

AGENDA
JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2019
THURSDAY, NOVEMBER 7, 2019
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF ACCOUNTS PAYABLE

- November 7, 2019

APPROVAL OF MANUAL CHECKS

- November 8, 2019

APPROVAL OF PAYROLL

- October 31, 2019

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT *(20 minutes)*

PRESENTATIONS

1. 10:00 a.m. Angie Banks, Assessor
 - Exonerations - Discussion/Action
 - Split Tickets - Discussion/Action

2. 10:15 a.m. Murall Limited Partnership
 - Request and Landowner Petition for Map Amendment for Murall Limited Partnership: Middleway District, Map 2, Parcel 1.3 containing 5.68+- Acres - Discussion/Action

3. 10:30 a.m. Debra Young, Jefferson County Victim Assistance Program
 - Approval and signing of VOCA Grant Contract - 17-VA-026 - Discussion/Action

4. 10:45 a.m. **BREAK**
5. 11:00 a.m. **Jennifer Myers, Jefferson County Parks and Recreation Commission**
- Asking support from the Jefferson County Commission to help get the word out to the community and get votes for the Levitt AMP grant - Discussion/Action
6. 11:15 a.m. **Roger Goodwin, Chief County Engineer**
- Request to close out the Rose Hill Estates Subdivision (JCPC File No. 02-09)
- Bond Funds Bank Escrow Account - Discussion/Action
7. 11:30 a.m. **Nathan Cochran, Assistant Prosecuting Attorney**
- Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues - Discussion/Action
- Discussion of Jefferson County Circuit Court Action #18-C-171 Discussion/Action
- Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397 Discussion/Action
- Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action
- Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282) - Discussion/Action
- Discussion of EPA Administrative Complaint #04R-19-R3 - Discussion/Action

FINANCIAL DIRECTOR REPORTS

- Discussion of Employee Performance Appraisal for a specific employee - Possible Executive Session - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Approval of FMLA Policy amendments - Discussion/Action
- Discussion of Tax Office space/location - Discussion/Action
- Discuss meeting with Hillsboro officials regarding Rt. 9 construction - Discussion/Action

