

AGENDA
JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2022
THURSDAY, NOVEMBER 3, 2022
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 MINUTES

- October 20, 2022 Regular Meeting

APPROVAL OF REQUISITIONS

- November 3, 2022

APPROVAL OF ACCOUNTS PAYABLE

- October 27, 2022
- November 3, 2022

APPROVAL OF MANUAL CHECKS

- October 28, 2022
- November 4, 2022

APPROVAL OF PAYROLL

- October 28, 2022

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

***You may participate in public comment virtually by raising your hand in the GoToWebinar control panel. Please submit comments via email to info@jeffersoncountywv.org. Your comments will be included in the minutes and agenda correspondence. Please include your name.*

PRESENTATIONS

1. 9:45 a.m. Angela Banks, Assessor
 - Approval of Exonerations/Apportionments
2. 10:00 a.m. Tom Hansen, Sheriff
 - Home Confinement Officer
 - Acceptance of Justice Assistance Grant (JAG) Award

3. 10:05 a.m. Nikki Painter, Chief Deputy Clerk, County Clerk's Office
 - Set time and location for the 2022 General Election Canvass held November 14, 2022
4. 10:15 a.m. Jennifer Myers, Director, Jefferson County Parks and Recreation
 - Presentation by Jefferson County Parks and Recreation Commission regarding receiving Austin C. Palmer Outstanding Facility Award at the West Virginia Recreation and Parks Association annual conference for the AMP at Sam Michaels Park
5. 10:25 a.m. Lynn Fields, Probate, County Clerk's Office
 - Petition to remove Matthew Brady as personal representative of the Estate of Noman Brady, deceased, and appoint Cheyenne Brady as personal representative
 - Petition to grant letters of administration for the Estate of John H. Alger (unconfirmed deceased)
 - Verified petition for elective share, the Estate of Hossein Sadeghzadeh, deceased
6. 10:45 a.m. Roger Goodwin, Chief County Engineer
 - Position Reclassification of Building Inspector & Building Plans Reviewer
 - Continued discussion re: the request for approval of Amendment No. 1 to the Schools Impact Fees FY23 Capital Improvement Plan
7. 11:00 a.m. Dennis Jarvis, Director, Jefferson County Development Authority
 - Request approval to hire a part-time employee as a social media coordinator
8. 11:10 a.m. Danny Lutz, Eastern Panhandle Conservation District
 - Status of the 7-1-3u agreement between Jefferson County, its individual towns and cities, and the State of West Virginia
9. 11:20 a.m. Brendan Craig Agnew, Melvin T. Strider, Inc. (funeral home)
 - Request for Funding – triple cot roll-in mortuary cooler
10. 11:30 a.m. Jacki Shadle, County Clerk
 - Correct the classification of County Clerk employees
 - Discussion of the financial duties handled by the County Clerk
 - Discussion of Policy 319
11. 12:00 p.m. Nathan Cochran, Assistant Prosecuting Attorney
 - a. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
 - b. Report on Jefferson County Circuit Court case number 2022-C-48
 - c. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP 45170).

UNFINISHED BUSINESS

12. EMS Transition Monthly Update & Request for Direction re: Space Use Contracts

NEW BUSINESS

13. City of Charles Town – Courthouse Holiday Garland Funding Request

COUNTY ADMINISTRATOR REPORTS

- Review and Approval of Ambulance Equipment and Supplies Purchase
- Transfer of Signatory
- LG P-Card Information Request
- Discussion of Finance Director Job Description

COUNTY COMMISSION REPORTS

RECESS

-----**EVENING SESSION**-----

14. 6:00 p.m. PUBLIC HEARING on the application regarding creation of the County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District, pursuant to Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the "Act"), respecting the application regarding the creation of the Excise TIF District.

15. To consider and act upon a proposed Resolution regarding the approval of the application regarding creation of the County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District, the undertaking and financing of the projects described in the application, and approving the submission of the application to the West Virginia Department of Economic Development for approval.

16. **ADJOURN**

CORRESPONDENCE/INFORMATION

Notice of Intent to Appoint to the Jefferson County Parks and Recreation Commission

Notice of Intent to Appoint to the Jefferson County Board of Zoning Appeals

Public Comment received from David Tabb during the October 20, 2022 County Commission meeting.

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.

Minutes

Jefferson County Commission

Thursday, October 20, 2022

A meeting of the Jefferson County Commission was held on Thursday, October 20, 2022 during the third quarterly session at 6:00p.m. The meeting was held via GoToWebinar and in-person. Present were Caleb Hudson, President, Steve Stolipher, Vice President, and Commissioners Clare Ath, Tricia Jackson, and Jane Tabb. Also present were John Nissel, County Administrator, Cindy Rezmer, Deputy County Administrator, Jessica James, Assistant Deputy County Administrator, Michelle Gordon, Finance Director and Sorayda Pitts, Administrative Assistant (The archived meeting of the Thursday, September 15, 2022 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Hudson led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Hudson to approve the October 06, 2022 regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Hudson to approve the Payroll for October 14, 2022 in the amount of \$281,151.57. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Hudson to approve the Requisitions for October 20, 2022 in the amount of \$21,657.64 Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

	VENDOR NAME		AMOUNT
	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$	3,620.97
	AMERIFLEX	\$	125.80
	ATLANTIC OCCUPSYCH INC.	\$	1,125.00
	BANK OF CHARLES TOWN	\$	75.98
	BENJAMIN S WILLIAMS	\$	103.00
	BIEDLERS ELEC MOTOR REP	\$	27.34

BOLIVAR / HARPERS FERRY PUBLIC LIBRARY	\$ 22,500.00
BRYAN PERKINS	\$ 3,163.36
BUREAU OF CHILD SUPPORT	\$ 373.39
CITY OF CHARLES TOWN	\$ 78.00
COMPTROLLER OF MARYLAND	\$ 797.40
DARYLL WIMER	\$ 11.63
EFTPS IRS TAXES	\$ 98,315.22
ELIZABETH DUTKO	\$ 19.47
EMPOWER RETIREMENT	\$ 5,929.34
EPTA-EASTERN PANHANDLE TRANSIT AUTHORITY	\$ 20,000.00
ESS ELECTION SYSTEMS & SOFTWARE	\$ 1,278.40
EVELYN STEPHENSON	\$ 3,250.00
FEDEX	\$ 267.04
FIFTH THIRD BANK	\$ 90,533.47
GUTTMAN OIL CO	\$ 3,901.00
IPC TECHNOLOGIES INC.	\$ 13,676.00
J.C. EHRLICH	\$ 1,120.36
JACQUELINE SHADLE	\$ 46.00
JEFFERSON CO EMERGENCY SERVICES AGENCY	\$ 787,217.75
JEFF CO PARKS & RECREATION COMMISSION	\$ 93,771.50
JEFFERSON DAY REPORT CENTER	\$ 37,502.50
JEFFERSON SECURITY BANK	\$ 4,615.00
JCCOA JEFFERSON CENTER	\$ 100.00
JENNILEE HARTMAN	\$ 3,250.00
JESSICA JAMES	\$ 806.89
KAREN OLDEN	\$ 803.92
KEITH JOHNSON	\$ 17.48
LAURA STORM	\$ 291.24
MILLERS SUPPLIES AT WORK	\$ 21.56
NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
OLD CHARLES TOWN LIBRARY	\$ 22,500.00
POTOMAC EDISON	\$ 25,664.18
REBECCA F BURNS	\$ 3,224.80
RETIREE HEALTH BENEFIT TRUST	\$ 7,732.00
RICHARD HAHN	\$ 36.00
RONALD DANTZIC	\$ 23.31
SCPDC-SOUTH CENTRAL PLANNING & DEVELOPMENT COMM	\$ 13,260.00
SHANNON BURLETT	\$ 1,415.27
SHEPHERDSTOWN PUB LIBRARY	\$ 22,500.00
SHERIFF OF JEFFERSON COUNTY	\$ 1,128.00
SMOOT'S LLC	\$ 4,327.00
SOUTH JEFFERSON PUBLIC LIBRARY	\$ 22,500.00
STATE TAX DEPARTMENT	\$ 150.00
TERESA HENDRICKS	\$ 165.79
THE HARTFORD	\$ 3,717.98
THE HARTFORD	\$ 2,368.55
VICTOR C LUPIS III	\$ 2,968.24
VINCENT TIONG	\$ 3,135.87
WHOLESALE TIRES INC.	\$ 251.76
WV BUREAU OF EMPLOYMENT UNEMPLOYMENT COMP. DIV.	\$ 20.73
WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 17,001.55
WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 45,629.00
WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 166.49
WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$ 57,755.25
WVCORP WV COUNTIES SELF INSURANCE RISK POOL	\$ 712.50
XEROX CORPORATION	\$ 1,144.93

FG/009	RUGGED NOTEBOOKS		\$ 61,750.00
FG/009	SHERIFF OF JEFFERSON COUNTY		\$ 4,694.77
BS/011	SHERIFF OF JEFFERSON COUNTY		\$ 7,124.37
AM/053	SHERIFF OF JEFFERSON COUNTY		\$ 1,630.81
			\$ 1,534,269.16

Motion by Mr. Hudson to approve the Accounts Payable for October, 14 2022 in the amount of \$1,534,269.16. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME	AMOUNT
87020		DARYLL WIMER	\$ 6.42
87021		DAVID WAMPLER	\$ 11.93
87022		GUTTMAN OIL CO	\$ 3,979.95
87023		JPATS USMS	\$ 3,572.00
87024		RONALD DANTZIC	\$ 18.92
87025		SOFTWARE SYSTEMS INC	\$ 1,192.02
87026		TEK ADVISORS LLC	\$ 8,400.00
87027	AM/053	SHERIFF OF JEFFERSON CO	\$ 26,689.65
TOTAL			\$ 43,870.89

Motion by Mr. Hudson to approve the Accounts Payable for October, 20 2022 in the amount of \$43,870.89. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

14-Oct-22				
OTHER FUNDS				
Check#	Fund	VENDOR		Amount
318	DK/003	SHERIFF OF JEFFERSON CO		\$ 441.53
815	HD/008	ATTENTI		\$ 3,257.60
816	HD/008	ENVIVO HEALTH		\$ 2,544.00
817	HD/008	FIFTH THIRD BANK		\$ 91.10
818	HD/008	SHERIFF OF JEFFERSON CO		\$ 831.59
354	FP/057	JEFFERSON CO FARMLAND PROT.		\$ 129,536.07
1011	AV/056	FIFTH THIRD BANK		\$ 656.35
1012	AV/056	JUSTTECH		\$ 164.72
1013	AV/056	MILLERS SUPPLIES AT WORK		\$ 58.56
1014	AV/056	PRINT-O-STAT		\$ 190.00
1015	AV/056	SEGRA		\$ 616.00
129	AR/207	ATLANTIC EMER SOLT		\$ 21,216.00
130	AR/207	JCESA		\$ 301,758.77
131	AR/207	SHEPHERDSTOWN FIRE DEPT		\$ 63,079.00
132	AR/207	SHERIFF OF JEFFERSON CO		\$ 5,438.88
1790	CO/246	FIFTH THIRD BANK		\$ 666.78
1791	CO/246	FIFTH THIRD BANK		\$ 2,988.83
439	SF/073	SHERIFF OF JEFFERSON CO		\$ 582.00
394	WV369	WVDSRF		\$ 671.00

945	CW/O59	WV STATE POLICE	\$	45.00
TOTAL			\$	534,833.78

Motion by Mr. Hudson to approve the Manual Checks for October 14, 2022 in the amount of \$534,833.78. Motion seconded and unanimously approved.

21-Oct-21

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
1016	AV/O56	GLOBAL SCIENCE & TECH	\$	11,604.00
946	CW/O59	WV ST AUDITOR	\$	1,525.00
947	CW/O59	TOM HANSEN	\$	149.06
1362	IP/249	SHERIFF JEFFERSON CO -SCHOOL	\$	18.00
1363	IP/249	SHERIFF JEFFERSON CO - LAW	\$	6,619.49
1364	IP/249	SHERIFF JEFFERSON CO - PARKS	\$	17,469.49
1365	IP/249	SHERIFF JEFFERSON CO - EMS	\$	1,846.70
1366	IP/249	SHERIFF JEFFERSON CO - ADMIN	\$	812.30
TOTAL				\$ 40,044.04

Motion by Mr. Hudson to approve the Manual Checks for October 21, 2022 in the amount of \$40,044.04. Motion seconded and unanimously approved.

ANNOUNCEMENTS

PUBLIC COMMENT: Barbara Fuller, David Tabb and Stacey Tabb.

PRESENTATIONS

1. Robert Sell-Sheriff's Office- Requested the approval to hire Animal Control Officer and approval to accept the GHSP Grant award.
 - **Motion by Mrs. Tabb to approve the hire of Robert Smith as an Animal Control Officer, an 80 hour position with a salary of \$38,693.00 with a start date of October 24, 2022. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to approve the acceptance of GHSP grant award and authorize the Commission President to sign the associated documents. Motion seconded and unanimously approved.**

2. Russell Burgess- Director- IT- Requested approval to submit application for the States Record Management and Preservation Board grant program.

- **Motion by Mr. Stolipher to approve the RMPB grant application in the amount of \$9,750.00 and pass the associated Resolution of Support. Motion seconded and unanimously approved.**
3. Jennie Brockman, County Planner, Office of Planning and Zoning- Requested Community Planning Month Proclamation
- **Motion by Mr. Stolipher to approve the month of October as National Community Planning Month as an opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizens planners who have contributed their time and expertise to the improvement of Jefferson County. Motion seconded and unanimously approved.**
4. Amy Grove-, Family Court Awareness Month Committee-Requested Proclamation to recognized November as Family Court Awareness Month in Jefferson County, WV.
- **Motion by Mr. Stolipher to approve the proclamation to recognized November as Family Court Awareness Month in Jefferson County, WV, and authorize the President of the commission to sign the associated document. Motion seconded and unanimously approved.**
5. Michelle Gordon- Finance Director- Requested approval for the FY22 Financial Statement, FY2023 State Budget Revision 2 for the General Funds and Review and approval of the FY2023 State Budget Revision 2 for the Coal Severance Fund.
- **Motion by Mr. Stolipher to approve the FY22 Financial Statements. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to approve the YF2023 State Budget Revision 2 for the General Funds. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to approve the YF2023 State Budget Revision 2 for the Coal Severance Fund. Motion seconded and unanimously approved.**
6. Roger Goodwin- Chief County Engineer- Requested Inspection Services Intergovernmental Agreement Extension with West Virginia Department of Economic Development-Hilltop House Hotel TDD Project.
- **Motion by Mr. Stolipher to approve to authorize the County Administrator to execute the Contract Extension letter for the Jefferson County Hill Top House Hotel Tourism Development District project. Motion seconded and unanimously approved.**

7. Nathan Cochran- Assistant prosecuting attorney-

- a. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103 and WV Supreme Court No.'s 21-0727, 21-0728, and 21- 0731.
- b. Report on Jefferson County Circuit Court case number 2022-C-48.
- c. Report as assigned to counsel on the Jefferson County School Board Impact Fees.
- d. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice status and updates on items 7 c & d with Mr. Cochran is recusing himself from discussion of item C. Motion seconded and unanimously approved.**
- **Motion by Mr. Hudson to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**

UNFINISHED BUSINESS

8. EMS Transition Update –

Director Bob Burner to update the commission at the Nov. 03, 2022 9:30 am meeting.

COUNTY ADMINISTRATOR REPORTS

E911 Salary Adjustments

-Consideration of Employee Promotion

- **Motion by Mrs. Tabb to approve a promotion of Elizabeth Dutko from an Administrative Asst. grade 2 to an Administrative Asst. II, grade 4 effective 10/24/2022 at a new annual salary of \$47,066. Motion passed 4-1 with Commissioner Jackson opposing.**

-Consideration of Position Upgrades: Dispatchers, Supervisors/Trainers, and Deputy Director

- **Motion by Mr. Stolipher to approve the upgrade of Dispatchers from grade 4 to grade 5 with a minimum increase for existing employees of 9.5% or \$46,347, whichever is higher and Supervisors/Trainers from Grade 5 to grade 6 with a minimum increase for existing employees of 7.5% effective 10/24/2022 at a cost of**

\$78,536. Motion passed 4-1 with Commissioner Jackson opposing

- **Motion by Mrs. Tabb to approve the upgrade of the Deputy Director position from a grade 7 to a grade 8 and to advertise for this vacant position at a grade 8 effective 10/24/2022 at a cost of \$9,294. Motion passed 4-1 with Commissioner Jackson opposing.**

-Consideration of Shift Differential

- **Motion by Mr. Stolipher to approve a shift differential of \$0.25 per hours for evening and midnight shift employees effective 10/24/2022 at a total cost of \$4,790. Motion passed 4-1 with Commissioner Jackson opposing**

-Consideration of Signing Bonus

- **Motion by Mrs. Tabb to approve a signing bonus of \$2,000 to be paid after completion of the initial dispatcher training academy with the stipulation that the employee must complete two (2) years of Full-Time service after completion of the academy or repay the bonus, effective 10/24/2022 at a cost of \$13,998 and applicable to employees currently in the training academy. Motion passed 4-1 with Commissioner Jackson opposing**

-Consideration of Referral Bonus

- **Motion by Mr. Stolipher to approve a referral bonus of \$200 as presented, effective 10/24/2022 at a cost of \$1,400. After employee has completed the 5-8 weeks of training. Motion passed 4-1 with Commissioner Jackson opposing**

-Consideration of the Elimination of three (3) full-time, vacant Dispatcher positions

- **Motion by Mrs. Tabb to eliminate three (3) full-time Dispatcher positions from the departmental approved position count at a savings of \$135,406. Motion passed 4-1 with Commissioner Jackson opposing.**

-Approval to advertise and interview for Finance Director Position

- **Motion by Mrs. Tabb to approve the advertisement for the Finance Director position. Motion passed 3-2 with Commissioner Jackson and Commissioner Ath opposing.**

Holiday Potluck

9. ADJOURN

The Commission adjourned at 09:25pm on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

Caleb Hudson, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

REQUISITIONS TO BE APPROVED

November 3, 2022

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
OTHER BUILDINGS	23034	\$ 7,505.00	Equipment Specialists	snow plow package & installation
IT/DATA PROCESSING	23018	\$ 8,933.97	Judicial Dialog Systems	Annual Software Maintenance
	23035	\$ 32,839.78	Vibe Design Group	CC Meeting Room A/V Project
GRAND TOTAL		\$ 49,278.75		

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$429,647.43		\$429,647.43
6.2% Tax Payable OASDI	\$25,539.64		\$25,539.64
1.45% Tax Payable HI	\$5,972.99		\$5,972.99
Fed Withholding	\$37,309.79		\$37,309.79
WV State Withholding	\$18,185.06		\$18,185.06
PERS Retirement Deduct 4.5%	\$9,277.83		\$9,277.83
PERS Retirement Deduct 6%	\$6,941.03		\$6,941.03
Hosp. Pre-Taxed	\$15,570.00		\$15,570.00
AFLAC Pre-Taxed	\$388.07		\$388.07
AFLAC Post-Taxed	\$818.92		\$818.92
Optional Life Post-Taxed	\$1,851.49		\$1,851.49
Christmas Club	\$4,595.00		\$4,595.00
Wage Attach #1	\$373.39		\$373.39
Wage Attach #2	\$150.00		\$150.00
Wage Attach #3	\$0.00		\$0.00
DSRS Retirement Deduct 8.5%	\$7,237.52		\$7,237.52
EMSRS Retirement Deduct 8.5%	\$132.91		\$132.91
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,757.58		\$4,757.58
457R - Roth	\$1,170.00		\$1,170.00
MD State Tax	\$828.85		\$828.85
D/VF	\$1,759.93		\$1,759.93
VA State Tax	\$199.44		\$199.44
Colonial(Plus)	\$47.84		\$47.84
Uniforms	\$0.00		\$0.00
Total Deductions	\$143,941.28	\$0.00	\$143,941.28
Net Wages Total	\$285,706.15	\$0.00	\$285,706.15
Payroll Date	October 28, 2022		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angela Banks, Assessor

Department or Organization: Jefferson County Assessor's Office

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 3, 2022**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Exonerations and/or Apportionments**

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



Name: Tom Hansen

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice next meeting

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Home Confinement Officer

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

Home Confinement is currently being covered by a part-time Home Confinement Officer. We are requesting to reclassify him as a Full-time employee so that he does not have the annual time limitations of a part-time employee and is able to more effectively manage his caseload. He will remain at his current hourly rate, which is able to be supported by the program.

Is this a funding request? Y/N

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*):

I move to approve the reclassification of Earl Gill as a Full-time employee.

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: thansen@jeffersoncountywv.org

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



Jim Justice
Governor of West Virginia

October 13, 2022

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

Dear Commissioner Hudson:

I am pleased to inform you that I have approved a Justice Assistance Grant (JAG) award to the Jefferson County Commission in the amount of \$15,000. These funds will provide one or more uniformed officers to act as a mentor, role model, and advocate for students at Jefferson High School. The officer(s) will provide course instruction on topics such as drug and alcohol awareness, social skills, and conflict resolution.

Please let me know if our Justice & Community Services' staff or I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice
Governor

JJ/mah

Cc: Deborah Lowe, Project Director
Michelle Gordon, Fiscal Officer

GRANT CONTRACT AGREEMENT
BETWEEN
DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE AND COMMUNITY SERVICES SECTION
AND THE
JEFFERSON COUNTY COMMISSION

22-JAG-22

This **AGREEMENT**, entered into this **13th of October 2022** by the Assistant 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 Justice Assistance Grant Funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; and

WHEREAS the Grantee is an eligible applicant who is desirous of receiving funds for: **These funds will provide one or more uniformed officers to act as a mentor, role model, and advocate for students at Jefferson High School. The officer(s) will provide course instruction on topics such as drug and alcohol awareness, social skills, and conflict resolution.**

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, 2022** and shall continue those services/activities until **September 30, 2023**. 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 **\$15,000.00** 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 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.

Caleb Hudson, President
Jefferson County Commission

Jeffrey D. Estep, Assistant 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 **Caleb Hudson, President** of the **Jefferson County Commission**, to act on its behalf to enter into a contractual agreement with the Division of Administrative Services, Justice and Community Services to receive and administer grant funds pursuant to provisions of the Justice Assistance 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.

