed-1/seq-2/>

<sup>2</sup> Spirit of Jefferson. [volume] (Charles Town, Va. [W. Va.]), 07 Jan 1873. Chronicling America. Historic American Newspapers. Lib. of Congress. <https://chroniclingamerica.loc.gov/lccn/sn84026788/1873-01-07/ed-1/seq-3/>

*before it is filled. The purchase of an additional lot is, therefore, a necessity staring the community in the face.”*<sup>3</sup>

The burial ground mentioned is located on a property at the corner of S. Seminary Street and E. Avis Avenue, across from Edge Hill Cemetery in Charles Town. According to the 2005 historic marker on the site, Andrew Hunter and his wife, Elizabeth, sold the lot to the City of Charles Town “to be used as a potter’s field and burying place for coloured persons.”

In the early months of 1873, regular notices were published with updates regarding contributions made to secure land for the new burial ground. By February 1875, the *Fairview Cemetery Company* was officially incorporated. The record from the Jefferson County Corporation Book 1, page 5 states:

*“The undersigned agree to become a corporation under the name Fairview Cemetery Company, for the purpose of providing and establishing a burial place for the dead of the colored people of Charles Town, Jefferson County, West Virginia, and its vicinity... on the 9th day of February, 1875. Signed, John H. Talbot, Edward P. Talbot [Tolbert], Philip Jackson, George W. Jackson, Joseph Walker, Robert Ford, and Richard Jackson.”*<sup>4</sup>

Just nine days after incorporation, the Fairview Cemetery Company purchased two acres of land from Henry Bedinger Davenport in a deed dated February 18, 1875. Henry B. Davenport lived at “Altona,” the nearby ancestral home and farm he inherited from his father, Colonel Braxton Davenport. According to the obituary of cemetery trustee Robert Ford, he “was in antebellum days a slave of the late Col. Braxton Davenport.”<sup>5</sup> Braxton Davenport was the county magistrate at the time of the John Brown trial and Henry B. Davenport was a lieutenant in the military company that helped repress the John Brown raid and later guarded over Brown when he went between the jail and courthouse.<sup>6</sup> After emancipation, Robert Ford went on to become a hearse driver for the Sadler Brothers undertaking business for 40 years then for their successors, Strider and Ramey, until his death in 1905. His obituary in the Shepherdstown Register estimated that “about 3,000 bodies were conveyed by him to cemeteries in the hearse which on Tuesday conveyed his own remains to their final resting place.”<sup>7</sup> According to the Spirit of Jefferson, all of his pallbearers were white and included his former enslaver’s grandson, Braxton Davenport Gibson. For years, Braxton Gibson’s mother, Francis Davenport Gibson and husband, John

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<sup>3</sup> Virginia Free Press (Charlestown, Va. [W. Va.]), 10 May 1873. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026784/1873-05-10/ed-1/seq-3/>>

<sup>4</sup> Jefferson County, West Virginia. Corporation Book 1:5.

<sup>5</sup> Spirit of Jefferson (Charles Town, Va. [W. Va.]), 27 June 1905. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1905-06-27/ed-1/seq-2/>>

<sup>6</sup> Shepherdstown Register (Shepherdstown, Va. [W. Va.]), 19 Sept. 1901. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026824/1901-09-19/ed-1/seq-3/>>

<sup>7</sup> Shepherdstown Register (Shepherdstown, Va. [W. Va.]), 29 June 1905. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026824/1905-06-29/ed-1/seq-3/>>

Thomas Gibson, owned a large piece of property adjacent to Fairview; it is the Gibson family for which Gibsontown was named.

Because the cemetery was established out of need, it is likely that the first burials occurred soon after the land was secured in early 1875. Changes in the landscape over time from erosion, invasive plants, and burrowing animals have caused some of the gravestones to topple and become buried by soil, especially in the oldest section which lies at the bottom of a hill. Without a burial map and many graves currently unmarked, for now the history must be pieced together through information on remaining visible stones, available death records, newspaper archives, and oral history.

The one visible stone with years predating the recorded establishment of the cemetery is a large obelisk for the children of Achilles and Ellen Dixon: Wilson (died in 1857), Urania (1864), and Marian Dixon Keys (1880). This obelisk could mark Wilson and Urania's reinternments or their names could have been added in their memory when the stone was erected after Marian's death. Their father, Achilles Dixon, was a successful blacksmith who was born free. In 1839, he purchased the freedom of his wife, Ellen, one daughter, and one son. In the deed of emancipation between Margaret Kearsley and Achilles Dixon, Urania Camilla is identified as the daughter whose freedom he purchased.<sup>8</sup> The Dixons lived on the corner of Liberty and Samuel Street in Charles Town. In December of 1865, the first "colored" school was established in their home. When Ellen Dixon died in 1908, The Daily Telegram (Clarksburg, WV) wrote that the "*Freewill Baptist church was organized in her home. Her home was also the birthplace of government schools in the valley and especially Storer College.*" Her obituary also quoted Professor Nathan C. Brackett of Storer as saying, "*In the early days of the school at the close of the war she rendered great service to the teachers, her keen insight into human nature, her knowledge of people of both races were always at the service of the president and teachers.*"<sup>9</sup>

Although not the first burial, the earliest date on a visible marked stone is for Lewis Cooke who died July 14, 1879. His obituary reads: "*Lewis Cooke, son of Henry Cooke, the colored express man, of Charlestown, died on Sunday last. Lewis was well known, and one of the most popular barbers we ever had. He was a good boy and his death will be regretted by white and colored.*"<sup>10</sup> His father, Henry Cooke, died seven years after his son; he was a sexton for the Presbyterian Church for thirty years as well as the mail carrier and express messenger for the B&O Railroad.<sup>11</sup> Two years after his death, local stone carvers, Diehl & Bros., erected a headstone at his grave

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<sup>8</sup> Jefferson County Clerk's Office Deed Book 23: 407 19 Aug 1839. Charles Town, Jefferson County, WV.

<sup>9</sup> The daily telegram. (Clarksburg, W. Va.), 01 Feb. 1908, p.2, col. 4. Chronicling America: Historic American Newspapers. Lib. of Congress <<https://chroniclingamerica.loc.gov/lccn/sn85059715/1908-02-01/ed-1/seq-2/>>

<sup>10</sup> Spirit of Jefferson (Charles Town, Va [W. Va.]), 15 July 1879. Chronicling America: Historic American Newspapers. Lib. of Congress <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1879-07-15/ed-1/seq-3/>>

<sup>11</sup> Virginia Free Press (Charlestown, Va [W. Va.]), 25 Feb. 1886. Chronicling America: Historic American Newspapers. Lib. of Congress <<https://chroniclingamerica.loc.gov/lccn/sn84026784/1886-02-25/ed-1/seq-2/>>



that was purchased through community donations from “those who appreciated the man whose memory they revere.”<sup>12</sup>

Every veteran interred at Fairview does not have a headstone recording their service, however, military records and visible headstones have helped to identify more than 100 military veterans buried there. Fairview Cemetery has government-issued military headstones distributed across the site, representing the Civil War, Spanish American War, WW1, WW2, Korea, and Vietnam. Some of the veterans buried at Fairview died in service including Eugene Luckett, who died in Germany while serving in the army during WW2, as well as James E. Thornton, George Carr, and Matthew Washby, all of whom died at camp from influenza shortly after they enlisted in the army during WW1. Shortly after the Spanish American War concluded, the newspaper began reporting on memorial services at Fairview, which implies that there were likely interments of those who died in service during the earlier wars.