COUNTY COMMISSION REPORTS

~~~~~ AFTERNOON SESSION ~~~~~

- 8. 1:30 p.m. Legislative Work Session
- 9. ADJOURN

**CORRESPONDENCE/INFORMATION**

Impact Fee Status Report for October 2019 received.

*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.*



| DESCRIPTION                 | Fund 001 CO.  | Fund 003 Dog | Total         |
|-----------------------------|---------------|--------------|---------------|
| Gross Wages                 | \$ 409,118.87 | \$ 402.10    | \$ 409,520.97 |
|                             | \$ -          |              |               |
| 6.2% Tax Payable OASDI      | \$ 24,576.31  | \$ 24.93     | \$ 24,601.24  |
| 1.45% Tax Payable HI        | \$ 5,922.74   | \$ 5.83      | \$ 5,928.57   |
| Fed Withholding             | \$ 40,191.72  | \$ 30.80     | \$ 40,222.52  |
| WV State Withholding        | \$ 18,425.45  | \$ 19.63     | \$ 18,445.08  |
| PERS Retirement Deduct 4.5% | \$ 10,028.59  | \$ 18.05     | \$ 10,046.64  |
| PERS Retirement Deduct 6%   | \$ 4,700.16   |              | \$ 4,700.16   |
| Hosp. Pre-Tax               | \$ -          |              | \$ -          |
| Cancer/ICU Pre-Taxed        | \$ 656.33     |              | \$ 656.33     |
| Cancer/ICU Not Pre-Taxed    | \$ 950.20     |              | \$ 950.20     |
| Optional Life Not Pre-Taxed | \$ 3.00       |              | \$ 3.00       |
| Christmas Club              | \$ 5,090.00   |              | \$ 5,090.00   |
| Wage Attach #1              | \$ 169.39     |              | \$ 169.39     |
| Wage Attach #3              | \$ 500.00     |              | \$ 500.00     |
| DSRS Retirement Deduct 8.5% | \$ 6,642.63   |              | \$ 6,642.63   |
| 457 - Nationwide            | \$ 849.00     |              | \$ 849.00     |
| 457I - Empower              | \$ 1,970.00   |              | \$ 1,970.00   |
| 457R - Roth                 | \$ 640.00     |              | \$ 640.00     |
| MD State Tax                | \$ 601.08     |              | \$ 601.08     |
| D/VF                        | \$ -          |              | \$ -          |
| VA. State Tax               | \$ 138.00     |              | \$ 138.00     |
| COLONIAL(PLUS)              | \$ 81.60      |              | \$ 81.60      |
| Total Deductions            | \$ 122,136.20 | \$ 99.24     | \$ 122,235.44 |
| Void                        | \$ -          |              | \$ -          |
| Net Wages Total             | \$ 286,982.67 | \$ 302.86    | \$ 287,285.53 |
| Payroll Date                | 31-Oct-2019   |              |               |



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



Name: Angie Banks

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

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

*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*): **Exonerations/Split Tickets – Discussion/Action**

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



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



Received  
OCT 30 2019  
Jefferson County Commission

Name: Murall Limited Partnership

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

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

Date Requested – 2<sup>nd</sup> Choice: November 21, 2019

Subject (*Wording to be placed on agenda*): Request and Landowner Petition for Map Amendment for Murall Limited Partnership: Middleway District, Map 2, Parcel 1.3 containing 5.68+- Acres.

Please provide the County Commission with a description of your request or presentation, including any background information: Request for a Map Amendment for Murall Limited Partnership per Article 12, Section 12.3 of Jefferson County Zoning and Land Development Ordinance. Supporting and Background Attached.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: \$0.00

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

Motion: Move to Accept Landowner Petition and Request for Map Amendment for Murall Limited Partnership, Parcel 1.3 on Map 2 in the Middleway Tax District, and schedule a Public Hearing at the County Commission Meeting on December 19, 2019 and to refer the application to the Planning Commission for advice on the request's consistency with the Jefferson County Comprehensive Plan.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable





**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning and Zoning**

116 East Washington Street, P.O. Box 338  
 Charles Town, WV 25414

File Number: \_\_\_\_\_  
 Staff Initials: \_\_\_\_\_  
 Application Fee: \$ \_\_\_\_\_

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
 Fax: (304) 728-8126

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

**Property owner information**

Name: Murall Limited Partnership  
 Mailing Address: P.O. Box 575, Shepherdstown, WV 25443  
 Phone Number: c/o Paul 304/676-8256 Email: \_\_\_\_\_

**Applicant contact information**

Name: Ken Lowe, Partner  
 Mailing Address: above  
 Phone Number: above Email: \_\_\_\_\_

**Applicant representative**

Name: P. J. Raco Consulting, LLC Paul J Raco  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical property details**

Physical Address: Vacant Route 115 (Old Route 115) at Berkeley/Jefferson County Line  
 City: Kearneysville State: WV Zip Code: 25425  
 Tax District: Middleway Map No: 2 Parcel No: 1.3  
 Parcel Size: 5.68 +/- Acres Deed Book: 542 Page No: 77

**Current Zoning District (please check one)**

|                               |                                  |                                     |                                                           |                             |                                                 |                                             |
|-------------------------------|----------------------------------|-------------------------------------|-----------------------------------------------------------|-----------------------------|-------------------------------------------------|---------------------------------------------|
| Residential<br>Growth<br>(RG) | Industrial<br>Commercial<br>(IC) | Rural<br>(R)                        | Residential-<br>Light Industrial-<br>Commercial<br>(RLIC) | Village<br>(V)              | Neighborhood<br>Commercial<br>(NC)              | General<br>Commercial<br>(GC)               |
| <input type="checkbox"/>      | <input type="checkbox"/>         | <input checked="" type="checkbox"/> | <input type="checkbox"/>                                  | <input type="checkbox"/>    | <input type="checkbox"/>                        | <input type="checkbox"/>                    |
|                               |                                  | Highway<br>Commercial<br>(HC)       | Light<br>Industrial<br>(LI)                               | Major<br>Industrial<br>(MI) | Planned<br>Neighborhood<br>Development<br>(PND) | Office/<br>Commercial<br>Mixed-Use<br>(O/C) |
|                               |                                  | <input type="checkbox"/>            | <input type="checkbox"/>                                  | <input type="checkbox"/>    | <input type="checkbox"/>                        | <input type="checkbox"/>                    |

Place Received Date Stamp Here

**Proposed Zoning District (please check one)**

|                                     |                                  |                             |                                                           |                                                 |                                             |
|-------------------------------------|----------------------------------|-----------------------------|-----------------------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Residential<br>Growth<br>(RG)       | Industrial<br>Commercial<br>(IC) | Rural<br>(R)                | Residential-<br>Light Industrial-<br>Commercial<br>(RLIC) | Village<br>(V)                                  | Neighborhood<br>Commercial<br>(NC)          |
| <input type="checkbox"/>            | <input type="checkbox"/>         | <input type="checkbox"/>    | <input type="checkbox"/>                                  | <input type="checkbox"/>                        | <input type="checkbox"/>                    |
| General<br>Commercial<br>(GC)       | Highway<br>Commercial<br>(HC)    | Light<br>Industrial<br>(LI) | Major<br>Industrial<br>(MI)                               | Planned<br>Neighborhood<br>Development<br>(PND) | Office/<br>Commercial<br>Mixed-Use<br>(O/C) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>         | <input type="checkbox"/>    | <input type="checkbox"/>                                  | <input type="checkbox"/>                        | <input type="checkbox"/>                    |

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

N/A

**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.**

Attached

**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

Attached

**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

**Yes, I request that the Planning and Zoning Staff present the petition**

**No, I prefer to present the petition**


**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes     No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

SEE ATTACHED 

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Recommended     Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Approved     Disapproved

**Final Determination/Other Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application:

Kenneth F. Lowe, Murall Limited Partnership  
Kenneth F. Lowe, Murall Limited Partnership

October 28, 2019  
Date

MAP AMENDMENT PETITION  
Article 12, Jefferson County Zoning Ordinance  
Murall Limited Partnership  
October 1, 2019

**Owners/Applicants:**

Murall Limited Partnership  
P.O. Box 575  
Shepherdstown, WV 25443

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Request:**

Amend the Zoning Map for this 6.68 Acre Parcel to General Commercial, based on its Consistency with the Envision Jefferson 2035 Comprehensive Plan.

**Substantiation for the Request:**

1. The property is owned by Murall Limited Partnership and is currently zoned Rural and the Applicants are seeking a map amendment to the General Commercial District. The owners/applicants have owned the subject property since 1985. As explained in this Petition, the Applicants believe that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. This area for development was also considered compatible with the 2004 Jefferson County Comprehensive Plan as evidenced by the County Commission’s rezoning of three properties across Route 115 (Hunter Family and Perkins/Lindburg Families) in 2014 for commercial and residential uses;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include the availability of Public Water and Sewer, several rezonings north of this property and across the street which were approved by the County Commission; and the additional growth in the area. These changes are addressed in this Petition;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This land is also located on the Future Land Use Map/Guide as Commercial. This Map, Growth Area and Plan was just approved in 2015 after years of work. The reasons for rezoning that are cited in this Petition are the same reasons that led to this area to be in the Preferred Growth Area in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the Jefferson County Zoning Map since the property is now shown located in one of the 6 primary growth areas of Jefferson County. The property is also located on a Principal Arterial Road (Route 115) in the County. A Principal Arterial Road is the highest rated road in the County and only three roads are identified as Principal Arterial Roads: Route 340, Route 9, and this road, Route 115.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 2, Parcel 1.3

**Deed Book Reference:**

Deed Book 542 at Page 77

**Sketch Plat:**

Attached

**Tract Size:**

5.68 Acres

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

## **A. Comprehensive Plan Compatibility**

Among the many recommendations in the 2015, Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment.

As found on page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within the Route 9 PGA. The attached map shows the Route 9 PGA. The Comprehensive Plan was recently adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a new Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, both the 2004 Plan and the 2015 Plan show this property slated for growth around Route 9 and Kearneysville. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Preferred Growth Area and specifically identifies the property for Commercial and Office Development.

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous versions of the Plans completed in the 80s, 90s, and 00s, is that this Plan has a Future Land Use Guide (Map) that specifically delineates properties for future uses and map amendments. The subject property is properly located on the Future Land Use map (Guide) as Commercial and/or Office in this 2015 Plan. The property has a large Electric Substation adjacent to the rear and it only makes sense to include this property in the General Commercial District. This map amendment will allow the property to pursue commercial and office opportunities. As shown on this guide, this requested change is consistent with the Future Land Use Guide. As described in other sections of this document, the residential development in the neighborhood will need some commercial development to provide services and to provide an increased tax base to supplement the residential tax base provided by the subdivisions in the area.

The Comprehensive Plan's maps and guides show that this property is ready for future development, especially commercial and office development due to its location. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial and Office on the Future Land Use Guide.

**Page 17** of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

## “Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

### Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries  
**Preferred Growth Areas (PGAs)**  
Villages  
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and **Preferred Growth Areas (PGA) (including one residential growth area)**, are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added.

A further explanation of PGAs is found on Page 20 of the Plan:

**“The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps”** Emphasis Added.

In this case, the subject property is in a Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated area, along with the fact that the property is next to a Substation and a Business Park and is close to both commercial development and residential subdivisions.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 22:

**“Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line) This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.”** Emphasis Added.

It is clear that this section specifically recognizes the subject property as one of the primary properties that is slated for Urban Level Growth. Furthermore, it cannot be over developed since it is a narrow, 5.68-acre parcel. It is ideal for a small professional office or commercial center that will serve the immediate residential and business area. This type of project will provide for services, while keeping traffic to a minimum. It should provide an area that will be walkable from the Liberty Business Park and the newly approved (Concept Plan) Residential Townhouse Subdivision.

Finally, the following recommendation is found in the Urban Level Development Recommendations Table starting on **Page 30** of the Plan:

**“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.**

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

**“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and **Preferred Growth Areas**, where the infrastructure is expected to be available to support these uses.” (Page 69)

And on Page 70: Recommendations:

**“5. Create a business friendly environment in Jefferson County.**

**6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”**

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Route 9 PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency with, and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

**“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on**

their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. Based on the Map that was created in 2015 (after years of developing the Plan), both the Applicant and the Public were made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would allow the Applicants the flexibility of marketing the property to the business park developers to continue the commercial expansion of the area for other office buildings. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial growth in this County, as opposed to Berkeley County. As a matter of fact, this applicant is the developer of the Liberty Business Park. It would make sense to allow similar development on the Jefferson County portion. Since commercial and residential uses are being developed in the area, Jefferson County should start taking advantage of it.

Since there is very little vacant land in Jefferson County that is zoned just for commercial/office, the requested change to a commercial zone will provide commercial services to the proposed residential development in the neighborhood, as well as, to the office employees in the Liberty Business Park. These types of uses can stimulate economic development on Jefferson County’s side of the County line.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County’s Public Water and Wastewater Treatment Facilities. The property is also located within minutes of the Short Road interchange onto the new four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan’s goals also support commercial activities in the County; in addition to the protection of private property rights. Both in the current Comprehensive Plan and the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center. This shows that the County planners believed that this property was prime land for economic development for quite some time. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the several rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now by the inclusion of this area Route 9 Preferred Growth Area in the Envision 2035 Plan.

While the current Comprehensive Plan supports the map amendment request, the 2004 Comprehensive Plan includes several recommendations that support this rezoning request. This is important to note to show that the area being slated for growth hasn't changed from the old plan to the new plan.

2004 Comprehensive Plan Recommendations:

**Recommendation 3.01 on Page 24:**

“When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes...”

There is also a new large Sheetz Store and a new commercial center that were constructed to serve this neighborhood. These two commercial entities are just over the Berkeley border from the subject property. The County Line shouldn't be the limiting factor for commercial development on Jefferson County's side.

**Recommendation 3.18 on Page 64:**

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Again, this area has been permitted to develop into residential subdivisions, a business park that contains good federal government jobs and commercial businesses that locate where growth is indicated. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the mixed-use development that was recently approved (Concept Plan) across Route 115.

According to the County, there is a very small percentage of land that is zoned for just commercial/office use in Jefferson County. It is very difficult to achieve the goal of pursuing new commercial development if the County doesn't create new areas for commercial development as recommended in the Envision Jefferson Plan. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in the new Commercial District. Besides the proximity to the adjacent development, it also has access to good infrastructure, including water, sewer and roads.

Based on the preceding recommendations from both the Envision Jefferson 2035 Comprehensive Plan and the previous 2004 Comprehensive Plan, this map amendment is extremely consistent and compatible with the development goals of the Plans.

B. Change of Neighborhood

This area of Jefferson County and the adjacent area on Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be similar to those that were cited in the Hunter and Perkins Rezoning Petitions. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains the Coast Guard and IRS facilities. This park can be seen from this property.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision (Final Section still under construction) and Chapel View Subdivision.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191-acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The large Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.
7. A Food Lion (within eyesight just across Coast Guard Drive) was built adjacent to this property just on the Berkeley side of the line. The grocery store was sold since it opened.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility in the neighborhood. The entrance to this facility is across the street to this property. This facility was a project that was

approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center. This project has been built.

10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has a major interchange that services the area. Old Route 9 (Route 115), still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal for commercial development.
11. 2014, the County Commission unanimously approved two separate requested mixed-use rezonings for the three properties across the street owned by the Hunters and the Perkins Trust.
12. A 132 Unit Townhouse Residential Project with Mini-Storages was just approved at Concept Plan by the Planning Commission for the property across the street from the subject property.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the General Commercial District:

1. Availability of Public Utilities and Services:

Public Water and Sewer is now available in this neighborhood. The availability of this capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

'This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.' (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the PGA is also supported by Recommendation 5a found on Page 30:

"Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages

**where water and sewer services are available.”** (Emphasis added)

In this case, there is a need for commercial development to offset the residential developments that are recommended in the UGBs and the PGAs. This property is ideal to provide those needed commercial or office facilities since the Liberty Business Park is adjacent and the larger residential developments are already in or planned for the area

2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes: Quail Ridge and Chapel View Subdivisions; Hospice Offices and Inpatient Campus; large Sheetz; Grocery Store; Quad/Graphics in Baker Heights, the Liberty Business Park and the approved (Concept Plan) townhouse development across the road. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that commercial and office development along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property would ideally fit into this neighborhood's mixed use.

C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Old Route 9 was very much enhanced just north of the property in Baker Heights. The road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown interchanges onto new Route 9. This property is located in between these interchanges. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for further development.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All

these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this Route 9 Preferred Growth Areas in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so, the County endorsed the creation of this area as a Preferred Growth Area and an area slated for future Commercial and Office development on the Future Land Use Map. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

D. *Error in the Original Zoning Map*

The only real justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005 and that the Hunter and Perkins' properties were rezoned in 2014 in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a Principal Arterial Road as defined by the Comprehensive Plan. There are only three roads defined as Principal Arterial Roads in Jefferson County (Route 340, Route 9, and Route 115);
2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville); and,
4. The enhanced connection was made with Route 81 when the Route 9 Four Lane was completed.

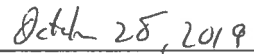
Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the grocery store, Hospice of the Panhandle; the multiple rezonings; and, the new

Route 9, it makes this property and ideal candidate for the requested map amendment.

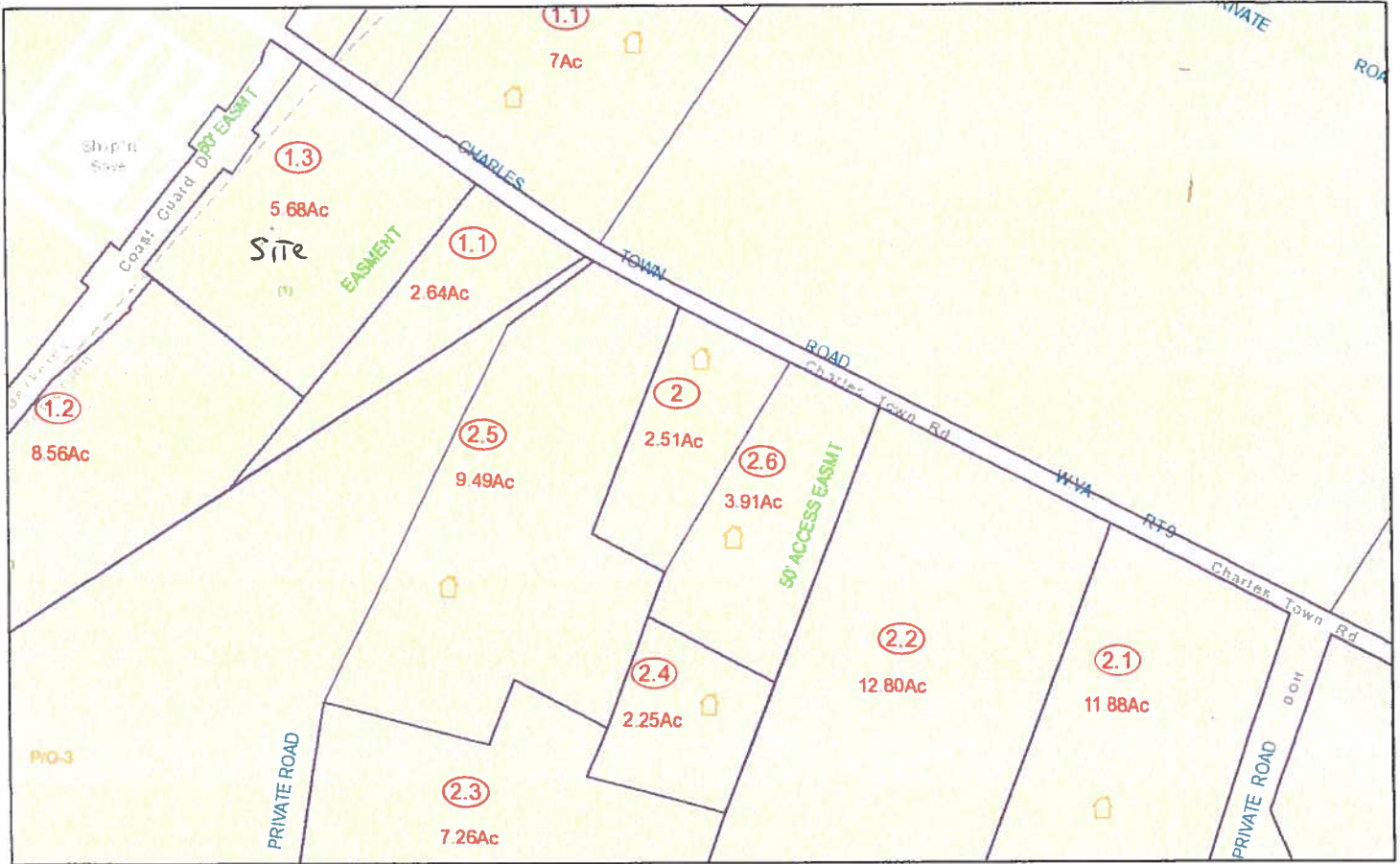
E. Conclusion:

Murall Limited Partnership respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan, the 2004 Comprehensive Plan; the 2005 action of the County Commission regarding rezoning the Day property; the recent rezonings of the adjacent Hunter and Perkins' properties; the fact that the property should have been classified as a business, commercial, office, or mixed-use district in the original ordinance or at least during the 2015 approval of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business park across the street; the fact that the property and area is located in a Preferred Growth Area in the new Plan and is shown as Commercial/Office on the Plan's Future Land Use Guide (Map); and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the General Commercial District.

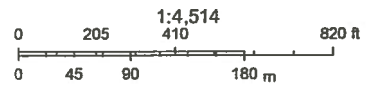
  
\_\_\_\_\_  
Kenneth F. Lowe, Murall Limited Partnership

  
\_\_\_\_\_  
Date

# Viewer Map



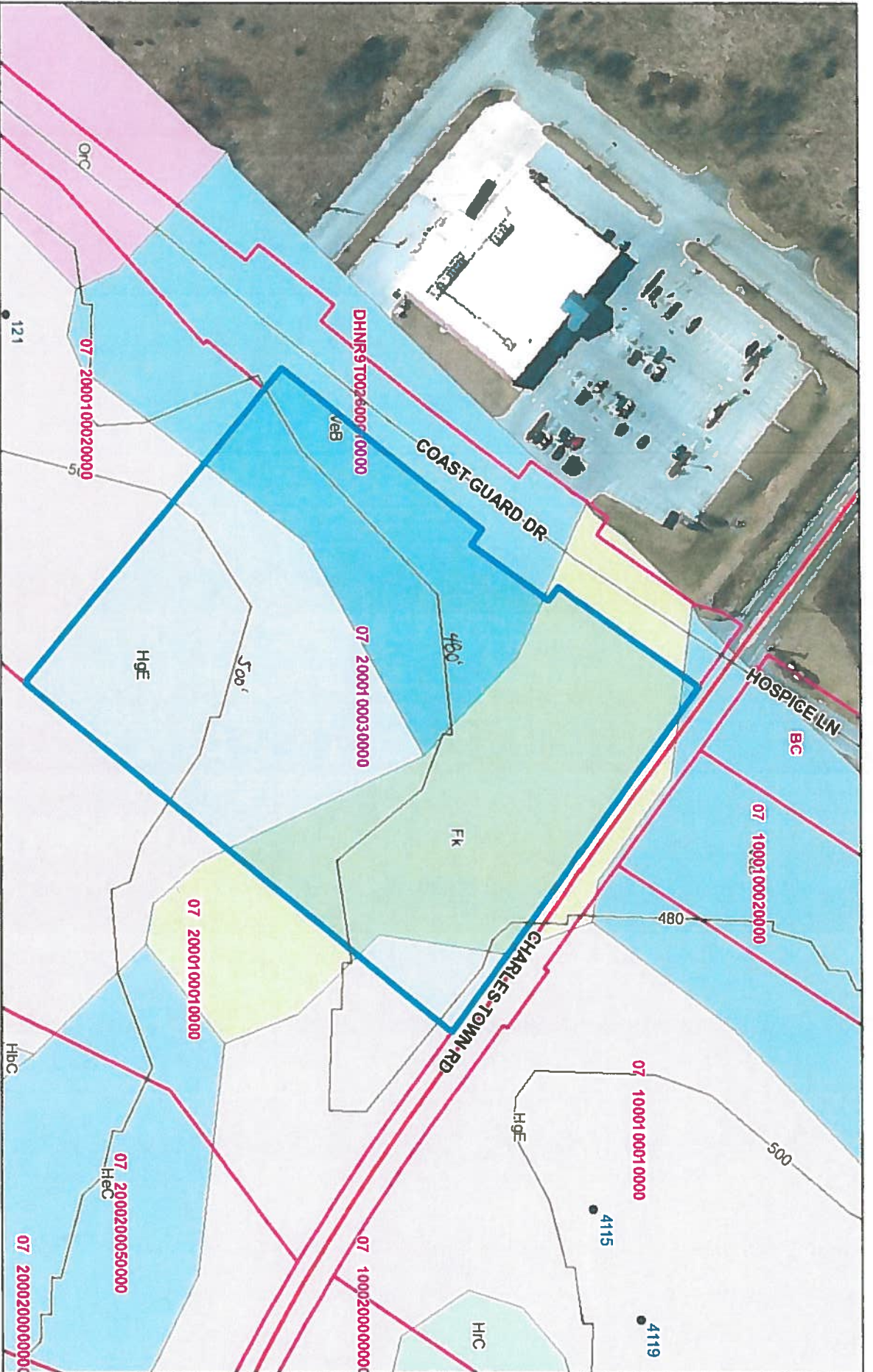
March 7, 2018



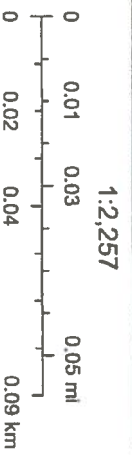
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



# Viewer Map



October 30, 2019



Source: USGS, etc

Murall Limited Partnership  
EXISTING LAND USE MAP  
Approx Scale 1" = 200'



07000100010002  
PROPOSED  
TH Subdivision

PROPOSED  
Mini-  
Storages

07000100010001

Grocery  
STORE

CHARLES-TOWN RD

446'±

568±  
ACRES

07000200010003

VACANT

07000200010001

07000100020000

Liberty  
Business  
PARK

COAST GUARD DR

427'±

587'±

VACANT

POTOMAC  
Edison  
SUBSTATION

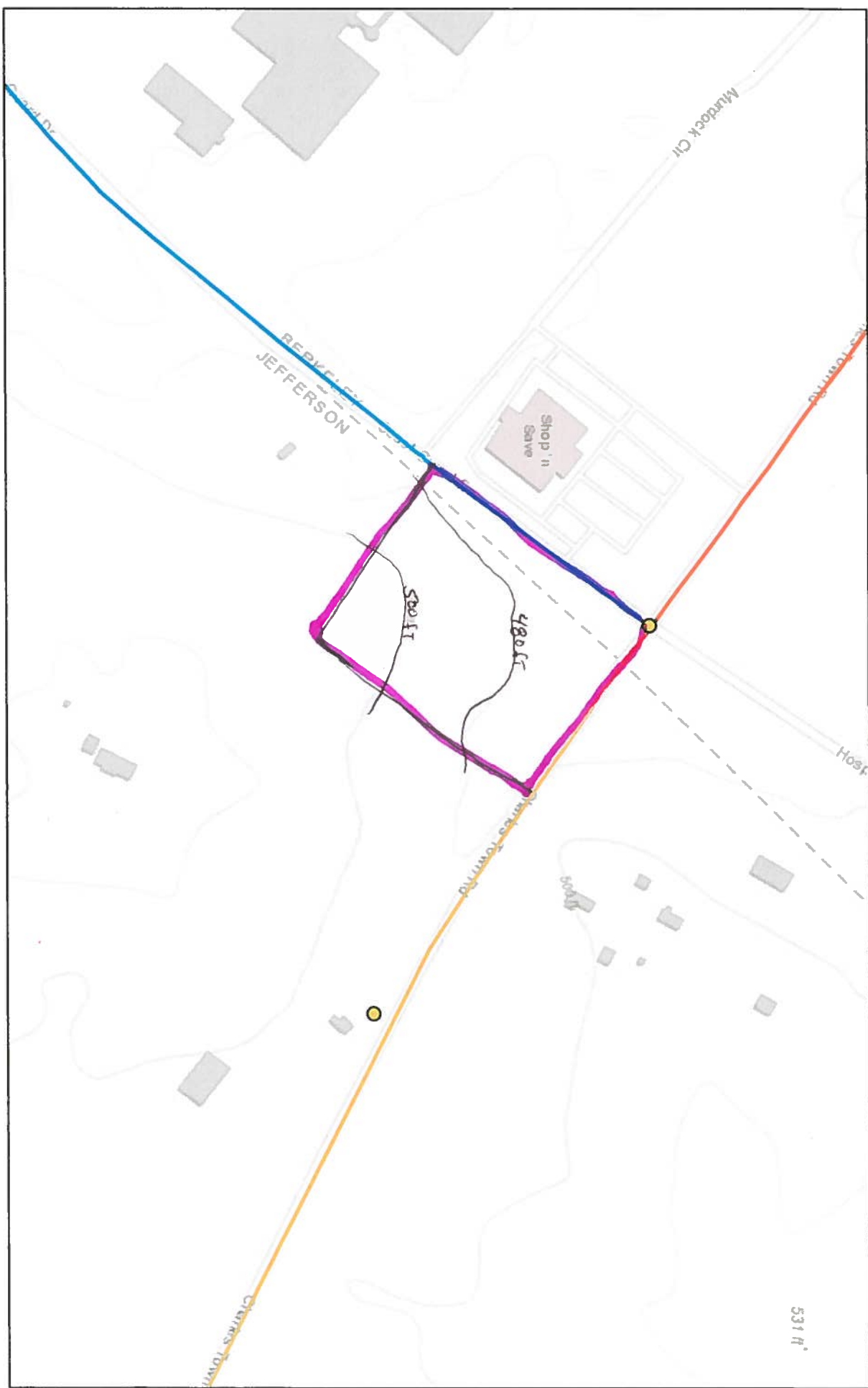
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07000200020005

07000200020006

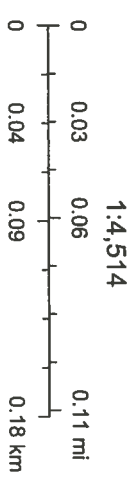
07000200020004

TPD: USGS from DOH website



October 30, 2019

- |               |               |                           |                             |                           |                             |                           |
|---------------|---------------|---------------------------|-----------------------------|---------------------------|-----------------------------|---------------------------|
| Station AADT  | Segment AADT  | 99 and Under Station AADT | 5,000 - 49,999 Segment AADT | 99 and Under Station AADT | 5,000 - 49,999 Segment AADT | 99 and Under Station AADT |
| 1,000 - 4,999 | 1,000 - 4,999 | 1,000 - 4,999             | 1,000 - 4,999               | 1,000 - 4,999             | 1,000 - 4,999               | 1,000 - 4,999             |



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS.

Source DOT Natural Conditions: Vacant with Tree Cover and grass



October 30, 2019

Station AADT

Segment AADT

● 1,000 - 4,999

— 99 and Under

— 5,000 - 49,999

— 1,000 - 4,999

1:2,257

0 0.01 0.03 0.05 mi  
0 0.02 0.04 0.09 km

Est. HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user

Mural Limited Partnership  
Zoning and Adjacent Properties

Berkeley County  
No Zoning

Berkeley County  
No Zoning

Way Shingleton JR TRUST

TAX 07000100010002

Deed book 1087 Page 687

Zoning: Residential/Light Ind/Commercial

HOSPICE LN

Townhouse Rentals LLC  
Book 1215 Page 142

TAX REF 07000100010001

7 ac

Zoning: Residential/Light Industrial/Commercial

CHARLES-TOWN RD

\*  
SITE

07000200010003

Febrey /BBT

TAX 07000200010001

Book 1151 Page 106

Zoning: Rural

07000100020000

COAST GUARD DR

POTOMAC Edison Co

DIST 7 Deed Book 852  
MAP 2 Page 229  
Parcel 1,2

Zoning: Rural

07000200020000

07000200020005

07000200020006

07000200020004



07000100010002

HOSPICE LN

07000100010001

CHARLES TOWN RD

07000100020000

07000200010003

07000200010001

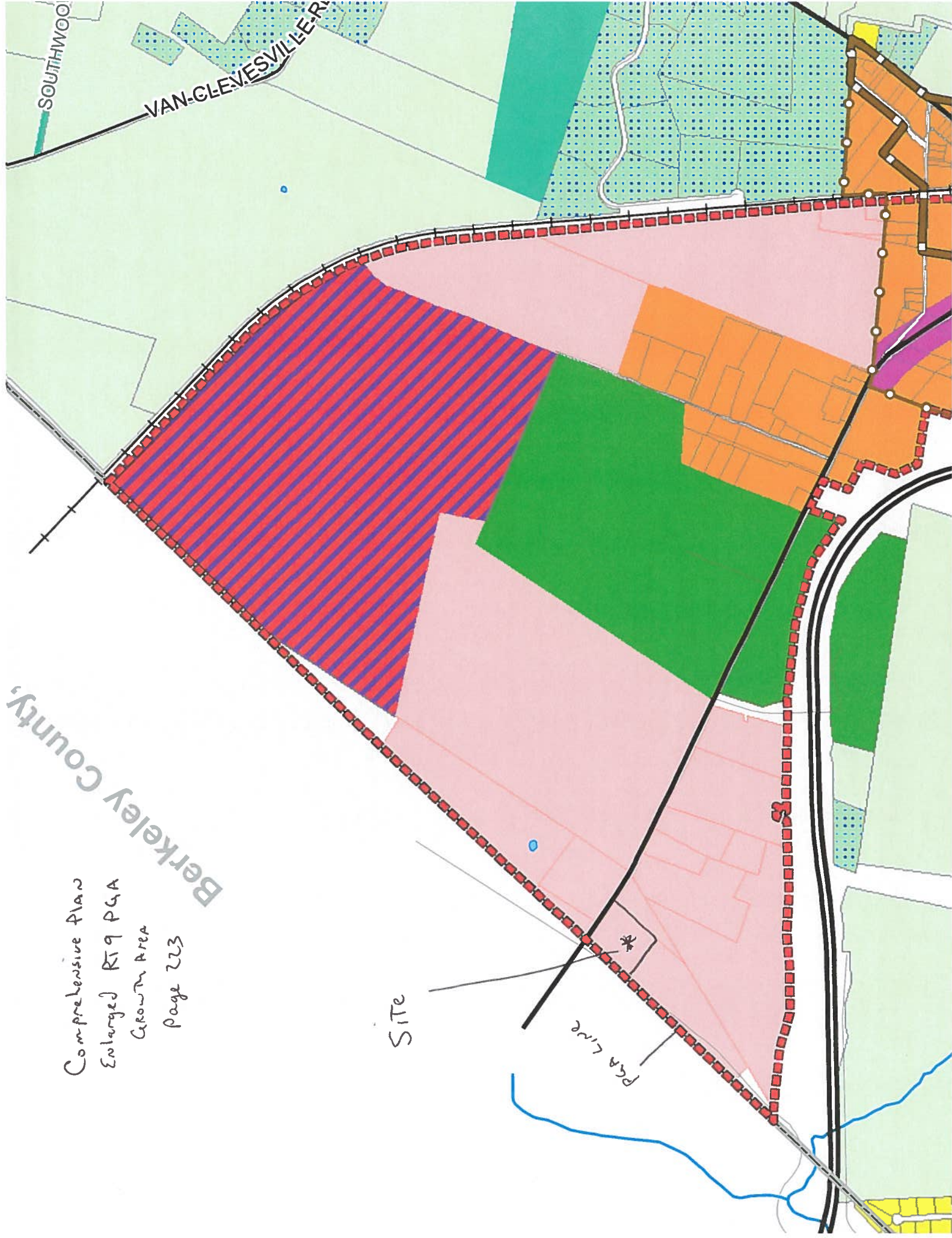
COAST GUARD DR

07000200020000

07000200020005

07000200020006

07000200020004



Berkeley County,

Comprehensive Plan  
Enlarged RT9 PG&A  
Growth Area  
Page 223

Site

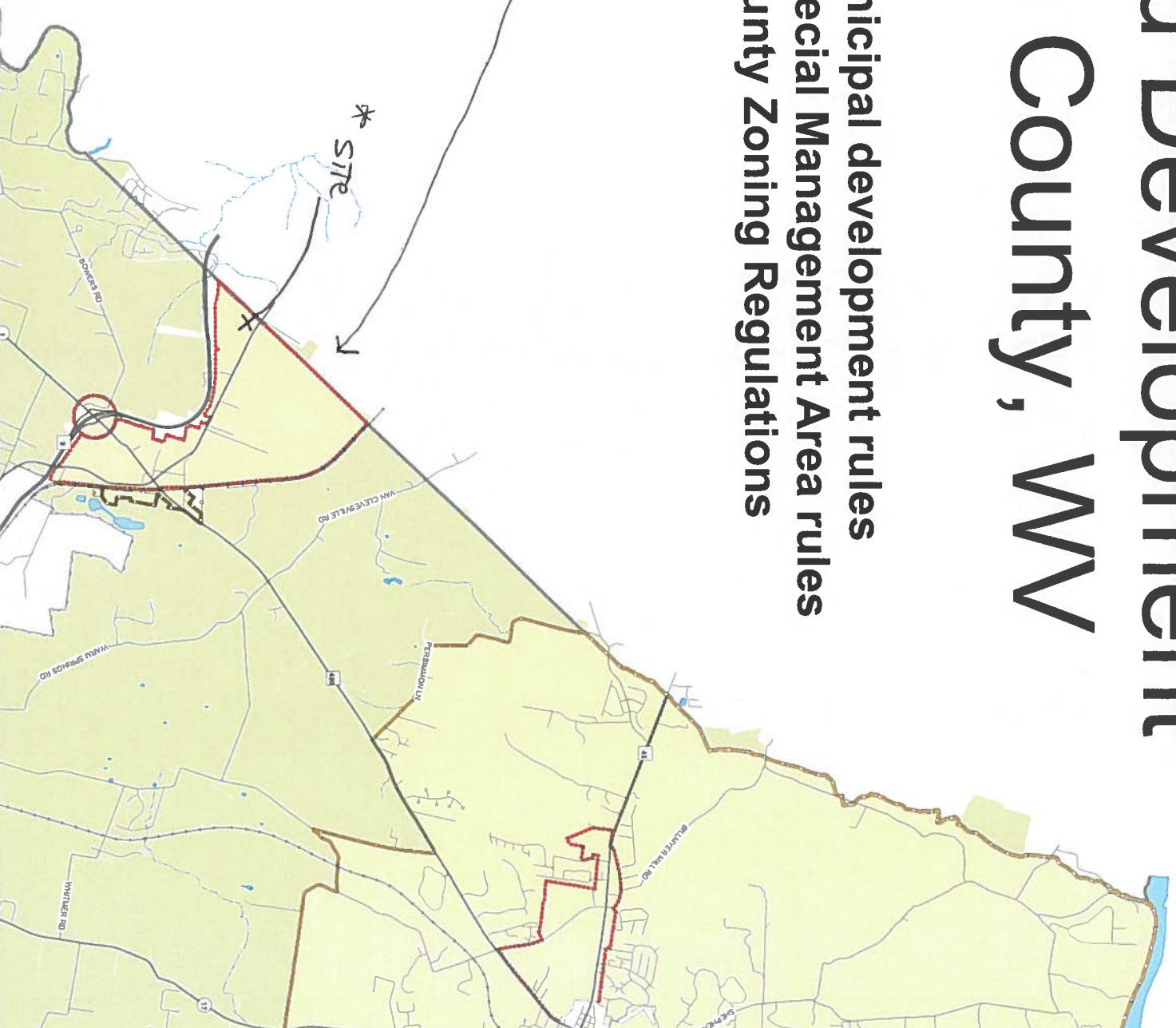
PG&A line

# Future Land Development Jefferson County, WV

**White Areas subject to Municipal development rules**  
**Yellow Areas subject to Special Management Area rules**  
**Green Areas subject to County Zoning Regulations**

- Special Design Areas
- Municipalities
- Preferred Growth Boundaries**
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Areas Outside Management Boundaries**
- Areas Outside Management Boundaries

\*Properties within Municipalities  
are shown as White



# Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

page 215



- Special Design Area
  - Preferred Growth Area
  - Quarry Redevelopment Area
  - Growth Management Boundary
  - Urban Growth Boundary
  - Urban Growth Boundary Expansion
  - Village
  - Village Expansion
  - 2004 Growth Area
- Berryville Pike DOH Realignments**
- Alternative 4
  - Alternative 4A
  - Alternative 4B
- Land Use Classification**
- Rural/Agriculture
  - Rural/Agriculture For Possible Urban Development
  - Agricultural Economic Empowerment Area
  - Large Lot Residential
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - General Commercial
  - Neighborhood Commercial
  - Regional Commercial
  - Industrial
  - Office
  - Mixed Use Residential/Commercial
  - Mixed Use Office/Commercial
  - Residential or Commercial
  - Office or Commercial
  - Industrial or Commercial
  - Public/Quasi Public Land
  - Golf Course
- \*Properties within Municipalities are shown as White

STIR

QUARRY



Map Date: January 1, 2011

Effective Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
Certified by County Commission President  
Jefferson County, WV

- Notes:**
1. Current zoning classifications and names do not apply. This map does not alter or replace current zoning classifications or apply. Use the zoning map for determination of zoning districts.
  2. Use of this map is to be in conjunction with the text and land use recommendations of the Envision Jefferson 2035 Comprehensive Plan when considering zoning, site plan, and other land use decisions.