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]: _____

Authorized Official Signature: _____

Date: _____



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

Effective: July 23, 2019

Revision History: Condition #13 added on October 23, 2022

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; 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.
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

§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. 10th 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 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 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. **PROHIBITED CONDUCT BY RECIPIENTS AND SUBRECIPIENTS RELATED TO TRAFFICKING IN PERSONS:**

Section A. Provisions applicable to a recipient that is a private entity

- I. During the period of time that this award is in effect, the recipient, the recipient's employees, any subrecipient, and the employees of any subrecipient may not engage in:
 - (a) Severe forms of trafficking in persons;
 - (b) Procurement of a commercial sex act;
 - (c) Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
 - (d) Acts that directly support or advance trafficking in persons, including acts such as:
 - Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
 - Without legally sufficient justification as determined by the Office on Violence Against Women (OVW), failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - Using materially false or fraudulent pretenses, representations, or promises regarding the employment to soliciting a person for employment, or in an offer of employment;
 - Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited; or
 - Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.
- II. OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that the recipient or a subrecipient ("subgrantee") that is a private entity:
 - (a) Violated a prohibition in section A.1 of this award condition; or
 - (b) Has an employee who violated a prohibition in section A.1 of this award condition through conduct that is either:
 - Associated with performance under this award; or
 - Imputed to the recipient or the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.

Section B. Provisions applicable to a recipient other than a private entity

- I. During the period of time that the award is in effect, any subrecipient ("subgrantee") that is a private entity, and the employees of any subrecipient that is a private entity, may not engage in:
 - (a) Severe forms of trafficking in persons;
 - (b) Procurement of a commercial sex act;
 - (c) Use of forced labor in the performance of the award or any subaward ("subgrant") under the award;
 - (d) Acts that directly support or advance trafficking in persons, including acts such as:

- Denying an employee access to the employee's own identity or immigration documents (including by destroying or confiscating such documents);
 - Without legally sufficient justification as determined by OVW, failing to provide (or pay for) return transportation to an employee to the country from which the employee was recruited (if other than the United States), if the employee requests such return transportation upon the end of employment;
 - Using materially false or fraudulent pretenses, representations, or promises regarding the employment to solicit a person for employment, or in an offer of employment;
 - Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited; or
 - Providing or arranging housing that fails to meet the host country (e.g., the United States) housing and safety standards.
- II. OVW as the federal awarding agency may unilaterally terminate this award, without penalty, if the agency official authorized to terminate the award determines that a subrecipient ("subgrantee") under this award that is a private entity:
- (a) Violated a prohibition in section B.1 of this award condition; or
 - (b) Has an employee who violated a prohibition in section B.1 of this award condition through conduct that is either:
 - Associated with performance under this award; or
 - Imputed to the subrecipient ("subgrantee") using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by DOJ at 2 C.F.R. Part 2867.

Section C. Provisions applicable to any recipient

- I. The recipient must inform OVW promptly, and without delay, of any information the recipient receives from any source alleging a violation of a prohibition in section A.1 or B.1 of this award condition.
- II. OVW's authority to terminate this award unilaterally (without penalty), described in section A.2 and B.2 of this award condition:
- (a) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), (22 U.S.C. 7104(g)), and
 - (b) Is in addition to any and all other remedies for noncompliance that are available to OVW with respect to this award, whether under the TVPA (see, e.g., 22 U.S.C. 7104b) or other applicable law.
- III. The recipient must include and incorporate all applicable provisions of this award condition in any subaward ("subgrant") the recipient makes to a private entity.

Section D. Definitions.

For the purposes of this award condition:

- I. "Employee" means either:

- (a) An individual employed by the recipient or by a subrecipient ("subgrantee") who is engaged in the performance of the project or program under this award; or
 - (b) Another person engaged in the performance of the project or program under this award, whether or not compensated with award funds, including, but not limited to, a volunteer, an individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements, or an agent (including a labor recruiter or broker).
- II. "*Forced labor*" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subsection to involuntary servitude, peonage, debt bondage, or slavery.
- III. "*Private entity*":
- (a) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. 175.25.
 - (b) Includes:
 - A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. 175.25(b).
 - A for-profit organization.
- IV. "*Severe forms of trafficking in persons*," "*commercial sex act*," and "*coercion*" have the meanings given at section 103 of the TVPA (22 U.S.C. 7102).

14. **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]: _____

Authorized Official Signature: _____

Date: _____



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:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEO) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name: _____		
Address: _____		
Is agency a; <input type="checkbox"/> Direct or <input type="checkbox"/> Sub recipient of OJP, OVW or COPS funding?		Law Enforcement Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
DUNS Number: _____	Vendor Number (only if direct recipient) _____	
Name and Title of Contact Person: _____		
Telephone Number: _____	E-Mail Address: _____	
Section A—Declaration Claiming Complete Exemption from the EEO Requirement		
<i>Please check all the following boxes that apply.</i>		
<input type="checkbox"/> Less than fifty employees.	<input type="checkbox"/> Indian Tribe	<input type="checkbox"/> Medical Institution.
<input type="checkbox"/> Nonprofit Organization	<input type="checkbox"/> Educational Institution	<input type="checkbox"/> Receiving a single award(s) less than \$25,000.
I, _____ [responsible official], certify that _____ [recipient] is not required to prepare an EEO 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.		
<i>If recipient sub-grants a single award over \$500,000, in addition, please complete Section D</i>		
_____	_____	_____
<i>Print or Type Name and Title</i>	<i>Signature</i>	<i>Date</i>
Section B—Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO Is on File for Review		
<i>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 EEO to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):</i>		
I, _____ [responsible official], certify that _____ [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 EEO 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 EEO 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 EEO is on file at the following office:		
_____ [organization],		
_____ [address].		
_____	_____	_____
<i>Print or Type Name and Title</i>	<i>Signature</i>	<i>Date</i>
Section C—Declaration Stating that an EEO Short Form Has Been Submitted to the Office for Civil Rights for Review		
<i>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 EEO Short Form to the OCR for review.</i>		
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 EEO 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.		
<i>If recipient sub-grants a single award over \$500,000, in addition, please complete Section D</i>		
_____	_____	_____
<i>Print or Type Name and Title</i>	<i>Signature</i>	<i>Date</i>

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. If recipient completes Section A *or* C and sub-grants a single award over \$500,000, in addition, please complete Section D.

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.

Section D

Recipients that (1) receive a single award over \$500,000; *and* (2) subaward a single award of \$500,000 or more must provide a list; including, name, address and DUNS # of each such sub-recipient by completing Section D.

Submission Process

Recipients should download the online Certification Form, complete required sections, 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. *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 7th 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.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**

Department or Organization: **Voter Registration & Elections**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **November 3**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Set time and location for the 2022 General Election Canvass held November 14**

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

It is our recommendation that the canvass be held in the old commission meeting room in the courthouse at 9:30 a.m.

Is this a funding request? Y/N

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Myers

Department or Organization: **Jefferson County Parks & Recreation Commission**

Estimation of amount of time needed for appointment: 5 min.

Date Requested – 1st Choice: **November 3, 2022**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Presentation by Jefferson County Parks & Recreation Commission regarding receiving Austin C. Palmer Outstanding Facility Award at the West Virginia Recreation & Parks Association annual conference for the AMP at Sam Michaels Park.

Please provide the County Commission with a description of your request or presentation, including any background information: JCPRC will present a short two-minute video of events that took place at the AMP over the past year and present the Commission with an overview of the facility and award.

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 matian that you would like the Commission to approve*): None

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

Phone Number: 304-728-3207

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM

www.jeffersoncountywv.org

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 15-20 minutes

DATE REQUESTED: 1ST CHOICE November 3rd, 2022

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

SUBJECT: (1) Petition to remove Matthew Brady as personal representative of the Estate of Norman Brady, deceased, and appoint Cheyenne Brady as personal representative.

(2) Petition to grant letters of administration for the Estate of John H. Alger (unconfirmed deceased).

(3) Verified petition for elective share, the Estate of Hosseln Sadeghzadeh, deceased

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

All three petitions are attached.

ARE DOCUMENTS ATTACHED: Attached

IS A PROJECTOR NEEDED?: NO

lfields@jeffersoncountywv.org (304) 728-3210

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF NORMAN BRADY

Case No. _____

PETITION

NOW COMES your Petitioner, Cheyenne Brady, by and through counsel, James T. Kratovil and Kratovil Law Offices, PLLC, and petitions the Commission to remove Matthew Brady as personal representative of the Estate of Norman Brady and appoint Cheyenne Brady as personal representative, pursuant to West Virginia Code Chapter 44, Article 1, Section 9.

In support of this petition, your petitioner would represent:

1. That Matthew Brady was appointed personal representative of the Estate of Norman Brady on April 16, 2018.
 2. That Matthew Brady filed an appraisal of the estate (attached) that is woefully inadequate in its scope and detail and lists Ruth Carbone as an heir when she is a step-child of the decedent and, in fact, not an heir.
 3. That nothing has been done to collect assets or to settle the estate since the appointment was made.
 4. That it has come to the petitioner's attention that the West Virginia State Treasurer's Office has collected substantial funds in the name of Norman Brady, but they have been unable to contact Matthew Brady to transfer those funds.
 5. That a claim for abandoned property must be made by the personal
-

representative of an estate.

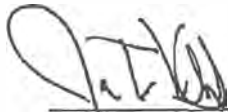
6. That Matthew Brady refuses to receive mail at his stated address of 22 New Fitchburg Road, West Townsend, Massachusetts 01474-1128, and that he has failed to file annual reports.

7. That the fair administration of the estate demands that Matthew Brady be removed as personal representative of the Estate of Norman Brady.

WHEREFORE, your Petitioner would request that the Commission grant the removal of Matthew Brady and, in his stead, appoint Cheyenne Brady as personal representative of the Estate of Norman Brady.

Respectfully submitted,

CHEYENNE BRADY,
Petitioner,
By Counsel



James T. Kratovil ID #2103
KRATOVIL LAW OFFICES PLLC
211 West Washington Street
Charles Town, WV 25414

VERIFICATION

I, Cheyenne Brady, declare as follows:

I am the petitioner in the foregoing petition before the County Commission of the Jefferson County, West Virginia.

I have read the *Petition* and know its contents. The matters stated in the petition are true of my own knowledge, except for those items which are alleged on my information and belief, and as to those items, I believe them to be true.

I, Cheyenne Brady, certify under penalty of perjury that the foregoing is true and correct.

Executed on the 7th day of September 2022.

Cheyenne L. Brady
CHEYENNE BRADY

STATE OF West Virginia

COUNTY OF Jefferson to wit:

Subscribed, sworn to, and acknowledged before me by Cheyenne Brady, on this the 7th day of September 2022.



Bridget McNally
Notary Public

My Commission Expires: May 19, 2025

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF JOHN H. ALGER

PETITION

NOW COMES your Petitioner, Jessica L. Alger, pursuant to the provisions of *West Virginia Code* § 44-9-1 *et seq.*, and specifically § 44-9-3, and petitions the Jefferson County Commission to grant Letters of Administration for the Estate of John H. Alger.

In support of this petition, your Petitioner would represent as follows:

1. That John H. Alger was born on the 9th day of June 1949.
2. That John H. Alger was a resident of Jefferson County from his birth until he went missing in 1998.
3. That John H. Alger had two children: John H. Alger, Jr., born in 1986, and Jessica L. Alger, born in 1981.
4. That John H. Alger was the son of Emma Alger, who died testate on April 20, 2008. In Emma Alger's will, dated July 3, 1981, she bequeathed her assets unto her children, John H. Alger and Nancy A. Craig. Throughout this will, John H. Alger was referred to as "John H. Alger, Jr.", due to clerical error.
5. That John H. Alger left Jefferson County, West Virginia in 1998 and has not returned to this state to the date of this petition, which is a period in excess of 7 years.
6. That John H. Alger has been unheard from by those who, had he been alive, would naturally have heard from him, specifically his sister and two children.
7. That the death of John H. Alger has come into question.

8. That the Petitioner is an heir of the said John H. Alger in that she is his daughter.

9. That the said John H. Alger as a beneficiary of the Estate of Emma Alger, received interest in real property which would pass to his surviving children at the time of his death.

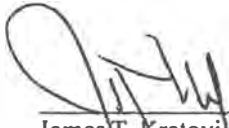
10. That in the usual course of events the said John H. Alger would have had contact with his children, which he has not, and, therefore, he should be presumed dead.

WHEREFORE, your Petitioner prays that the County Court (now Commission) or Clerk thereof issue Letters of Administration to the undersigned.

FURTHER, the Petitioner would ask, pursuant to *West Virginia Code* § 44-9-3 that the County Court (now Commission) or Clerk thereof cause to be published a notice that application has been made and that on a certain day, which shall not be less than two weeks after the last publication of such notice, the Court (Commission) will hear evidence concerning the alleged absence of the supposed Decedent, John H. Alger, and the circumstances and duration thereof.

Respectfully submitted,

JESSICA L. ALGER
Petitioner,
By Counsel.



James T. Kratovi ID #2103
Kratovil Law Offices, PLLC
211 W. Washington Street
P.O. Box 337
Charles Town, WV 25414
(304) 728-7718
kratovil@charlestownlaw.com

VERIFICATION

I, Jessica L. Alger, declare as follows:

I am the Petitioner appearing before the Jefferson County Commission regarding the Estate of John H. Alger.

I have read the foregoing *Petition* and know its contents. The matters stated in the petition are true of my own knowledge, except for those items which are alleged on my information and belief, and as to those items, I believe them to be true.

I, Jessica L. Alger, certify under penalty of perjury that the foregoing is true and correct.

Executed on the 18th day of April 2022.

Jessica L. Alger
Jessica L. Alger

STATE OF West Virginia

COUNTY OF Jefferson, to wit:

Subscribed, sworn to, and acknowledged before me by Jessica L. Alger, on this the 18th day of April 2022.



Bridget McNally
Notary Public

My Commission Expires: May 19, 2025

Lynn Fields

From: Crystal Craig <crystal.craig32@yahoo.com>
Sent: Tuesday, May 17, 2022 1:45 PM
To: Lynn Fields
Subject: John Alger petition

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

Good evening,

After you and I spoke this morning, I realized the full story of John Alger being missing is not being told. When he left in December of 1998 his wife did not file a missing person report. My late mother did. The report was not filed until he was gone for 2 weeks. His wife Robin was not forthcoming about the details of the last time she had seen him, she was very vague. Apparently there had been an argument the day he had left. Within a year of the missing person report being filed his wife has his white Cadillac towed to Alger's junkyard with all his belongings in the trunk. I know this because the car sat in my late grandmother's backyard. According to my mom, she had hired an investigator to find John. My mom said the investigator had found John in Bushnelle FL. It was assumed he had left with a lady by the name of Susan Tuller. The two had always played music together. In the summer of 2019-2020, I contacted the Charles Town police department to find out if this was true. At that time, I was going through guardianship/conservatorship for my mom. The lady at the police department said she could not give me details of the investigation but did confirm it was true. When I filed the petition for my mom's house, in February or March of this year I needed to have John's address. I again called the CT police department but was told the report had been lost. Helen Hammel, wife of the late Mayor Hammel suggested I call the Ranson police department and speak with Robbie Roberts to see if he had a copy. He did not have a copy, but Chief Roberts remembered the case and stated the investigator was the late Mark Johnson with the Charles Town PD. He had gone to FL, located John, and was told he did not want to be bothered by his family. According to my mom John had been married to a lady named Beverly in the 80s and had done the same thing to her.

I would suggest getting a copy of the investigation and speaking with Chief Roberts before filing him as deceased. It is very odd that someone's personal belongings would be discarded if the family believed he would be returning home, that his family did not file a missing person report, has never hired an investigator to find him and is now, after almost 25 years filing to have him declared. If he is declared I would like to request a criminal investigation. I do not believe his family does not have details.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF HOSSEIN SADEGHZADEH

FATEMEH DAMGHANI-NOORI,
Petitioner,

VERIFIED PETITION FOR ELECTIVE SHARE

COMES NOW the Petitioner, Fatemeh Damghani-Noori, by counsel, the Law Office of Richard G. Gay, L.C., and files her Petition for Elective Share pursuant to West Virginia Code §42-3-1, et seq., and in support thereof states as follows:

1. The Petitioner Fatemeh Damghani-Noori, who is 59 years of age and a resident of Jefferson County, West Virginia, is the surviving spouse of Hossein Sadeghzadeh, deceased.

2. Petitioner and Hossein Sadeghzadeh were married in Iran on July 9, 2005, and lived together continuously after that date as husband and wife, and were remarried on March 12, 2008, in Virginia and resided at 168 Maddex Farm Drive, Shepherdstown, West Virginia. *See* copies of Iran Marriage Certificate attached hereto as **Exhibit A** and Virginia Marriage Certificate attached hereto as **Exhibit B**.

3. On December 16, 2021, Hossein Sadeghzadeh passed away. At the time of his death, Hossein Sadeghzadeh was a resident of Jefferson County, West Virginia.

4. At the time of Hossein Sadeghzadeh's death, no judgment of divorce had been entered dissolving the marriage between Petitioner and Hossein Sadeghzadeh, nor was any action for divorce pending or contemplated.

5. At the time of Hossein Sadeghzadeh's death he was possessed of certain property, both real and personal.

6. At the time of his death, Hossein Sadeghzadeh left a Last Will & Testament dated July 28, 2017, which was admitted to probate by the Jefferson County Commission on December 20, 2021. A copy of the Last Will & Testament is attached hereto as **Exhibit C** and incorporated by reference.

7. On March 1, 2022, the Jefferson County Commission appointed Amy Sadeghzadeh as Administrator of Hossein Sadeghzadeh's Estate. Amy Sadeghzadeh resides at 1381 Old Janal Ranch Road, Chula Vista, California 91915-1605. See Qualification Order attached hereto as **Exhibit D**.

8. Petitioner, as the surviving spouse of Hossein Sadeghzadeh, is entitled to an elective share of the decedent's estate in accordance with the provisions of West Virginia Code §42-3-1, et seq., and by this Petition seeks such elective share.

9. In accordance with the provisions of West Virginia Code §42-3-1, et seq., and because Petitioner and Hossein Sadeghzadeh were married to each other for over 17 years, Petitioner is entitled to an elective share of 50% of the Augmented Estate.

10. Petitioner has not previously waived her right to an elective share of the decedent's estate and six (6) months have not elapsed since the appointment of Amy Sadeghzadeh as personal representative of the decedent's estate on March 1, 2022.

11. The decedent's Will was admitted to probate on or about February 22, 2022, but Amy Sadeghzadeh, Administrator, has not yet filed an Appraisal of the Estate.

12. Upon information and belief, the Estate of Hossein Sadeghzadeh and Amy Sadeghzadeh, as Administrator, have removed and/or sequestered from Petitioner certain tangible, personal assets and financial information, including but not limited to, bank books, stock

certificates, insurance proceeds, and personal property and other important documents, thus attempting to exclude Petitioner from her interest in such property.

13. At the time of Hossein Sadeghzadeh's death and/or the two (2) year period prior to his death, Hossein Sadeghzadeh was the record title holder of the residence shared by Petitioner and Hossein Sadeghzadeh located at 168 Maddex Farm Drive, Shepherdstown, West Virginia, and more fully described in Deed Book 997, page 465, located in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, and potentially numerous other properties unknown to Petitioner in Jefferson and Berkeley County, West Virginia, and possible other counties in West Virginia or other States.

14. Petitioner is informed, believes, and based upon such information and belief alleges that assets of the Decedent's estate have been and will be dissipated, transferred and removed from Petitioner's rightful possession and control if the Court does not intervene to aid Petitioner, which dissipation, transfer and removal would result in irreparable harm to Petitioner, for which Petitioner has no adequate remedy at law.

WHEREFORE, the Petitioner requests that the Court enter an Order awarding the following:

- a. Restraining and enjoining Amy Sadeghzadeh, as Administrator, from dissipating any assets of the Decedent's estate that have come into their possession and from removing or dissipating any further assets of the estate that come into his possession in the future;
- b. Compelling Amy Sadeghzadeh, as Administrator, to file an appraisal of the Estate of Hossein Sadeghzadeh;
- c. Compelling Amy Sadeghzadeh, as Administrator, to render a full and just

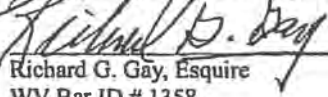
accounting;

- d. Imposing a constructive trust upon the real and personal property of the Decedent's estate in order to prevent injustice and irreparable harm to Petitioner;
- e. Fixing and allowing the amount of the Petitioner's elective share of the Decedent's estate in accordance with the provisions of the West Virginia Code and the Elective Share statutes;
- f. Awarding the Petitioner costs and fees of this action; and
- g. Awarding the Petitioner such other further relief as the Court deems just and proper.

Respectfully submitted,
Fateme Damghani-Noori,

Petitioner, By Counsel

Law Office of Richard G. Gay, LC



Richard G. Gay, Esquire

WV Bar ID # 1358

11 N. Washington St., 2nd Fl.

Berkeley Springs, WV 25411

richardgay@rglawoffices.com

(304) 258-1966

VERIFICATION

I, the undersigned, **FATEMEH DAMGHANI-NOORI**, hereby affirm under oath that the foregoing **VERIFIED PETITION FOR ELECTIVE SHARE** is true to the best of my knowledge and belief and to the extent that it is based on knowledge and belief, I believe it to be true.

Fateme Damghani
FATEMEH DAMGHANI-NOORI

STATE OF West Virginia,

COUNTY OF Berkeley, to wit:

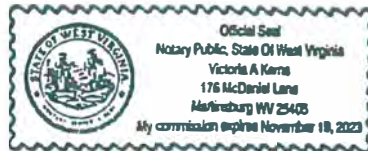
I, Victoria A. Kerns, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that **FATEMEH DAMGHANI-NOORI**, whose name is signed to the foregoing VERIFICATION, has this day acknowledged the same before me in my said jurisdiction.

Given under my hand and notarial seal this 22 day of July, 2022.