Over the years, many local fraternal organizations and historically black churches have been involved in recognizing military service of those interred at Fairview. In 1903, *The Spirit* described a procession from the Fishermen’s Hall to Fairview. Charles Town’s Fishermen’s Hall, is located about 1.7 miles from Fairview and was established by the Grand United Order of the Galilean Fishermen in 1885. Cemetery charter member Edward P. Tolbert was also the president of the Galilean Fishermen during the year of the inception. The black benevolent society, composed of philanthropic men and women, was focused on education and self-betterment and providing for the sick, assisting widows, and paying for funerals. Since its construction, Fisherman’s Hall has served as a community meeting place for a variety of groups and benevolent societies; organizations like the NAACP of Jefferson County still use this building today. At that 1903 memorial service, B.F. Nelson was president, L.L. Page master of ceremonies, and Philip Jackson, secretary. “*At the cemetery, prayer was offered by Rev. Washington Murray, addresses made by Rev. J.H. Burrill, Rev. C.R. Wills, and Charles Herbert, and essays read by Misses M.M. Simms and Elizabeth Moore.*”<sup>13</sup> A later example of a Fairview memorial service was in June 1946—the Green Copeland Post No. 63 began the Memorial Day services by tossing a wreath in the Shenandoah for all the soldiers lost at sea then proceeded to Fairview to lay wreaths on the graves.<sup>14</sup>

As is typical with cemeteries lacking perpetual care, there have been times through the years when Fairview has become overgrown. On June 8, 1914, a community meeting was held at Wainwright Baptist Church to organize a clean-up effort. Their work day was described by the cemetery committee in the *Spirit of Jefferson*:

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<sup>12</sup> Spirit of Jefferson (Charles Town, Va [W. Va.]), 15 May 1888. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1888-05-15/ed-1/seq-3/>>

<sup>13</sup> Spirit of Jefferson (Charles Town, Va [W. Va.]), 09 June 1903. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1903-06-09/ed-1/seq-3/>>

<sup>14</sup> Spirit of Jefferson (Charles Town, WV), 1946, June 5. Small Town Papers, Inc. <http://spj.stparchive.com/Archive/SPJ06051946P02.php>

Immediately following a devotional service conducted by Reverend Craven, “*scythes, saws, axes, and grubbing hoes were to be seen in use, and by eight o'clock, be it said to their honor, sixty-nine of the most sturdy, respectable and industrious men of this community were upon the grounds and at work. Among them were to be seen, our ministers and teachers, as well as our good Dr. C. D. Wainwright, who showed he can wield the ax in good cause as well as write prescriptions successfully.*”<sup>15</sup>

Dr. Chester Wainwright, was the first practicing physician in Charles Town and for a time was the only black doctor in Jefferson County. His father, Reverend Chester C. Wainwright, was a trustee of Storer College and for 27 years the pastor of Charles Town’s Freewill Baptist Church, later renamed in his honor. This type of community outreach for clean-up and fundraising can be found throughout newspaper archives over the next century to the present day—many of the efforts led by local historically black churches and organizations like the Green-Copeland American Legion Post 63 and the Star Lodge No. 1, A.F. & A.M. Freemasons—the first African American Prince Hall Lodge established in West Virginia.

### **Location and Property Description**

Fairview Cemetery is located two miles from the city center of Charles Town, WV. From Gibsontown Road via Augustine Avenue, visitors enter the cemetery from the southeast—this section is the original land purchased by the cemetery trustees thus containing the oldest graves. Seen in the distance to the northwest are lands once owned by the extended family of George Washington; there are numerous individuals interred in the cemetery who were enslaved on those lands.

The cemetery has farm fields to the northwest and southwest, although there are plans for expansion of the Huntfield Development across most of the open land. Fairview shares its northeast border with Page Jackson Elementary School, built after school segregation was deemed unlawful and named after the first black high school in Jefferson County—Page Jackson High School of Charles Town, now the home of the Jefferson County Board of Education. The name Page-Jackson honors two prominent black educators interred at Fairview, Philip Jackson and Littleton Lorton Page. Philip Jackson spent 50 years of his career in education at Eagle Avenue in Charles Town as a teacher and enthralls principal of the school; he was also involved in various organizations and served on the cemetery board. Littleton L. Page was born enslaved. He fought in the Civil War and after returning from war a free man, spent his life dedicated to education. Both Jackson, Page, and many of their immediate family members are buried at Fairview.

Over the years, the cemetery was improved, and additional land acquired. On November 13, 1917, the *Spirit of Jefferson* newspaper reported that Fairview Cemetery was to be enlarged and

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<sup>15</sup> Spirit of Jefferson (Charles Town, Va [W. Va.]). 30 June 1914. Chronicling America: Historic American Newspapers. Lib. of Congress <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1914-06-30/ed-1/seq-2/>>

improved— “Negotiations have been concluded with Mr. Thornton Perry who owns land adjacent by which land will be obtained to enlarge the cemetery, making it about twice its present size.” <sup>16</sup>

In a deed dated October 28, 1918, the trustees of the cemetery purchased an additional strip of land from Marshall and Lena Burns that ran along the dirt road to the cemetery (DB 116, 482). However, in August of 1919, the trustees acquired a larger piece of adjacent land and sold the Burns parcel. At that time, the *Spirit of Jefferson* reported: “Thomas W. Moore has sold an acre of land at Gibsontown to John J. Dixon, trustee for the Fairview Cemetery, the purpose in buying it being to enlarge the cemetery. A small tract of less than an acre was bought last fall from Marshall Burns to add to the cemetery. The latter tract has been resold, as the Moore land was found to be more available.”<sup>17</sup> John J. Dixon was another son of Achilles and Ellen Dixon. According to the deed dated August 27, 1919, this land sale added about an acre to the cemetery (DB 117, 481). A deed dated August 30, 1919, shows the land sale from the cemetery trustees back to Marshall Burns (DB 117, 479). In 1929, Marshall Burns, now widowed, once again deeded less than an acre to the Trustees of Fairview Cemetery (DB 132, 313).

An undated tax card for Fairview identifies the property as Ventosa Cemetery of Gibsontown and states that it is 3.5 acres. Before the village was known as Gibsontown, the lots were historically known as Ventosa. A plat map from 1976 (PB 4, 59) shows the properties along Gibsontown Road up to the cemetery and uses both Gibsontown and Ventosa to describe the properties. On the plat, the surveyor acknowledges that some of the deed descriptions on record were too vague to reconstruct. Based on the number of land transactions altering the size of the cemetery, incomplete land records, and the potential for burials beyond surveyed boundaries, a more in-depth survey is necessary to determine the true scale of the cemetery and location of all burials.

### **Nomination Criteria**

The Jefferson County Historic Landmarks Commission nominates Fairview Cemetery of Gibsontown under Criterion A for inclusion on the list of registered county landmarks. Criterion A states that a site may be nominated if, in the opinion of the JCHLC, it is associated with events that have made a significant contribution to the broad patterns of our history.

### **Nomination Action**

Landmarks Commissioner, Addison Reese, presented the nomination to the JCHLC at their general meeting; the board voted unanimously to add Fairview Cemetery of Gibsontown, under Criteria A, to the rolls of registered Jefferson County Historic Landmarks on December 7, 2022.