  3. Areas within the Urban Growth Boundary are considered a growth area. The property shown within the Urban Growth Boundary of this map, particularly those shown as Rural/Agriculture, should be considered as being Map Amendment #11 areas where there are adequate public services to those locations. The plan recommendations and goals of Envision Jefferson 2035 emphasize that properties within the Urban Growth Boundary should be converted to the appropriate use consistent with the Urban Growth Boundary. The plan does not prevent a property owner within an Urban Growth Boundary from converting their land use to a residential use, provided that the conversion is consistent with Jefferson County's land development guidelines.
  4. The areas below are highlighted on this map with a colored outline to show if included in the Envision Jefferson 2035 Comprehensive Plan.
    - Quarry Redevelopment Areas (page 111)
    - Hot Spot Areas at Jefferson District (page 111)

# Future Land Use Guide

## Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

*Enhanced Page 215*

- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area

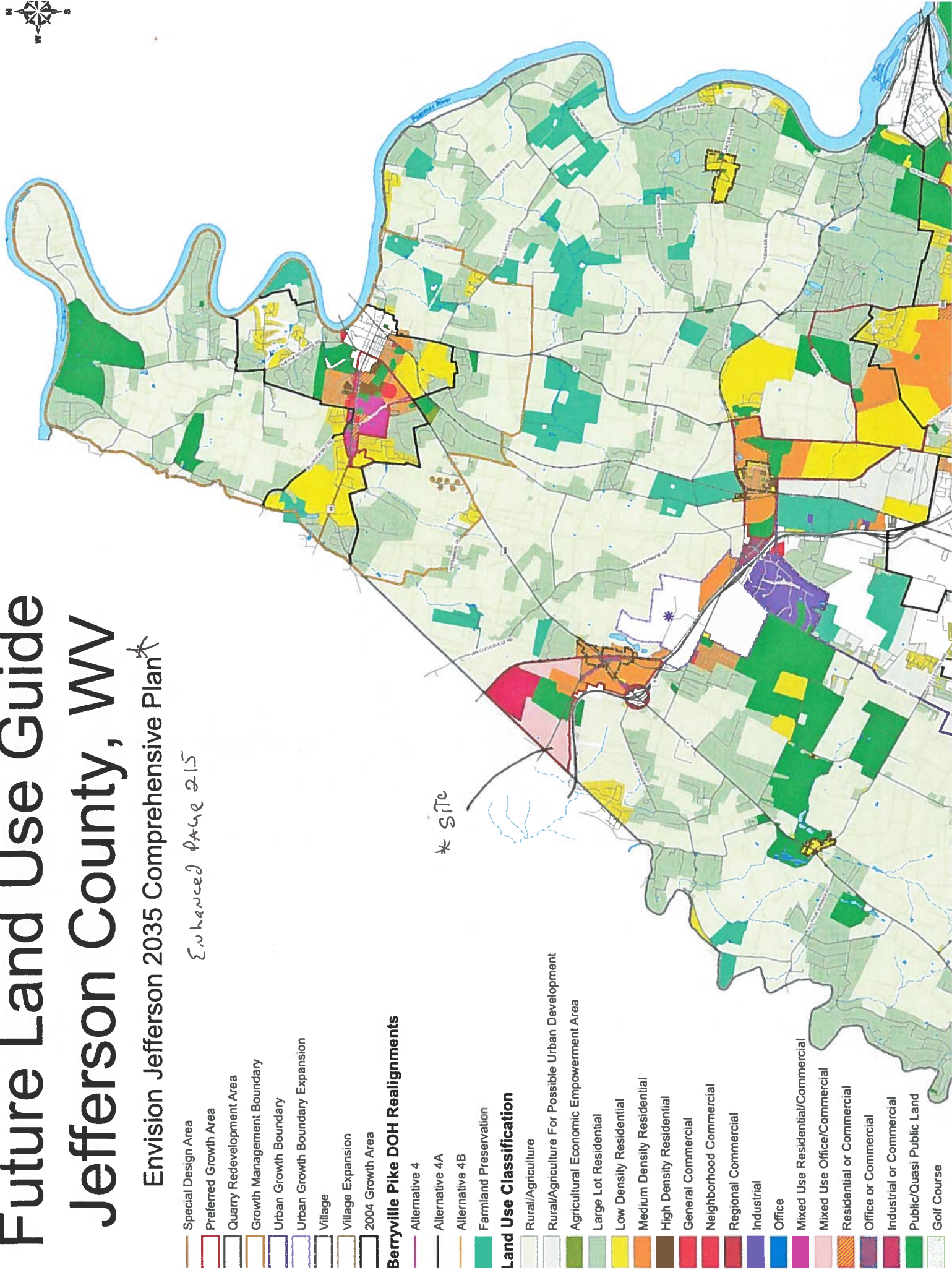
### Berryville Pike DOH Realignments

- Alternative 4
- Alternative 4A
- Alternative 4B

### Land Use Classification

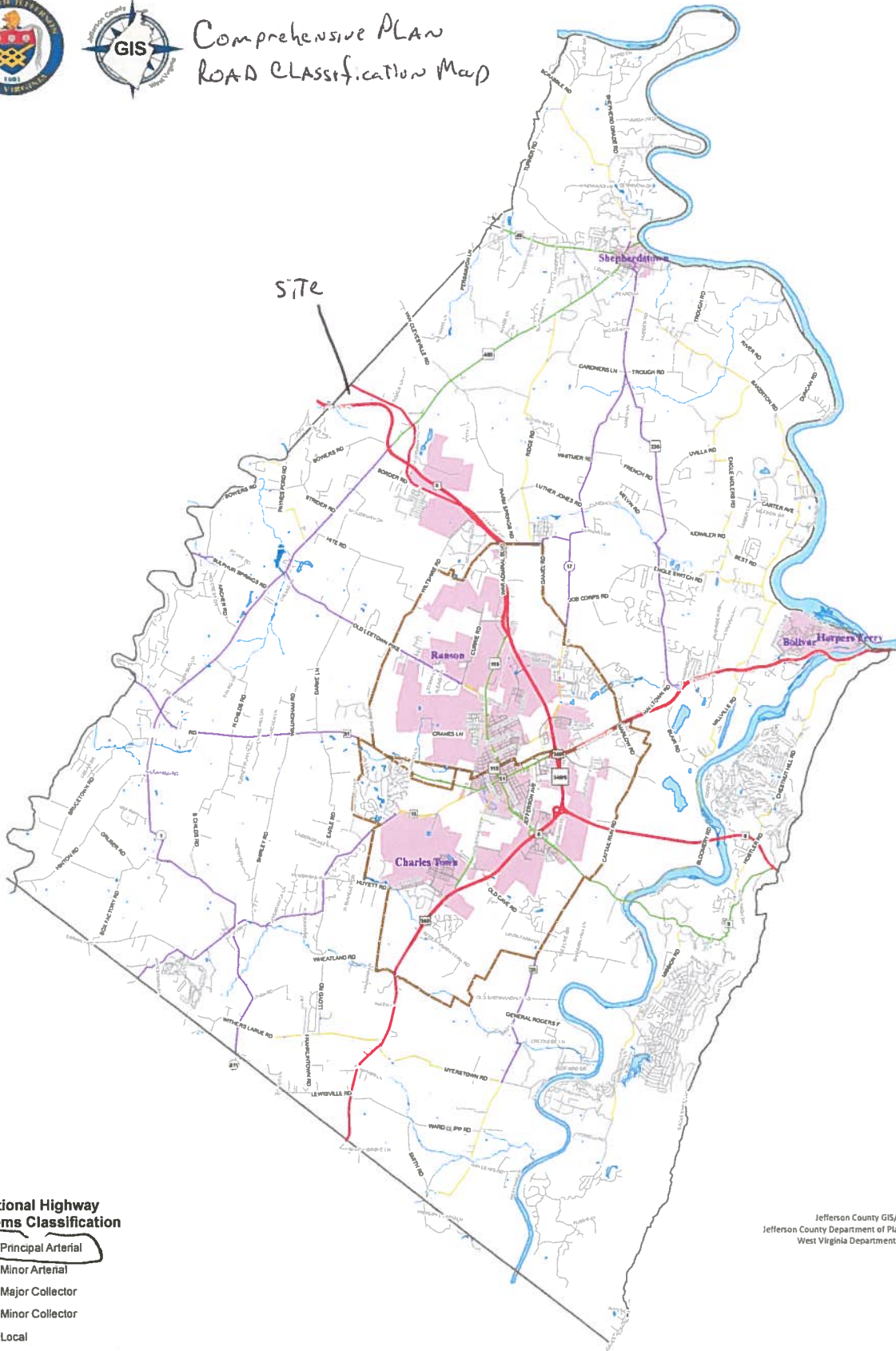
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

\* site





# Comprehensive Plan ROAD CLASSIFICATION MAP



### Functional Highway Systems Classification

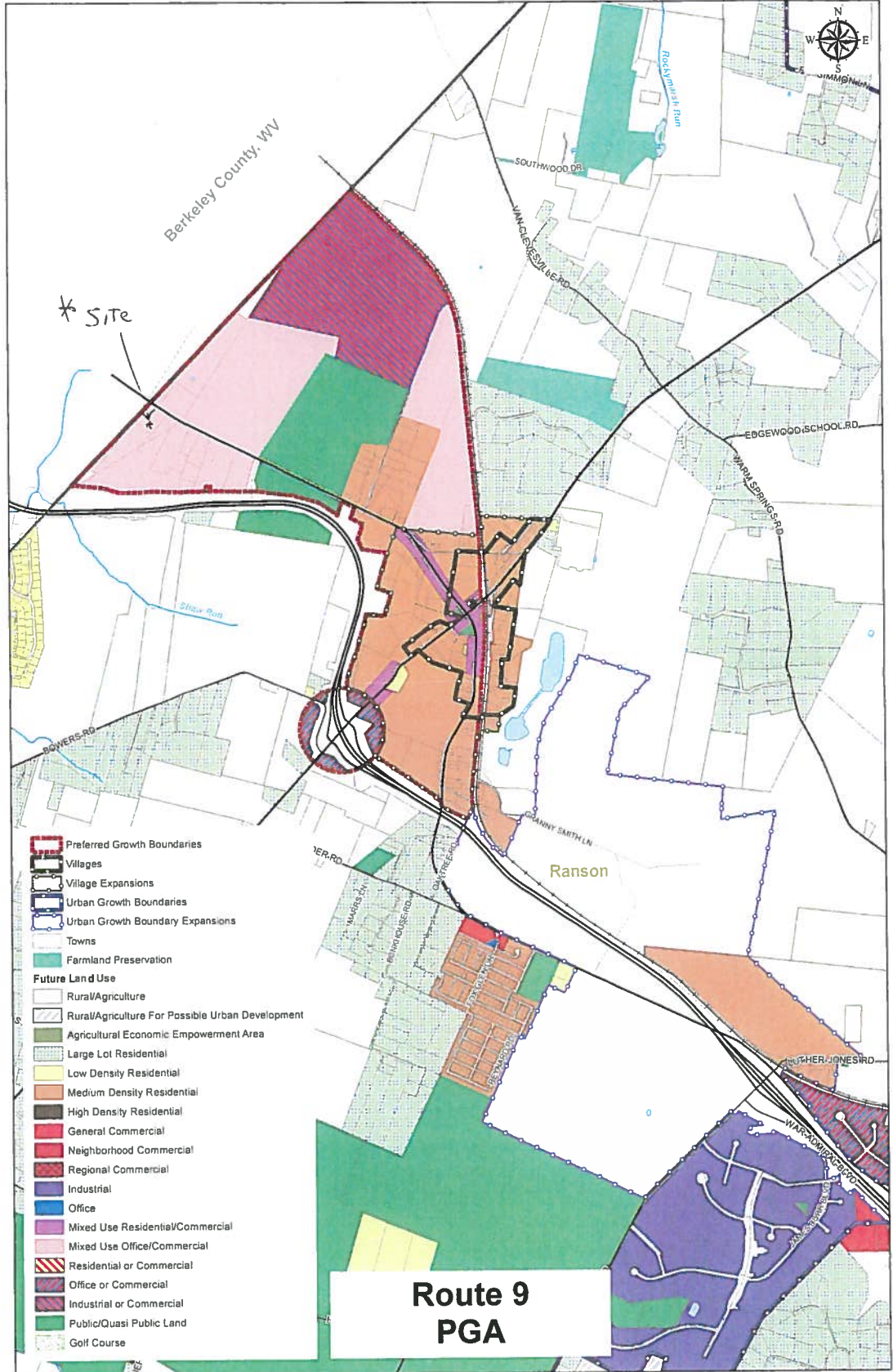
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- Urban Growth Boundaries
- Towns

**Data Sources:**  
 Jefferson County GIS/Addressing Office  
 Jefferson County Department of Planning and Zoning  
 West Virginia Department of Transportation



## Roadway Classification Map Envision Jefferson 2035







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



Name: Debra Young

Department or Organization: **Jefferson County Victim Assistance Program**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

*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*): **Approval and signing of VOCA Grant Contract – 17-VA-026**

Please provide the County Commission with a description of your request or presentation, including any background information: Victim of Crime Act (VOCA) Grant Contract for the Commission's approval and signing by the Commission's President.

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: Debra Young

Email address: [dyoung@jeffersoncountywv.org](mailto:dyoung@jeffersoncountywv.org)

Phone Number: 304-725-6550

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

not applicable





State of West Virginia  
**Division of Administrative Services**  
**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**

1201 Greenbrier Street  
Charleston, WV 25311  
(304) 558-2350

**JEFF S. SANDY, CFE, CAMS**  
CABINET SECRETARY

**DENNY RHODES**  
DIRECTOR

October 24, 2019

The Honorable Patsy Noland  
President  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

**Re: Approved Funding – \$104,821.00**  
Victims of Crime Act (VOCA) Grant  
Project Number: 17-VA-026

Dear Commissioner Noland:

Congratulations on your recent award for a Victims of Crime Act (VOCA) Program Grant Award. Enclosed you will find:

- A Contract with Attachment A (copy of completed application);
- A sample resolution
- A Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
- Revised Standard and Federal Conditions and Assurances;
- EEOP Certification – Two (2) forms – one completed form to be mailed to the Office for Civil Rights at the address listed on the form and one completed form returned to the Division of Administrative Services, Justice and Community Services; and,

To formalize your acceptance of this grant award, please sign the contract, certification, Conditions and Assurances and affect a resolution (if necessary) and return the **originals** to this office by **November 8, 2019**.



Justice &  
Community  
Services

---

1124 Smith Street, Charleston, WV 25301  
Phone: 304-558-8814

The Honorable Patsy Noland  
October 24, 2019  
Page 2 of 2

Additional information regarding the administrative procedures that govern this grant program will be sent directly to your designated Project Director in the near future. In the interim, should you have questions concerning the contract or other enclosures, please contact me at (304) 558-8814, Extension 53312, or via email at [Sydney.M.Cavender@wv.gov](mailto:Sydney.M.Cavender@wv.gov). I look forward to working with you on this project and feel confident that our efforts will prove tremendously beneficial to the State of West Virginia.

Sincerely yours,



Sydney M. Cavender  
Justice Program Specialist

SMC/amw

C: Matthew L. Harvey (*all attachments*)  
Grant File (*all attachments*)  
Enclosures

## GRANT CONTRACT AGREEMENT

BETWEEN

DIVISION OF ADMINISTRATIVE SERVICES  
JUSTICE AND COMMUNITY SERVICES SECTION  
AND  
Jefferson County Commission

17-VA-026

This **AGREEMENT**, entered into this **23<sup>rd</sup> day of October 2019** by the Deputy Director of the Division of Administrative Services, Justice and Community Services Section, hereinafter referred to as "JCS", and the Jefferson County Commission, hereinafter referred to as "Grantee."

**WHEREAS**, JCS is the recipient of a Victims of Crime Act (VOCA Program Funds from the United States Department of Justice, and

**WHEREAS**, the Grantee is an eligible applicant who is desirous of receiving funds: **This grant will fund staff in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County.**

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **October 1, 2019** and shall continue those services/activities until **September 30, 2020**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$104,821.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.

7. It is the understanding of all parties to this Agreement that JCS has determined that the Grantee **will not** receive an upfront scheduled allocation of funds.
8. If the Grantee is not receiving an upfront scheduled allocation of funds: To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Reimbursement of Funds once per month to JCS. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
9. If the Grantee is receiving an upfront scheduled allocation of funds, the Grantee hereby agrees to adopt a schedule of payments dictated by JCS: To be eligible for any and all scheduled allocation of funds of the total grant amount, the Grantee shall submit a Request for Funds to JCS which adheres to the schedule of payments. Upon receipt of said request, JCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to JCS by the twentieth (20th) day of each month.
10. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
11. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that JCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
12. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the JCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the JCS reasons for taking said action.
13. JCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
14. If for any reason funds received by JCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.

15. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to JCS a final report on forms provided by JCS. Said reports shall reflect actual costs incurred or expended during the terms of this Agreement.
16. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
  - a. Justice and Community Services Section  
1124 Smith Street, Suite 3100  
Charleston, West Virginia 25301-1323
  - b. **Grantee Mailing Address:**  
  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414
17. The Grantee shall hold and save JCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

**IN WITNESS WHEREOF**, the parties hereto attach their signatures representing that each is acting with full authority.

---

**Patsy Noland, President  
Jefferson County Commission**

---

**Joseph C. Thornton, Deputy Director  
Justice and Community Services Section**

## **RESOLUTION**

The **Commission** of **Jefferson County** met on \_\_\_\_\_ (date)  
with a quorum present and passed the following resolution.

Be it resolved that the **Commission** hereby authorizes **Patsy Noland, President**  
of **Jefferson County Commission** to act on its behalf to enter into a contractual  
agreement with the Division of Administrative Services, Justice and Community Services  
section to receive and administer grant funds pursuant to provisions of the Victims of  
Crime Act (VOCA) grant program.

Signed: \_\_\_\_\_

County Clerk



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES  
JUSTICE & COMMUNITY SERVICES SECTION  
STANDARD CONDITIONS & ASSURANCES**

Effective: July 23, 2019  
Revision History: N/A

The following Standard Conditions and Assurances apply to all Grant Programs that the Division of Administrative Services, Justice and Community Services (JCS) Section administers. The application of these Assurances is applicable regardless of the source of funding and/or whether the recipient receives an upfront allocation of funds or is operating under a request for reimbursement process.

All correspondence to JCS, which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be mailed to the following address:

Justice and Community Services Section  
1124 Smith Street, Suite 3100  
Charleston, West Virginia 25301-1323

- 1. LAWS OF WEST VIRGINIA:** This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by JCS, regardless of the original funding source. At the sole discretion of JCS, this grant can be based on a "reimbursement bases" mechanism, or a mechanism which awards an "upfront allocation" of funds on a quarterly or semi-annual basis. Upon timely notification to the grantee, JCS reserves the express right to commute an upfront allocation mechanism to a request for reimbursement mechanism for a recipient of funds, at any time during a grant period.
- 2. LEGAL AUTHORITY:** The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required if applicable.
- 3. RELATIONSHIP:** The relationship of the grantee to JCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind JCS for any obligation or expense without the express prior written approval from JCS.
- 4. COMMENCEMENT WITHIN 60 DAYS:** This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to JCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. **OPERATIONAL WITHIN 90 DAYS:** If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to JCS explaining the delay in implementation.
6. **SUSPENSION OF FUNDING:** The grantee acknowledges that acceptance of an award is not a guarantee of funds. Further, by accepting this award, the grantee acknowledges and agrees that JCS may suspend in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:
- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
  - 60 or more days late in submitting reports;
  - Failure to submit reports;
  - High Risk Grantee as determined by the JCS High Risk Assessment; or
  - Any other cause shown.
7. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, JCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:
- Withholding of payments to the grantee until the grantee complies or, if reports are more than 60 days late, the funding for that month is forfeited and may not be recouped or remedied;
  - Cancellation, termination or suspension of the contract, in whole or in part;
  - Refraining from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received;
  - If the grantee is receiving funds on an upfront basis, JCS can commute the transfer of funds mechanism to a reimbursement only process for the remainder of the grant period;
  - If the grantee is receiving funds on an upfront basis and a determination is made by JCS that funds were intentionally or unintentionally misused, misappropriated, misspent or otherwise not consistent with the intents and purpose of the grant, the grantee automatically forfeits any remaining funds from the grant program, and any other awarded funds from any other program, until a satisfactory resolution has been achieved;
  - If a grantee is indebted to JCS for any amount of funds at the close of an applicable quarter, semi-annual or end of a grant period, and the debt is not resolved within 30 days following the close of those periods, the grantee acknowledges and agrees that it is automatically ineligible to receive or apply for funds from JCS for any grant program; and
  - Grantee agrees and acknowledges that under no circumstances may it commute a debt to be applied as matching funds; or, will JCS reduce a future quarterly or semi-annual allotment or future award as repayment of the debt. Repayment must be from a general account or an account unrelated to the grant award.
8. **ACCOUNTING REQUIREMENTS:** Grantee agrees to record all project funds and costs following generally accepted accounting principles. A unique account number or cost recording

must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material must be retained and be available for audit purposes. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources; further, funds received on an upfront basis from JCS for one program may not be comingled with funds received on an upfront basis for another JCS program.

9. **REPORTS:** Regardless of an award being on an upfront or reimbursement basis, each grantee shall submit all reports as JCS requires necessary to the execution of monitoring, stewardship, and evaluation of programmatic and fiscal responsibilities.
10. **WRITTEN APPROVAL OF CHANGES:** The grantee must obtain prior written approval from JCS for all project changes (programmatic, fiscal or otherwise) before those changes are executed.
11. **OBLIGATION OF PROJECT FUNDS:** Funds may not, without prior written approval from JCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.
12. **USE OF FUNDS:** Funds awarded through JCS may be expended only for the purposes and activities specifically covered by the grantee's approved project scope and budget. By attaching their signature, the grantee recognizes that any deviations from the original grant budget are unallowable.
13. **ALLOWABLE AND UNALLOWABLE COSTS:** Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards, state guidelines, and federal guidelines pursuant to the specific grant program.
14. **PURCHASING:** When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or another agency. See 148CSR1 of the West Virginia State Code.
15. **PROJECT INCOME:** All income earned by the grantee as a result of the conduct of this project must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established for grant funds by JCS. All grantees must maintain records that clearly show the source, the amount, and the timing of all project income. There is no waiver provision for the project income requirement.
16. **MATCHING CONTRIBUTION:** The grantee will have available, and will expend as required, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by JCS. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines as grant funds for this program. All grantees must maintain records that clearly show the source, the amount, and the timing of all matching contributions. In addition, Federal grant dollars from any source may not be utilized as matching funds.

17. **TIME EXTENSIONS:** In general, time extensions will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated. Funds remaining at the end of a project where an upfront allocation will, by the deadline of the final financial and progress report, be remitted back to JCS.
18. **NON-SUPPLANTING:** Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.
19. **TRANSFER OF FUNDS PROHIBITION:** The grantee is expressly prohibited from transferring funds between any JCS programs. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources.