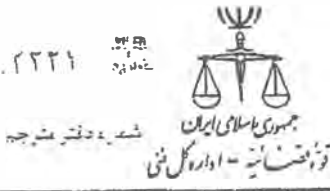
Victoria A. Kerns
NOTARY PUBLIC

My Commission Expires: 11/19/2023

(SEAL)



VERIFICATION



مترجم رسمی دادگستری - تهران
 تهران - خیابان انقلاب - مطابقت دفترته تهران - دارالمترجمه رسمی نوبهار
 SEYED JAVAD HASHEMI HASSAN ABADI
 Official Translator/Nofar Translation Bureau
 Opp.Tehran University, Enghelab Ave., Tehran, IRAN
 Tel.(+9821) 66415253/Fax.(+9821) 66404690

IN THE NAME OF ALLAH: THE MERCIFUL, THE BOUNTIFUL,
 AND THE COMPASSIONATE
 IRANIAN EMBLEM
 THE JUDICIARY
 STATE ORG. OF DEEDS AND LANDED PROPERTIES REGISTRATION

TEHRAN MARRIAGE BUREAU: : 217
 REGISTRATION NO. : 12462
 MARRIAGE DATE: : 07.09.2005
 REG. DATE: : AS MARRIAGE

FULL PARTICULARS OF THE WIFE:
 : NAME: MS FATEMEH
 SURNAME: DAMGHANI NOURI
 holder of Identity Card NO. 3494 dated 16.12.1962 issued at Tehran-dist.11
 daughter of Norollah and Masumeh born on 09.11.1962 IDCard Serial A/54/179G-5
 Health Cert.NO. 1461 dated 05.09.2005 issued by Taghavi Clinic Teacher MOSLEM
 AND IRANIAN domiciled 1st. Floor NO 70 Karimshahi Avenue: PIRGOZI TEHRAN

FULL PARTICULARS OF THE HUSBAND:
 : NAME: MR. HOSSEIN
 SURNAME: SADEGHZADEH
 holder of Identity Card NO. 72905 dated 19.04.1942 issued at Tehran-dist.4
 son of Mohammad Ali and Maryam born on 16.03.1942 IDCard Serial NO. 9/932303
 Health Cert.NO. 1460 dated 05.09.2005 issued by Taghavi Clinic tradesman
 MOSLEM AND IRANIAN domiciled NO 7 H. Allahverdi Avenue: North Aref Street

TYPE OF MARRIAGE: PERMANENT.
 MARRIAGE PORTION: ONE HOLY KALAMOLLAH MAJID
 One mirror and a pair of chandeliers
 1000 Bahar Azadi gold coins as husband's liability payable to wife on her demand.
 NOTE: Wife while being aware and informed of that her husband has divorced
 his former wife as per Divorce Deed NO. 95 dated 27.07.2005 issued by IRANIAN
 CONSULATE IN WASHINGTON agreed with this marriage.

WITNESSES
 MR. NOROLLAH DAMGHANI NOURI; Identity Card NO. 50, issued at Shahrood-dist.5
 son of Abbassali; pensioner wife's father.
 MR. ABDOLLAH SADEGHZADEH; Identity Card NO. 32, issued at Shahrood son of Hossein
 tradesman husband's uncle.
 MR. REZA BADAMI; Identity Card NO. 4, issued at Damghan son of Ali army pensioner
 husband's uncle.

SIGNATURES OF THE WITNESSES
 REFERENCES"
 MR. MOHAMMAD BADAMI; Identity Card NO. 16, issued at Damghan son of Ali; tradesman
 husband's uncle.
 MR. MOHAMMAD DAMGHANI NOURI; Identity Card NO. 3843, issued at Tehran son of
 Norollah Faculty Member Tehran University, wife's brother.
 Affirming Party: NOTARY PUBLIC: SIGNED AND SEALED
 Accepting Party: NOTARY PUBLIC: SIGNED AND SEALED
 Particulars of the married couple and informational data of witnesses and referances
 are certified to be true.
 MARRIED COUPLE: SIGNED
 MARRIAGE BUREAU: SIGNED AND SEALED

 CONT.....2





IRANIAN EMBLEM
ISLAMIC REPUBLIC OF IRAN
MINISTRY OF THE INTERIOR
STATE ORG. OF CIVIL AND PERSONAL REGISTRATION

IDENTITY CARD NO.
SERIAL NO.

SEALED PHOTO OF THE HOLDER
: 72905
: 9/882308 DUPLICATE

NAME:

: MR. HOSSEIN

SURNAME:

: SADEGHZADEH

DATE OF BIRTH:

: 16.03.1942

PLACE OF BIRTH:

: SHAHROOD

PARENTS:

FATHER:

: MR. MOHAMMAD ALI
Identity Card NO. 70, issued at Damghan

MOTHER:

: MRS. MARYAM
Identity Card NO. 559, issued at Shahrood

DATE OF ISSUE:

: 19.04.1942

PLACE OF ISSUE:

: TEHRAN-dist.4

TEHRAN CIVIL AND PERSONAL REGISTRY: SIGNED AND SEALED

SPOUSE:

: NAME: DAYAN SURNAME: HORENFEK
Identity Card NO. 1628, issued at Washington born on
16.11.1947 married on 05.01.1974 : IRANIAN CONSULATE
WASHINGTON: REG. NO. 72

DIVORCED: REG. DATE: 27.07.2005 DIVORCE REG. NO. 95 IRANIAN CONSULATE: WASHINGTON

REMARIED NEW SPOUSE:

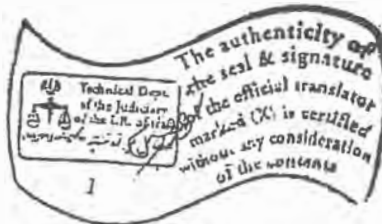
: NAME: MRS. FATEMEH
SURNAME: DAMGHANI NOURI
Identity Card NO. 3494, issued at Tehran-dist.11 born
on 09.11.1962 married on 07.09.2005 TEHRAN: MARRIAGE
BUREAU 217 REG. NO. 12462
SIGNED AND SEALED

CHILD:

: EMI
Identity Card NO. 1893, issued at Iranian Consulate
Washington
SIGNED AND SEALED

DUPLICATE

TRUE TRANSLATION CERTIFIED: 09.10.2005/Tehran



COMMONWEALTH OF VIRGINIA

MARRIAGE REGISTER

COPY A
FOR CLERK OF COURT

CIRCUIT COURT FOR CITY OR COUNTY OF		County of Frederick		CLERK'S NUMBER	08-60
1. FULL NAME OF GROOM (first, middle, last)				11. SOCIAL SECURITY #	
Hossein (nmn) Sadeghzadeh					
2. AGE	3. DATE OF BIRTH (Month, Day, Year)	4. PLACE OF BIRTH (state or foreign country)			
65 Years	3/16/1947	Iran-Tehran			
5. RACE	6. NUMBER OF THIS MARRIAGE (first, second, etc.)	7. MARITAL STATUS (if previously married)			
Asian	Second	WIDOWED <input type="checkbox"/> DIVORCED <input type="checkbox"/>			
8. EDUCATION (Specify only highest grade completed)		9a. USUAL RESIDENCE: STREET ADDRESS OR RT. NUMBER			
Elementary or Secondary (0-12) 12 College (1-4 or 5+) 2		204 Mossy Lane			
9b. CITY OR TOWN OF RESIDENCE		9c. COUNTY (if independent city, leave blank)		9d. STATE (OR FOREIGN COUNTRY)	
Martinsburg		Berkeley		West Virginia	
10. NAME OF FATHER			11. FULL MAIDEN NAME OF MOTHER		
Mohammad Ali Sadeghzadeh			Sakineh Badami		
12. PRESENT NAME OF BRIDE (first, middle, last)				12a. SOCIAL SECURITY #	
Fatemeh (nmn) Damghani-Noor					
13. AGE		14. DATE OF BIRTH (Month, Day, Year)		15. PLACE OF BIRTH (state or foreign country)	
45 Years		11/9/1962		Iran-Tehran	
16. RACE		17. NUMBER OF THIS MARRIAGE (first, second, etc.)		18. MARITAL STATUS (if previously married)	
Asian		First		WIDOWED <input type="checkbox"/> DIVORCED <input type="checkbox"/>	
19. EDUCATION (Specify only highest grade completed)		20a. USUAL RESIDENCE: STREET ADDRESS OR RT. NUMBER			
Elementary or Secondary (0-12) 12 College (1-4 or 5+) 4		204 Mossy Lane			
20b. CITY OR TOWN OF RESIDENCE		20c. COUNTY (if independent city, leave blank)		20d. STATE (OR FOREIGN COUNTRY)	
Martinsburg		Berkeley		West Virginia	
21. NAME OF FATHER			22. FULL MAIDEN NAME OF MOTHER		
Noorollah-Damghani			Masumeh Vaziri		

Margin reserved for binding in typewriter or black ink. This is a permanent copy. Please use black ribbon in typewriter or black ink.

23. TO ANY PERSON LICENSED TO PERFORM MARRIAGES
You are hereby authorized to join the above named persons in marriage under procedures outlined in the statutes of the Commonwealth of Virginia.

MARRIAGE LICENSE

Date Issued: 3-12-08
License Expires Sixty Days After Above Date

Signature: [Signature]
Date Received by Clerk of Court from Officiant: 3-17-08

TO OFFICIANT

Complete and sign certificate on both copies.
Return both copies within five days to Clerk of Court issuing license.

24. DATE OF MARRIAGE (Month, Day, Year) March 12, 2008

25. PLACE OF MARRIAGE (county or independent city) Winchester, VIRGINIA

26. TYPE OF CEREMONY CIVIL RELIGIOUS

27. I CERTIFY THAT I JOINED THE ABOVE NAMED PERSONS IN MARRIAGE ON THE DATE AND AT THE PLACE SPECIFIED

SIGNATURE OF OFFICIANT: [Signature] TITLE OF OFFICIANT: Appointee, Circuit Court

Authorized to perform marriages by the Circuit Court for Winchester, Virginia, in 1965 (year of authorization)

NAME OF OFFICIANT (type or print) Martha F. Grim

ADDRESS OF OFFICIANT 123 W. Fairfax Lane, Winchester, Virginia (street or route number) (city or town) (state)

VSS-704 Section 32.1-267 Code of Virginia

STATE OF VIRGINIA
COUNTY OF FREDERICK, TO-WIT:
I, Rebecca P. Hogan, Clerk of Frederick County Circuit Court, do hereby certify that the foregoing is a true and correct copy of the Marriage License issued to the individuals named as recorded in Marriage Register as

Instrument # 08-60
Given under my hand this 22nd day of April 2009.
[Signature]
Clerk/Deputy Clerk



**LAST WILL AND TESTAMENT
OF
HOSSEIN SADEGHZADEH**

Jefferson County
Jacqueline C Shadle, Clerk
Instrument 202100021294
12/20/2021 @ 02:56:41 PM
WILL
Book 35 @ Page 111
Pages Recorded 7
Recording Cost \$ 14.00

I, Hossein Sadeghzadeh, of Jefferson County, West Virginia, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all former wills and testamentary dispositions made by me.

ARTICLE I. DECLARATIONS

I am married to Fatmeh Damghni Noori, and I am the father of three (3) children, namely, Amy Sadeghzadeh, Sarah Sadeghzadeh, and Claire Sadeghzadeh.

ARTICLE II. ESTATE EXPENSES AND DEBTS

I direct that all of my debts, funeral expenses and expenses of administration of my estate be paid when legally due by my Executor, hereinafter named.

ARTICLE III. SPECIFIC DEVICES

A. I hereby devise to my daughter, Sarah Sadeghzadeh, all of my membership interest in W-M Tavern, LLC, a West Virginia limited liability company, if she survives me. If my said daughter shall predecease me, said membership interest in W-M Tavern, LLC, a West Virginia limited liability company, shall be added to my residual estate and shall be distributed according to the provisions of Section A. of Article IV. below.

B. I hereby devise to my wife, Fatmeh Damghni Noori, all of my items of clothing, jewelry, personal effects, all of my other articles of personal use or adornment, all of my motor vehicles kept for family or personal use, and all the furniture and household furnishings in the home occupied by my wife and me, together with any policies of insurance relating thereto, if she survives me; otherwise such property shall, subject to the provisions of Section C. of Article

Page 1 of 7



IV. below, be distributed to my children who survive me, to be divided equally by value among them according to a selection of such property as they may determine, in writing, but if they shall fail, in whole or in part, to so agree upon their selections to fulfill the said equal division within a period of seven (7) months after my death, to the extent of such failure, or if none of my children shall survive me, then the same shall be added to my residual estate and distributed pursuant to Article IV. below. In the event that any person entitled hereby to select from among such property is a minor, then the natural or legal guardian of such person shall act in such minor's behalf with respect to such selection.

ARTICLE IV. DEVISE OF RESIDUAL ESTATE

A. After payment of the items identified in Article II. above, and after satisfaction of the devises provided by Article III above, I hereby devise all the rest and residue of my property of any nature whatsoever and wheresoever situate (my "residual estate") to my wife, Fatmeh Damghni Noori, and to my children, Amy Sadeghzadeh, Sarah Sadeghzadeh, and Claire Sadeghzadeh, in equal shares. In the event I should be predeceased by my wife, I hereby devise that her residual share, subject to Section C. of this Article IV., be distributed to my children in equal shares. In the event that I should also be predeceased by any of my said children, I hereby devise said predeceased child's share of my residual estate, outright, also subject to the provisions of Section C. of this Article IV. below, to her issue *per stirpes*, or if there be none such issue, said predeceased child's share shall be proportionately added to the share or shares descending to my other child or children, or, *per stirpes*, also subject to the provisions of Section C. of this Article IV. below, to the issue of such other child or children who shall also predecease me.



B. Notwithstanding anything to the contrary pertaining to any statute, if my wife and I die in a common disaster, and there is not sufficient evidence to determine which of us died first, or if we have otherwise died simultaneously, all of my property passing under this my Will shall be disposed of as if I had survived her.

C. Whenever pursuant to the provisions of this my Will, all or any part of the principal of a distributive share of my estate, or all or any part of the principal of any trust, shall otherwise be payable outright to a person who has not attained the age of twenty-one (21) years, the payment to him or her of such property shall, nevertheless, be deferred until he or she shall attain the age of twenty-one (21) years, and in the meantime, such property shall be held in trust by the Trustee, hereinafter named, who shall accumulate the income from such property and apply all or part of the income and principal thereof as the Trustee, in the Trustee's discretion may determine necessary, for the health, support, education and maintenance of such person, taking into consideration any other means of providing the same as may be reasonably available to each such person, and of which the trustee is aware. Provided, however, that, until attaining the age of twenty-one (21) years, each such person's interest in the said property held in trust shall not be subject to pledge, assignment, sale or transfer in any manner. Nor shall any such person have the power in any manner to anticipate, charge or encumber his or her interest either in the income or principal of such property. Nor shall such person's interest be liable or subject in any manner for the debts, contracts, liabilities or torts of such person. Any payments by the Trustee to or on behalf of any such person shall reduce, by the amount of such payments, that person's ratable share of my estate or of any trust created herein, as the case may be, from which such payments were made. In the event that any trust shall be created pursuant to this Section C. and such person for whom it is created shall not attain the age of twenty-one (21) years, then,

Arasiv Sulejovic

upon the death of such person, such property shall, also subject to the provisions of this Section C., be paid outright to the heirs at law of such person (which, for these purposes, shall not include any surviving spouse of such person, and any such surviving spouse, for these purposes, shall be deemed to have predeceased such person) *per stirpes*.

D. Notwithstanding anything herein contained to the contrary, no interest herein created shall fail to vest beyond the occurrence of the later of the date twenty-one (21) years following the date of the death of the survivor of all of my descendants who shall be living at the time of my death, or the date ninety (90) years from the date of my death; if upon the later of such occurrences, all payments provided for under the provisions of this Will shall not have been made, they shall then be made to the persons then presumptively entitled thereto regardless of the age such beneficiary may have attained. Provided, that no beneficiary shall have the authority to postpone the vesting of any estate or interest in the subject property or to suspend the absolute ownership or power of alienation thereof for a period ascertainable without regard to the date of the death of said survivor.

E. I direct that no gift, transfer or assignment which I may have heretofore made or may hereafter make during my lifetime to any beneficiary under this my Will be treated as an advancement.

ARTICLE V. FIDUCIARIES

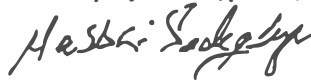
A. I appoint my daughter, Amy Sadeghzadeh, as Executrix of this my Will, in the State of my domicile and in any jurisdiction other than the State of my domicile at the time of my death, and direct that no security be required on her bond. In the event that my said daughter shall not survive me, or, for any reason, shall not qualify to serve, or shall cease to serve as Executrix, then I nominate and appoint my daughter, Claire Sadeghzadeh, to act as my



Executrix, in the State of my domicile and in any jurisdiction other than the State of any domicile at the time of my death, in the place and stead of my daughter, Amy Sadeghzadeh, and I direct that no security be required on her bond.

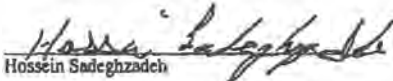
B. I appoint my daughter, Amy Sadeghzadeh, as Trustee of any trust created under this my Will and I direct that no bond be required of her.

C. For the purpose of performing any of the duties as Executrix, including the payment of the items mentioned in Article II., and distribution of my estate as provided in Articles III. and IV., and for the purpose of performing any of the duties as Trustee, my Executrix and the Trustee shall have all of those powers, duties and discretions, in addition to others now and hereafter conferred by common law, conferred by West Virginia Code Section 44-5A-3, all of which (except subsection (bb)(2)) are hereby expressly incorporated herein by this reference, to be exercised in the fiduciary's discretion in whichever capacity to which such powers may be applicable. Provided, however, that the fiduciary, and any successors appointed and acting hereunder, shall exercise said powers for the purpose of implementing my directions and testamentary dispositions as expressed in this my Will, and the fiduciary shall not exercise said powers if the result of such exercise is contrary to said directions or testamentary dispositions, or is inconsistent with my intentions, expressed herein. The powers herein granted are not personal to the named Executrix or Trustee, but may be exercised by any person representative or trustee duly appointed to execute this my Will. At any time during the administration of my estate or of the trusts, if any, created herein, the approval of all persons then acting as Trustee, or Executor or Executrix, if any, shall be required to authorize the exercise of any of the powers granted them in such capacity hereunder; provided, however, that either one of

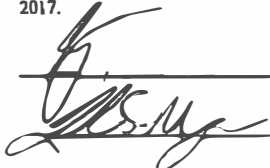
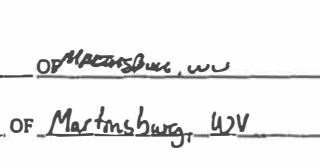


such fiduciaries may from time to time be expressly authorized in writing by the other of them to unilaterally exercise any or all such powers in any particular matter or generally.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix my seal to this my Last Will and Testament, which is written without any interlineations on seven (7) pages, including attestations and affidavits, with my signature on each page, in Berkeley County, West Virginia, this 28 day of July, 2017.


Hossein Sadeghzadeh

This Will consisting of seven (7) typewritten pages, including attestations and affidavits, was signed, sealed, published and declared by Hossein Sadeghzadeh, the testator, to be his Last Will and Testament, in our presence, and in the presence of each other, all present at the same time, and we have hereunto subscribed our names as attesting witnesses this 28 day of July, 2017.


OF Martinsburg, WV

OF Martinsburg, WV

STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, TO-WIT:

Before me, the undersigned authority, this day personally appeared Hossein Sadeghzadeh, Gregory E. Kennedy and Landon S. Moyer who being first duly sworn upon their oath say:

1. That they are the testator and attesting witnesses to the Will of Hossein Sadeghzadeh hereto attached, which bears date on the 28 day of July, 2017; and that said Testator and the attesting witnesses at the request of the said Testator, make and subscribe this


 Page 6 of 7

Affidavit to be used as evidence upon the proof of said Will when the same is offered for probate.

2. That the said Testator, Hossein Sadeghzadeh, in the presence of the attesting witnesses, signed, sealed and acknowledged the annexed writing as and for, and to be his Last Will and Testament; and that at the same time the attesting witnesses each subscribed their names as witnesses to the said Will at the request of the said Testator, in the presence of said Testator, and in the presence of each other, all being present at the same time.

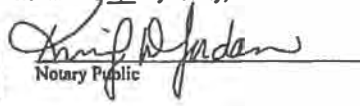
3. That the said Testator, Hossein Sadeghzadeh, at the time of the signing of said Will, was, as the attesting witnesses verily believe, a resident of Jefferson County, West Virginia, above the age of eighteen (18) years, and of sound mind and disposing memory.


Hossein Sadeghzadeh, Testator



Taken, subscribed and sworn to before me this 28 day of July, 2017.




Notary Public

My Commission Expires: April 19, 2020

Prepared by: Gregory E. Kennedy, Esquire, Franklin & Prokopik, 100 South Queen Street, Suite 200, Martinsburg, West Virginia 25401.

 Page 7 of 7



Application of Fiduciaries

For Personal Representative of Estate for a Deceased Person
On Motion of AMY SADEGHZADEH.

Deceased Person: **HOSSEIN SADEGHZADEH**
Social Security Number: **8901**
Date of Death: **12/16/2021**

Personal Representative(s)

AMY SADEGHZADEH EXECUTRIX 1781 OLD JAMAL BANCH ROAD, CHULA VISTA, CA 91915-1669

Jefferson County
Jacqueline C Shadle, Clerk
Instrument 20220002555
03/01/2022 @ 12:21:19 PM
QUALIFICATION ORDERS EXR
Book 36 @ Page 366
Pages Recorded 1
Recording Cost \$ 17.00

List of Beneficiaries

AMY SADEGHZADEH	DAUGHTER	1781 OLD JAMAL BANCH ROAD, CHULA VISTA, CA 91915-1669
SARAH SADEGHZADEH	DAUGHTER	90 DHO BLUN LANE, BRUCEYTON MILLS, WV 26223-3441
CLAIRE SADEGHZADEH	DAUGHTER	203 TENNESSEE AVENUE, MARTINSBURG, WV 25401-3134
SADMAN QAMRIZIANG-HOORJI	WIFE	168 MADDOCK FARM DRIVE, SHEPHERDSTOWN, WV 25443-0315
FATEMEH		

Jefferson County
Jacqueline C Shadle, Clerk
Instrument 20220002555
03/01/2022 @ 12:21:19 PM
QUALIFICATION ORDERS EXR
Book 36 @ Page 366
Pages Recorded 1
Recording Cost \$ 17.00

Affidavit & Oath

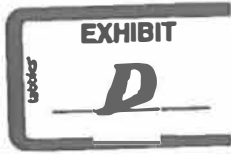
LIST OF BENEFICIARIES, DISTRIBUTES, DEVISEES & LEGATEES OF DECEDENT

AMY SADEGHZADEH being duly sworn, deposes and says the names, residences and post-office addresses of the beneficiaries and distributees of the Estate of HOSSEIN SADEGHZADEH, as set out in the foregoing affidavit are correct to the best of his or her knowledge and belief, except as to matters therein stated to be alleged on information and belief, and to those matters he or she believes them to be true; and affirms further states that such beneficiaries and distributees as given as unknown upon diligent inquiry, he or she has been unable to ascertain their names and addresses. I will mail by first class postage prepaid, a copy of the notice of administration in accordance with West Virginia State Code §44-1-14(d) to the persons listed on this form. Further, in accordance with West Virginia State Code §44-1-3, I further swear that I will faithfully perform the duties of my office to the best of my skill and judgment.