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<sup>16</sup> Spirit of Jefferson. [volume] (Charles Town, Va. [W. Va.]), 13 Nov. 1917. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1917-11-13/ed-1/seq-2/>>

<sup>17</sup> Spirit of Jefferson. [volume] (Charles Town, Va. [W. Va.]), 19 Aug. 1919. Chronicling America: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1919-08-19/ed-1/seq-3/>>

**Background Documentation and References:**

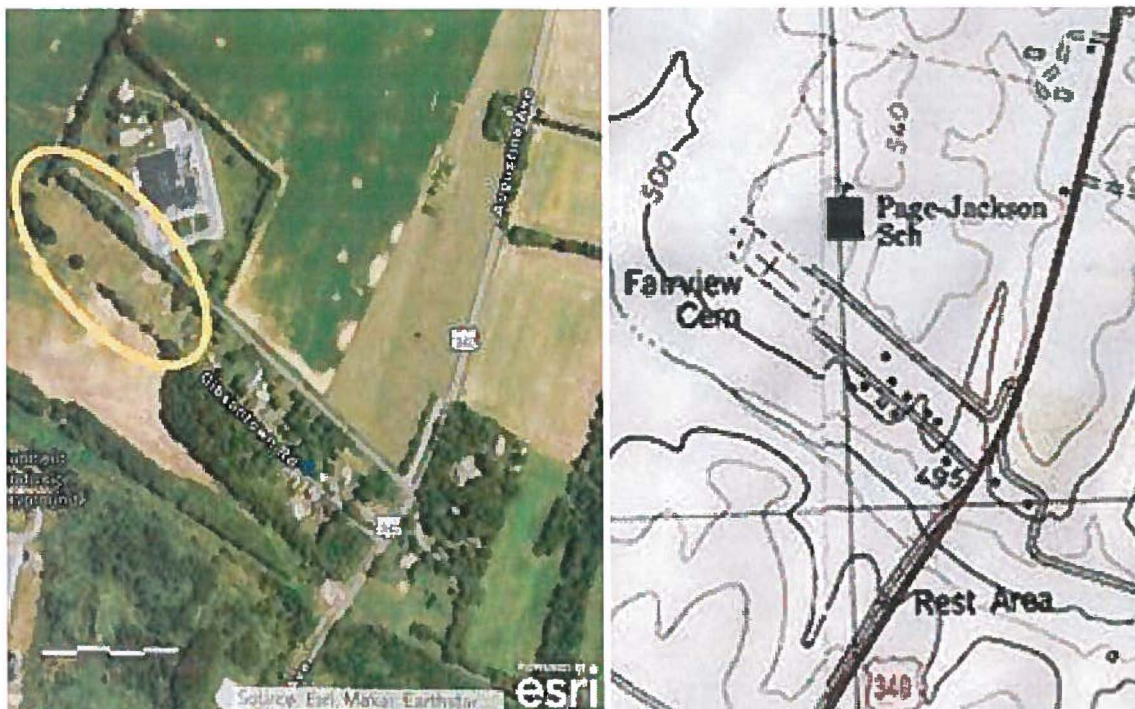


Looking Northeast at Fairview Cemetery



Aerial Photograph of Fairview Cemetery and Page Jackson Elementary School





Aerial Imagery and USGS 1:24,000 Topo of Fairview Cemetery

002

Fairview Cemetery Company

The undersigned agrees to become a corporation by the name of Fairview Cemetery Company, for the purpose of providing and establishing a burial place for the dead of the colored people of Blounts town, Jefferson County, West Virginia, and its vicinity, and for that purpose desires authority, to purchase, hold, lease, sell and convey real property to the value of three thousand Dollars, and personal property to the value of one thousand Dollars, given under our hands this 9<sup>th</sup> day of February, 1875.

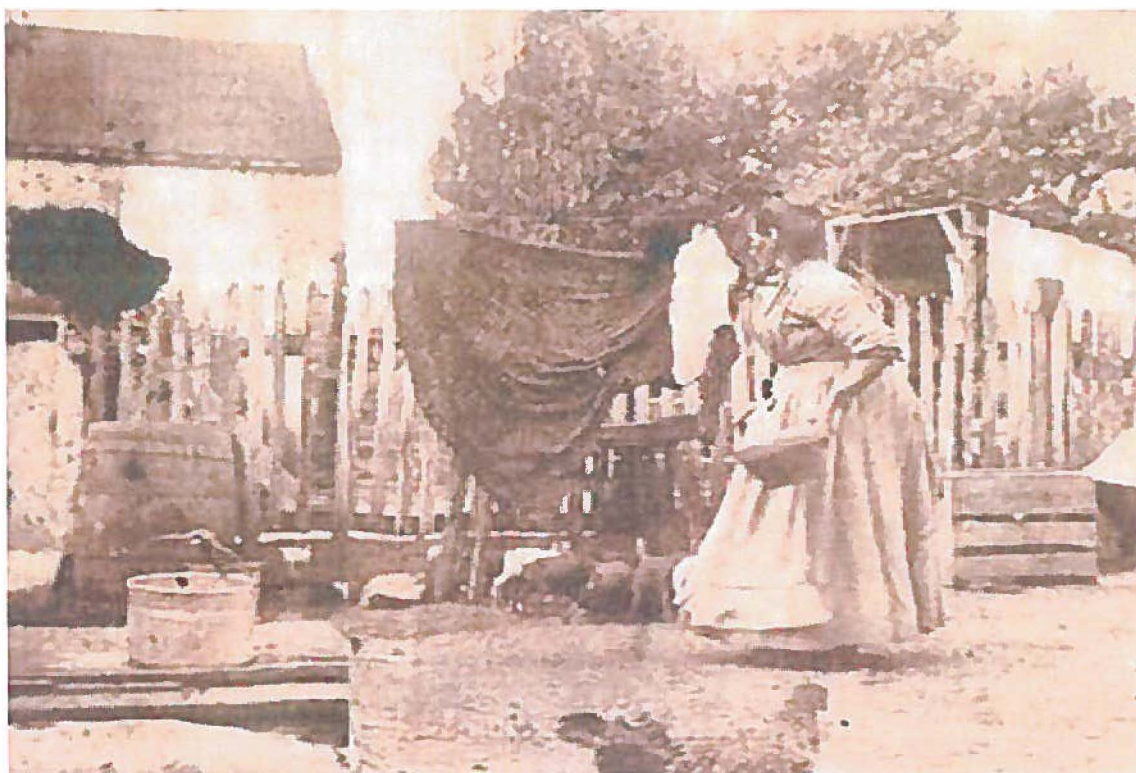
(Signed)

John H. Talbot  
Edward P. Talbot  
Philip P. Jackson

6

George N. Jackson  
Joseph Walker  
Robert H. Ford  
Richard Jackson

February 9, 1875. Fairview Cemetery Company, Corporation Book 1: 5. Jefferson Co., WV, County Clerk's Office.