20. **TRAINING:** For projects involving payment of personnel, JCS reserves the right to require training as a condition of the grant before or at any time during the project period.
21. **PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:** To the extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.
22. **MARKING OF EQUIPMENT:** Grantee will ensure that all equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by Justice and Community Services."
23. **PROPERTY ACCOUNTABILITY:** The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by JCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from JCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to JCS. Property must be used for the intended grant purposes. If the property is not being used in accordance with terms of the grant, said property will revert to JCS.
24. **COMPUTER EQUIPMENT:** Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. Computer equipment must adhere to minimum requirements established by the West Virginia Office of Technology.
25. **LEASE AGREEMENTS:** Grantee agrees to provide JCS with a copy of the lease arrangement if funds are being requested for reimbursement or utilized as match.
26. **PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:** Grantee acknowledges that JCS, or any applicable parent federal agency, reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for

State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Grantee agrees to consult with JCS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

27. **ACCESS TO RECORDS:** JCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.
28. **CIVIL RIGHTS COMPLIANCE:** Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. §§ 10228(c) and 10221(a); the Victims of Crime Act (34 U.S.C. §20110(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); the Violence Against Women Act (34 U.S.C. § 12291(b)(13)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Indian Civil Rights Act (25 U.S.C. §§ 1301-1303); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organizations; Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations; and the DOJ implementing regulations at 28 C.F.R. Part 38. Subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity. These laws collectively prohibit grantees from discriminating on the basis of race, color, national origin, sex, disability, age, religion, sexual orientation and gender identity. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of age, disability, race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and Justice and Community Services Section.
29. **RELIGIOUS ACTIVITIES:** Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary.
30. **LOBBYING:** Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in the Uniformed Guidelines, Department of Justice Guidelines, and as outlined in §6B-2-5 of the West Virginia State code.
31. **CONFLICT OF INTEREST:** No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family as discussed in the W. Va. Code §§ 6B-1-1 through 6B-3-11).
32. **FREEDOM OF INFORMATION ACT:** All records, papers, and other documents kept by recipients of grant funds are required to be made available to JCS. These records and other documents submitted to JCS and its grantees, including plans and application for funds,

reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code. JCS recognizes that some information submitted in the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement, personnel, juvenile sensitive, or personal or otherwise important to national or state security interests. This may include threat, risk and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures.

While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, **all** determinations concerning the release of information of this nature are made on a case-by-case basis by JCS and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable federal, state, and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive or protected. Applicants may also consult JCS regarding concerns or questions about the release of potentially sensitive, protected or exempt information applicable to federal, state, and local laws and regulations.

JCS has the authority to release all information which does not meet an exemption to the public without a FOIA.

33. **NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
34. **SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES:** The grantee must submit one copy of all reports and proposed publications resulting from this agreement to JCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements: "This document [product] was prepared under a grant from the West Virginia Division of Administrative Services, Justice & Community Services Section (or simply "JCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia Division of Administrative Services, Justice & Community Services Section or any entity of the Department of Justice." In addition, the grantee agrees not to utilize the JCS logo without written permission.
35. **JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:** Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.
  - Deinstitutionalization of status offenders (DSO).
  - Separation of juveniles from adults in institutions (separation).
  - Removal of juveniles from adult jails and lockups (jail removal).
  - Reduction of disproportionate minority contact (DMC), where it exists.

As well as, 101CSR1 of the West Virginia code. This includes, but is not limited to, completing the annual WV Certification of Non-Secure Facilities and submitting to JCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

- 36. COLLABORATION W/OTHER FEDERAL AND STATE GRANTS:** Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment, and any other resources deemed necessary by JCS.
- 37. USE OF DATA/EXCHANGE OF INFORMATION:** With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:
- a. That all computer programs (software produced under this grant) will be made available to JCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
  - b. To provide a complete copy of the computer programs and documentation, upon requests, to JCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
  - c. That whenever possible all application programs will be written in standardized programming languages or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
  - d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916-392-2550) should be contacted to determine availability of software prior to any development effort.
- 38. NATIONAL AND STATE EVALUATION EFFORTS:** The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.
- 39. EQUAL EMPLOYMENT OPPORTUNITY PLAN:** The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and JCS. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEO Certification form and, if required, an EEO Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eeop.htm>.
- 40. VETERANS PREFERENCE:** This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. JCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

41. **IMMIGRATION AND NATURALIZATION VERIFICATION:** The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.
42. **POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.). Please reference West Virginia Code § 29-6-20 for state restricted activities.
43. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).

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

Authorized Official [please print]: Patricia A Noland, President

Authorized Official Signature: \_\_\_\_\_

Date: \_\_\_\_\_



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES  
JUSTICE & COMMUNITY SERVICES SECTION  
FEDERAL STANDARD CONDITIONS & ASSURANCES**

Effective: July 23, 2019  
Revision History: N/A

All correspondence to the Division of Administrative Services, Justice and Community Services Section (JCS), which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be mailed to the following address:

Justice and Community Services Section  
1124 Smith Street, Suite 3100  
Charleston, West Virginia 25301-1323

1. **CONSULTANT RATES:** Consultant rates in excess of \$650 per day, or \$81.25 per hour, require prior approval by JCS and DOJ is applicable prior to obligation or expenditure of such funds. All contracts must be submitted 90 days prior to training for approval.
2. **FRAUD, WASTE & ABUSE:** Reporting potential fraud, waste, and abuse, and similar misconduct. The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the Department of Justice (DOJ) Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oig>.
3. **USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:** Grantee understands and agrees that it cannot use any grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.
4. **LIMITED ENGLISH PROFICIENCY:** Title VI's prohibition of national origin discrimination includes discrimination against individual who are limited in their English proficiency (LEP) because of their national origin. Under Title VI (and the Safe Streets Act), recipients are required to take reasonable steps to ensure that LEP individuals have meaningful access to the recipient's programs and services. Providing "meaningful access" will generally involve

some combination of oral interpretation services and written translation of vital documents. More information can be found at <http://www.lep.gov>.

5. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantee must support public safety and justice information sharing. This grantee is required to use the Global Justice Data Model specifications and guidelines of this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).
6. **PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:** Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth at the time of award. (2CFR Part 200 or OMB Circular A-133 – for further information go to OMB Uniform Guidelines at:

[https://search.whitehouse.gov/search?affiliate=wh&form\\_id=usasearch\\_box&query=Indirect+Costs](https://search.whitehouse.gov/search?affiliate=wh&form_id=usasearch_box&query=Indirect+Costs)

§200.501(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub-recipient, approves in advance a program-specific audit.

Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If an audit must be conducted pursuant to the Uniform Guidelines, a copy of the audit shall be submitted to JCS as well as to the Federal clearinghouse.

The Federal clearing house is as follows:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 E. 10<sup>th</sup> Street

Jeffersonville, IN 47132

7. **CONFIDENTIALITY OF RESEARCH INFORMATION:** Research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).
8. **OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:** Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the DOJ/OJP Financial Guide.
9. **CENTRAL CONTRACTOR REGISTRATION:** Grantee agrees to register with the System for Grants Management (SAM) at [www.sam.gov](http://www.sam.gov) and provide documentation to JCS with application for funding.
10. **DATA UNIVERSAL NUMBERING SYSTEM:** Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, [www.dnb.com](http://www.dnb.com) and provide documentation to JCS with application for funding.
11. **BIDDING PROCEDURES:** Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.
12. **COMPLIANCE WITH FEDERAL PROCEDURES:** Grantee assures compliance with the following where applicable:
  - Part 11, Applicability of Office of Management and Budget Circulars.
  - Part 18, Administrative Review Procedures.
  - Part 20, Criminal Justice Information Systems.
  - Part 22, Confidentiality of Identifiable Research and Statistical Information.
  - Part 23, Criminal Intelligence Systems Operating Policies.
  - Part 30, Intergovernmental Review of Department of Justice Programs and Activities
  - Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
13. **ADDITIONAL REGULATIONS AND PROCEDURES:** In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A-122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and

Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines:

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

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

Authorized Official [please print]: Patricia A. Noland, President

Authorized Official Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

|                                                          |                                              |                          |
|----------------------------------------------------------|----------------------------------------------|--------------------------|
| Recipient's Name: Jefferson County Commission            |                                              | DUNS Number: 07-741-4548 |
| Address: 124 E. Washington Street Charles Town, WV 25414 |                                              |                          |
| Grant Title: Victims of Crime Act                        | Grant Number: 17-VA-026                      | Award Amount: \$104,821  |
| Name and Title of Contact Person: Debbie Young           |                                              |                          |
| Telephone Number: 304-724-6227                           | E-Mail Address: dyoung@jeffersoncountywv.org |                          |

### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.
- Recipient is a nonprofit organization.
- Recipient is an Indian tribe.
- Recipient is an educational institution.
- Recipient is a medical institution.
- Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient] is  
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.  
I further certify that \_\_\_\_\_ [recipient]  
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
services.

Print or Type Name and Title

Signature

Date

### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Patricia A. Noland, President \_\_\_\_\_ [responsible official],  
certify that Jefferson County Commission \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:  
Jefferson County Commission \_\_\_\_\_ [organization],  
P.O. Box 250, Charles Town, WV 25414 \_\_\_\_\_ [address].

Patricia A. Noland, President

November 7, 2019

Print or Type Name and Title

Signature

Date

### Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title

Signature

Date

## **INSTRUCTIONS**

### **Completing the Certification Form**

#### **Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements**

The federal regulations implementing the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, require some recipients of financial assistance from the U.S. Department of Justice subject to the statute's administrative provisions to create, keep on file, submit to the Office for Civil Rights (OCR) at the Office of Justice Programs (OJP) for review, and implement an Equal Employment Opportunity Plan (EEOP). *See* 28 C.F.R. pt. 42, subpt. E. All awards from the Office of Community Oriented Policing Services (COPS) are subject to the EEOP requirements; many awards from OJP, including awards from the Bureau of Justice Assistance (BJA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC) are subject to the EEOP requirements; and many awards from the Office on Violence Against Women (OVW) are also subject to the EEOP requirements. If you have any questions as to whether your award from the U.S. Department of Justice is subject to the Safe Streets Act's EEOP requirements, please consult your grant award document, your program manager, or the OCR.

**Recipients should complete *either* Section A *or* Section B *or* Section C, not all three.**

#### **Section A**

The regulations exempt some recipients from all of the EEOP requirements. Your organization may claim an exemption from all of the EEOP requirements if it meets any of the following criteria: it is a nonprofit organization, an educational institution, a medical institution, or an Indian tribe; *or* it received an award under \$25,000; *or* it has less than fifty employees. To claim the complete exemption from the EEOP requirements, complete Section A.