Amy Sadeghzadeh
AMY SADEGHZADEH, EXECUTRIX

Subscribed and sworn to before me on this the 23rd day of February, 2022.
Jacqueline C Shadle
Jacqueline C Shadle
Clerk of Jefferson County
By *Lynn Fields*
Lynn Fields
Deputy Clerk

Order: 3021



IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF HOSSEIN SADEGHZADEH

FATEMEH DAMGHANI-NOORI,
Petitioner,

CERTIFICATE OF SERVICE

I, Richard G. Gay, Esquire, counsel for Petitioner, Fatemeh Damghani-Noori, do hereby certify that a true and accurate copy of the **VERIFIED PETITION FOR ELECTIVE SHARE** was served via U.S. mail this 21st day of July, 2022, upon the following:

Amy Sadeghzadeh
1381 Old Janal Ranch Road
Chula Vista, CA 91915-1605

Sarah Sadeghzadeh
90 Big Run Lane
Bruceton Mills, WV 26525-5641

Claire Sadeghzadeh
203 Tennessee Avenue
Martinsburg, WV 25443-4335



Richard G. Gay, Esquire
Law Office of Richard G. Gay, LC
WVSB#1358
11 N. Washington St., 2nd Fl.
Berkeley Springs, WV 25411
Counsel for Petitioner
(304) 258-1966
richardgay@rglawoffices.com

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Engineering Department**

Estimation of amount of time needed for appointment: **5 minutes**

Date Requested – 1st Choice: **November 3, 2022**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Position Reclassification of Building Inspector & Building Plans Reviewer**

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

This request is to allow for the reclassification of the Lead Building Inspector position and the Building Plans Reviewer position from a 35 hour work week to a 40 hour work week.

The Office of Building Permits & Inspections is experiencing a significant increase in building permit applications, resulting in an increased workload with building inspections and an increase in the back log of building plan reviews. We've already spent all our FY2023 overtime budget trying to keep up with the demand.

Rather than request another employee, it is less costly to increase the hours of two employees to 40 hours/week. In addition, this is a budget-neutral request. The finance director calculated the additional FY2023 budget cost for the reclassification to be \$12,241.00. However, a delay in filling the County Planner position (start date is October 31st) results in an FY2023 savings of \$23,330 in salary and benefits. The overall effect on the FY2023 budget is still a salary and benefits savings of \$11,089.00.

Is this a funding request? **No, this request is an FY2023 budget neutral action.**

If so, how much?

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

Move to approve the reclassification of the Lead Building Inspector and the Building Plans Reviewer positions to a 40 hour work week effective November 14, 2022.

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: engineering@jeffersoncountywv.org

Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

--

AGENDA REQUEST FORM
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 – 1st Choice: **November 3, 2022 - reschedule**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Request Approval of Amendment No. 1 to the Schools Impact Fees FY 2023 Capital Improvement Plan**

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

**Schools
FY 2023 CIP
Amendment No. 1**

This impact fees Capital Improvement Plan (CIP) amendment makes the following changes:

1. **Decreases the FY2023 CIP amount for the Regional Student Support Center from \$1,000,000 to \$469,250 in the FY2023 CIP.**
2. **Removes the FY2023 CIP \$1,000,000 amount for the ROTC Wing at Jefferson High School, for a request of \$0.00 in the FY2023 CIP.**
3. **Adds a request of \$1,276,081 for Shepherdstown Elementary School in the FY2023 CIP.**
4. **Adds a request for \$1,276,081 for Ranson Elementary School in the FY2023 CIP.**
5. **Adds a request for \$1,910,688 for Washington High School Auxiliary Gym in the FY2023 CIP.**
6. **Adds a request for \$3,232,660 for a New Middle School in the FY2023 CIP.**

The original FY2023 CIP total funding request is \$2,000,000. The Amendment No. 1 request increases the FY2023 CIP total amount to \$8,174,260; which is less than the \$8,190,777 balance in the Schools impact fee bank account as of August 31, 2022.

The original and amended FY 2023 CIP, Form 1 funding requests are attached.

The Office of Impact Fees recommends approval of the CIP Amendment No. 1 request. Requests for disbursement of impact fee funds will need to be supported by a vendor/contractor's invoice for payment, or a receipt for payment by the school board with a request for reimbursement from impact fees.

Is this a funding request? **No, impact fees are used as funding.**
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 Schools – FY 2023 Capital Improvement Plan - Amendment No. 1 request, as presented.

Attach supporting documents for request, or request may be denied. **(See attached documents as noted above)**

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 Phone Number: 304-728-3257

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

Schools - FY 2023 CIP Amendment No. 1 Request

CIP FORM 1		Jefferson County Government								
		Agency/Department/Office Summary								
Name of Agency, Department or Office		Jefferson County Board of Education								
(1)	(2)	(3)	(4)	(5)	(6)	(7)				
Pri No	PROJECT NAME & DESCRIPTION	EST'D TOTAL COST	ALLOC. SOURCE	CURRENT REQUEST FY	CURRENT ALLOC. OTHER SOURCES	EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
				2023		2024	2025	2026	2027	2028
1	Shepherdstown Elementary School	24,046,459		1,276,081	22,770,378	-	-	-	-	-
2	Ranson Elementary School	23,687,740		1,276,081	22,411,659	-	-	-	-	-
3	Regional Student Support Center (5+ yrs)	17,000,000		469,250	250,750	-	-	-	-	16,280,000
4	High School Auxilliary Gym	3,034,000		1,910,688	1,123,312	-	-	-	-	-
5	New Middle School (10+ yrs)	38,000,000		3,232,660	0	-	-	-	-	-
6	ROTC Wing at Jefferson High School	1,250,000		0	0	-	-	-	-	1,250,000
7	Impact Fee Study	25,000		0	0			25,000		-
8	New High School	59,000,000		0	0	-	-	-	-	-

Schools - Percent Allocation & Amount Available by Capital Category

(Target Allocation % based on 2020 LOS Recalculation Study)

Balance as of 31 August 2022							
Capital Category	2015 Study Allocation Percent	Total Revenue Collected 2022-08-31	Capital Category Allocation %	Capital Category Revenue Allocation	Capital Category Revenue Expended 2022-08-31	August 31, 2022 Capital Category Amount Available	Comments
2015 Study Capital Categories							
Elementary School & Land	Froze as of 09/02/2021 29.2%	\$33,135,009	29.2%	\$9,675,423	\$7,123,260	\$2,552,162	Fund
Middle School/High School & Land and Study	Froze as of 09/02/2021 67.8%	\$33,135,009	67.8%	\$22,465,536	\$15,801,278	\$6,664,258	Fund
Administrative Offices & Maintenance Shop	Froze as of 09/02/2021 3.0%	\$33,135,009	3.0%	\$994,050	\$2,020,200	-\$1,026,150	Capital Category Overspent
			100.0%	\$33,135,009	\$24,944,738	\$8,190,271	Previously Allocated Funds Available. Revenue Collected and Allocations Frozen in Place in 9/02/2021
2021 Study Capital Category							
High Schools & Land Only	Residential Dwelling Unit Fee Set by County Commission 2020 Study Allocation Percent \$1.00 100.0%	\$506	100.0%	\$506	\$0	\$506	Beginning 9/03/2021 Additional Funds Available for High Schools Only.
Grand Total for Schools =				\$33,135,515	\$24,944,738	\$8,190,777	(Total Funds Available)

Balance Projected through 30 June, 2022							
Capital Category	2015 Study Allocation Percent	Projected Total Revenue Collected	Capital Category Allocation %	Capital Category Allocation	Total Expended	June 30, 2022 Projected Capital Category Amount Available	Comments
2015 Study Capital Categories							
Elementary School & Land	Froze as of 09/02/2021 29.2%	\$33,135,009	29.2%	\$9,675,423	\$7,123,260	\$2,552,162	Fund
Middle School/High School & Land and Study	Froze as of 09/02/2021 67.8%	\$33,135,009	67.8%	\$22,465,536	\$15,801,278	\$6,664,258	Fund
Administrative Offices & Maintenance Shop	Froze as of 09/02/2021 3.0%	\$33,135,009	3.0%	\$994,050	\$2,020,200	-\$1,026,150	Do Not Fund
			100%	\$33,135,754	\$24,944,738	\$8,191,016	(Projected Funds Available)
2021 Study Capital Category							
High Schools & Land Only	Residential Dwelling Unit Fee Set by County Commission 2020 Study Allocation Percent \$1.00 100.0%	\$745	100.0%	\$745	\$0	\$745	Funds for High Schools Only
Grand Total for Schools =			100%	\$33,135,754	\$24,944,738	\$8,191,016	(Projected Funds Available)

*Calculated Based on July 16, 2021 Impact Fees Recalculation Report by TischlerBise using the Capital Category LOS Cost Calculations (See Fig. S15)

Impact Fees - Total Expenditures

Figures are from Inception of Impact Fees 01/01/2004 through 8/31/2022

**Schools CIP Project Requisition Expenditures
Approved CY 2006 Through 8/31/2022**

Requisition	Date	Project Name	Capital Category	Amount	
06R0004	12-Dec-06	Washington High School	High School	\$1,390,934.21	
07R0005	16-Jan-07	Washington High School	High School	\$919,077.81	
07R0006	13-Feb-07	Washington High School	High School	\$1,189,987.98	
07R0011	21-Dec-07	Washington High School	High School	\$550,214.76	
08R0012	25-Jan-08	Washington High School	High School	\$703,968.47	
08R0013	25-Feb-08	Washington High School	High School	\$429,653.11	
08R0014	19-Mar-08	Washington High School	High School	\$343,265.81	
08R0015	25-Apr-08	Washington High School	High School	\$93,932.85	
08R0016	30-May-08	Washington High School	High School	\$319,638.40	
08R0017	25-Jun-08	Washington High School	High School	\$1,571,452.10	
08R0018	8/14/2008	Central Elementary School	Elementary School	\$3,256,810.00	
08R0021	26-Aug-08	Washington High School	High School	\$387,874.50	
10R0057	16-Mar-10	New Elementary School at Breckenridge	Elementary School	\$230,000.00	
10R0058	26-Mar-10	South Jefferson Elementary Expansion	Elementary School	\$1,700,000.00	
10R0059	26-Mar-10	Blue Ridge Elementary Expansion	Elementary School	\$1,000,000.00	
11R0063	1-Aug-11	Harpers Ferry Middle School Addition	Middle School	\$1,500,000.00	
12R0081	17-Aug-12	Harpers Ferry Middle School Addition	Middle School	\$1,500,000.00	
13R0087	17-Jun-13	Harpers Ferry Middle School Addition	Middle School	\$2,000,000.00	
14R0100	16-Dec-13	Jefferson County Bus Garage	Admin/Buildings	\$1,000,000.00	
14R0106	24-Jun-14	Harpers Ferry Middle School Addition	Middle School	\$1,000,000.00	
15R0110	11-Feb-15	New Bus Garage	Admin/Buildings	\$1,000,000.00	
17R0122	5-Dec-17	Land Purchase in Ranson and Shepherdstown (Elem Share at 33% of \$2,837,728)	Elem/Middle/High Land	\$936,450.24	Total for 17R0122
17R0122	5-Dec-17	Land Purchase in Ranson and Shepherdstown (Middle/High share at 67% of \$2,837,728)	Elem/Middle/High Land	\$1,901,277.76	\$2,837,728.00
2020 Impact Fee Recalculation Study	6/30/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 3,030.00	
2020 Impact Fee Recalculation Study	7/31/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 2,020.00	
2020 Impact Fee Recalculation Study	8/31/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 4,280.00	
2020 Impact Fee Recalculation Study	10/1/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 7,840.00	
2020 Impact Fee Recalculation Study	10/30/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 1,010.00	
2020 Impact Fee Recalculation Study	1/5/2021	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 1,010.00	
2020 Impact Fee Recalculation Study	8/27/2021	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	Admin/Buildings/Study	\$ 1,010.00	
TOTAL IMPACT FEES EXPENDED				\$24,944,738.00	

Check Date	Description of Proffer and Court Ordered Monies	Amount
13-Jan-05	Charles Town Proffer/School Impact Fee payment.	\$648,164.00
13-Jan-05	Arcadia Building Co. for Norborne Glebe in Charles Town Corp.	\$149,562.00
6-Oct-05	School impact fees payment for Craighill in Charles Town Corp.	\$156,684.00
13-Mar-08	Payment via Court transfer 06-C-45. Includes interest.	\$871,454.07
7-Mar-08	Payment via Court transfer 06-C-45.	\$155,121.00
23-Jul-10	Direct payment via court transfer 06-C-45.	\$711,913.00
		\$2,692,898.07

Elementary School & Land Total Expenditures	\$7,123,260.24
Middle/High School & Land Total Expenditures	\$15,801,277.76
Admin/Office/Shop/Study Total Expenditures	\$2,020,200.00
Total Expenditures	\$24,944,738.00

2020 Impact Fee Recalculation Study	6/30/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	June Fees	\$ 3,030.00
	7/31/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	July Fees	\$ 2,020.00
	8/31/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	August Fees	\$ 4,280.00
	10/1/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	September Fees	\$ 7,840.00
	10/30/2020	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	October Fees	\$ 1,010.00
	1/5/2021	2020 Impact Recalculation Fee Study - Schools and Admin Facilities	December Fees	\$ 1,010.00
	8/27/2021	2020 Impact Recalculation Fee Study - Schools and Admin Facilities		\$ 1,010.00
				\$ 20,200.00

Impact Fees - Total Expenditures

By Entity & Capital Category

Figures are from Inception of Impact Fees 01/01/2004 through 08/31/2022

<u>EntityName</u>	<u>Entity Type</u>	<u>CIP Capital Category</u>	<u>Expenditures</u>
Jefferson County Board of Education	Schools	Elementary School & Land	\$7,123,260
Jefferson County Board of Education	Schools	High/Middle School & Land	\$15,801,278
Jefferson County Board of Education	Schools	Admin/Office/Shop/Study - Bus Garage	\$2,020,200
Jefferson County Board of Education	Schools	High Schools Only as of 09/03/2021	\$0
		Schools Total Expenditures =	\$24,944,738
Sheriff of Jefferson County	Law Enforcement	Vehicles	\$236,454
Sheriff of Jefferson County	Law Enforcement	Equipment	\$18,211
Sheriff of Jefferson County	Law Enforcement	Buildings & Land/Study	\$38,801
		Law Enforcement Total Expenditures =	\$293,466
Jefferson County Parks & Recreation Commission	Parks & Rec	Park Improvements & Facilities/Study	\$1,279,715
Jefferson County Parks & Recreation Commission	Parks & Rec	Park Land	\$313,200
Jefferson County Parks & Recreation Commission	Parks & Rec	Maintenance Equipment & Vehicles	\$90,815
		Parks & Recreation Total Expenditures =	\$1,683,730
Jefferson County Emergency Services	Fire-EMS	Buildings & Land/Study	\$539,200
Jefferson County Emergency Services	Fire-EMS	Vehicles & Equipment	\$1,122,451
		Emergency Services Total Expenditures =	\$1,661,651
		TOTAL =	\$28,583,585
		Expenditure TOTALS by Entity Type	
		Schools	\$24,944,738
		Law Enforcement	\$293,466
		Parks & Recreation	\$1,683,730
		EMS	\$1,661,651
		TOTAL =	\$28,583,585

Need figures in red from Michelle for time period 01/01/2004 thru 08/31/2022 for Schools

<u>Impact Fees - Total Revenue Collected</u>								<u>Projected Revenue</u>						
Time Period: 01/01/2004 - 8/31/2022 (Since the inception of impact fees)														
<u>Account Number</u>	<u>Account/Entity Type</u>	<u>Total Impact Fee Deposits</u>	<u>Escrow Account Interest</u>	<u>Less 06-C-45 Court Transfer Direct to School Board</u>	<u>Less Impact Fee Refunds</u>	<u>Total Revenue (Fees & Interest) as of 8/31/2022</u>	<u>Projected Future Revenue 01/01/2022 thru 8/31/2022 (from Projection Tab)</u>	<u>Total Projected Revenue as of 8/31/2022</u>						
3111776	General Fund	\$ 37,969,734.57	\$40,062.77											
3107582	Schools* (Revenue & Allocations Frozen as of 09/02/2021)	\$ 33,147,440.58	+	\$1,044,285.58	-	\$871,454.07	-	\$185,263.00	=	\$33,135,009.09	+		=	\$33,135,009.09
	Schools (High Schools Only revenue - Begin 9/03/2021)	\$ 506.00	+		-		-		=	\$506.00	+	\$239.00	=	\$745.00
3120120	Law Enforcement	\$ 618,474.27	+	\$15,556.23	-		-	\$2,369.00	=	\$631,661.50	+	\$126,909.00	=	\$758,570.50
3122808	Parks & Rec	\$ 2,139,099.67	+	\$59,881.22	-		-	\$12,043.00	=	\$2,186,937.89	+	\$226,094.00	=	\$2,413,031.89
3122816	Fire & EMS	\$ 1,566,283.86	+	\$69,114.25	-		-	\$7,382.00	=	\$1,628,016.11	+	\$23,900.00	=	\$1,651,916.11
33182570	Admin. Facilities	\$ 5,200.23	+	\$0.43	-		-	\$0.00	=	\$5,200.66	+	\$8,800.00	=	\$14,000.66
Sum of Impact Fee Entity Accounts =		\$ 37,477,004.61	+	\$1,188,837.71	-	\$871,454.07	-	\$207,057.00	=	\$37,587,331.25	+	\$377,142.00	=	\$37,959,272.59

Each year, need Revenue, Interest & Refunds figures from Michelle for time period 01/01/2004 thru 12/31 of current fiscal year.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Dennis Jarvis, II

Department or Organization: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 10 minutes.

Date Requested – 1st Choice: 11/03/22

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **The JCDA requests permission to hire a part-time employee as a social media coordinator.**

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

The JCDA is seeking the approval of the JCC to hire a part-time social media coordinator paid from the JCDA budget to the county.

Is this a funding request? Y/N

If so, how much? \$19,500.00

Provide exact financial impact/request:

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

The Jefferson County Commission approves the request to allow the JCDA to hire a part-time social media coordinator.

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: djarvis@jcda.net

Phone Number: 304-728-3255

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Danny Lutz

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 3, 2022**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Status of the 7-1-3u agreement between Jefferson County, its individual towns and cities, and the State of West Virginia

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

§7-1-3u. Authority of counties and municipalities to treat streams to prevent floods.

To protect people and property from floods, counties and municipalities are hereby empowered to rechannel and dredge streams; remove accumulated debris, snags, sandbars, rocks and any other kinds of obstructions from streams; straighten stream channels; and carry out erosion and sedimentation control measures and programs.

For stream treatment to prevent floods as provided in this section, counties and municipalities are hereby further empowered to levy, within all Constitutional and statutory limitations; acquire property by purchase, exercise of the right of eminent domain, lease, gift or grant; accept any and all benefits, moneys, services and assistance which may be available from the federal and state government or any private source; issue and sell bonds within the Constitutional and statutory limitations prescribed by law for the issuance and sale of bonds by counties and municipalities for public purposes generally. Any such levy shall be equal and uniform throughout the county or municipality. The power and authority granted in this section, may be exercised by any county or municipality in cooperation with each other or separately as provided in section three-i of this article. Any county or municipality which exercises any power or authority set forth in this section shall comply with all applicable provisions of federal and state laws and rules and regulations lawfully promulgated thereunder. The term "stream" as used in this section means any watercourse, whether natural or man-made, distinguishable by banks and a bed, regardless of their size, through which water flows continually or intermittently, regardless of its volume.

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

Jessica Carroll

From: Daniel Lutz <p.lutz007@gmail.com>
Sent: Monday, October 24, 2022 10:59 AM
To: Jessica James
Subject: Re: JCC Agenda Request Form

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

Ms. James:

I should like to request approximately 15 minutes on the agenda for the 3 November 2022 meeting of the Jefferson County Commission. 17 November 2022 is the next best alternative.

I will have a packet of information to share with each member of the commission and the staff. Will ten packets be sufficient to adequately reach everyone?

The subject is the status of the 7-1-3u agreement between Jefferson County, its individual towns and cities, and the State of West Virginia. This probably should have been addressed by the Jefferson County Development Authority.

There will be no request for funds at this discussion. However, the agreement, if properly executed, makes State funds available for the Commission, the towns and cities.

With the blessings of the Commission, we will ask for time in the near future to have WV State Officials come to Jefferson County and explain this program in detail.

Danny Lutz

I do not anticipate requiring any audio-visual equipment for this discussion.

On Mon, Oct 24, 2022 at 10:11 AM Jessica James <jjames@jeffersoncountywv.org> wrote:

Mr. Lutz –

In response to your phone message last week, please see attached for the Jefferson County Commission agenda request form or follow the link below to access the form online.

<https://www.jeffersoncountywv.org/find-it-fast/agenda-request-form>

The County Commission meeting dates & deadlines for November are as follows:

1st Meeting – Thursday, November 3, 2022 at 9:30 am/**Deadline** – Thursday, October 27, 2022 at 12:00 pm

2nd Meeting – Thursday, November 17, 2022 at 6:00 pm/**Deadline** – Thursday, November 10, 2022 at 12:00 pm

Please provide your request by one of those deadlines for your request to be considered.

Please let me know if you have any additional questions.

Thanks,

Jessica

Jessica James

Assistant Deputy County Administrator

Jefferson County Commission

PO BOX 250

Charles Town, WV 25414

(p) – 304-728-3282

(f) – 304-725-7916

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Brenden Craig Agnew**

Department or Organization: **Melvin T. Strider Co., Inc. (funeral home)**

Estimation of amount of time needed for appointment: **Ten (10) minutes**

Date Requested – 1st Choice: **November 3, 2022**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: **Next meeting (November 17, 2022)**

Subject (*Wording to be placed on agenda*): **Request for funding for triple cot roll-in mortuary cooler**

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

Is this a funding request? **YES**
If so, how much? **\$10,535.58 plus shipping (\$2,238)**
Provide exact financial impact/request: **\$12,680**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
Commissioner _____ moved to approve the request of Melvin T. Strider Co., Inc. for funding in the amount of \$12,680 to acquire triple cot roll-in mortuary cooler.

Attach supporting documents for request, or request may be denied.
If not attached, explain: **Please see attached.**

Is equipment needed? Projector **NO** Internet/Wi Fi **NO** Telephone for conference call **NO**

Contact information: **Brenden Craig Agnew**
Email address: craigagnew@mtstrider.com Phone Number: **304-725-7068**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Melvin T. Strider Co., Inc.