Photograph of Dollie Thompson at her Gibsontown homestead circa 1920. The funeral for her husband, Jasper Thompson, and countless others were held at the Thompson home (Photo and Oral History from descendent, Monique Crippen-Hopkins)

*One of the original houses still standing was owned by Jasper and Dollie Irving Thompson. During the Civil War, Jasper Thompson enlisted in the army and quickly reached the rank of 1st sergeant of Co. F, 23rd Reg. of the U.S. Colored Troops. Returning from the war, he worked as a farmer and was involved in many local organizations. In hand-written family records, his daughter described his occupation as being a farmer and "leader of organizations of his race." At the time of Jasper's sudden death in 1906, he was survived by his wife and 9 children, several children having preceded him in death. According to his obituary, "His funeral took place on Sunday afternoon, at his late residence, Rev. C.R. Willis conducting the service, and was attended by the order of True Reformers and a large body of colored people."<sup>18</sup> Dollie Thompson remained at the family homestead until her death in 1933.*

*Some other families once living in Gibsontown were Bradford, Brookins, Clay, Cross, Drummonds, Ford, Herbert, Lawson, Roman, Short[s], Smith, Thompson, Toliver, and Walker. Many members of these families and their descendants are interred at Fairview.*

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<sup>18</sup> Spirit of Jefferson. (Charles Town, Va. [W. Va.]). 11 Sept. 1906. Chronicling America. Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1906-09-11/ed-1/seq-3/>>



## Select Obituaries and Headstone Photos

Examples of military headstones:





**Examples of Handcrafted Gravestones:**







Oldest date on visible marked stone - Wilson Dixon, 1857 & Urania Dixon, 1864



Lewis Cooke, son of Henry Cooke, the colored express man, of Charles town, died on Sunday last. Lewis was well known, and one of the most popular barbers we ever had. He was a good boy, and his death will be regretted by white and colored.

Lewis Cooke, 1879

*Spirit of Jefferson* (Charles Town Va. [W. Va.]), 15 July 1879. *Chronicling America: Historic American Newspapers, Lib. of Congress* - <https://chroniclingamerica.loc.gov/lccn/sn84026788/1879-07-15/ed-1/seq-1>



The body of Mrs. Marian E. Keyes—wife of Manager H. E. Keyes, of the “Centennial Jubilee Singers,” colored, and daughter of Achilles Dixon, of this place—whose death we mentioned in our last, was brought to Charlestown and interred on Wednesday last, with the most imposing funeral cortege of a colored person which we have ever witnessed.

### **Marian Dixon Keyes, 1880**

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 27 April 1880. *Chronicling America: Historic American Newspapers*. Lib. of Congress  
<<https://www.loc.gov/item/sn84076788/1880-04-27-1-sea-3>>



Died at his home in Charlestown, on the evening of Feb. 22d, Henry Cook, colored, more familiarly known on our streets as "Uncle Henry."—Uncle Henry was confined to his room for several weeks with dropsy of the chest, and is supposed to be between seventy and seventy-five years of age. The deceased held for the last ten or more years the responsible trust of Mail Carrier and Express Messenger for the B. & O. R. Company, and by his faithfulness, politeness and kindness, won the confidence and esteem of the whole community. His word was as good as his bond, and although he could not read he seldom miscarried any of the innumerable packages entrusted to his care.—He was truly the children's friend, and it was his great delight to gather the little ones around him and give them the pleasure of a ride wherever his business called him, and care for them with all the tenderness of his kind nature. His funeral services were conducted by the Rev. Dr. A. C. Hopkins, in the Presbyterian church—in which church he held the position of sexton for thirty years. Dr. Hopkins spoke in kindly terms of the deceased, of his fidelity and politeness as sexton and his popularity with all classes of people, won for himself by his upright character and habitual kindness of heart. The large attendance at his funeral, of both white and colored, and the tearful interest manifested bore evidence to the fact that Uncle Henry left many friends. He died with the blessed assurance of a happy life beyond this vale of tears.

## Henry Cook, 1886

*Spirit of Jefferson*. [volume] (Charles Town, Va. [W. Va.]), 02 March 1886. *Chronicling America: Historic American Newspapers*. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026283/1886-03-02/ed-1/seq-3>>



"Aunt" Harriet Myers, a faithful colored lady who presided over the culinary department of our home for eleven years, died on Monday evening last. Several months ago, suddenly, she gave way mentally and physically. For integrity and fidelity and industry and genuine courtesy she was the peer of the best we have known. She was a member of the M. E. Church for forty-five years and of the benevolent order of "Rising Sons and Daughters" for twenty-three years. The funeral services took place in Zion M. E. Church on Tuesday and were very numerously attended. The "Rising Sons and Daughters" were there in full force and arrayed in their pretty and unique regalia.— The sermon by the pastor, Rev. F. F. Wheeler, was appropriate and eloquent, and his reading of the hymns was exceedingly impressive. Rev. Mr. Wainright, of the Baptist Church, assisted in the services.— The good old lady was laid to rest in Fairview Cemetery in a handsome casket that was banked in beautiful flowers.

#### Harriet Myers, 1890

Virginia free press (Charlestown, Va. [W. Va.]), 18 June 1890. Chronicling America: Historic American Newspapers. Lib. of Congress.  
<https://chroniclingamerica.loc.gov/lcn/sn84026784/1890-06-18/ed-1/soc-1>

Edward P. Tolbert, a worthy and well known colored citizen of Charles Town, died last night. The deceased was much respected by all classes, and was a member in good standing and officer of the Free Baptist church. His funeral will take place at 10 A. M. to-morrow. Services in the Free Baptist church.

#### Edward P. Tolbert, *An original trustee of Fairview*

Spirit of Jefferson [volume] (Charles Town, Va. [W. Va.]), 06 Oct. 1891. Chronicling America: Historic American Newspapers. Lib. of Congress.  
<https://chroniclingamerica.loc.gov/lcn/sn84026788/1891-10-06/ed-1/soc-1>

"Uncle" Billy Hill, the oldest of the colored men of of this locality, died on Friday last—aged 91 years. He was, before the war, a well-known and highly-appreciated servant of the Washington families of this county. His funeral was preached on Saturday by Rev. Mr. Wainwright, of one of the the colored Baptist Churches of this town. We are sure the Charles Town colony in New York City will hear with regret of the demise of this clever old colored man. Uncle Billy never forgot the lessons in courtesy learned in the days of his servitude and was respected by all—old and young, rich and poor.—*Free Press*.

### **William Hill, 1893**

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 20 June 1893. *Chronicling America: Historic American Newspapers*. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1893-06-20/ed-1/seq-3/>>

Died—at "Harmony," the residence of her husband, Nov. 5th, 1893, after a lingering illness of twenty-two months, Mrs. NANCY HERBERT, beloved wife of Mr. Phillip Herbert, aged 57 years, 2 months and 29 days. She had been for twenty-six years a devout member of the M. E. Church of this place. She was a loving wife and devoted mother, and loved by all who knew her. She leaves a loving husband and two devoted children to mourn her loss, besides a host of relatives and friends. The funeral services were held at the M. E. Church in this place on Monday, Nov. 6, at 2 P. M., Rev. T. O. Carroll, pastor in charge, officiating, assisted by Rev. C. C. Wainwright of the F. B. Church. After the funeral services the remains were conveyed to Fair View Cemetery for interment.