#### **Section B**

Although the regulations require some recipients to create, maintain on file, and implement an EEOP, the regulations allow some recipients to forego submitting the EEOP to the OCR for review. Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business; *and* (2) have fifty or more employees; *and* (3) have received a single grant award of \$25,000 or more, but less than \$500,000, may claim the limited exemption from the submission requirement by completing Section B. In completing Section B, the recipient should note that the EEOP on file has been prepared within twenty-four months of the date of the most recent grant award.

#### **Section C**

Recipients that (1) are a unit of state or local government, an agency of state or local government, or a private business, *and* (2) have fifty or more employees, *and* (3) have received a single grant award of \$500,000 or more, must prepare, maintain on file, *submit to the OCR for review*, and implement an EEOP. Recipients that have submitted an EEOP Utilization Report (or in the process of submitting one) to the OCR, should complete Section C.

#### **Submission Process**

If a recipient receives multiple awards subject to the Safe Streets Act, the recipient should complete a Certification Form for each grant. Recipients should download the online Certification Form, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: [EEOPForms@usdoj.gov](mailto:EEOPForms@usdoj.gov). *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7<sup>th</sup> Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

## **Public Reporting Burden Statement**

**Paperwork Reduction Act Notice.** Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated minimum average time to complete and file this application is 20 minutes per form. If you have any comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of Justice Programs, 810 7th Street, N.W., Washington, D.C. 20531.



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: Jefferson County Commission PO Box 250 Charles Town WV 25414

Victims of Crime Act (VOCA) 17-VA-026

55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Patricia A. Noland, President

4. Typed Name and Title of Authorized Representative

November 7, 2019

5. Signature

6. Date

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



Name: Jennifer Myers

Department or Organization: Jefferson County Parks and Recreation Commission

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

*If a specific date is needed, please provide reason for specific date: **The next meeting would be too late for voting.***

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

Subject (*Wording to be placed on agenda*): Jefferson County Parks and Recreation Commission finalist for Levitt AMP.

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

The AMP at Sam Michaels Park is now in the running to bring a 10 -12 week free, live music series to Shenandoah Junction next summer.

Sponsored by the Mortimer & Mimi Levitt Foundation, a national foundation dedicated to strengthening the social fabric of America through free live music, Jefferson County Parks and Recreation hopes to qualify as one of the Top 25 finalists competing for a 2020 Levitt AMP [Your City] Grant Award.

The Levitt AMP Shenandoah Junction Grant Awards is an exciting matching grant opportunity created by the Levitt Foundation to serve small to mid-sized towns and cities with populations up to 400,000. Grant recipients will each be awarded \$25,000 in matching funds to produce their own Levitt AMP Music Series—a free, outdoor concert series featuring a diverse lineup of professional musicians.

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*): JCPRC is asking for support from the Jefferson County Commission to help get the word out to the community and get votes for the Levitt AMP grant.

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: Jennifer Myers

Email address: [jmyers@jcprc.org](mailto:jmyers@jcprc.org)

Phone Number: 304-728-3207

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**LEVITT AMP [YOUR CITY] GRANT AWARDS  
PRESS RELEASE**

The AMP at Sam Michaels Park, Levitt Amp Support Needed!

Jefferson County Parks and Recreation  
235 Sam Michaels Lane - Shenandoah Junction, WV 25442  
304-728-3207    Info@jcprc.org

11/1/19—The AMP at Sam Michaels Park is now in the running to bring a 10 -12 week free, live music series to Shenandoah Junction next summer.

Sponsored by the Mortimer & Mimi Levitt Foundation, a national foundation dedicated to strengthening the social fabric of America through free live music, Jefferson County Parks and Recreation hopes to qualify as one of the Top 25 finalists competing for a 2020 Levitt AMP [Your City] Grant Award.

The Levitt AMP Shenandoah Junction Grant Awards is an exciting matching grant opportunity created by the Levitt Foundation to serve small to mid-sized towns and cities with populations up to 400,000. Grant recipients will each be awarded \$25,000 in matching funds to produce their own Levitt AMP Music Series—a free, outdoor concert series featuring a diverse lineup of professional musicians.

Jefferson County Parks and Recreation submitted the proposal for Shenandoah Junction. The proposed venue site is The Amp at Sam Michaels Park. Shenandoah Junction's proposal is now posted on the Levitt AMP website for public voting. [levittamp.org](http://levittamp.org)

A successful campaign for The Amp requires community participation to get as many online votes as possible to bring the concert series to town. Community support, as measured by the number of online votes received, will be one of the key factors considered when the Levitt Foundation determines the 2020 Levitt AMP Grant Award winners.

Supporters are asked to visit [levittamp.org/vote](http://levittamp.org/vote) to register and vote. **Online public voting is now open and ends November 20 at 5pm PST.** Once the Top 25 finalists are selected through online public voting, the Levitt Foundation will review the Top 25 finalists' proposals and select the 2020 Levitt AMP winners—which will be announced on December 20, 2019.

The AMP at Sam Michaels was built to bring Arts, Music, and People together. Jefferson County Parks and Recreation asks supporters to spread the word to family, friends, colleagues and neighbors and rally the community to sign up and vote for Shenandoah Junction's proposal.

Jefferson County Parks and Recreation is the perfect place to grow!

Learn more at [levittamp.org](http://levittamp.org).

# 2020 Levitt AMP Grant Awards Step-by-Step Voting Guide

Your votes determine the Top 25 Levitt AMP finalists  
and keep your community in the running for a free outdoor Levitt AMP Music Series!  
Vote Nov. 1 - Nov. 20 (Voting ends at 5pm PST)

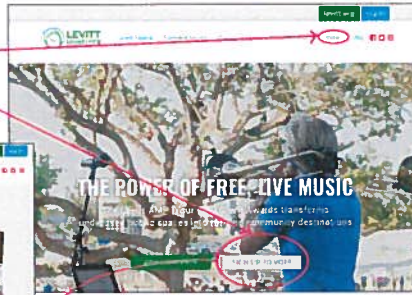
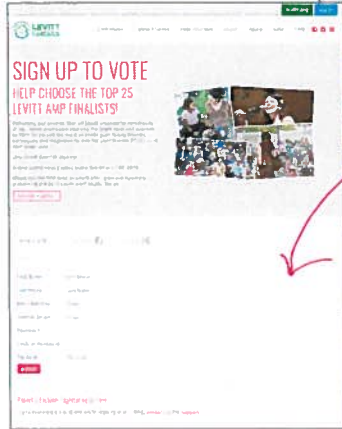
## HOW TO CAST YOUR VOTE (IN FOUR STEPS!)

### 1. Visit Levitt AMP homepage

Voters must create an account prior to voting.

To sign up, go to [levittamp.org](http://levittamp.org) (the Levitt AMP homepage) and click "Vote" in the top menu OR the "Sign up to Vote" button.

You can also click [here](http://levittamp.org/vote) to go directly to [levittamp.org/vote](http://levittamp.org/vote).



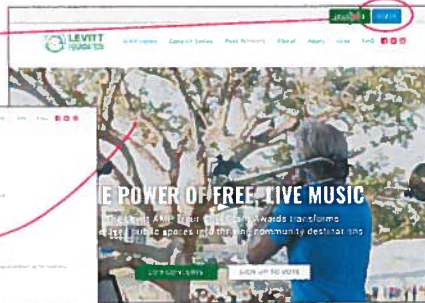
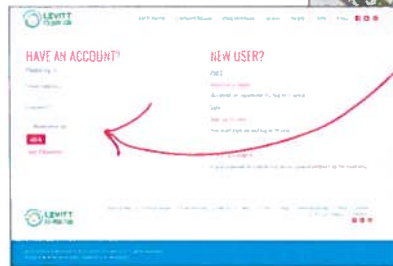
### 2. Sign up to vote

Sign up to vote for your favorite Levitt AMP proposal(s) by signing in with your Facebook or Google account, OR simply by filling out this brief online sign-up form and creating a password.

Email [amp@levitt.org](mailto:amp@levitt.org) if you have any trouble registering.

### 3. Log into your account

Now that you have an account, go to [levittamp.org](http://levittamp.org) (the Levitt AMP homepage), and log in.



### 4. Vote for your favourite Levitt AMP proposal(s)!

Scroll down to the leaderboard, showing all Levitt AMP proposals.



Find the proposal you would like to vote for and click "Learn more & Vote."



Click "vote now" to cast your vote.



Congrats, you've voted!

Reminder: you can vote for a total of **five** different proposals, but can only vote for each proposal once.

Happy voting!

Learn more and vote at [levittamp.org](http://levittamp.org)

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



Name: Roger Goodwin, Chief County Engineer

Department or Organization: Department of Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: November 7, 2019

Date Requested – 2<sup>nd</sup> Choice: November 21, 2019

Subject (*Wording to be placed on agenda*): Request to Close out the Rose Hill Estates Subdivision (JCPC File No. 02-09) – Bond Funds Bank Escrow Account.

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

The Jefferson County Engineering office coordinated the bidding and construction of the remaining site improvements at the Rose Hill Estates Subdivision (JCPC File No. 02-09) located on Rose Hill Drive, on the north side of Route 51, west of Charles Town. The developer defaulted on the bond and completion of some of the site improvements.

Jefferson Asphalt Products Company, Inc. recently completed the work in the amount of \$49,080.00, from escrowed bond funds in the amount of \$55,963.42 (amount as of September 30, 2019); leaving a balance of \$6,883.42 in the escrowed bond funds account at the Bank of Charles Town (account #xxx4083).

The Engineering office is requesting approval from the County Commission to invoice for the project management costs in the amount of \$2,725.00, payable to the Jefferson County Commission; then, transfer the remainder of the escrowed bond funds (approximately \$4,158.42) to the Rose Hill HOA for future road maintenance purposes. Then close the bond funds bank escrow account.

Note: These are bond funds from a developer, not tax dollars.

Is this a funding request? No.

If so, how much?

Motion Requested: Yes.

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

Move to approve the Jefferson County Commission invoicing for the project management costs incurred by the Engineering office staff for the Rose Hill Subdivision site work improvements (JCPC File No. 02-09); and to then transfer the remaining balance of escrowed funds, being held at the Bank of Charles Town (Account no. xxx4083), to the Rose Hill HOA for future road maintenance and to close the bond escrow account.

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

- Escrowed Bond Funds Bank Statement as of 9/30/2019
- Project Management Cost Tabulation

If not attached, explain:

Is equipment needed?      Projector Y/N No      Internet/Wi Fi Y/N No      Telephone for conference call Y/N No

Contact information:

Email address: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org) Phone Number: 304-728-3257

| <u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS</u> |
|------------------------------------------------------------------|
|                                                                  |



# BCT

BANK OF CHARLES TOWN

Phone: (304) 725-8431

Web: www.mybct.com

Date 9/30/19  
Primary Account  
Images

Page 1  
4083

SHERIFF OF JEFFERSON COUNTY  
COUNTY COMMISSION  
ROSE HILL BOND

\*\*\*\*\*  
\*\*\* DO NOT MAIL \*\*\*  
\*\*\*\*\*

---- CHECKING ACCOUNTS ----

|                       |           |                                |                      |
|-----------------------|-----------|--------------------------------|----------------------|
| PUBLIC FUNDS-INTEREST |           | Number of Images               | 0                    |
| Account Number        | 4083      | Statement Dates                | 9/01/19 thru 9/30/19 |
| Previous Balance      | 55,949.63 | Days This Statement Period     | 30                   |
| Deposits              | .00       | Average Ledger                 | 55,949               |
| Checks/Charges        | .00       | Average Collected              | 55,949               |
| Service Charge        | .00       | Interest Earned                | 13.79                |
| Interest Paid         | 13.79     | Annual Percentage Yield Earned | 0.30%                |
| Current Balance       | 55,963.42 | 2019 Interest Paid             | 125.41               |

|                        |                       |        |
|------------------------|-----------------------|--------|
| Deposits and Additions |                       |        |
| Date                   | Description           | Amount |
| 9/30                   | INTEREST PAID 30 DAYS | 13.79  |

|                           |           |      |           |
|---------------------------|-----------|------|-----------|
| Daily Balance Information |           |      |           |
| Date                      | Balance   | Date | Balance   |
| 9/01                      | 55,949.63 | 9/30 | 55,963.42 |

\*\*\* END OF STATEMENT \*\*\*

To report Lost or Stolen ATM/Debit Cards call us Monday through Friday 8:30AM to 5:00PM at 304-725-8431, all other times call 1-866-546-8273.

|                                                       | Jonathan | Roger       | Jonathan \$75 | Roger \$100 |
|-------------------------------------------------------|----------|-------------|---------------|-------------|
|                                                       | 1        | hours       | \$75.00       | \$0.00      |
| 7/19/19 Requested Proposal from Jefferson Asphalt and | 1        | hours       | \$75.00       | \$0.00      |
| 7/27/19 Reviewed Proposals from US paving and         | 1        | 1 hours     | \$75.00       | \$100.00    |
| 8/20/19 Worked Scope of work for paving               | 3        | hours       | \$225.00      | \$0.00      |
| 8/23/19 Worked Scope of work for paving               | 2        | 2 hours     | \$150.00      | \$200.00    |
| 9/6/19 Reviewed Jefferosn Asphalt Proposals back      | 4        | 4 hours     | \$300.00      | \$400.00    |
| 9/9/19 Agenda request to Start work                   | 2        | 2 hours     | \$150.00      | \$200.00    |
| 9/26/19 Start of Paving                               | 5        | hours       | \$375.00      | \$0.00      |
| 10/8/19 Stone Shoulder                                | 2        | hours       | \$150.00      | \$0.00      |
| 10/10/19 Final release of Lien                        | 1        | hours       | \$75.00       | \$0.00      |
| 10/22/19 Delivery of check to Jefferson Asphalt       | 1        | hours       | \$75.00       | \$0.00      |
| 10/22/19 Agenda request to release bond money to the  | 1        | 1 hours     | \$75.00       | \$100.00    |
|                                                       |          | Total       | \$1,725.00    | \$1,000.00  |
|                                                       |          | Grand Total | \$2,725.00    |             |

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



Name: **Nathan Cochran, Assistant Prosecuting Attorney**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

*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*):

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

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of Jefferson County Circuit Court Civil Action #18-C-171. Discussion/Action.
3. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
4. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
5. Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