Colonial Funeral Home

Family Owned

P.O. Box 388, Charles Town, WV 25414

304-725-7068

Licensee in Charge * Brenden C. Agnew

October 26, 2022

Jefferson County Commission
124 East Washington St.
Charles Town, WV 25414

Dear President and Members of the Commission:

This letter is to request the financial support of the Jefferson County Commission to purchase a triple cot roll-in mortuary cooler (Model TR3). We received a call a few weeks ago from Jefferson County Medical Examiner Donald Shirley asking if our funeral home would consider putting a mortuary cooler in our facility to help accommodate the increasing needs of our growing county and community. It is our understanding that the County Commission provided funds for similar units at another local funeral home a few years ago.

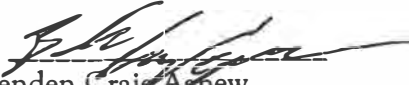
In support, please find attached the following:

1. Letter from Sheriff Hanson; and
2. Material describing the triple cot roll-in mortuary cooler (Model TR3) we propose to acquire and install.

Thank you for your consideration. Please let us know if you have any questions or need additional information.

Very truly yours,

MELVIN T. STRIDER CO., INC.

By 
Brenden Craig Agnew,
Licensee in Charge

Enclosures (as stated)

cc: Donald Shirley, Medical Examiner
Sheriff Hanson
Matt Harvey, Prosecuting Attorney



Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office
102 Industrial Blvd.
Kearneysville, WV 25430
304-728-3205
Fax 304-728-3299

Tax Office
PO Box 9
Charles Town, WV 25414
304-728-3220
Fax 304-728-4034

October 19, 2022

F. Samuel Byrer
Melvin T. Strider Funeral Home
VIA EMAIL
fsamuelbyrer@frontiernet.net

Re: Letter of Support

Mr. Byrer:

It is my understanding the Medical Examiners have requested that your facility provide additional refrigeration space for the housing of bodies related to calls for service that their office has been asked to respond to.

The Jefferson County Sheriff's Office fully supports your request for funding to provide additional refrigeration units for the housing of the deceased members and visitors to the community. Having only one facility to accommodate these needs can create a hardship for the facility and the community at large. Your willingness to step up to fill a void is commended and appreciated. It is this office's sincere hope that the County will be able to provide you some sort of assistance in funding this project.

Sincerely,


Thomas H. Hansen
Sheriff of Jefferson County



Show order summary ▾

\$12,680.00

[Cart](#) > [Information](#) > [Shipping](#) > [Payment](#)

Contact

[Change](#)

craigagnew@mtstrider.com

Ship to

[Change](#)

Melvin T. Strider Colonial Funeral Home, 310 SOUTH FAIRFAX BOULEVARD
RANSON WEST VIRGINIA 25438, RANSON WV 25438, United States

Shipping method

Shipping

\$2,238.00

[Continue to payment](#)

[Return to information](#)

[Refund policy](#) [Shipping policy](#) [Privacy policy](#) [Terms of service](#)

From: Melvin T Strider Funeral Home 304 724 7811 10/26/2022 10:22 #494 P.001/001

Triple Cot *ROLL-IN* Cooler

Holds Up To 3 Oversized Cots

MODEL #AMC TR3

Optional Accessories

Lockable Door Handle - \$119.00

Can hold 3 dressing tables or 3 cots, features a 63" door opening. Simply open the door, and roll in. No lifts needed. This unit cannot be shipped assembled. A forklift is required for off-load on the model #TR3 (provided by the customer). Simple customer install instructions included.

MINIMUM HEIGHT REQUIREMENT
7'5"



SCI VENDOR ID # 4566371
FOUNDATION PARTNERS VENDOR # 0000012852
CARRIAGE SERVICES VENDOR ID: AMERICAN MORTUARY COOLERS



Scan QR code for Terms & Services



Choose Left or Right Door Hinge. Specify When Ordering

*Cots not included
*FLOORLESS Installs on existing concrete surface

Compressor Specifications:

H: 15.3" W: 24.1" L: 24.4"	
Weight of compressor: 92 lbs.	
Voltage: 115 v/1 phase/ 60 Hz	
Amps: 7.0	BTU: 2,520
CFM: 180	Ref. Type R448A
Power Cord Length: 3'	
Average Operating Temperature: 35° - 43° F	
Ambient Temperature 95° F If your room temperature reaches 95° F you must purchase a larger BTU compressor. This is not included in the base price.	

15 Year Panel Warranty

5 Year Compressor Warranty



Internal/External Specifications:

External (O.D.): 8' 1" x 7' 4" x 5' 0" - w x d x h
Internal (I.D.): 7' 6 1/4" x 6' 9 1/4" x 4' 8 5/8" - w x d x h
Capacity: Holds up to 3 bodies
Door Opening: 63" Wide x 51" High (Includes inside emergency release handle).
Floor: No floor needed, unit installs on top of a hard surface floor, concrete, tile, or any other masonry based floor. The weight of the compressor, walls, ceilings, and doors proportion the weight appropriately.

Plugs Into Standard Outlet

No Drain Line Needed

Shipping charges and applicab e tax are not included
When selecting factory assemb ree to provide a forklift for off loading
No exceptions to this policy. F r f st be capable of lifting 1500 lbs.



TOLL FREE: 1-888-792-9315 • MYMORTUARYCOOLER.COM



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Jacki Shadle**
Department or Organization: **County Clerk**
Estimation of amount of time needed for appointment: 15 minutes
Date Requested – 1st Choice: **November 3, 2022**
If a specific date is needed, please provide reason for specific date:
Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):
1. Correct the classification of County Clerk employees
2. Discussion of the financial duties handled by the County Clerk
3. Discussion of Policy 319

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

Is this a funding request? Y/N
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

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nathan Cochran**

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 3, 2022**

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

Date Requested – 2nd Choice: **November 17, 2022**

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

- a. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103 and WV Supreme Court No.'s 21-0727, 21-0728, and 21- 0731.
- b. Report on Jefferson County Circuit Court case number 2022-C-48.
- c. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).

Is this a funding request? **No**

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

Provide exact financial impact/request:

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Bob Burner**

Department or Organization: **JCESA**

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

Date Requested – 1st Choice: **Nov. 3, 2022**

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

Date Requested – 2nd Choice:

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

- **Provide monthly update to the JCC on the progress of the EMS transition**
 - **Obtain direction from the JCC regarding contracts for space use**

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: **bburner@jcesa.org**

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Liz Cook

Department or Organization:

City of Charles Town

Estimation of amount of time needed for appointment:

5 minutes

Date Requested – 1st Choice:

If a specific date is needed, please provide reason for specific date.

NOV 3, or next available

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

Holiday Decoration Request

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

The city of Charles Town is requesting funds to purchase Holiday Garland for the Courthouse

Is this a funding request? YES NO

If so, how much?

\$

Provide exact financial impact/request: \$ 3797

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: ecoocke@charlestown.wv.us Phone Number: 304-270-0174

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not used

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: John Nissel, County Administrator

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 3, 2022**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **County Administrator Reports**

- ↓ **Review and Approval of Ambulance Equipment & Supplies Purchase**
- ↓ **Transfer of Signatory**
- ↓ **LG P-Card Information Request**
- ↓ **Discussion of Finance Director Job Description**

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



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **June 16, 2022** → **November 3, 2022**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

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

- Review and Approval of Ambulance equipment and supplies Purchase

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

- Review and approval of the purchase of emergency medical supplies (Requisition 23038) and related equipment from Shepherdstown Volunteer Fire Department in the amount of \$51,684.13. Funding is recommended to be provided from the ARPA Grant fund as this public safety equipment is an eligible ARPA grant expense.

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*):

- Motion to approve Requisition 23038 for the purchase of an Ambulance equipment and supplies in the amount of \$51,684.13 funded by ARPA Grant funds.

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



Bill To COUNTY COMMISSION 124 EAST WASHINGTON ST PO BOX 250 CHARLES TOWN, WV 25414 INFO@JEFFERSONCOUNTYWV.ORG	Requisition 00023038-00 FY 2023 Acct No: 207715.434100.ARP48 Review: Buyer: Status: Released	Page 1
---	---	--------

Vendor 55-6022120 SHEPHERDSTOWN FIRE COMPANY PO BOX F SHEPERDSTOWN, WV 25443	Ship To COUNTY COMMISSION 124 EAST WASHINGTON ST PO BOX 250 CHARLES TOWN, WV 25414 INFO@JEFFERSONCOUNTYWV.ORG
---	--

Date Ordered	Vendor Number	Date Required	Ship Via	Terms	Department
10/28/22	028008				COUNTY COMMISSION

LN Description / Account	Qty	Unit Price	Net Price
001 SHEPHERDSTOWN FIRE CO EMS SUPPLY ROOM INVENTORY	1.00 EACH	51684.13000	51684.13
1 207715.434100.ARP48		51684.13	

[Requisition Link](#) Requisition Total 51684.13

***** General Ledger Summary Section *****

Account	Amount	Remaining Budget
207715.434100.ARP48	51684.13	
AMBULANCE AUTHORITY		MATERIALS AND SUPPLIES

***** Approval/Conversion Info *****

Activity	Date	Clerk	Comment
Cancelled	10/28/22	Michelle Gordon	GL Allocation changed
Forward	10/28/22	Michelle Gordon	Automatic Forward to crezmer
Approved	10/28/22	Michelle Gordon	
Approved	10/28/22	Michelle Gordon	
Approved	10/28/22	Michelle Gordon	
Forward	10/28/22	Sandra McDonald	Automatic Forward to jnisel
Queued	10/28/22	CINDY REZMER	Automatic Forward to jnisel
Queued	10/28/22	JOHN NISSEL	Automatic Forward to jnisel
Pending		Vivian Fields	Automatic Forward to jnisel
Pending		JESSICA JAMES	Automatic Forward to jnisel

Qty	Item	Vendor	Cost/Ea	WVOEMS Req Qty	Total Cost	Notes
63	10 Drop IV Set	McKesson	\$8.49	4	\$534.87	
52	10 mL Syringe	McKesson	\$0.30	2	\$15.60	
45	10" x 30" Trauma Dressing	McKesson	\$3.67	2	\$165.15	
12	100 mm OPA	McKesson	\$0.52		\$6.24	
9	110 mm OPA	McKesson	\$0.52		\$4.68	
29	14 Gauge IV Catheter	McKesson	\$1.77	4	\$51.33	
8	14Fr NPA	McKesson	\$3.60		\$28.80	
7	15 ml drop set	McKesson	\$4.02		\$28.14	
92	16 Gauge IV Catheter	McKesson	\$1.77	4	\$162.84	
17	16Fr NPA	McKesson	\$2.10		\$35.70	
14	18 fr NPA	McKesson	\$3.49		\$48.86	
37	18 Gauge IM Needle	McKesson	\$0.06	2	\$2.22	
62	18 Gauge IV Catheter	McKesson	\$1.77	4	\$109.74	
142	18G needles bluntfill	McKesson	\$0.24		\$34.08	
67	1mL Syringe	McKesson	\$0.17	2	\$11.39	
9	20 fr NPA	McKesson	\$3.49		\$31.41	
29	20 Gauge IV Catheter	McKesson	\$2.60	4	\$75.40	
14	20 mL Syringe	McKesson	\$0.37	2	\$5.18	
52	20G needles	McKesson	\$0.07		\$3.64	
15	21G x 1in needles	McKesson	\$0.07		\$1.05	
6	22 fr NPA	McKesson	\$6.19		\$37.14	
28	22 Gauge IV Catheter	McKesson	\$1.77	4	\$49.56	
15	22G x 1/2 needle	McKesson	\$0.07		\$1.05	
10	24 fr NPA	McKesson	\$2.95		\$29.50	
33	24 Gauge IV Catheter	McKesson	\$1.77	4	\$58.41	
0	25 Gauge IM Needle	McKesson	\$0.07	2	\$0.00	
13	26 fr NPA	McKesson	\$2.10		\$27.30	
0	27G needles	McKesson	\$0.07		\$0.00	
14	28 fr NPA	McKesson	\$6.19		\$86.66	
147	2x2's	McKesson	\$0.04	4	\$5.88	
20	3 mL Syringe	McKesson	\$0.18	2	\$3.60	
13	30 fr NPA	McKesson	\$6.19		\$80.47	
19	32 fr NPA	McKesson	\$3.45		\$65.55	
16	34 fr NPA	McKesson	\$6.19		\$99.04	
11	36 fr NPA	McKesson	\$6.19		\$68.09	
13	40 mm OPA	McKesson	\$0.52		\$6.76	
181	4x4	McKesson	\$0.12	24	\$21.72	

43	5 ml syringes	McKesson	\$0.19		\$8.17	
16	50 mm OPA	McKesson	\$0.52		\$8.32	
7	60 cc Syringe with Irrigation tip	McKesson	\$1.20	2	\$8.40	
4	60 drop IV Set	McKesson	\$3.79	4	\$15.16	
72	60 mL Syringe	McKesson	\$0.52	2	\$37.44	
16	60 mm OPA	McKesson	\$0.52		\$8.32	
13	70 mm OPA	McKesson	\$0.52		\$6.76	
19	80 mm OPA	McKesson	\$0.52		\$9.88	
48	8x10 ABD Pad	McKesson	\$0.64	2	\$30.72	
10	90 mm OPA	McKesson	\$0.52		\$5.20	
17	ACE Bandage	McKesson	\$2.03	1	\$34.51	
23	Adhesive Tape 1"	McKesson	\$1.09	2	\$25.07	
13	Adhesive Tape 2"	McKesson	\$2.16	2	\$28.08	
4	Adult Body Bag	McKesson	\$13.85	1	\$55.40	
23	Adult Bougie	McKesson	\$7.55	1	\$173.65	
3	Adult Colormetric	McKesson	\$14.50		\$43.50	
8	Adult Headblocks	BoundTree	\$4.71		\$37.68	
0	Adult Nasal Cannula	McKesson	\$0.38	4	\$0.00	
66	Adult Non-Rebreather	McKesson	\$2.31	4	\$152.46	
8	adult T-Piece Neb	McKesson	\$1.54		\$12.32	
10	Adult Tube Holders	McKesson	\$4.87		\$48.70	
19	Albuterol	McKesson	\$0.21	4	\$3.99	
62	Albuterol/Ipratropium Bromide	McKesson	\$0.43	4	\$26.66	
120	Alcohol Prep	McKesson	\$0.02	14	\$2.40	
5	Aspirin	McKesson	\$2.78	1	\$13.90	
11	Backboard	McKesson	\$166.99	2	\$1,836.89	
29	BAM devices	McKesson	\$12.72		\$368.88	
290	Band-aids	McKesson	\$0.04	4	\$11.60	
4	Basins	McKesson	\$1.00		\$4.00	
9	Bedpan	McKesson	\$2.44	1	\$21.96	
4	Biohazard Bags	McKesson	\$14.54	2	\$58.16	
6	Blankets	McKesson	\$26.32	2	\$157.92	No ED blankets, but emergency blankets
3	Blood Pressure Cuff (Kit)	McKesson	\$261.19	1	\$783.57	
6	blue Tourniquets	McKesson	\$24.55		\$147.30	
5	BP cuff Large	McKesson	\$35.97		\$179.85	
0	BP Cuff medium	McKesson	\$31.18		\$0.00	
17	Burn Sheet	McKesson	\$3.42	2	\$58.14	
11	BVM Adult	McKesson	\$16.67	1	\$183.37	

5	BVM Child	McKesson	\$17.63	1	\$88.15
4	BVM Infant	McKesson	\$17.63	1	\$70.52
3	BVM Neonatal Mask	McKesson	\$6.32	1	\$18.96
14	C-Collar Adult	McKesson	\$8.58	2	\$120.12
22	C-Collar Pediatric	McKesson	\$8.58	2	\$188.76
13	Cervical Immobilization Device	McKesson	\$13.05	2	\$169.65
8	Chemical Lightstick or Reflective Triangle	BoundTree	\$1.90	3	\$15.20
8	Chest Seal	McKesson	\$27.18		\$217.44
11	Coban	McKesson	\$3.08		\$33.88
29	Cold Pack	McKesson	\$0.99	4	\$28.71
9	Commerical Tourniquet	McKesson	\$30.86	2	\$277.74
8	CPAP Large Adult	Teleflex	\$63.75	1	\$510.00
8	CPAP Small/Medium	Teleflex	\$63.75	1	\$510.00
10	Defibrillation Pads (Adult)	McKesson	\$56.78	2	\$567.80
7	Defibrillation Pads (Pediatric)	McKesson	\$42.65	2	\$298.55
6	Disinfectant	McKesson	\$4.74	1	\$28.44
2	Dog O2 Masks	Amazon	\$99.99		\$199.98
20	Electrodes	McKesson	\$9.53		\$190.60
1	Emergency Response Guide	McKesson	\$10.50	1	\$10.50
250	Emesis Bag	McKesson	\$1.56	4	\$390.00
15	Epinephrine 1:1,000	McKesson	\$12.89	2	\$193.35
17	EtCO2 Inline	McKesson	\$24.74	2	\$420.58
37	EtCO2 Nasal Cannula Adult	McKesson	\$24.31	2	\$899.47
45	EtCO2 Nasal Cannula Pediatric	McKesson	\$21.19	2	\$953.55
6	ETT 2.0	McKesson	\$2.15		\$12.90
6	ETT 2.5	McKesson	\$5.20	2	\$31.20
5	ETT 3.0	McKesson	\$2.01	1	\$10.05
7	ETT 3.5	McKesson	\$2.26	1	\$15.82
8	ETT 4.0	McKesson	\$2.26	1	\$18.08
7	ETT 4.5	McKesson	\$2.26	1	\$15.82
9	ETT 5.0	McKesson	\$3.37	1	\$30.33
10	ETT 5.5	McKesson	\$2.26	1	\$22.60
9	ETT 6.0	McKesson	\$2.26	1	\$20.34
9	ETT 6.5	McKesson	\$2.26	1	\$20.34
13	ETT 7.0	McKesson	\$3.37	1	\$43.81
10	ETT 7.5	McKesson	\$3.37	1	\$33.70
11	ETT 8.0	McKesson	\$3.12	1	\$34.32
12	ETT 8.5	McKesson	\$3.37	1	\$40.44

9	ETT 9	McKesson	\$3.37	1	\$30.33
33	Exam Gloves Extra Large (box)	McKesson	\$29.06	1	\$958.98
44	Exam Gloves Large (box)	McKesson	\$32.77	1	\$1,441.88
35	Exam Gloves Medium (box)	McKesson	\$30.44	1	\$1,065.40
42	Exam Gloves Small (box)	McKesson	\$30.44	1	\$1,278.48
8	Extremity Splint 15"	BoundTree	\$4.79	2	\$38.32
13	Extremity Splint 36"	BoundTree	\$7.49	2	\$97.37
13	Extremity Splint 54"	BoundTree	\$10.09	2	\$131.17
5	EZ IO Driver	Teleflex	\$299.00	1	\$1,495.00
1	Fire Extinguisher 5 lb, 2A-10BC	Firestore	\$72.00	1	\$72.00
5	Fixed Sharps Container	McKesson	\$6.15	1	\$30.75
0	Flashlights	McKesson	\$10.88	2	\$0.00
6	Flares	Firestore	\$2.75		\$16.50
0	Gloves (Leather or Extrication)	McKesson	\$4.98	2	\$0.00
9	Glucometer	McKesson	\$0.78	1	\$7.02
12	Glucometer Strips	McKesson	\$32.77	1	\$393.24
100	Hand Sanitizer	McKesson	\$8.50	1	\$850.00
8	Helmet	Firestore	\$155.99	2	\$1,247.92
12	Hemostatic Dressing	McKesson	\$44.50	1	\$534.00
53	HEPA Filters	McKesson	\$0.95		\$50.35
0	High Visibility Vest	Firestore	\$24.39	2	\$0.00
49	Hot Pack	McKesson	\$2.02	4	\$98.98
2	i-gel holders	BoundTree	\$5.89		\$11.78
7	IO Needle 15 mm	Teleflex	\$133.00	2	\$931.00
11	IO Needle 25 mm	Teleflex	\$133.00	2	\$1,463.00
6	IO Needle 45 mm	Teleflex	\$133.00	2	\$798.00
9	IO Stablizers	Teleflex	\$10.00		\$90.00
36	IV Saline Lock	McKesson	\$2.39	4	\$86.04
42	IV Start Kits	McKesson	\$1.19	4	\$49.98
1	KED board	BoundTree	\$90.99	1	\$90.99
450	Lancets	McKesson	\$0.21	4	\$94.50
6	Laryngoscope Handle	McKesson	\$80.75	1	\$484.50
0	light bulbs for ET blades	McKesson	\$3.35		\$0.00
4	Long SAM splints	McKesson	\$12.56		\$50.24
162	Lubricate packs	McKesson	\$0.10		\$16.20
4	Manual Suction Device	McKesson	\$134.00		\$536.00
4	Mac 1	McKesson	\$7.46	1	\$29.84
4	Mac 2	McKesson	\$7.46	1	\$29.84

6	Mac 3	McKesson	\$4.33	1	\$25.98
7	Mac 4	McKesson	\$7.46	1	\$52.22
2	Magill Forceps Adult	McKesson	\$22.26	1	\$44.52
2	Magill Forceps Pediatric	McKesson	\$22.26	1	\$44.52
7	Meconium Aspirator	McKesson	\$7.60	1	\$53.20
4	Mega Movers	BoundTree	\$32.99		\$131.96
4	Miller 0	McKesson	\$7.46	1	\$29.84
5	Miller 1	McKesson	\$7.46	1	\$37.30
5	Miller 2	McKesson	\$7.46	1	\$37.30
4	Miller 3	McKesson	\$4.33	1	\$17.32
6	Miller 4	McKesson	\$7.46	1	\$44.76
9	Monitor Paper	McKesson	\$12.63		\$113.67
105	N95	McKesson	\$0.96	4	\$100.80
2	Narcan Kit (pouch)	McKesson	\$2.50		\$5.00
26	Naloxone	McKesson	\$36.89	2	\$959.14
21	Nasal Atomizer	McKesson	\$7.75	2	\$162.75
0	Nasopharyngeal Airway (Kit)	McKesson	\$46.37	4	\$0.00
60	Nebulizer Mask	McKesson	\$2.79	2	\$167.40
8	Needle Decompression Adult	McKesson	\$9.63	2	\$77.04
0	Needle Decompression Pediatric	McKesson	\$6.60	2	\$0.00
120	Needleless PRN Connectors	McKesson	\$1.33		\$159.60
2	Nitroglycerin Spray	McKesson	\$230.33	1	\$460.66
3	Nitroglycerin Tablets	McKesson	\$17.30		\$51.90
28	Normal Saline 1,000 mL	McKesson	\$4.25	4	\$119.00
8	OB Kits	McKesson	\$12.60	2	\$100.80
14	Occlusive Dressing	McKesson	\$1.48	2	\$20.72
14	Oral Glucose	McKesson	\$2.54	2	\$35.56
0	Oropharyngeal Airway (Kit)	McKesson	\$9.06	1	\$0.00
0	Pedi Neb Mask	McKesson	\$2.77		\$0.00
2	PEDI Wheel	McKesson	\$36.29	1	\$72.58
2	Pediatric Bag Contents	Armstrong	\$1,055.00		\$2,110.00
2	Pediatric Backboard	McKesson	\$232.32	1	\$464.64
0	Pediatric Body Bag	McKesson	\$17.47		\$0.00
4	Pediatric Bougie	McKesson	\$13.45	1	\$53.80
0	Pediatric Colorimetric	McKesson	\$14.89		\$0.00
3	Pediatric Headblocks	BoundTree	\$4.71		\$14.13
17	Pediatric Nasal Cannula	McKesson	\$1.15	4	\$19.55
30	Pediatric Non-Rebreather	McKesson	\$2.75	4	\$82.50