### **Nancy McCord Herbert, 1893**

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 14 Nov. 1893. *Chronicling America: Historic American Newspapers*. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1893-11-14/ed-1/seq-3/>>

### Death of a Colored Minister.

Rev. Chester C. Wainwright, colored, pastor of St. Mark's Freewill Baptist Church, of this place, died Saturday afternoon, at the home of Rev. John C. Newman in Hagerstown, where he was visiting. The deceased had been in poor health for some time past, suffering from a complication of diseases, including diabetes, and was taken suddenly worse whilst on this trip away from home. He was aged about 55 years and was one of the best known ministers of the Freewill Baptist church, was treasurer of the Freewill Baptist Association, a member of the Conococheague Camp Meeting Association, a trustee of Storer College, Harpers Ferry, and chairman of the Ministerial Board of the Freewill Baptist church. Surviving are his wife and five children. Rev. Wainwright had served as pastor here for twenty-eight years, was a man of wonderful influence among the people of his race, and had built up what was probably the strongest colored church in this section. His remains were brought to Charles Town Sunday morning, and his funeral took place yesterday afternoon at 4 o'clock. The occasion drew together an immense assemblage from this and all surrounding counties. Rev. N. C. Brackett, of Harpers Ferry, and a number of ministers from various points took part in the funeral services. The Sunday School was present in a body, the girls dressed in white with black sashes, and the remains were escorted to the Colored Cemetery by the order of True Reformers.



*Reverend Chester C. Wainwright, 1902*

*Spirit of Jefferson. [volume] (Charles Town, Va. [W. Va.]), 26 Aug. 1902. Chronicling America: Historic American Newspapers. Lib. of Congress. <https://chroniclingamerica.loc.gov/lccn/sn84026788/1902-08-26/ed-1/sec-2/>*



"Uncle" Robert Ford, one of our best known and most highly respected colored citizens, died about 10 o'clock on Sunday night last, in the 84th year of his age, after an illness of but a few hours. The deceased was in ante bellum days a slave of the late Col. Braxton Davenport, and was always esteemed a worthy and reliable man. For a long series of years he was horse driver for the Sadler brothers—first Geo. W. and later J. N. & L. L.—and for the last five years has been with their successors in business, Messrs. Strider & Ramey, by whom he has always been held in high esteem.—His last hours were in clear view that his end was near, and with full confidence of a bright immortality beyond the grave. Funeral services will be held in Mt. Zion M. E. Church, (Rev. Washington Murray pastor,) at 2:30 p. m. to-day. The pallbearers will be white persons, as follows: N. S. J. Strider, D. W. Ramey, B. D. Gibson, S. H. Landis, Chas. L. Crane and Charles Riesler.

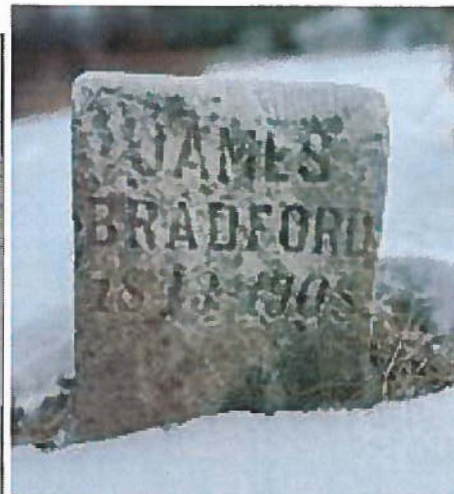
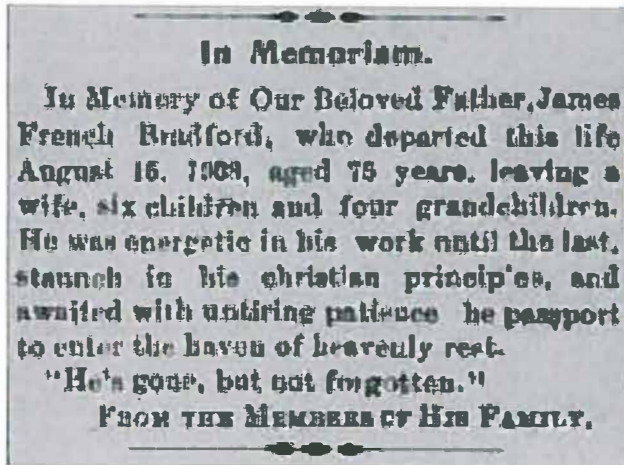
#### Robert Ford, 1905, *An original trustee of Fairview Cemetery*

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 27 June 1905. *Chronicling America: Historic American Newspapers. Lib. of Congress*.  
<https://chroniclingamerica.loc.gov/cgi-bin/servlet@s64026788-1905-06-27-ed-1-seq-2>

Benjamin F. Nelson, a well-known and worthy colored man of this place, died December 24, at an advanced age. Funeral services were held Wednesday following in the Wainwright Baptist church, Revs. Murray and Craven officiating, and were attended by members of several orders of which he had been a member. Col. R. P. Chew, in whose service the deceased had been employed for the last thirty years, was present at the funeral, and on request made a few remarks attesting his faithfulness and general good character.

#### Benjamin F. Nelson, 1907

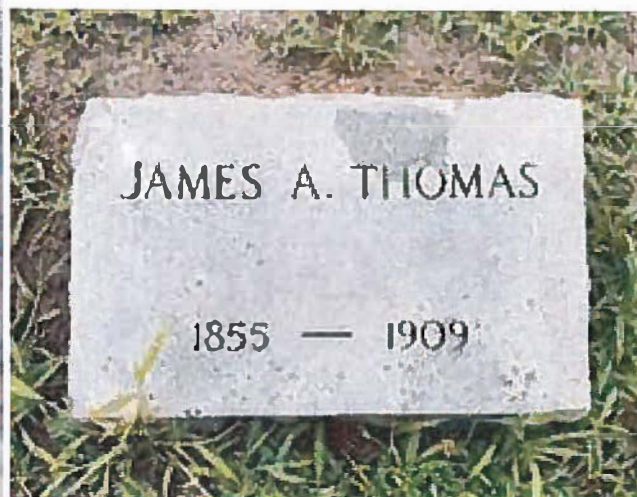
*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 08 Jan 1907. *Chronicling America: Historic American Newspapers. Lib. of Congress*.  
<https://chroniclingamerica.loc.gov/cgi-bin/servlet@s64026788-1907-01-08-ed-1-seq-3>



**James Bradford, 1908**

*Spirit of Jefferson* [Charles Town, Va. [W. Va.]], 25 Aug. 1908. *Chronicling America: Historic American Newspapers. Lib. of Congress*. <https://chroniclingamerica.loc.gov/tecn/sn84026758/1908-08-25/ed-1/seq-3/>

James Thomas, the well-known restaurant keeper of this place, died at 2 a m Friday, after a protracted illness, aged 54 years. The deceased was one of the best known colored citizens of Charles Town, and had many white friends, who with his colored ones, will sincerely mourn his demise. During his last illness he announced his full preparation for death, and expressed the hope that all his friends, especially the white ones who had extended so many kindnesses to him, should meet him on the other shore. His funeral on Sunday afternoon was one of the most largely attended colored funerals ever seen in Charles Town. Services were held in Mt Zion M E Church, and were attended by a number of white persons. The sermon was preached by Rev Washington Murray, of Washington City, and the services were participated in by Rev J E Linton, Rev Wm Craven and Richard Jackson. The True Reformers, of which order he was a prominent member, turned out in large numbers and escorted his body to the grave.