6. Discussion of EPA Administrative Complaint #04R-19-R3. Discussion/Action.

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



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



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

*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*):

- Discussion of Employee Performance Appraisal for a specific employee– Possible Executive Session – Discussion / Action

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? \$ **NA**

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 NO** Internet/Wi Fi **Y/N NO** Telephone for conference call **Y/N NO**

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: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **November 7, 2019**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

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

- Approval of FMLA Policy amendments - Discussion/Action
- Discussion of Tax Office space/location - Discussion/Action
- Discuss meeting with Hillsboro officials regarding Rt. 9 construction - Discussion/Action

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

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

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: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#)

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

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

[Click here to enter text.](#)



| <i>Jefferson County Policies &amp; Procedures</i> |      |               |                         |
|---------------------------------------------------|------|---------------|-------------------------|
| Policy Name:                                      | FMLA | Approved<br>: | 06/2016<br>Rev: 10/2019 |
| Policy Number:                                    | 216  | Author:       | Grove                   |
| Associated:                                       |      |               |                         |

## **PURPOSE**

To establish the conditions and criteria under which an employee may qualify for leave under the amended Family and Medical Leave Act of 1993 and rules for administering the Act. It is the policy of the County Commission of Jefferson County ("Jefferson County" or "the County") to grant up to 12 work weeks of family and medical leave (which may be extended for up to 26 work weeks in the case of Military Care Giver Leave) during any 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

## **PROVISIONS**

- (A) Family/Medical leave of absence ("FMLA leave") is defined as an approved absence available to eligible employees for up to 12 work weeks of unpaid leave per each 12-month period for the following reasons:
- (1) Birth of the employee's child or placement of a child with the employee for adoption or foster care
  - (2) For the employee to care for an immediate family member (spouse, son, daughter or parent) with a serious health condition
  - (3) To take medical leave when the employee is unable to work because of his or her own serious health condition
  - (4) Because of a "qualifying exigency" arising out of the fact that an employee's spouse, son, daughter or parent is on active duty or called to active duty status as a member of the National Guard or Reserves. A "qualifying exigency" leave is also available to family members (spouse, son, daughter, or parent) of active duty military members who are or have been deployed to active duty in a foreign country. Qualifying exigencies may include:
    - (a) Short-notice deployment
    - (b) Military events and related activities
    - (c) Childcare and school activities
    - (d) Financial and legal arrangements

- (e) Counseling
- (f) Rest and recuperation
- (g) Post-deployment activities
- (h) Additional activities to address other events which arise out of the covered military member's active duty or call to active duty status.

(B) Eligibility: In order to qualify to take FMLA leave under this policy, the employee must meet all of the following conditions:

- (1) The employee must have worked for Jefferson County for at least 12 months. The twelve months need not have been consecutive. For the purposes of determining 12 months of employment, the prior seven years will be considered.
- (2) The employee must have worked at least 1,250 hours during the 12- month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave, holidays or vacation as hours worked. Consequently, these hours of leave are not counted in determining the 1,250 hour eligibility test.
- (3) Jefferson County reserves the right to deny requests for a FMLA leave where such a denial would be appropriate and authorized under federal law and any applicable state law.

(C) Length of Leave: If eligible for FMLA leave, an employee may take up to 12 calendar work weeks of Family and Medical Leave within a 12-month period. The 12 work week period is based on the employee's authorized work week. The 12 work week maximum will be reduced by time spent on FMLA leave in the past 12-month period preceding the leave request. The 12-month period begins on the first day of approved FMLA Leave.

(D) Measurement Period: Jefferson County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy and subtract it from the 12 work weeks of available leave. The balance represents the remaining time available under FMLA leave job protection.

- (E) Conditions for Taking Leave: An employee may take leave because of a serious health condition which is as defined as:
- (1) A condition which requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
  - (2) A condition which requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition. Employees are required to provide a doctor's certification of the serious health condition. The certification process is outlined in the section below entitled "Procedures." If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications. An eligible employee can take up to 12 work weeks of leave under this policy during any 12-month period.
- (F) Use of Paid or Unpaid Leave: Employees must first exhaust all sick leave and then exhaust any other accrued leave, including but not limited to all available vacation and compensatory time to cover any unpaid periods. The employee must use accrued leave before being eligible for unpaid leave for what remains of the FMLA entitlements. Leave for an employee's serious health condition including for the birth of a child and workers' compensation leave (to the extent that it qualifies), will run concurrently with FMLA leave.
- (G) Continuation of Benefits: Jefferson County will continue an employee's group health plan benefits during an approved FMLA leave at the same level and under the same conditions as if the employee was continuing to work. The employee is responsible for making timely payments of the employee's contribution toward his/her portion of benefit premiums. If the employee chooses not to return to work for reasons other than a continued serious health condition or other circumstances beyond the employee's control, the County will request the employee to reimburse the County the amount paid for the employer's share of the cost of the employee's group health plan benefits during the FMLA leave period.
- (H) Intermittent or Reduced Schedule Leave:
- (1) An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the

year), or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks over a 12-month period. If the leave is foreseeable based on planned medical treatment, including recovery from a serious health condition, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule. If an accommodation for an intermittent leave cannot be met, the County may require the employee to take the time as a continuous leave.

- (2) Eligible employees may take intermittent leave following the birth, adoption or foster care of a child under the following conditions:
  - (a) Leave must be taken within one (1) year of the birth or placement of the child. This leave may only be taken on a consistently applied schedule, consisting of continuous leave in segments of one (1) week or more (no more than three segments of time) to minimize disruptions to Jefferson County operations.
  - (b) While on leave, an employee may be permitted to attend classes or court appearances related to his/her job when the leave is not for the employee's own serious health condition and/or the employee's medical provider provides a medical release for the employee to attend.

- (l) Restoration to Former or Equivalent Position: Jefferson County will make no distinction as it relates to Key Employees as defined under the FMLA. All employees are granted equal job restoration rights, regardless of his/her position. Upon return to work from an approved leave, the County will make every effort to place an employee in his/her former position or a position of equivalent to the one held before the start of the leave, subject to any extenuating circumstances which may occur to the County's operations during the leave which would have affected the employee had he/she not been on leave. The position will be the same or one which is equivalent in terms of pay, benefits, and working conditions.

- (J) Military Care Giver Leave: An eligible employee who is a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness that was incurred in the line of active duty may be granted up to 26 work weeks of unpaid leave, calculated on a rolling forward basis, during a single 12-month period to care for the service member. If both employee and spouse work for the County, both are entitled to a combined total of 26 work weeks.

Military Care Giver Leave applies to veterans on the temporary disability retired list who are undergoing medical treatment, recuperating, or are in therapy for a serious injury or illness incurred in the line of active duty, if the treatment, recuperation or therapy is occurring within 5 years of the veteran's military service. Serious injury or illness includes injuries or illnesses that existed prior to the military service, if they were aggravated by the service.

## **PROCEDURES**

- (A) Applying for Family Medical Leave:
- (1) At least thirty (30) days prior to the requested FMLA (for a foreseeable leave) commencement date or as soon as practicable for an emergency request, the employee must contact the County Administrator's Office to request Family and Medical Leave. If an employee fails to provide 30 days advance notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the employer receives notice if the need for the leave and the approximate date leave would be taken were clearly foreseeable to the employee 30 days in advance of the leave.
  - (2) The County Commission Office will provide the necessary forms and instructions to complete your FMLA request.
  - (3) Employees must complete the Request for Family and Medical Leave Form including the dates an employee expects to be absent and the reason for the FMLA request.
  - (4) An employee may request either intermittent or consecutive leave.
  - (5) After the completed FMLA request form is returned the County Administrator's Office, employees will be provided with an FMLA packet.
  - (6) The FMLA packet will include a Certification of Health Provider for

Serious Health Condition Form ("Certification Form") for either the employee or family member depending on the reason leave is requested. For leave requested for the employee's own illness, the Certification Form must be completed by the employee and employee's attending physician, or in the case of leave requested for a family member, by the employee and family member's attending physician. In all cases, it is the Employee's responsibility to ensure that this form is completed and signed by the attending physician and returned to the County Administrator's office within 15 calendar days. All Certification Forms must be received via facsimile directly from the attending physician to the County Administrator.

- (7) To support the need for Exigency Leave under the FMLA, the requesting employee must submit certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought. The appropriate documents may include, but are not limited to, a copy of the military member's active duty orders. Failure to provide certification may result in a denial of continuation of leave.

(B) Return to Work Certification:

- (1) The FMLA packet will contain a Return to Work Form. If the leave is taken for the employee's own serious health condition, the attending physician must complete the Return to Work Form – including any work restrictions necessary – and the employee or the physician must return the form to the County Administrator's Office a minimum of two (2) days before the employee's planned return to work date.
- (2) An employee is not authorized to return to work until the County Administrator has received the Return to Work Form.
- (3) Advanced notification to the County Administrator and the employee's Department Head/Elected Official of the employee's proposed return to work date is also important to avoid any delay in reinstating pay and benefits.

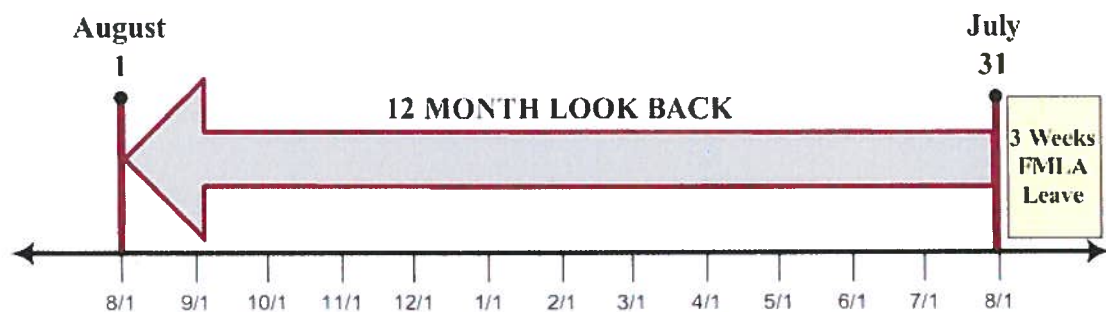
**To the extent that any federal, state, or local law contains leave requirements that differ in any way from those stated in this policy, Jefferson County will satisfy the federal, state, or local requirements.**

## Fact Sheet #28H: 12-month period under the Family and Medical Leave Act (FMLA)

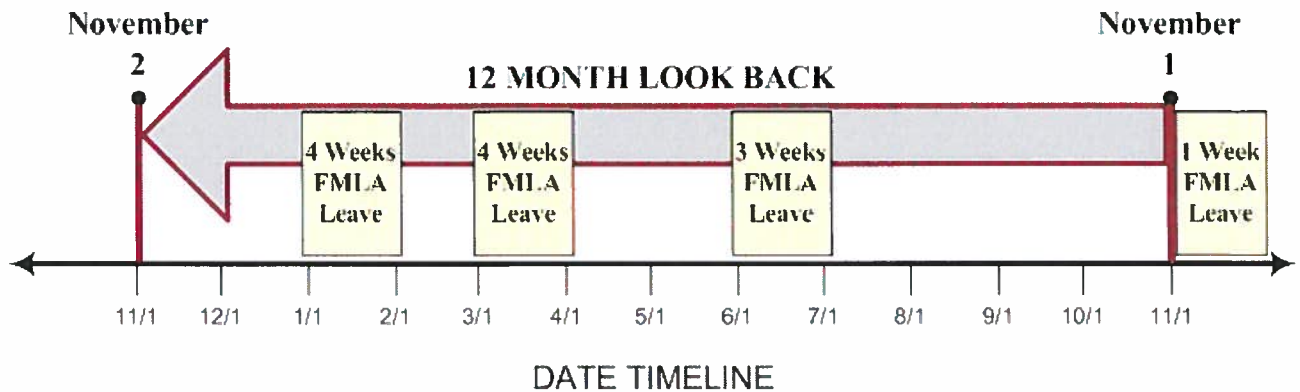
The FMLA entitles eligible employees who work for covered employers to take unpaid, job-protected leave in a defined 12-month period for specified family and medical reasons. Generally, employers may select one of four options to establish the 12-month period to be uniformly applied to all employees taking FMLA leave. This fact sheet does not address the “single 12-month period” applied to military caregiver leave, which differs from the employer determined 12-month period used for other FMLA leave reasons. See [Fact Sheets #28M\(a\), Military Caregiver Leave for a Current Servicemember under the FMLA](#) or [#28M\(b\), Military Caregiver Leave for a Veteran under the FMLA](#).

The employer may use any of the following methods to establish the 12-month period:

- (1) **the calendar year** – 12-month period that runs from January 1 through December 31;
- (2) **any fixed 12-months** – 12-month period such as a fiscal year (for example, October 1 through September 30), a year starting on an employee’s anniversary date (for example, September 22 through September 21), or a 12-month period required by state law;
- (3) **the 12-month period measured forward** – 12-month period measured forward from the first date an employee takes FMLA leave. The next 12-month period would begin the first time FMLA leave is taken after completion of the prior 12-month period; or
  - For example, Lucia’s FMLA leave begins on November 6, 2012 so her 12-month period is November 6, 2012 through November 5, 2013.
- (4) **a “rolling” 12-month period measured backward** – 12-month period measured backward from the date an employee uses any FMLA leave. Under the “rolling” 12-month period, each time an employee takes FMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.
  - *Example 1:* Michael requests three weeks of FMLA leave to begin on July 31<sup>st</sup>. The employer looks back 12 months (from July 31<sup>st</sup> back to the previous August 1<sup>st</sup>) to see if any FMLA leave had been used. Michael had not taken any previous FMLA leave, so he is entitled to the three weeks he requested and has nine more weeks available.