14	Pediatric Tube Holders	McKesson	\$4.48		\$62.72
12	Pediatric IV Mate	McKesson	\$1.27		\$15.24
8	PEEP Valve	McKesson	\$6.27	1	\$50.16
11	pen light	McKesson	\$3.83		\$42.13
0	Percutaneous Airway Kit	McKesson	\$174.47	1	\$0.00
0	Pillow	McKesson	\$8.91	1	\$0.00
43	Portable Sharps Container	McKesson	\$3.97	1	\$170.71
1	Portable Suction Unit	McKesson	\$948.25	1	\$948.25
8	Portable Suction Unit Canister	McKesson	\$12.48	1	\$99.84
2	Pressure Bag for IV	McKesson	\$18.48	1	\$36.96
20	Protective Eyewear **Meets additional Item Required by WVOEMS**	McKesson	\$1.25	4	\$25.00
60	Protective Gowns	McKesson	\$2.70	4	\$162.00
4	Pulse Oximeter Adult	McKesson	\$483.71	1	\$1,934.84
2	Pulse Oximeter Pediatric	McKesson	\$18.09	1	\$36.18
10	razors	McKesson	\$0.61		\$6.10
2	Electric Razor	McKesson	\$7.29		\$14.58
4	Electric Razor Refill	McKesson	\$3.23		\$12.92
6	Reeves Sleeves	BoundTree	\$362.99		\$2,177.94
2	Ring Cutter	McKesson	\$27.47	1	\$54.94
48	Rolled Gauze	McKesson	\$2.91	8	\$139.68
12	Salem Sump 10 French	McKesson	\$2.99		\$35.88
13	Salem Sump 12 French	McKesson	\$2.95	1	\$38.35
9	Salem Sump 14 French	McKesson	\$2.99		\$26.91
8	salem sump 16 french	McKesson	\$2.94		\$23.52
8	Salem Sump 18 French	McKesson	\$3.02	1	\$24.16
6	Salem Sump 8 French	McKesson	\$10.80	1	\$64.80
89	Saline Flushes	McKesson	\$1.03	4	\$91.67
4	Santicroths	McKesson	\$9.41		\$37.64
2	Scene Tape	Firestore	\$19.99	1	\$39.98
0	Sheets	McKesson	\$10.65	4	\$0.00
4	Short SAM splints	McKesson	\$10.61		\$42.44
2	Size 2.5 King	McKesson	\$62.78		\$125.56
8	Size 3 King	McKesson	\$38.05		\$304.40
8	Size 4 King	McKesson	\$39.44		\$315.52
9	Size 5 King	McKesson	\$34.15		\$307.35
8	Soft Restraints	McKesson	\$5.28	2	\$42.24
4	Spilder Straps	McKesson	\$121.39	2	\$485.56
7	Sterile Water 250 mL	McKesson	\$2.32		\$16.24

4	Sterile Water 500 mL	McKesson	\$2.71	4	\$10.84
10	Stethoscope	McKesson	\$8.31	1	\$83.10
6	stylets	McKesson	\$4.13		\$24.78
4	Stylet - glow in dark	McKesson	\$4.13		\$16.52
21	Suction Canister for on board suction unit	McKesson	\$5.67	1	\$119.07
10	suction cath 12 french	McKesson	\$0.76		\$7.60
6	suction cath 16 french	McKesson	\$0.95		\$5.70
6	suction cath 18 french	McKesson	\$0.82		\$4.92
8	suction cath 8 french	McKesson	\$0.86		\$6.88
10	Suction Catheter 10 French	McKesson	\$0.65	2	\$6.50
7	Suction Catheter 14 French	McKesson	\$0.65	2	\$4.55
4	Suction Catheter 6 French	McKesson	\$0.29	2	\$1.16
8	suction cups for lucas	McKesson	\$68.36		\$546.88
5	Suction Tubing	McKesson	\$3.03	2	\$15.15
57	Suction Tubing with Yankauer	McKesson	\$2.19		\$124.83
6	Supraglottic I-Gel Size 1	McKesson	\$19.34	1	\$116.04
6	Supraglottic I-Gel Size 1.5	McKesson	\$19.34	1	\$116.04
6	Supraglottic I-Gel Size 2	McKesson	\$19.34	1	\$116.04
6	Supraglottic I-Gel Size 2.5	McKesson	\$19.34	1	\$116.04
6	Supraglottic I-Gel size 3	McKesson	\$28.41	1	\$170.46
6	Supraglottic I-Gel size 4	McKesson	\$28.41	1	\$170.46
6	Supraglottic I-Gel size 5	McKesson	\$28.41	1	\$170.46
50	Surgical Masks	McKesson	\$10.17		\$508.50
5	Thermal Blanket	McKesson	\$3.37	1	\$16.85
2	Electric Thermometer	McKesson	\$470.76		\$941.52
3	Thermometer (digital)	McKesson	\$14.88	1	\$44.64
82	Thermometer Covers	McKesson	\$1.95		\$159.90
0	Towels	McKesson	\$2.78	2	\$0.00
4	Traction Splint Adult	BoundTree	\$225.99	1	\$903.96
2	Traction Splint Pediatric	BoundTree	\$216.99	1	\$433.98
17	Trauma Shears	McKesson	\$4.13	1	\$70.21
1	Trauma Shears Raptors	Leatherman	\$89.95		\$89.95
6	Triage Tags	McKesson	\$1.71	25	\$10.26
6	Triage Tape (Blue)	McKesson	\$4.80	1	\$28.80
6	Triage Tape (Red/Yellow/Green/Black)	McKesson	\$25.51	1	\$153.06
27	Triangular Bandages	McKesson	\$0.84	4	\$22.68
5	Tylenol	McKesson	\$4.85	1	\$24.25
10	Urinal	McKesson	\$0.75	1	\$7.50

1	Video Laryngoscope	McKesson	\$3,538.04	1	\$3,538.04
88	Vacutainer	McKesson	\$0.10		\$8.80
1	WV Protocols (Electronic)	State of WV	\$0.00	1	\$0.00
32	Zofran ODT	McKesson	\$0.25	2	\$8.00
4	Seville 8-Tier NSF 24-Bin Rack 36" x 14.25" X 63.5"	Seville Classics	\$229.99		\$919.96
Total					\$51,684.13

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **SWaN Investors**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 3, 2022**

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

Date Requested – 2nd Choice:

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

↓ PUBLIC HEARING on the application regarding creation of the County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District, pursuant to Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the "Act"), respecting the application regarding the creation of the Excise TIF District.

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



Public Hearing scheduled
11/3/22 @ 6pm

Name: Laurel Ziemianski

Department or Organization: Hill Top House Hotel

Estimation of amount of time needed for appointment: 60 mins

Date Requested – 1st Choice: **October 6, 2022**

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

Date Requested – 2nd Choice: **Next mtg**

Subject (*Wording to be placed on agenda*): Submittal and discussion of the Hill Top House Hotel EODD TIF draft application

Please provide the County Commission with a description of your request or presentation, including any background information: We are starting the EODD process with the submittal of the draft application to the Commissioners. Please consider and act upon a proposed Resolution regarding the setting of a public hearing date with respect to the proposed creation of an Economic Opportunity Development District to be known and designated as "Hill Top House Hotel Economic Opportunity Development District," approving the form of public hearing notice to be published in connection with the same and matters relating thereto.

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*):

To consider and act upon a proposed Resolution regarding the setting of a public hearing date with respect to the proposed creation of an Economic Opportunity Development District to be known and designated as "Hill Top House Hotel Economic Opportunity Development District," approving the form of public hearing notice to be published in connection with the same and matters relating thereto.

Attach supporting documents for request, or request may be denied. If not attached, explain:

Attached are the Proposed Resolution setting the public hearing date to be considered for approval by the Commission and Draft Application compiled with exhibits.

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

Contact information: Laurel Ziemianski

Email address: lziemianski@swaninvestors.com

Phone Number: 703-728-4160

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Resolution Regarding Public Hearing - Excise TIF

RESOLUTION

WHEREAS, The County Commission of Jefferson County, West Virginia (the “County Commission”) is authorized by the County Economic Opportunity Development District Act, Chapter 7, Article 22 of the Code of West Virginia 1931, as amended (the “Act”) to create Economic Opportunity Development Districts, to approve Economic Development District projects, to issue bonds or notes to finance development expenditures and other costs permitted by the Act and to take other actions as are necessary or desirable to stimulate the construction, supplementation, reconstruction and repair of structures and facilities in undeveloped, underdeveloped or seriously deteriorated areas within Jefferson County, West Virginia (the “County”), which will serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the State of West Virginia all as more fully set forth in the Act;

WHEREAS, SWaN Hill Top House Hotel, LLC (the “Developer”) has requested that the County Commission consider the creation and establishment of an Economic Opportunity Development District to be known and designated as “Hill Top House Hotel Economic Opportunity Development District” (the “Excise TIF District”);

WHEREAS, the Developer has provided certain information regarding the proposed Excise TIF District, including the proposed boundaries, to the County Commission for its review and consideration;

WHEREAS, the County Commission anticipates receiving for its review and consideration for approval and submission to the West Virginia Department of Economic Development and the West Virginia Legislature an application for approval of an Economic Opportunity Development District Project for the proposed Excise TIF District;

WHEREAS, the County Commission recognizes the potential of the Excise TIF District to stimulate the construction, supplementation, reconstruction and/or repair of modern and modernized structures and facilities in an undeveloped or underdeveloped area of the County, thereby stimulating economic growth and job creation in the County, which would serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the County and State as provided for in the Act; and

WHEREAS, the Developer has requested that the County Commission, under and pursuant to the Act, hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the Excise TIF District and its proposed boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other required actions, that the County Commission will consider for approval the Economic Opportunity Development District Application (the “Application”) and, if approved, will submit the Application to the West Virginia Department of Economic Development and the West Virginia Legislature for consideration and obtain all other necessary approvals.

2. The County Commission recognizes the potential of the Excise TIF District to stimulate the construction, supplementation, reconstruction and/or repair of modern and modernized structures and facilities in an undeveloped or underdeveloped area of the County and State, thereby stimulating economic growth and job creation in the County, which would serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the County and State as provided for in the Act.

3. The County Commission hereby sets a public hearing regarding the proposed creation of the Excise TIF District for November 3, 2022, at 6:00 p.m. prevailing time (or as soon thereafter on such date as the matter may be heard).


4. The County Commission hereby approves for publication, under and in accordance with the applicable provisions of the Act that certain Notice of Public Hearing, substantially in the form attached hereto as Exhibit A and incorporated herein by reference.

5. This Resolution is effective immediately upon adoption.

[Signature Page Follows]

Adopted this October 6, 2022.

THE COUNTY COMMISSION OF JEFFERSON
COUNTY

By: 

Its President

CERTIFICATION

The undersigned, being the duly qualified, elected and acting Clerk of The County Commission of Jefferson County, does hereby certify that the foregoing Resolution was duly adopted by the County Commission, at a regular meeting duly held, pursuant to proper notice thereof, on October 6, 2022, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this October 6, 2022.

By: 
Name: Jacqueline C. Shadle
Title: County Clerk

EXHIBIT A

[TO BE PUBLISHED IN THE *SPIRIT OF JEFFERSON – FARMER'S ADVOCATE*
ON _____, _____, 2022]

NOTICE OF PUBLIC HEARING

**APPLICATION REGARDING CREATION OF
THE COUNTY COMMISSION OF JEFFERSON COUNTY
HILL TOP HOUSE HOTEL ECONOMIC OPPORTUNITY DEVELOPMENT
DISTRICT**

A public hearing will be held at a regular meeting of The County Commission of Jefferson County, West Virginia (the "County Commission"), on Thursday, November 3, 2022, at 6:00 p.m. (or as soon thereafter on such date as the matter may be heard) at the Jefferson County Meeting Room located in the basement of the Old Charles Town Library at 200 East Washington Street, Charles Town, WV, and at such hearing any interested person may appear and present comments, protests, suggestions and otherwise express their views respecting an application regarding the creation of an Economic Opportunity Development District to be designated as "Hill Top House Hotel Economic Opportunity Development District" (the "Excise TIF District") in Jefferson County, West Virginia, and the approval of an Excise TIF District project (the "Project"). All comments, protests, suggestions and views shall be heard, and the County Commission shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the "Act"), respecting the application regarding the creation of the Excise TIF District and the approval of the Projects. Following is a brief summary of such matters.

Creation of Excise TIF District

The proposed Excise TIF District is comprised of approximately 9 acres of contiguous real property located in the 5th (Harpers Ferry Corporation) property tax district of Jefferson County and includes real property and improvements constituting the former Hill Top House Hotel (the "Hotel") and surrounding properties, as set forth on the map below.

[Insert Map]

Purpose of Excise TIF District

The purpose of the Excise TIF District is to facilitate the construction of the Projects within the Excise TIF District by SWaN Hill Top House Hotel, LLC, as developer (the "Developer"). The Developer is seeking to redevelop the Hotel site and adjoining properties and proposes to develop certain capital improvements within or contiguous to the Excise TIF District and which serve the Excise TIF District. The Project includes development expenditures promoting the economic vitality of the Excise TIF District and the general welfare of Jefferson County consistent with Section 5 of the Act.

Proposed Method of Financing

To finance the costs of the Project, the County Commission proposes to issue bonds or other obligations (the "Financing Obligations") in an amount not to exceed \$ \$25M, with maturities not to exceed 30 years from the date of the creation of the Excise TIF District. Such obligations may be issued from time to time in one or more series. Proceeds of the Financing Obligations are generally planned and expected to be used to (i) finance all or portion of the costs of the Project; (ii) fund reserves for the Financing Obligations; (iii) fund capitalized interest on the Financing Obligations; and (iv) pay costs of issuance of the Financing Obligations and related costs, including costs relating to the Project and related costs. The Financing Obligations would be payable from and secured by a special district excise tax, which the County Commission may be authorized to impose by the West Virginia Legislature pursuant to Section 9 of the Act and other funds which may be deposited to the credit of the Economic Opportunity Development District Fund subaccount created for the Excise TIF District and maintained by the State Treasurer pursuant to Section 8 of the Act (the "District Fund"). A portion of the costs of the Project may also be paid directly from special district excise tax revenues and other funds deposited to the credit of the District Fund as provided in Section 13 of the Act.

The base of the special district excise tax which may be imposed by the County Commission for the Excise TIF District shall be identical to the base of the consumers sales and service tax imposed pursuant to Chapter 11, Article 15 of the Code of West Virginia, 1931, as amended (the "Sales Tax Act"). Except for the exemption provided in Section 9(f) of the Sales Tax Act, all exemptions and exceptions from the consumers sales and service tax also apply to the special district excise tax. The rate of the special district excise tax shall be identical to the rate or rates of the consumer sales and service tax imposed by the Sales Tax Act on sales made and services rendered within the boundaries of the Excise TIF District.

Further information regarding the proposed Excise TIF District, the Project and the Financing Obligations are on file and available for inspection at the office of the Clerk of the County Commission during regular business hours, located at the County Clerk's office in the Old Court House, 100 East Washington Street Charles Town, WV.

Dated: 10/27, 2022.

By: /s/ Jacqueline C. Shadle
County Clerk

JEFFERSON COUNTY COMMISSION
JESSICA

Jefferson County
Jacqueline C. Shadle, Clerk
Instrument 202200014638
10/27/2022 @ 09:14:10 AM
RESOLUTION
Book 1291 @ Page 403
Pages Recorded 6

West Virginia
Economic Opportunity Development District Application

The County Commission of Jefferson County

Hill Top House Hotel

Economic Opportunity Development District

September 29, 2022

Table of Contents

Section I: General Information

- A: Applicant Information
- B: Project Developer
- C: Economic Opportunity Development District

Section II: Project Information

- A: Detailed Description of Project
- B: Financing
- C: Project Impact

Section III: Attachments

- Attachment 1: A true copy of the public hearing Resolution and Notice of Hearing, as required by W. Va. Code § 7-22-6.
- Attachment 2: A map showing the boundaries of the proposed Development District, including a listing of included parcels of real property as identified by Tax Map and Parcel Number.
- Attachment 3: A general description of the capital improvements, additional or extended services and other development expenditures to be made in the Development District as part of the Project and a detailed description of the anticipated costs of the Project.
- Attachment 4: A project schedule detailing the anticipated development of the Project.
- Attachment 5: Base Tax Revenue Amount
- Attachment 6: Gross Annual District Tax
- Attachment 7: How the project address economic problems in the area in which the Project will be located.
- Attachment 8: A preliminary Cost/Benefit Analysis
- Attachment 9: The amount of private sector investment in the project and documents and facts which support a finding that without the support of sales tax increment financing, the Project would not be feasible.
- Attachment 10: How the economic opportunity development district's excise tax dollars will leverage or be a catalyst for the effective use of private, other locate government or state or federal funding that is available.
- Attachment 11: Substantial and credible evidence that the Project will be started and completed in a timely manner.
- Attachment 12: Evidence that the Project will directly or indirectly improve opportunities in the project area for the successful establishment or expansion of other industrial or commercial businesses.
- Attachment 13: How the Project will directly or indirectly assist in the creation of additional long term employment opportunities in the area and the quality of jobs created in all phases of the project including wages and benefits.
- Attachment 14: If the Project will meet any pressing need for the area or part of the area in which the economic opportunity development district is located.
- Attachment 15: Whether the county commission has a strategy for economic development in the county and whether the Project is consistent with that strategy.
- Attachment 16: How the Project helps to diversify the local economy.
- Attachment 17: How the Project is consistent with the goals of this article.
- Attachment 18: Whether the Project is economically and fiscally sound using recognized business standards of finance and accounting.
- Attachment 19: The ability of the county commission and the Developer or project team to carry out the Project.

Attachment 20: A listing of the businesses currently located in the proposed Development District, and which are anticipated to remain in the Development District following its creation.

DRAFT

**WEST VIRGINIA
ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICT APPLICATION**

SECTION I. GENERAL INFORMATION

A. APPLICANT INFORMATION

- | | |
|----------------------------|---|
| 1. County or Municipality: | The County Commission of Jefferson County
(the “County Commission” or “County”) |
| 2. Contact Person/Title: | John Nissel, County Administrator |
| 3. Address: | County Commission of Jefferson County
124 E. Washington Street
P.O. Box 250
Charles Town, WV 25414 |
| 4. Telephone Number: | 304.728.3284 |
| Fax Number: | 304.725.7916 |
| E-Mail Address | jnissel@jeffersoncountywv.org |

B. PROJECT DEVELOPER

If project was originally proposed by an entity other than the county or municipality listed above, please provide a contact name and information for someone who can answer questions about the project proposal:

- | | |
|----------------------|--|
| 1. Name/Title: | Laurel Ziemianski, Project Manager |
| 2. Company Name: | SWaN Hill Top House Hotel, LLC (the “Developer”) |
| 3. Address: | 108 Loudon Street SW
Leesburg, VA 20178 |
| 4. Telephone Number: | 703.728.4160 |
| E-Mail Address | lziemianski@swaninvestors.com |

C. DEVELOPMENT DISTRICT

Name of Economic Opportunity
Development District:

The County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District (the “Development District”).

A Resolution approved by the County Commission on October 6, 2022, establishing the public hearing date and other matters in connection with the Development District is provided in **Attachment 1**.

The County Commission will hold a public hearing regarding the proposed creation of the Development District on November 3, 2022, following the publication of notice thereof as a Class I-0 legal advertisement. A true copy of Resolution and the Affidavit of Publication will be provided in **Attachment 1**.

SECTION II. PROJECT INFORMATION

A. DETAILED DESCRIPTION OF PROJECT

A general description of the capital improvements, additional or extended services and other proposed development expenditures:

The Development District

The County Commission of Jefferson County (the “County Commission”) proposes the creation of the “The County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District” (the “Development District”). The proposed Development District is located in Jefferson County and includes approximately nine (9) acres of contiguous real property located in the Corporation of Harpers Ferry (the “Town”). The proposed Development District is located in the 5th (Harpers Ferry Corporation) property tax district of Jefferson County and includes real property and improvements constituting the former Hill Top House Hotel (the “Hotel”) and surrounding properties. A map of the proposed Development District and listing of included parcels of real property, as identified by Tax Map and Parcel Number, is provided in **Attachment 2**. The Development District is being created by the County Commission for the purposes of facilitating the planning, design, acquisition, construction and equipping of capital improvements within the Development District or on land not in the Development District that is contiguous to the Development District, and which contains infrastructure or other facilities which serve the Development District.

The Project

SWaN Hill Top House Hotel, LLC (the “Developer”) is the owner of the former Hill Top House Hotel and adjoining properties. The Developer is seeking to redevelop the Hotel site and adjoining properties by constructing a new hotel on the site of the Hotel, restoring the adjacent historic Lodge building, restoring and repurposing four historic houses originally constructed as housing for workers at the Harpers Ferry Armory as guest houses, restoring and repurposing one additional Armory house and a former barbershop. The Developer proposes to develop certain capital improvements within or contiguous to the Development District and which serve the Development District. The Project includes development expenditures promoting the economic vitality of the Development District and the general welfare of Jefferson County consistent with Section 5 of the County Economic Opportunity Development District Act (collectively, the “Project”). A general description of capital improvements, additional or extended services and other development expenditures to be made in the Development District as part of the Project is provided in **Attachment 3**. The proposed Project and the capital improvements and development expenditures currently contemplated are presented by way of example only and the actual capital improvements and development expenditures may differ substantially from those described herein so long as such improvements and development expenditures are consistent with Section 5 of the County Economic Opportunity Development District Act.