**James A. Thomas, 1909**

*Spirit of Jefferson*. [volume] (Charles Town, Va. [W. Va.]), 14 Sept. 1909. *Chronicling America: Historic American Newspapers. Lib. of Congress*. <https://chroniclingamerica.loc.gov/tecn/sn84026788/1909-09-14/ed-1/seq-3/>

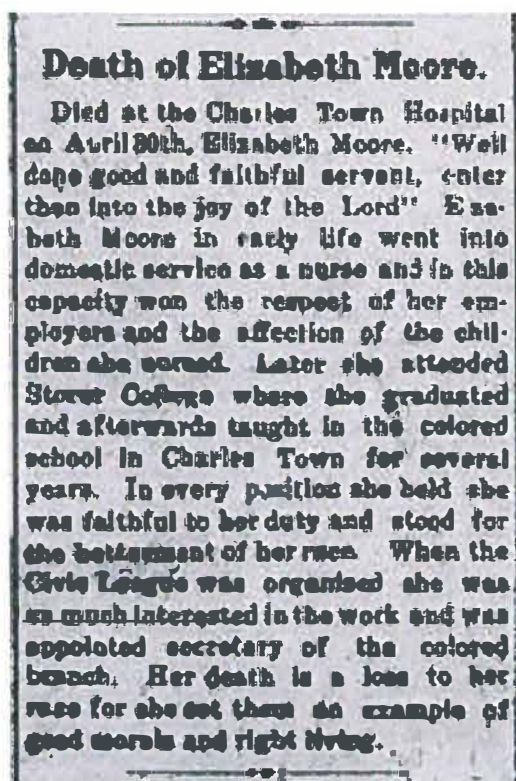




L. L. Page, one of most highly respected colored citizens, died at his home in this place this morning, aged about 60 years. He had been a teacher in the public school for 39 years, and although in failing health for some time, stuck to his post until the close of the last school term.

### Littleton Lorton Page, 1914

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 30 June 1914. *Chronicling America: Historic American Newspapers. Lib. of Congress*.  
<https://chroniclingamerica.loc.gov/lccn/sn84026788/1914-06-30/ed-1/seq-5>



### Elizabeth Moore, 1915

*Virginia free press* (Charlestown, Va. [W. Va.]), 06 May 1915. *Chronicling America: Historic American Newspapers. Lib. of Congress*.  
<https://chroniclingamerica.loc.gov/lccn/sn84026784/1915-05-06/ed-1/seq-3>

Richard Jackson, a well known and highly respected colored man of this place, died last Friday at the advanced age of 79 years. He had been a resident of the vicinity of Charles Town all his life, and was a slave in ante bellum days. He had been a member of the church for 65 years. He was buried in the colored cemetery Sunday afternoon.



**Richard Jackson, 1915, *An original trustee of Fairview Cemetery***

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]), 30 Nov. 1915. *Chronicling America: Historic American Newspapers. Lib. of Congress*.  
- <https://chroniclingamerica.loc.gov/lccn/sn84026788/1915-11-30/ed-1/seq-5>

## A GOOD COLORED MAN GONE.

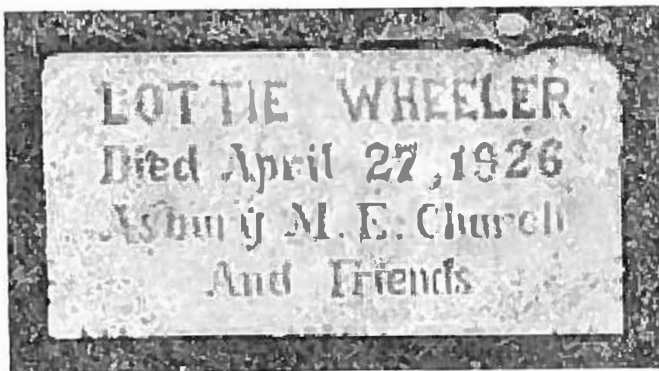
George H. Washington, one of the oldest and most respected colored men of Charles Town, died at his home Tuesday afternoon, November 25th, after an illness of about a year. George was born on February 22, 1847. He had a great many friends among the old and young, boys and girls, and was affectionately called "Uncle" George. His life was one of industry, honesty and exemplary habits, and no one stood higher in the confidence and esteem of the community where he had lived from boyhood. For over 48 years he lived in the family of the late Dr. G. F. Mason, and after their death with their son-in-law and daughter, Col. and Mrs. B. D. Gibson, as a faithful, unselfish and untiring friend and servant of the family. Their interest was always his first thought, and the old home was his home. To his employers his death is a personal sorrow, and they attest his devotion and faithfulness to all trusts. Raised in the Washington and Herbert families he early acquired the politeness and good manners for which he was noted. He was a member of Star Lodge No. 1, A. F. & A. M., in which he had filled all the station offices, and the Lodge gave him a Masonic funeral. His church was the Methodist Episcopal, where his funeral services were held on Friday afternoon. The interment was in Fairview cemetery. He is survived by a widow, two sons and three daughters.



**George Washington, 1919**

*Spirit of Jefferson. (Charles Town, Va. [W. Va.]), 1. 02 Dec. 1919. Chronicling America: Historic American Newspapers. Lib. of Congress.*  
<https://chroniclingamerica.loc.gov/lccn/sn84026788/1919-12-02/ed-1/seq-5/>

Mrs. Lottie Alice Wheeler, wife of Rev. Joseph Wheeler, died at Petersburg, Va., Tuesday morning, April 27th aged 44 years. She was the daughter of the late Edward and Helen Tolbert. Mrs. Wheeler spent her early life in Charles Town, making her home with her aunt, Mrs. Charlotte Arnett, until her marriage. She had been a faithful member of the M. E. Church since girlhood, and gave the best years of her life to its cause. She is survived by her husband, one daughter, three sisters and four brothers. The funeral was held in the M. E. Church, Charles Town, on Friday afternoon, conducted by Rev. Johnson, of Winchester, Va., assisted by Rev. E. W. Johnson, of Charles Town, after which her body was laid to rest in Fairview Cemetery.



**Lottie Tolbert Wheeler, 1926**

*Spirit of Jefferson* [volume] (Charles Town, Va. [W. Va.]). 05 May 1926. *Chronicling America*: Historic American Newspapers. Lib. of Congress. <<https://chroniclingamerica.loc.gov/lccn/sn84026788/1926-05-05/ed-1/seq-8>>



## VETERAN TEACHER DEAD.

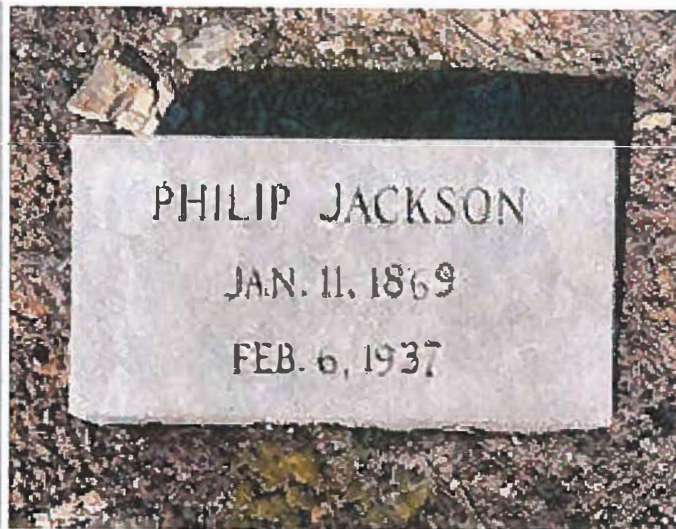
Philip Jackson, principal of the Eagle Avenue colored graded school for many years, died suddenly at his home on Academy street, about 10 o'clock Saturday night. At intervals for several months, he had several slight attacks of heart trouble, but not until Saturday morning did he complain of being ill.