- *Example 2:* Patricia requests two weeks of FMLA leave to begin on November 1<sup>st</sup>. The employer looks back 12 months (from November 1<sup>st</sup> back to the previous November 2<sup>nd</sup>) and sees that Patricia had taken four weeks of FMLA leave beginning January 1<sup>st</sup>, four weeks beginning March 1<sup>st</sup>, and three weeks beginning June 1<sup>st</sup>. Patricia has taken 11 weeks of FMLA leave in the 12-month period and only has one week of FMLA-protected leave available. After Patricia takes the one week in November, she can next take FMLA leave beginning January 1<sup>st</sup> as the days of her previous January leave “roll off” the leave year.



Employers may select any one of the four methods to establish the 12-month period as long as the method is applied consistently and uniformly for all employees. The only exception is for a multi-state employer who has eligible employees in a state with a state family and medical leave statute that requires a specific method for determining the leave period. The employer may comply with the state provision for all employees within that state, and uniformly use one of the four methods described above for all other employees.

Before changing to a different method of calculating the 12-month period, an employer must first give all employees at least 60 days notice of the intended change; and the transition must take place in such a way that the employees retain the full benefit of their leave entitlement under whichever method affords the greatest benefit to the employee. If an employer fails to select one of the 12-month period methods discussed above, the employer must use the 12-month period method that is the most beneficial to the employee. Under no circumstances may an employer change the 12-month period to avoid the requirements of the FMLA.

## ENFORCEMENT

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. [See Fact Sheet 77B: Protections for Individuals under the FMLA](#). The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4-USWAGE (1-866-487-9243).

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210

1-866-4-USWAGE  
TTY: 1-866-487-9243  
[Contact Us](#)



# Impact Fee Status Report

## October 2019

### Office of Impact Fees

#### Summary

Date Range: Tuesday 1 through Thursday 31 October 2019

Report Date: 1 November 2019

Process Number Range: 1900191-1900215

Total Applications: 25

Total Non-Exempt: 22

*Of which:*

Commercial: 0

Residential: 22

*Of which:*

County: 13

Municipal: 9

Total Exempt: 3

*Of which:*

Commercial: 0

Residential: 3

*Of which:*

County: 3

Municipal: 0

Tables 1 through 7 summarize impact fee processing for October 2019. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

|                        | Exempt | Commercial | Residential  | Total               |
|------------------------|--------|------------|--------------|---------------------|
| 1 – 31 October 2019    | 3      | 0          | 22           | 25                  |
| Fees collected         |        | \$0.00     | \$133,379.00 | <b>\$133,379.00</b> |
| <i>Of which</i>        |        |            |              |                     |
| School Impact Fee      |        |            | \$120,926.00 | <b>\$120,926.00</b> |
| Law Enforcement Fee    |        | \$0.00     | \$2,085.00   | <b>\$2,085.00</b>   |
| Parks & Recreation Fee |        |            | \$9,348.00   | <b>\$9,348.00</b>   |
| EMS Fee                |        | \$0.00     | \$1,020.00   | <b>\$1,020.00</b>   |

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

| Description                                                             | Amount              |
|-------------------------------------------------------------------------|---------------------|
| Opening Statement Balance (1 October 2019)                              | \$116,316.16        |
| October Deposits (1 – 31 October 2019)                                  | \$133,379.00        |
| School September Transactions (withdraws via transfer on 16 Oct. 2019)  | (\$105,132.95)      |
| Law September Transactions (withdraws via transfer on 15 October 2019)  | (\$2,146.04)        |
| Parks & Rec Sept. Transactions (withdraws via transfer on 15 Oct. 2019) | (\$8,147.65)        |
| EMS September Transactions (withdraws via transfer on 15 October 2019)  | (\$889.52)          |
| Interest Earned (31 October 2019)                                       | \$45.03             |
| <b>Ending Statement Balance (31 October 2019)</b>                       | <b>\$133,424.03</b> |
| <i>Outstanding Credits (deposits through 1 November 2019)</i>           | <i>\$0.00</i>       |

**Table 3. Financial Data – School Impact Fee Account (3107582)**

| Description                                                       | Amount                |
|-------------------------------------------------------------------|-----------------------|
| Opening Balance (1 October 2019)                                  | \$3,715,439.88        |
| September Transactions (deposits via transfer on 15 October 2019) | \$105,132.95          |
| Interest Earned (31 October 2019)                                 | \$1,602.27            |
| <b>Ending Balance (31 October 2019)</b>                           | <b>\$3,822,175.10</b> |

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

| Description                                                       | Amount              |
|-------------------------------------------------------------------|---------------------|
| Opening Balance (1 October 2019)                                  | \$148,728.10        |
| September Transactions (deposits via transfer on 15 October 2019) | \$2,146.04          |
| Interest Earned (31 October 2019)                                 | \$63.66             |
| <b>Ending Balance (31 October 2019)</b>                           | <b>\$150,937.80</b> |

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

| Description                                                       | Amount              |
|-------------------------------------------------------------------|---------------------|
| Opening Balance (1 October 2019)                                  | \$220,322.67        |
| September Transactions (deposits via transfer on 15 October 2019) | \$8,147.65          |
| Interest Earned (31 October 2019)                                 | \$95.45             |
| <b>Ending Balance (31 October 2019)</b>                           | <b>\$228,565.77</b> |

**Table 6. Financial Data –EMS Impact Fee Account (3122816)**

| Description                                                       | Amount             |
|-------------------------------------------------------------------|--------------------|
| Opening Balance (1 October 2019)                                  | \$25,175.73        |
| September Transactions (deposits via transfer on 15 October 2019) | \$889.52           |
| Interest Earned (31 October 2019)                                 | \$10.90            |
| <b>Ending Balance (31 October 2019)</b>                           | <b>\$26,076.15</b> |

**Table 7. Total Impact Fees as of 1 November 2019/1**

| Description                           | Amount                |
|---------------------------------------|-----------------------|
| Office of Impact Fees General Account | \$133,424.03          |
| School Impact Fee Account             | \$3,822,175.10        |
| Law Enforcement Fee Account           | \$150,937.80          |
| Parks & Recreation Impact Fee Account | \$228,565.77          |
| EMS Impact Fee Account                | \$26,076.15           |
| <b>Total Impact Fees</b>              | <b>\$4,361,178.85</b> |

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending October 2019 Fee Transfers /1**

| Account                               | 31 October<br>2019<br>Account Totals | Pending Impact<br>Fee Transfers | Account Totals        |
|---------------------------------------|--------------------------------------|---------------------------------|-----------------------|
| School Impact Fee Account             | \$3,822,175.10                       | \$120,966.53                    | \$3,943,141.63        |
| Law Enforcement Fee Account           | \$150,937.80                         | \$2,085.90                      | \$153,023.70          |
| Parks & Recreation Impact Fee Account | \$228,565.77                         | \$9,351.15                      | \$237,916.92          |
| EMS Impact Fee Account                | \$26,076.15                          | \$1,020.45                      | \$27,096.60           |
| <b>Total Impact Fees</b>              | <b>\$4,227,754.82</b>                | <b>\$133,424.03</b>             | <b>\$4,361,178.85</b> |

/1 This table represents each of the impact fee category account totals as of 31 October 2019 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in October 2019 are listed in table 1 of the General Account (3111776); these transactions will be processed in November 2019. Any outstanding credits, as listed in table 2, will be added to the next month’s Impact Fee transfer amounts.



# Form 100 Transaction Summary

## Jefferson County Government – Office of Impact Fees

*Impact Fee Applications Processed between dates Tuesday 1 through Thursday 31 October 2019*

| Process Number             | Date       | Last Name     | First Name | Tax District    | Deed Book | Deed Page | Tax Map | Parcel | Impact Fees Collected | Date       | Exemption Reason |
|----------------------------|------------|---------------|------------|-----------------|-----------|-----------|---------|--------|-----------------------|------------|------------------|
| <b>Exempt Applications</b> |            |               |            |                 |           |           |         |        |                       |            |                  |
| 1900198                    | 10/15/2019 | Gauvin        | Owen       | 02 Charles Town | 957       | 534       | 20      | 35     | \$0.00                | 10/15/2019 | Form 200         |
| 1900208                    | 10/29/2019 | Bellmore, LLC |            | 07 Middleway    | 1207      | 601       | 22B     | 41     | \$0.00                | 10/29/2019 | Form 200         |
| 1900209                    | 10/29/2019 | Bellmore, LLC |            | 07 Middleway    | 1198      | 495       | 22B     | 42     | \$0.00                | 10/29/2019 | Form 200         |

**Category Total      \$0.00**

| <b>Non-Exempt Applications</b> |            |                  |                 |                  |      |     |     |           |            |            |          |
|--------------------------------|------------|------------------|-----------------|------------------|------|-----|-----|-----------|------------|------------|----------|
| 1900191                        | 10/01/2019 | Lowe             | Phillip         | 09 Shepherdstown | 1217 | 726 | 10  | 9.14      | \$6,423.00 | 10/01/2019 | N/A      |
| 1900192                        | 10/03/2019 | Lutman Land      |                 | 06 Kabletown     | 1228 | 353 | 5   | 8.17-8.18 | \$6,423.00 | 10/03/2019 | N/A      |
| 1900193                        | 10/03/2019 | Miller           | Gary and Denise | 06 Kabletown     | 1212 | 744 | 5   | 8.10      | \$6,423.00 | 10/03/2019 | N/A      |
| 1900194                        | 10/03/2019 | K Hovnanian      |                 | 08 Ranson Corp   | 1133 | 476 | 8D  | 5M        | \$6,255.00 | 10/03/2019 | N/A      |
| 1900195                        | 10/03/2019 | K Hovnanian      |                 | 08 Ranson Corp   | 1133 | 476 | 8D  | 4M        | \$6,255.00 | 10/03/2019 | N/A      |
| 1900196                        | 10/08/2019 | Lutman Land      |                 | 06 Kabletown     | 1228 | 133 | 5   | 8         | \$6,423.00 | 10/08/2019 | N/A      |
| 1900197                        | 10/09/2019 | Lake             | Thomas          | 09 Shepherdstown | 1222 | 665 | 24A | 22-23.2   | \$2,633.00 | 10/09/2019 | Form 260 |
| 1900199                        | 10/15/2019 | K Hovnanian      |                 | 08 Ranson Corp   | 1133 | 476 | 8D  | 6M        | \$6,255.00 | 10/15/2019 | N/A      |
| 1900200                        | 10/16/2019 | Lee Snyder       | Keyes Crossing, | 04 Harpers Ferry | 1166 | 642 | 13C | 1         | \$6,423.00 | 10/16/2019 | N/A      |
| 1900201                        | 10/18/2019 | Jail             | Aimen           | 06 Kabletown     | 1115 | 263 | 21  | 7.3       | \$6,423.00 | 10/18/2019 | N/A      |
| 1900202                        | 10/18/2019 | Regenberg        | Peter           | 08 Ranson Corp   | 1197 | 652 | 12  | 1.3       | \$0.00     | 10/18/2019 | N/A      |
| 1900203                        | 10/18/2019 | Frey, Jr.        | Christopher     | 07 Middleway     | 1218 | 157 | 8   | 3         | \$6,423.00 | 10/18/2019 | N/A      |
| 1900204                        | 10/21/2019 | Walls            | Ray             | 07 Middleway     | 1039 | 42  | 1   | 6         | \$6,423.00 | 10/21/2019 | N/A      |
| 1900205                        | 10/22/2019 | Snook            | Roger           | 09 Shepherdstown | 1038 | 410 | 5C  | 6         | \$6,423.00 | 10/22/2019 | N/A      |
| 1900206                        | 10/24/2019 | Henry            | James           | 06 Kabletown     | 1229 | 713 | 6   | 22        | \$6,423.00 | 10/24/2019 | N/A      |
| 1900207                        | 10/28/2019 | Breedon, Jr.     | Ronald          | 07 Middleway     | 708  | 389 | 3   | 43        | \$6,423.00 | 10/28/2019 | N/A      |
| 1900210                        | 10/30/2019 | Jamie Davis      | AMD             | 09 Shepherdstown | 1186 | 94  | 14B | 43        | \$6,423.00 | 10/30/2019 | N/A      |
| 1900211                        | 10/30/2019 | DR Acquisitions, |                 | 08 Ranson Corp   | 1028 | 659 | 4   | 377       | \$6,981.00 | 10/30/2019 | N/A      |
| 1900212                        | 10/30/2019 | DR Acquisitions, |                 | 08 Ranson Corp   | 1028 | 659 | 4   | 378       | \$6,981.00 | 10/30/2019 | N/A      |
| 1900213                        | 10/30/2019 | DR Acquisitions, |                 | 08 Ranson Corp   | 1028 | 659 | 4   | 379       | \$6,981.00 | 10/30/2019 | N/A      |

| Process Number                 | Date       | Last Name        | First Name | Tax District   | Deed Book | Deed Page | Tax Map | Parcel | Impact Fees Collected | Date                | Exemption Reason |
|--------------------------------|------------|------------------|------------|----------------|-----------|-----------|---------|--------|-----------------------|---------------------|------------------|
| <b>Non-Exempt Applications</b> |            |                  |            |                |           |           |         |        |                       |                     |                  |
| 1900214                        | 10/30/2019 | DR Acquisitions, |            | 08 Ranson Corp | 1028      | 659       | 4       | 380    | \$6,981.00            | 10/30/2019          | N/A              |
| 1900215                        | 10/30/2019 | DR Acquisitions, |            | 08 Ranson Corp | 1028      | 659       | 4       | 381    | \$6,981.00            | 10/30/2019          | N/A              |
| <b>Category Count: 22</b>      |            |                  |            |                |           |           |         |        | <b>Category Total</b> | <b>\$133,379.00</b> |                  |
| <b>TOTAL APPLICATIONS: 25</b>  |            |                  |            |                |           |           |         |        | <b>Grand Total</b>    | <b>\$133,379.00</b> |                  |