The Development Project also includes all professional services fees, together with costs incurred in preparation of the Project Plan, and related costs and reimbursement of costs of the Project incurred after the date of the West Virginia Department of Economic Development’s approval of the Project Plan.

Total Cost of the Development Project

The Developer estimates the total cost of the Project will be approximately \$170,000,000. Detailed estimates of the estimated costs of the Project are provided in **Attachment 3**. All costs are preliminary estimates and the amounts listed are subject to change.

A Reasonable Estimate of Time to Complete the Project

The Developer anticipates completing the Project in 28-30 months. A project schedule detailing the anticipated development of the Project is attached hereto as **Attachment 4**.

A description of the proposed method of financing the development expenditures, together with a description of the reserves to be established for financing ongoing development expenditures necessary to permanently maintain the optimum economic viability of the district following its inception; provided that the amount of the reserves may not exceed the amounts that would normally be required by prevailing commercial capital market considerations:

To finance the Project, the County Commission proposes to issue bonds or notes, pursuant to Section 16 of Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the "Act"), in an amount not to exceed \$25,000,000, with maturities not to exceed 30 years from the date of the creation of the Development District (the "Obligations"). Such Obligations are planned to be issued in one or more series. Proceeds of the Obligations are generally expected to be used to (i) finance all or a portion of the costs of the Project; (ii) fund reserves for the Obligations; (iii) fund capitalized interest on the Obligations; and (iv) pay costs of issuance of the Obligations and related costs, including costs relating to the Project and related costs. Special district excise tax funds may also be used to fund a portion or portions of the Project on a "pay-as-you-go" basis directly with such funds.

The Obligations would be payable from and secured by a special district excise tax which the County Commission may be authorized to impose by the West Virginia Legislature pursuant to Section 9 of the Act and other funds that may be deposited to the credit of the Economic Opportunity Development District Fund subaccount created for the Development District and maintained by the State Treasurer pursuant to Section 8 of the Act (the "District Fund"). The base of the special district excise tax which may be imposed by the County Commission for the Development District shall be identical to the base of the consumer sales and service tax imposed pursuant to Article 15 of Chapter 11 of the West Virginia Code (the "Code") on sales made and services rendered within the boundaries of the Development District. Sales of gasoline and special fuel shall not be subject to the special district excise tax but remain subject to the tax levied by Article 15 of Chapter 11 of the Code. Except for the exemption provided in W. Va. Code § 11-15-9(f), all exemption and exceptions from the consumer sales and service tax also apply to the special district excise tax. The rate of the special district excise tax shall be identical to the rate or rates of the consumer sales and service tax imposed pursuant to Article 15 of Chapter 11 of the Code of sales made and services rendered within the boundaries of the Development District.

The County Commission will determine, as appropriate, the necessity and amount of any reserves, as set forth in W. Va. Code § 7-22-7(a)(5), for the purpose of financing ongoing development expenditures necessary to permanently maintain the optimum economic viability of the Development District. Such development expenditures may include any and all development expenditures permitted pursuant to W. Va. Code § 7-22-5, including, but not limited to, all development expenditures deemed necessary by the County Commission for engineering design, feasibility, market, environmental and other studies for the betterment of the Development District. The County Commission will work with its investment banker/placement agent, bond counsel and the Developer to determine the appropriate amount of such reserves and the most appropriate manner in which to fund such reserves over time taking into consideration the need for such available funds and the desire to establish the most effective bond structure for the financing of the Project and other desirable projects for the Development District. Provided, however, the amounts of the reserves may not exceed the amounts that would be required by prevailing commercial capital market conditions.

A description of the sources and anticipated amounts of all financing, including, but not limited to, proceeds from the issuance of any bonds or other instruments, revenues from the special district excise tax and enhanced revenues from property taxes and fees:

To finance the Project, the County Commission proposes to issue Obligations with maturities not to exceed 30 years from the date of the creation of the Development District. Such Obligations are planned to be issued in one or more series. Proceed of the Obligations are generally expected to be used to (i) finance all or a portion of the costs of the Project; (ii) fund reserves for the Obligations; (iii) fund capitalized interest on the Obligations; and (iv) pay costs of issuance of the Obligations and related costs, including costs relating to the Project and related costs. Special district excise tax revenues may also be used for the payment of accrued but unpaid debt service,

if any, due to insufficient special district excise tax revenues to make prior debt service payments. Special district excise tax funds may also be used to fund a portion or portions of the Project on a “pay-as-you-go” basis directly with such funds.

The Obligations detailed in the table below are anticipated to be issued with a final maturity on June 1, 2052. To the extent surplus special district excise tax funds are used to redeem the outstanding bonds, it is anticipated that the Obligations could be paid off as early as [DATE]. Detailed information respecting the proposed Obligations is set forth in **Attachment 3**.

Estimated Sources, Amounts, Rate and Term*					
SOURCES	AMOUNT	RATE	MATURITY	COLLATERAL	STATUS
Senior Special District Excise Tax Obligations	\$14,500,000	8.000%	June 1, 2052	N/A	The Subject of this Application
Subordinate Special District Excise Tax Obligations	\$2,695,000	8.750%	June 1, 2052	N/A	The Subject of this Application

*All Amounts, Rates and Terms are preliminary and subject to change

A description of the financial contribution of the county to the funding of development expenditures:

Other than the special district excise tax revenues and bond proceeds therefrom, there are no additional sources of funding available from the County Commission at this time. The County Commission and the Developer have explored all other sources of funding, including, but not limited to, bank financing, equity partnerships, public financing, federal and state grants and loans etc. The combination of special district excise tax revenues and bond proceeds therefrom are anticipated to be sufficient to fund the total estimated costs of the proposed Project. While other public sources may be used in conjunction with such tax increment funding as they become available, to date no funding sources have proved to be available or a viable alternative to finance the Project. The lack of a revenue source has made it prohibitive for the County Commission and/or the Developer to finance the proposed project without the assistance of special district excise tax revenues. The combination of such funding sources will allow the Project to be planned and constructed in the most efficient and inexpensive process available to the County Commission and the Developer. Without the availability of such funds for the Project, the ability of the State of West Virginia (the “State”), County Commission and the Developer to provide the necessary funds to finance the Project, the Project is not reasonably expected to occur. The County Commission plans to seek sources of funding to compliment the use of special district excise tax funds to finance a portion of the Project, specifically from state and federal grants and loans to the extent such funding opportunities become available for the County Commission.

The amount of private sector investment in the Project and documents and facts which support a finding that without the support of the special district excise tax financing, the Project would not be feasible:

It is projected that more than \$130,000,000 of new private investment will occur within the Development District within the next 28-30 months.

Notwithstanding such substantial private investment within the Development District, the County Commission and Developer have not been able to identify a revenue source to finance the proposed public infrastructure and construction and improvements necessary to facilitate and incentivize such private investment, without the assistance of special district excise tax revenues. Such funding will allow the Project to be planned and constructed in the most efficient and inexpensive process available to the County Commission and the Developer. Without the availability of such funds for the Project, the ability of the State, County Commission and Developer to provide the necessary funds to finance the Project, the Project is not reasonably expected to occur and thus the projected private investment is not reasonably expected to occur.

Whether the Project is economically and fiscally sound using recognized business standards of finance and accounting:

The Developer has systematically undertaken and advanced the development of Hill Top House Hotel's development to ensure the Hotel's ability to attract tourism, particularly from outside the state. All such analyses and accounting calculations are included in **Attachment 18**.

The proposed applications of any surplus from all funding sources to further the objective of W. Va. Code § 7-22-1 et seq. and this rule:

All surplus funds will be used for (i) the scheduled payment of the principal of and interest on subsequent Obligations; (ii) payment of accrued by unpaid debt service due to insufficient funds to make prior debt service payments on subsequent Obligations; (iii) payment of annual administrative costs and expenses for servicing subsequent Obligations; (iv) funding for "pay-as-you-go" projected in the Development District approved in a Project Plan or Project Plans approved pursuant to the Act; (v) retention for approved future project costs and/or debt service relating to the issuance of additional tax increment revenue bonds, and/or (vi) all other purposes for which such monies may be expended pursuant to the Act. To the extent that excess funds are not used for any of the purposes set forth in this paragraph, such excess funds shall be used for early repayment of outstanding Obligations in accordance with the terms thereof.

The County Commission and Developer will continue to explore and pursue additional private and public funding sources for Project costs, and subject to identification and receipt of such funding, any surplus special district excise tax funds that may be created as a result thereof will be used as immediately set forth above. The County Commission and Developer will only use surplus excise tax funds for approved Project costs and the costs of projects hereafter approved by the County Commission, the West Virginia Legislature and the West Virginia Development Office.

C.**PROJECT IMPACT**

Identification of any businesses that the county expects to relocate from the Development District to another place in the State in connection with the establishment of the Development District or businesses that are expected to relocate from another place in the state to the Development District; provided, that for these purposes, any entities shall be designated “relocated entities”:

The County Commission and the Developer are unaware of any existing private businesses that are expected to relocate their business location from the Development District to another place in the State due to the creation of the Development District. The County Commission and Developer are also unaware of any private businesses that may relocate their businesses from another location in the State to the Development District due to the creation of the Development District.

Identification of any business currently conducting business in the proposed Development District that the county expects to continue doing business in the Development District after its creation:

It is the understanding of the County Commission and the Developer that the Hotel will conduct its business in the Development District for the foreseeable future once construction and equipping of the Hotel has been completed after the Development District is established.

A good faith estimate of the aggregate amount of consumer sales and service tax that was actually remitted to the Tax Commissioner by all business locations identified as provided in Sections 3.12 and 3.13 of the Rule with respect to their sales made and services rendered from their then current business locations that will be relocated from, or to, or remain in the Development District for twelve full calendar months next preceding the date of the application; provided that the aggregate amount is designated as “the Base Tax Revenue Amount”:

Information pertaining the “Base Tax Revenue Amount” is available in **Attachment 5**.

A good faith estimate of the Gross Annual District Tax Revenue Amount: \$0.00

Information pertaining to the “Gross Annual District Tax Revenue Amount” is provided in **Attachment 6**.

Attachment 1:

A true copy of the public hearing Resolution and the Notice of Hearing, as required by W. Va. Code § 7-22-6.

Attached hereto is: (i) a Resolution adopted by the County Commission on October 6, 2022, establishing the public hearing date and other matters in connection with the Development District; (ii) a true copy of the Notice of Public Hearing; (iii) an Affidavit of Publication of the Notice of Public Hearing; and (iv) a Resolution adopted by the County Commission on November 3, 2022, approving this Application and ordering the President of the County Commission to submit it to the West Virginia Department of Economic Development.

DRAFT




Attachment 2:

A map showing the proposed boundaries of the Development District and listing of included parcels of real property, as identified by Tax Map and Parcel Number.

Attached hereto is a map showing the proposed boundaries of the proposed Development District and a listing of included parcels of real property, as identified by Tax Map and Parcel Number, comprising one single, continuous district as shown on the map.

DRAFT

LEGEND:

-  PROPERTY LINE
-  TOURISM DEVELOPMENT DISTRICT (AREA = 10.20 ACRES)
-  SWAN HILLTOP-OWNED PROPERTY (AREA = 10.72 ACRES)

M COORR. SYS. OF 1983 NORTH ZONE

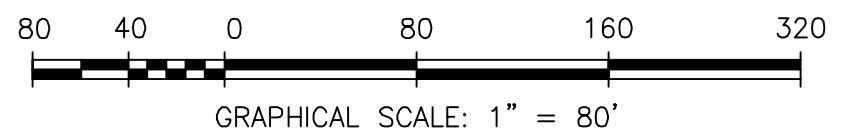
HILL TOP HOUSE HOTEL PROPERTY INFORMATION

TDD MAP ID	BLOCK	LOT	OWNER	TAX MAP	PARCEL	DEED BOOK	PAGE	STREET ADDRESS
1			SWAN HILLTOP OPERATING PARTNERS, LLC	2	34.2	1263	653	
2			SWAN HILLTOP OPERATING PARTNERS, LLC	2	34.1	1263	442	
3	U	P/O 2	SWAN HILLTOP OPERATING PARTNERS, LLC	2	43	1265	742	500 E Ridge St.
4	U	1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	43	1265	742	500 E Ridge St.
5		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	44	1263	653	
6		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	44.1	1263	653	
7		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	45	1263	653	
8		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	46	1263	442	400 E. Ridge St.
9			SWAN HILLTOP OPERATING PARTNERS, LLC	3	1	1263	442	
10			SWAN HILLTOP OPERATING PARTNERS, LLC	3	2	1263	442	
11			SWAN HILLTOP OPERATING PARTNERS, LLC	3	3	1263	442	
12			DGE, LLC	3	4	1047	373	
13	F	3	SWAN HILLTOP OPERATING PARTNERS, LLC	2	58	1263	653	
13	F	6	SWAN HILLTOP OPERATING PARTNERS, LLC	2	58	1263	653	
14	F	7	SWAN HILLTOP OPERATING PARTNERS, LLC	2	57	1110	690	
15	F	2	SWAN HILLTOP OPERATING PARTNERS, LLC	2	56	1110	690	540 Washington St.
16	F	8	SWAN HILLTOP OPERATING PARTNERS, LLC	2	55.1	1263	653	
17	F	1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	55	1263	653	500 Washington St.
18	E	6B	SWAN HILLTOP OPERATING PARTNERS, LLC	2	54.1	1263	653	
19	E	6A	SWAN HILLTOP OPERATING PARTNERS, LLC	2	54	1263	653	490 Washington St.
20	E	P/O 5	SWAN HILLTOP OPERATING PARTNERS, LLC	2	53	1263	653	
21	E	P/O 5	SWAN HILLTOP OPERATING PARTNERS, LLC	2	52.1	1263	653	
22	E	P/O 5	SWAN HILLTOP OPERATING PARTNERS, LLC	2	52	1263	653	470 Washington St.
23	E	P/O 4	SWAN HILLTOP OPERATING PARTNERS, LLC	2	51	1263	442	
24	E	3	SWAN HILLTOP OPERATING PARTNERS, LLC	2	50	1263	442	450 Washington St.
25	E	2	SWAN HILLTOP OPERATING PARTNERS, LLC	2	49	1040	712	420 Washington St.
26	E	P/O 1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	47	1263	442	
27	E	P/O 1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	48	1263	442	400 Washington St.
28	BB	10	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442	400 E. Ridge St.
29	BB	P/O 9	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442	400 E. Ridge St.
30	BB	P/O 8	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442	
31	BB	7	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442	
32	Streets		SWAN HILLTOP OPERATING PARTNERS, LLC			1258	1	



GordonDC
 CIVIL ENGINEERING
 ZONING & ENTITLEMENTS
 FEASIBILITY STUDIES
 SUSTAINABLE DESIGN
 1112 16th St, Suite 910
 Washington, DC 20036
 Phone: 202-869-1600
 www.gordondc.us.com

HILL TOP HOUSE HOTEL
TOURISM DEVELOPMENT DISTRICT
 SCALE: 1" = 80'
 SEPTEMBER 28, 2022



OTEL PROPERTY INFORMATION

TDD MAP ID	BLOCK	LOT	OWNER	TAX MAP	PARCEL	DEED BOOK	PAGE
1			SWAN HILLTOP OPERATING PARTNERS, LLC	2	34.2	1263	653
2			SWAN HILLTOP OPERATING PARTNERS, LLC	2	34.1	1263	442
3	U	P/O 2	SWAN HILLTOP OPERATING PARTNERS, LLC	2	43	1265	742
4	U	1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	43	1265	742
5		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	44	1263	653
6		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	44.1	1263	653
7		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	45	1263	653
8		Seminary	SWAN HILLTOP OPERATING PARTNERS, LLC	2	46	1263	442
9			SWAN HILLTOP OPERATING PARTNERS, LLC	3	1	1263	442
10			SWAN HILLTOP OPERATING PARTNERS, LLC	3	2	1263	442
11			SWAN HILLTOP OPERATING PARTNERS, LLC	3	3	1263	442
12			DGE, LLC	3	4	1047	373
13	F	3	SWAN HILLTOP OPERATING PARTNERS, LLC	2	58	1263	653
13	F	6	SWAN HILLTOP OPERATING PARTNERS, LLC	2	58	1263	653
14	F	7	SWAN HILLTOP OPERATING PARTNERS, LLC	2	57	1110	690
15	F	2	SWAN HILLTOP OPERATING PARTNERS, LLC	2	56	1110	690
16	F	8	SWAN HILLTOP OPERATING PARTNERS, LLC	2	55.1	1263	653
17	F	1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	55	1263	653
18	E	6B	SWAN HILLTOP OPERATING PARTNERS, LLC	2	54.1	1263	653
19	E	6A	SWAN HILLTOP OPERATING PARTNERS, LLC	2	54	1263	653
20	E	P/O 5	SWAN HILLTOP OPERATING PARTNERS, LLC	2	53	1263	653
21	E	P/O 5	SWAN HILLTOP OPERATING PARTNERS, LLC	2	52.1	1263	653
22	E	P/O 5	SWAN HILLTOP OPERATING PARTNERS, LLC	2	52	1263	653
23	E	P/O 4	SWAN HILLTOP OPERATING PARTNERS, LLC	2	51	1263	442
24	E	3	SWAN HILLTOP OPERATING PARTNERS, LLC	2	50	1263	442
25	E	2	SWAN HILLTOP OPERATING PARTNERS, LLC	2	49	1040	712
26	E	P/O 1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	47	1263	442
27	E	P/O 1	SWAN HILLTOP OPERATING PARTNERS, LLC	2	48	1263	442
28	BB	10	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442
29	BB	P/O 9	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442
30	BB	P/O 8	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442
31	BB	7	SWAN HILLTOP OPERATING PARTNERS, LLC	3	52	1263	442
32	Streets		SWAN HILLTOP OPERATING PARTNERS, LLC			1258	1

DRAFT

Attachment 3:

A general description of the capital improvements, additional or extended services and other development expenditures to be made in the Development District as part of the Project and a detailed description of the anticipated costs of the Project.

The Developer plans to redevelop the former Hill Top Hotel and adjoining properties by constructing a new hotel on the site of the original Hotel, restoring the adjacent historic Lodge building, restoring and repurposing four historic houses originally constructed as housing for workers at the Harpers Ferry Armory as guest houses, restoring and repurposing one additional Armory house and a former barbershop. The Developer proposes to develop certain capital improvements within or contiguous to the Development District and which serve the Development District. The Project includes the design, permitting, acquisition, construction and equipping of infrastructure and other improvements that will facilitate the redevelopment of the Hotel site and adjoining properties within the Development District, including, but not limited to, the following:

- Waterworks, sewerage, stormwater, telecommunications, cable, fiber optic, electric, natural gas and related infrastructure improvements;
- Construction of a new hotel building, parking garage, roads, sidewalks, street lighting, traffic signals and other roadway and streetscape improvements and related appurtenances;
- Demolition, site preparation and excavation and other earthwork necessary for and incidental to the construction and installation of infrastructure and other improvements that will facilitate the redevelopment of the Hotel and nearby related properties within the TIF District;
- Other related improvements, extensions, renovations and additions; and
- All professional service fees and consultant fees in connection with the foregoing, including but not limited to engineering, architectural and other design fees, legal fees, fees of property tax revenue consultants, property tax consultants, trustees, continuing disclosure agents and all fees and costs incurred in connection with the preparation and approval of the Project Plan.

The proposed Project and the capital improvements and expenditures contemplated are presented by way of example only and the actual capital improvements and expenditures may differ substantially from those described herein so long as such improvements and expenditures are included within the scope of the Project described herein. The estimated construction and engineering costs of the Project is provided in the tables on the immediately following pages. These estimated costs are preliminary in nature and are provided by way of example only. Actual project costs will vary from those indicated in the following estimates and such variances could be significant.

Also attached hereto is detailed information respecting the proposed Special District Excise Tax Obligations.

Total Project Budget

Land and Development Costs	28,850,000
Soft Costs	10,440,000
Hard Costs	113,170,000
Harpers Ferry Business & Occupation Tax	2,260,000
Permitting Related	730,000
Furniture, Fixtures, and Equipment (FF&E), Operating Supplies, & Technology	11,630,000
Financing and Legal	4,200,000
Total Project Budget	171,280,000

DRAFT

Attachment 4: A Project Schedule detailing the anticipated development of the Project.

Attached hereto is a schedule detailing the anticipated private development in the Development District.

DRAFT

ID	Task Mode	Task Name	Duration	Start	Finish	2nd Quarter			3rd Quarter			4th Quarter			1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			1st Quarter			2nd Quarter					
						Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
1	→	HILL TOP HOUSE HOTEL	550 days	Mon 5/8/23	Fri 6/13/25																														
2	→	Mobilize on Site	0 days	Mon 5/8/23	Mon 5/8/23																														
3	→	Complete Structure	11.5 mons	Mon 5/8/23	Fri 3/22/24																														
4	→	Building Watertight	2 mons	Mon 3/25/24	Fri 5/17/24																														
5	→	Substantial Completion	10 mons	Mon 5/20/24	Fri 2/21/25																														
6	→	Final Completion	2 mons	Mon 2/24/25	Fri 4/18/25																														
7	→	Training	4 mons	Mon 2/24/25	Fri 6/13/25																														

DRAFT

Attachment 5:

Base Tax Revenue Amount

The County Commission's and the Developer's good faith estimate of the aggregate amount of consumer sales and service tax actually remitted to the Tax Commissioner by all businesses currently conducting business in the proposed Development District for the twelve full calendar months next preceding the date of this application is \$0.00. Following its receipt of this application, the West Virginia Department of Economic Development will request a certification from the Tax Commissioner of the base tax revenue amount.

DRAFT

Attachment 6:

Gross Annual District Tax Amount.

Attached hereto is a good faith estimate of the projected gross annual district tax amount.

DRAFT

**Hill Top House - Harpers Ferry
Jefferson County, West Virginia**

Appendices to the Pledged Revenue Report

DRAFT

DRAFT

Prepared By:

MUNICAP, INC.
— PUBLIC FINANCE —

September 22, 2022

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Scenario A
(Base Scenario)

Assumptions

Completion of Hill Top House Hotel
Rehabilitation of Yellow House and Old Lodge
Existing Ancillary Armory Buildings

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Projected Development

DRAFT

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-1: Development Summary

Property Type ^(a)	Construction	Property Area ^(a)		
	Completion	Rooms	GSF per Room	GSF
Commercial				
Hill Top House				
Lodging	2025	122	608	74,132
Banquet hall	2025	-	-	15,975
Restaurant	2025	-	-	10,875
Cocktail lounge	2025	-	-	4,674
Health club	2025	-	-	11,894
Parking structure	2025	-	-	27,029
Sub-total Hill Top House		122		144,579
Existing buildings				
Yellow House	-	-	-	4,201
Old Lodge	-	-	-	14,488
Ancillary buildings				
Map ID 17 - Red House/Office	-	-	-	1,906
Map ID 19 - Armory House	-	-	-	2,562
Map ID 22 - Armory House	-	-	-	1,928
Map ID 24 - Armory House	-	-	-	1,404
Map ID 25 - Armory House	-	-	-	1,549
Map ID 27 - Armory House	-	-	-	1,424
Sub-total existing buildings				29,462
Total		122		174,041

MuniCap, Inc.