While seated at his home reading Saturday night he was suddenly stricken, and passed away before a physician could reach him.

His preparation for the teaching profession was obtained at Storer College, Harpers Ferry, where he graduated in June, 1886. His work as a teacher extended over a period of 51 years. The first year after graduating he taught in Frederick, Md., the second year in Rockingham county, Va. He was then appointed to a position in the Charles Town colored school where he labored for 49 years, several years of that time as principal.

He was 68 years of age. The survivors are his widow, who was his second wife, one daughter, and two sons, Philip, Jr., and Charles, at home, and three sisters.

The Rev. Pike, the rector, conducted the funeral services at St. Philip's Episcopal Church at 3:00 o'clock Monday afternoon. Interment was in Fairview Cemetery, near the Berryville pike, north of town.



**Philip Jackson, 1937**

*Farmer's Advocate (Charles Town, WV), 1937 February 12 Page 1, column 7, Smalltown Papers, Inc. <http://www.smalltownpapers.com/Archives/EAL/E3/E31937/1937F01.php>*

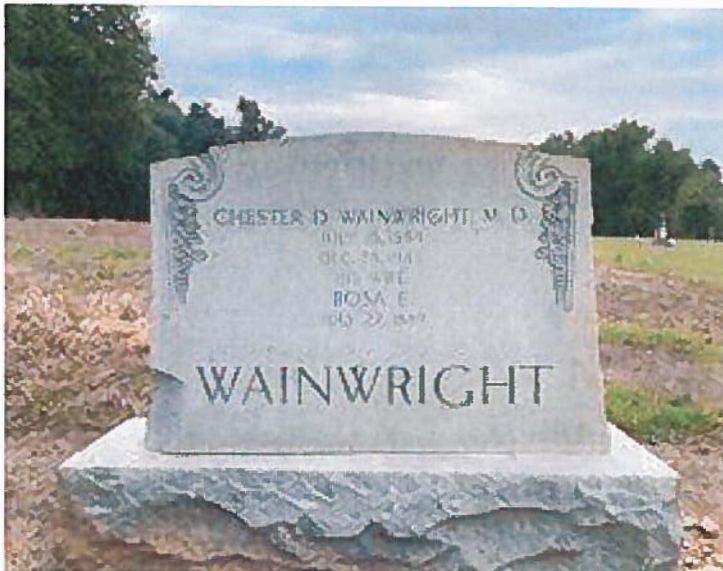
## DR. WAINWRIGHT DEAD

Relatives in Charles Town were notified Tuesday night of the sudden death of Dr. Chester Wainwright, for some years a colored physician, practicing in Charles Town. For the past two years he has been employed in a laboratory, connected with a hospital in Philadelphia. Death was caused by a cerebral hemorrhage. His widow, living in Charles Town, survives. Deceased was about 58 years of age.

Besides his widow, he leaves three sisters, Sarah Wainwright of Charles Town, Melinda Wainwright of Washington, and Mrs. Abbey Blue of Philadelphia.

The Rev. John Newman will conduct funeral services on Saturday afternoon, January 1, in Wainwright Baptist Church at 2:30 o'clock, with interment in Fairview Cemetery.

v



**Dr. Chester Wainwright, 1943**

*Farmer's Advocate (Charles Town, WV), 1943 December 31 Page 1, column 2. Smalltown Papers, Inc. <http://www.smalltownpapers.com/Archive/141/141/1943/01.php>*

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*Americans of Jefferson County*. Arcadia Publishing, 2009.

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National Register of Historic Places. Washington, D.C.: U.S. Department of the Interior,

National Park Service, 1995. No. 10024-0018.

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Taylor, Evelyn M.E and Thomas J. Scott, Vivian Jackson Stanton; Stephen Q. Luckett, illustrator.

*Historical Digest of Jefferson County, West Virginia's African American Congregations, 1864-1994: With Selected Churches in Neighboring Berkeley County, W.V., Maryland, and Virginia*. Washington, DC: Middle Atlantic Regional Press, 1994.

Voress, Hugh Ellison. "*Burials in Jefferson County, West Virginia*." Jefferson County Historical Society, 1998.



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 19, 2023, or as soon thereafter as the Commission may decide:

**Board of Zoning Appeals - one (1) three-year term ending January 1, 2026; one (1) unexpired term ending January 1, 2024; and three alternate positions ending January 1, 2024, January 1, 2025, and January 1, 2026, respectively.**

*Alternates: Alternate members shall have all powers and duties of a regular Board member when sitting on a case and shall continue to participate in the case until a final decision is reached. Alternate members shall serve by rotation based upon seniority of appointment to the Board.*

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 pm the Monday prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 19, 2023, or as soon thereafter as the Commission may decide:

**Jefferson County Parks and Recreation Commission: three unexpired terms ending June 30, 2025.**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 p.m. the Monday prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 19, 2023 or as soon thereafter as the Commission may decide:

**Eastern Panhandle Transit Authority Board - two three-year terms ending January 31, 2026.**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 p.m. the Monday before the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to select nominees to potentially serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 19, 2023, or as soon thereafter as the Commission may decide:

#### CHARLES TOWN UTILITY BOARD

*Upon approval of the Ordinance authorizing the acquisition of the Jefferson County Public Service District sewer system, including the real and personal property, the Utility Board will continue to be comprised of five (5) members, each of which shall be appointed by the City Council. With respect to one (1) member of the Utility Board, the City Council will consider the recommendation of the County Commission for the individual to serve on the Utility Board as follows:*

- a) The County Commission shall have the right to nominate not more than three (3) individuals to serve as a member of the Utility Board, each of whom shall satisfy all of the following criteria:
- (1) Resident of Jefferson County, West Virginia
  - (2) Customer of the Charles Town Utility Board served by the Assets of the former "District Sewer System," or extensions thereof; and,
  - (3) Customer of the Charles Town Utility Board paying the same prevailing sewer rate charged to the customers of the former "District Sewer System"

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 p.m. the Monday before the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Tuesday, December 27, 2022 2:22 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

**Form Name:** County Commission Contact  
**Date & Time:** 12/27/2022 2:22 PM  
**Response #:** 2902  
**Submitter ID:** 7167  
**IP address:** 50.110.208.14  
**Time to complete:** 6 min. , 53 sec.

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### Survey Details

#### Page 1

**1. Name**

Michael Higgins

**2. Email**

mdhiggins@frontier.com

**3. Questions or Concerns**

A compliment!

The Permits and Inspections office has been tremendously helpful to me with my building project. I am a novice at this, and the staff patiently answered my questions and provided me with helpful information. The staff exemplifies all the desirable qualities of public servants.

Michael Higgins

**4. Would you like to receive email notifications from Jefferson County?**

(o) No

Thank you,  
Jefferson County Commission, WV

---

This is an automated message generated by Granicus. Please do not reply directly to this email.

**Jessica Carroll**

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**From:** Barbara Zingg <bzingg@k12.wv.us>  
**Sent:** Thursday, December 29, 2022 7:09 AM  
**To:** John Nissel; Cindy Rezmer; Jessica James  
**Subject:** Action taken by the Faculty Senate at WHS

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

John Nissel

County Administrator, Jefferson County Commission

Wednesday, December 21, 2022

Today, Washington High School's Faculty Senate unanimously passed a vote of "no confidence" in Jefferson County Board of Education (BOE) members Laurie Ogden, Mark Osbourn and Kathy Skinner for their approval of policy change in semester exam grade weights.

Jefferson County's BOE proposed a change in semester exam policy at their November 28 meeting that suggested a change in exam weight to be reduced from 1/7 to 10 percent of a total semester grade.

However, at its next meeting, December 12, the Board voted in a 3-2 decision to reduce semester exam weights from 1/7 (roughly 14 percent) to 3 percent.

This vote appears to be in violation of Jefferson BOE bylaws "1.12 Policy Development and Change" that state "substantial change" must be put out for public review. Board members voted on a change in semester exam grade weights that was substantially different from what was previously proposed and put out for public review.

We bring your attention to the matter to inform you about this problematic decision and its negative consequences for stakeholders of Jefferson County Schools.

Sincerely,

Susan Hoover  
President

Wednesday, December 14, 2022

To the Jefferson County Commission,

Today, Jefferson High School's Faculty Senate passed a vote of "no confidence" in Jefferson County Board of Education (BOE) members Laurie Ogden, Mark Osbourn and Kathy Skinner for their approval of policy change in semester exam grade weights.

Jefferson's BOE proposed a change in semester exam policy at their Nov. 28 meeting that suggested a change in exam weight to be reduced from 1/7 to 10 percent of a total semester grade.

However, at its next meeting, the Board voted in a 3-2 decision to reduce semester exam weights from 1/7 (roughly 14 percent) to 3 percent.

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We bring your attention to the matter to inform you about this problematic decision and its negative consequences for stakeholders of Jefferson County Schools.

Sincerely,



Michael W. Janney  
President

On Behalf of  
Jefferson High School Faculty Senate

RECEIVED

DEC 22 2022

County Commission  
of Jefferson County, WV

## **Public Comment for Jefferson County Commission meeting December 15, 2022**

I, David Tabb, a lifelong resident/taxpayer make the following comments:

### **PUBLIC COMMENT –**

I am still looking for the 58M transfer from FY22 to FY23. Maybe the BHM CPA Group, Inc., (Auditor for FY23) can finally help me determine whether this is fictitious or is in some's account.

J.B. McCuskey, State Auditor, at the audit release, in part, stated: funds transferred for capital improvements is to stay in capital improvements. Maybe the audit firm can track down if the county commission took back the capital improvement funds from other departments, and if so, where those funds used for capital improvements? I have heard rumors that if a department does not use it, they lose it. If I find the 58M from FY22, I will request the public to receive the 58M (in paid taxes) back because if you don't use it, you lose it.

Within the agenda packet there is a ghost appearance of a request for the release of a \$200,000.00 performance bond for Potomac Edison. (Sleepy Hollow Telecommunication Tower). There has been no proper agenda request formed filed. I don't believe that there was ever a public notice. Where did this come from? Are you trying to conceal this from the public? Why the secrecy? This type of matter makes the public wonder about the integrity of *this* county commission.

### **PRESENTATION # 3 – Dennis Jarvis, Director, Jefferson County Development Authority**

#### **- Request for a 2% raise for the Ag Coordinator**

Wasn't this hire in July of 2022? Did he get the county's COLA package? No documentation of what he is already receiving. Is this budget neutral?

### **PRESENTATION # 5 – Jeffrey Polczynski, Director, JC Emergency Communications**

#### **- Request for ANOTHER software project**

I was under the impression that the taxpayers already paid for upgrades for the county's communications of some 1M plus. Who is overseeing what is needed? Was this approved by the communication board? Where are the bids?

### **PRESENTATION # 6 – Russell Burgess, Director, JC IT & GIS**

#### **- Request for Cyber Security Tools**

Did anyone check to see what else is available? Where are the bids? Didn't the county just approve additional money for the IT & GIS software?

### **New Business – Discussion and Approval of Payment for Overdue Invoice**

After looking at the agenda request form, I still do not see any information regarding this subject. Who is the presenter? What is this for? Who approved the purchase? Has any of this already been delivered and if so, under who's authority? It wouldn't be a



loveseat and two chairs, would it? Reminds me of the WVSC federal charges. Two supreme court judges quit, two went to prison...

*"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Governor has ordered the Government to be "open for business" and not deprived the public of notice and comments that would violate ethic provisions."*

It is hard to be safe, with the current County Commission.

*Have a nice day!*

## Jessica Carroll

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**From:** Dan Casto <dancastocpa@gmail.com>  
**Sent:** Thursday, December 15, 2022 10:07 AM  
**To:** Jessica James  
**Subject:** Fwd: Jackson Attacks Constitution by Bullying Citizens Who Speak Out Against Extremist Proud Boys

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Jessica: If tonight's meeting is in person would you be able to provide a copy of this public comment to the Commissioners?

Thanks,

Dan

----- Forwarded message -----

**From:** Dan Casto <[dancastocpa@gmail.com](mailto:dancastocpa@gmail.com)>  
**Date:** Thu, Dec 15, 2022 at 9:13 AM  
**Subject:** Jackson Attacks Constitution by Bullying Citizens Who Speak Out Against Extremist Proud Boys  
**To:** <[jnissel@jeffersoncountywv.org](mailto:jnissel@jeffersoncountywv.org)>

**Mr. Nissel: Please include this in the public comments for tonight's Jefferson County Commission Meeting. I understand the meeting might be virtual and that public comment may not be feasible.**

### **Public Comment-Jefferson County Commission Meeting December 15, 2022**

On December 14, 2022, your fellow Jefferson County Commissioner, Tricia Jackson, used her contacts at the Martinsburg Journal to broadcast that she had filed a frivolous lawsuit against me. Tricia's co-defendant in a lawsuit brought against her by an ex-county employee is a reporter at the Martinsburg Journal. The Journal did not reach out for comment. I am making this statement to the County Commission in order to respond to the false and defamatory statements that were republished by the Martinsburg Journal.

#### **Statement of Dan Casto**

"Tricia's lawsuit is a frivolous bullying tactic that was brought to intimidate the citizens of Jefferson County. I will not be intimidated. I'm joyously proceeding with a vigorous defense against Tricia's attack on the Constitution."

"My understanding is that Tricia is suing because 1) I refused to be scapegoated by her for her actions in her primary campaign, 2) I said she should resign (she should), and 3) I said that the Proudboys are extremist thugs."

"I gladly stand by my opinion that the Proud Boys are extremist white supremacist thugs and their abhorrent views have no place in the public discourse. "

"Defending the right of citizens to fight for our Constitution and against white supremacy and extremism is a cause that I'll proudly take on. I'm confident that I'll be successful defending the Constitution against these attacks. I'm also confident in the many legal remedies that I will pursue against Tricia and others at a time of my choosing."

"This lawsuit is about whether a citizen has the right to publicly stand with the NAACP instead of the Proud Boys. My decision to stand with the NAACP against the Proud Boys was easy. Apparently, it's a decision that's much tougher for some. I request that the County Commission adopt a resolution disavowing the Proud Boys and standing against extremism."