22-Sep-2022

^(a)Provided by Developer.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.a: Projected Construction Completion - Hill Top House^(a)

Development			Lodging		Banquet Hall		Restaurant	
Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Rooms	Cumulative	GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	0	0	0	0	0	0
31-Dec-22	1-Jul-23	1-Apr-24	0	0	0	0	0	0
31-Dec-23	1-Jul-24	1-Apr-25	0	0	0	0	0	0
31-Dec-24	1-Jul-25	1-Apr-26	0	0	0	0	0	0
31-Dec-25	1-Jul-26	1-Apr-27	122	122	15,975	15,975	10,875	10,875
31-Dec-26	1-Jul-27	1-Apr-28	0	122	0	15,975	0	10,875
31-Dec-27	1-Jul-28	1-Apr-29	0	122	0	15,975	0	10,875
31-Dec-28	1-Jul-29	1-Apr-30	0	122	0	15,975	0	10,875
31-Dec-29	1-Jul-30	1-Apr-31	0	122	0	15,975	0	10,875
31-Dec-30	1-Jul-31	1-Apr-32	0	122	0	15,975	0	10,875
31-Dec-31	1-Jul-32	1-Apr-33	0	122	0	15,975	0	10,875
31-Dec-32	1-Jul-33	1-Apr-34	0	122	0	15,975	0	10,875
31-Dec-33	1-Jul-34	1-Apr-35	0	122	0	15,975	0	10,875
31-Dec-34	1-Jul-35	1-Apr-36	0	122	0	15,975	0	10,875
31-Dec-35	1-Jul-36	1-Apr-37	0	122	0	15,975	0	10,875
31-Dec-36	1-Jul-37	1-Apr-38	0	122	0	15,975	0	10,875
31-Dec-37	1-Jul-38	1-Apr-39	0	122	0	15,975	0	10,875
31-Dec-38	1-Jul-39	1-Apr-40	0	122	0	15,975	0	10,875
31-Dec-39	1-Jul-40	1-Apr-41	0	122	0	15,975	0	10,875
31-Dec-40	1-Jul-41	1-Apr-42	0	122	0	15,975	0	10,875
31-Dec-41	1-Jul-42	1-Apr-43	0	122	0	15,975	0	10,875
31-Dec-42	1-Jul-43	1-Apr-44	0	122	0	15,975	0	10,875
31-Dec-43	1-Jul-44	1-Apr-45	0	122	0	15,975	0	10,875
31-Dec-44	1-Jul-45	1-Apr-46	0	122	0	15,975	0	10,875
31-Dec-45	1-Jul-46	1-Apr-47	0	122	0	15,975	0	10,875
31-Dec-46	1-Jul-47	1-Apr-48	0	122	0	15,975	0	10,875
31-Dec-47	1-Jul-48	1-Apr-49	0	122	0	15,975	0	10,875
31-Dec-48	1-Jul-49	1-Apr-50	0	122	0	15,975	0	10,875
31-Dec-49	1-Jul-50	1-Apr-51	0	122	0	15,975	0	10,875
31-Dec-50	1-Jul-51	1-Apr-52	0	122	0	15,975	0	10,875
Totals			122		15,975		10,875	

MuniCap, Inc.

22-Sep-22

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.a: Projected Construction Completion - Hill Top House, continued^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Cocktail Lounge		Health Club		Parking Structure		
			GSF	Cumulative	GSF	Cumulative	GSF	Cumulative	
31-Dec-21	1-Jul-22	1-Apr-23	0	0	0	0	0	0	
31-Dec-22	1-Jul-23	1-Apr-24	0	0	0	0	0	0	
31-Dec-23	1-Jul-24	1-Apr-25	0	0	0	0	0	0	
31-Dec-24	1-Jul-25	1-Apr-26	0	0	0	0	0	0	
31-Dec-25	1-Jul-26	1-Apr-27	4,674	4,674	11,894	11,894	27,029	27,029	
31-Dec-26	1-Jul-27	1-Apr-28	0	4,674	0	11,894	0	27,029	
31-Dec-27	1-Jul-28	1-Apr-29	0	4,674	0	11,894	0	27,029	
31-Dec-28	1-Jul-29	1-Apr-30	0	4,674	0	11,894	0	27,029	
31-Dec-29	1-Jul-30	1-Apr-31	0	4,674	0	11,894	0	27,029	
31-Dec-30	1-Jul-31	1-Apr-32	0	4,674	0	11,894	0	27,029	
31-Dec-31	1-Jul-32	1-Apr-33	0	4,674	0	11,894	0	27,029	
31-Dec-32	1-Jul-33	1-Apr-34	0	4,674	0	11,894	0	27,029	
31-Dec-33	1-Jul-34	1-Apr-35	0	4,674	0	11,894	0	27,029	
31-Dec-34	1-Jul-35	1-Apr-36	0	4,674	0	11,894	0	27,029	
31-Dec-35	1-Jul-36	1-Apr-37	0	4,674	0	11,894	0	27,029	
31-Dec-36	1-Jul-37	1-Apr-38	0	4,674	0	11,894	0	27,029	
31-Dec-37	1-Jul-38	1-Apr-39	0	4,674	0	11,894	0	27,029	
31-Dec-38	1-Jul-39	1-Apr-40	0	4,674	0	11,894	0	27,029	
31-Dec-39	1-Jul-40	1-Apr-41	0	4,674	0	11,894	0	27,029	
31-Dec-40	1-Jul-41	1-Apr-42	0	4,674	0	11,894	0	27,029	
31-Dec-41	1-Jul-42	1-Apr-43	0	4,674	0	11,894	0	27,029	
31-Dec-42	1-Jul-43	1-Apr-44	0	4,674	0	11,894	0	27,029	
31-Dec-43	1-Jul-44	1-Apr-45	0	4,674	0	11,894	0	27,029	
31-Dec-44	1-Jul-45	1-Apr-46	0	4,674	0	11,894	0	27,029	
31-Dec-45	1-Jul-46	1-Apr-47	0	4,674	0	11,894	0	27,029	
31-Dec-46	1-Jul-47	1-Apr-48	0	4,674	0	11,894	0	27,029	
31-Dec-47	1-Jul-48	1-Apr-49	0	4,674	0	11,894	0	27,029	
31-Dec-48	1-Jul-49	1-Apr-50	0	4,674	0	11,894	0	27,029	
31-Dec-49	1-Jul-50	1-Apr-51	0	4,674	0	11,894	0	27,029	
31-Dec-50	1-Jul-51	1-Apr-52	0	4,674	0	11,894	0	27,029	
Totals			4,674		11,894		27,029		

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.b: Projected Construction Completion - Existing Buildings^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Yellow House		Old Lodge		Map ID 17 - Red House/Office	
			GSF	Cumulative	GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	4,201	4,201	14,488	14,488	1,906	1,906
31-Dec-22	1-Jul-23	1-Apr-24	0	4,201	0	14,488	0	1,906
31-Dec-23	1-Jul-24	1-Apr-25	0	4,201	0	14,488	0	1,906
31-Dec-24	1-Jul-25	1-Apr-26	0	4,201	0	14,488	0	1,906
31-Dec-25	1-Jul-26	1-Apr-27	0	4,201	0	14,488	0	1,906
31-Dec-26	1-Jul-27	1-Apr-28	0	4,201	0	14,488	0	1,906
31-Dec-27	1-Jul-28	1-Apr-29	0	4,201	0	14,488	0	1,906
31-Dec-28	1-Jul-29	1-Apr-30	0	4,201	0	14,488	0	1,906
31-Dec-29	1-Jul-30	1-Apr-31	0	4,201	0	14,488	0	1,906
31-Dec-30	1-Jul-31	1-Apr-32	0	4,201	0	14,488	0	1,906
31-Dec-31	1-Jul-32	1-Apr-33	0	4,201	0	14,488	0	1,906
31-Dec-32	1-Jul-33	1-Apr-34	0	4,201	0	14,488	0	1,906
31-Dec-33	1-Jul-34	1-Apr-35	0	4,201	0	14,488	0	1,906
31-Dec-34	1-Jul-35	1-Apr-36	0	4,201	0	14,488	0	1,906
31-Dec-35	1-Jul-36	1-Apr-37	0	4,201	0	14,488	0	1,906
31-Dec-36	1-Jul-37	1-Apr-38	0	4,201	0	14,488	0	1,906
31-Dec-37	1-Jul-38	1-Apr-39	0	4,201	0	14,488	0	1,906
31-Dec-38	1-Jul-39	1-Apr-40	0	4,201	0	14,488	0	1,906
31-Dec-39	1-Jul-40	1-Apr-41	0	4,201	0	14,488	0	1,906
31-Dec-40	1-Jul-41	1-Apr-42	0	4,201	0	14,488	0	1,906
31-Dec-41	1-Jul-42	1-Apr-43	0	4,201	0	14,488	0	1,906
31-Dec-42	1-Jul-43	1-Apr-44	0	4,201	0	14,488	0	1,906
31-Dec-43	1-Jul-44	1-Apr-45	0	4,201	0	14,488	0	1,906
31-Dec-44	1-Jul-45	1-Apr-46	0	4,201	0	14,488	0	1,906
31-Dec-45	1-Jul-46	1-Apr-47	0	4,201	0	14,488	0	1,906
31-Dec-46	1-Jul-47	1-Apr-48	0	4,201	0	14,488	0	1,906
31-Dec-47	1-Jul-48	1-Apr-49	0	4,201	0	14,488	0	1,906
31-Dec-48	1-Jul-49	1-Apr-50	0	4,201	0	14,488	0	1,906
31-Dec-49	1-Jul-50	1-Apr-51	0	4,201	0	14,488	0	1,906
31-Dec-50	1-Jul-51	1-Apr-52	0	4,201	0	14,488	0	1,906
Totals			4,201		14,488		1,906	

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.b: Projected Construction Completion - Existing Buildings, continued^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Map ID 19 - Armory House		Map ID 22 - Armory House		Map ID 24 - Armory House	
			GSF	Cumulative	GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	2,562	2,562	1,928	1,928	1,404	1,404
31-Dec-22	1-Jul-23	1-Apr-24	0	2,562	0	1,928	0	1,404
31-Dec-23	1-Jul-24	1-Apr-25	0	2,562	0	1,928	0	1,404
31-Dec-24	1-Jul-25	1-Apr-26	0	2,562	0	1,928	0	1,404
31-Dec-25	1-Jul-26	1-Apr-27	0	2,562	0	1,928	0	1,404
31-Dec-26	1-Jul-27	1-Apr-28	0	2,562	0	1,928	0	1,404
31-Dec-27	1-Jul-28	1-Apr-29	0	2,562	0	1,928	0	1,404
31-Dec-28	1-Jul-29	1-Apr-30	0	2,562	0	1,928	0	1,404
31-Dec-29	1-Jul-30	1-Apr-31	0	2,562	0	1,928	0	1,404
31-Dec-30	1-Jul-31	1-Apr-32	0	2,562	0	1,928	0	1,404
31-Dec-31	1-Jul-32	1-Apr-33	0	2,562	0	1,928	0	1,404
31-Dec-32	1-Jul-33	1-Apr-34	0	2,562	0	1,928	0	1,404
31-Dec-33	1-Jul-34	1-Apr-35	0	2,562	0	1,928	0	1,404
31-Dec-34	1-Jul-35	1-Apr-36	0	2,562	0	1,928	0	1,404
31-Dec-35	1-Jul-36	1-Apr-37	0	2,562	0	1,928	0	1,404
31-Dec-36	1-Jul-37	1-Apr-38	0	2,562	0	1,928	0	1,404
31-Dec-37	1-Jul-38	1-Apr-39	0	2,562	0	1,928	0	1,404
31-Dec-38	1-Jul-39	1-Apr-40	0	2,562	0	1,928	0	1,404
31-Dec-39	1-Jul-40	1-Apr-41	0	2,562	0	1,928	0	1,404
31-Dec-40	1-Jul-41	1-Apr-42	0	2,562	0	1,928	0	1,404
31-Dec-41	1-Jul-42	1-Apr-43	0	2,562	0	1,928	0	1,404
31-Dec-42	1-Jul-43	1-Apr-44	0	2,562	0	1,928	0	1,404
31-Dec-43	1-Jul-44	1-Apr-45	0	2,562	0	1,928	0	1,404
31-Dec-44	1-Jul-45	1-Apr-46	0	2,562	0	1,928	0	1,404
31-Dec-45	1-Jul-46	1-Apr-47	0	2,562	0	1,928	0	1,404
31-Dec-46	1-Jul-47	1-Apr-48	0	2,562	0	1,928	0	1,404
31-Dec-47	1-Jul-48	1-Apr-49	0	2,562	0	1,928	0	1,404
31-Dec-48	1-Jul-49	1-Apr-50	0	2,562	0	1,928	0	1,404
31-Dec-49	1-Jul-50	1-Apr-51	0	2,562	0	1,928	0	1,404
31-Dec-50	1-Jul-51	1-Apr-52	0	2,562	0	1,928	0	1,404
Totals			2,562		1,928		1,404	

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.b: Projected Construction Completion - Existing Buildings, continued^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Map ID 25 - Armory House		Map ID 27 - Armory House	
			GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	1,549	1,549	1,424	1,424
31-Dec-22	1-Jul-23	1-Apr-24	0	1,549	0	1,424
31-Dec-23	1-Jul-24	1-Apr-25	0	1,549	0	1,424
31-Dec-24	1-Jul-25	1-Apr-26	0	1,549	0	1,424
31-Dec-25	1-Jul-26	1-Apr-27	0	1,549	0	1,424
31-Dec-26	1-Jul-27	1-Apr-28	0	1,549	0	1,424
31-Dec-27	1-Jul-28	1-Apr-29	0	1,549	0	1,424
31-Dec-28	1-Jul-29	1-Apr-30	0	1,549	0	1,424
31-Dec-29	1-Jul-30	1-Apr-31	0	1,549	0	1,424
31-Dec-30	1-Jul-31	1-Apr-32	0	1,549	0	1,424
31-Dec-31	1-Jul-32	1-Apr-33	0	1,549	0	1,424
31-Dec-32	1-Jul-33	1-Apr-34	0	1,549	0	1,424
31-Dec-33	1-Jul-34	1-Apr-35	0	1,549	0	1,424
31-Dec-34	1-Jul-35	1-Apr-36	0	1,549	0	1,424
31-Dec-35	1-Jul-36	1-Apr-37	0	1,549	0	1,424
31-Dec-36	1-Jul-37	1-Apr-38	0	1,549	0	1,424
31-Dec-37	1-Jul-38	1-Apr-39	0	1,549	0	1,424
31-Dec-38	1-Jul-39	1-Apr-40	0	1,549	0	1,424
31-Dec-39	1-Jul-40	1-Apr-41	0	1,549	0	1,424
31-Dec-40	1-Jul-41	1-Apr-42	0	1,549	0	1,424
31-Dec-41	1-Jul-42	1-Apr-43	0	1,549	0	1,424
31-Dec-42	1-Jul-43	1-Apr-44	0	1,549	0	1,424
31-Dec-43	1-Jul-44	1-Apr-45	0	1,549	0	1,424
31-Dec-44	1-Jul-45	1-Apr-46	0	1,549	0	1,424
31-Dec-45	1-Jul-46	1-Apr-47	0	1,549	0	1,424
31-Dec-46	1-Jul-47	1-Apr-48	0	1,549	0	1,424
31-Dec-47	1-Jul-48	1-Apr-49	0	1,549	0	1,424
31-Dec-48	1-Jul-49	1-Apr-50	0	1,549	0	1,424
31-Dec-49	1-Jul-50	1-Apr-51	0	1,549	0	1,424
31-Dec-50	1-Jul-51	1-Apr-52	0	1,549	0	1,424
Totals			1,549		1,424	

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Projected Sales
and Excise Tax Revenues

DRAFT

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-3.a: Projected Sales

Sales Period Ending ^(a)	Bond Year Ending	Inflation Factor ^(b)	Hotel/Rooms				Food and Beverage				
			Rooms ^(c)	Sales Per Room ^(d)	Operations ^(e)	Annual Sales	GSF ^(c)	Sales Per GSF ^(d)	Operations ^(e)	Annual Sales	
20-Mar-22	1-Jun-22	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-23	1-Jun-23	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-24	1-Jun-24	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-25	1-Jun-25	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-26	1-Jun-26	100.0%	122	\$114,975	25%	\$3,506,750	31,524	\$205	25%	\$1,617,250	
20-Mar-27	1-Jun-27	100.0%	122	\$132,803	100%	\$16,202,000	31,524	\$248	100%	\$7,827,000	
20-Mar-28	1-Jun-28	100.0%	122	\$142,451	100%	\$17,379,000	31,524	\$275	100%	\$8,670,000	
20-Mar-29	1-Jun-29	102.0%	122	\$145,300	100%	\$17,726,580	31,524	\$281	100%	\$8,843,400	
20-Mar-30	1-Jun-30	104.0%	122	\$148,206	100%	\$18,081,112	31,524	\$286	100%	\$9,020,268	
20-Mar-31	1-Jun-31	106.1%	122	\$151,170	100%	\$18,442,734	31,524	\$292	100%	\$9,200,673	
20-Mar-32	1-Jun-32	108.2%	122	\$154,193	100%	\$18,811,589	31,524	\$298	100%	\$9,384,687	
20-Mar-33	1-Jun-33	110.4%	122	\$157,277	100%	\$19,187,820	31,524	\$304	100%	\$9,572,381	
20-Mar-34	1-Jun-34	112.6%	122	\$160,423	100%	\$19,571,577	31,524	\$310	100%	\$9,763,828	
20-Mar-35	1-Jun-35	114.9%	122	\$163,631	100%	\$19,963,008	31,524	\$316	100%	\$9,959,105	
20-Mar-36	1-Jun-36	117.2%	122	\$166,904	100%	\$20,362,268	31,524	\$322	100%	\$10,158,287	
20-Mar-37	1-Jun-37	119.5%	122	\$170,242	100%	\$20,769,514	31,524	\$329	100%	\$10,361,453	
20-Mar-38	1-Jun-38	121.9%	122	\$173,647	100%	\$21,184,904	31,524	\$335	100%	\$10,568,682	
20-Mar-39	1-Jun-39	124.3%	122	\$177,120	100%	\$21,608,602	31,524	\$342	100%	\$10,780,055	
20-Mar-40	1-Jun-40	126.8%	122	\$180,662	100%	\$22,040,774	31,524	\$349	100%	\$10,995,656	
20-Mar-41	1-Jun-41	129.4%	122	\$184,275	100%	\$22,481,590	31,524	\$356	100%	\$11,215,569	
20-Mar-42	1-Jun-42	131.9%	122	\$187,961	100%	\$22,931,221	31,524	\$363	100%	\$11,439,881	
20-Mar-43	1-Jun-43	134.6%	122	\$191,720	100%	\$23,389,846	31,524	\$370	100%	\$11,668,678	
20-Mar-44	1-Jun-44	137.3%	122	\$195,554	100%	\$23,857,643	31,524	\$378	100%	\$11,902,052	
20-Mar-45	1-Jun-45	140.0%	122	\$199,466	100%	\$24,334,796	31,524	\$385	100%	\$12,140,093	
20-Mar-46	1-Jun-46	142.8%	122	\$203,455	100%	\$24,821,492	31,524	\$393	100%	\$12,382,895	
20-Mar-47	1-Jun-47	145.7%	122	\$207,524	100%	\$25,317,921	31,524	\$401	100%	\$12,630,553	
20-Mar-48	1-Jun-48	148.6%	122	\$211,674	100%	\$25,824,280	31,524	\$409	100%	\$12,883,164	
20-Mar-49	1-Jun-49	151.6%	122	\$215,908	100%	\$26,340,765	31,524	\$417	100%	\$13,140,827	
20-Mar-50	1-Jun-50	154.6%	122	\$220,226	100%	\$26,867,581	31,524	\$425	100%	\$13,403,644	
20-Mar-51	1-Jun-51	157.7%	122	\$224,631	100%	\$27,404,932	31,524	\$434	100%	\$13,671,717	
20-Mar-52	1-Jun-52	160.8%	122	\$229,123	100%	\$27,953,031	31,524	\$442	100%	\$13,945,151	
Total						\$576,363,329				\$287,146,949	

MuniCap, Inc.

22-Sep-2022

^(a) According to the West Virginia State Tax Department, sales taxes are due on either a monthly or quarterly basis. Assumes sales taxes are due on a monthly basis. According to the West Virginia State Tax Department, sales taxes for monthly filers are due on the 20th of the month following the reporting month. Assumes a two month lag for remittance to the Hill Top House from the State of West Virginia.

^(b) Assumes inflation rate of 2%.

^(c) See Schedule A.2.

^(d) Provided by Developer. Assumes stabilization occurs in sales period ending March 20, 2028, bond year ending June 1, 2028.

^(e) Assumes three months of sales are collected in year one.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-3.b: Projected Sales, continued

Sales Period Ending ^(a)	Bond Year Ending	Inflation Factor ^(b)	Spa/Health Club			Annual Sales
			GSF ^(c)	Sales Per GSF ^(d)	Operations ^(e)	
20-Mar-22	1-Jun-22	100.0%	0	\$0	0%	\$0
20-Mar-23	1-Jun-23	100.0%	0	\$0	0%	\$0
20-Mar-24	1-Jun-24	100.0%	0	\$0	0%	\$0
20-Mar-25	1-Jun-25	100.0%	0	\$0	0%	\$0
20-Mar-26	1-Jun-26	100.0%	11,894	\$239	25%	\$712,000
20-Mar-27	1-Jun-27	100.0%	11,894	\$267	100%	\$3,178,000
20-Mar-28	1-Jun-28	100.0%	11,894	\$286	100%	\$3,406,000
20-Mar-29	1-Jun-29	102.0%	11,894	\$244	100%	\$2,904,960
20-Mar-30	1-Jun-30	104.0%	11,894	\$249	100%	\$2,963,059
20-Mar-31	1-Jun-31	106.1%	11,894	\$254	100%	\$3,022,320
20-Mar-32	1-Jun-32	108.2%	11,894	\$259	100%	\$3,082,767
20-Mar-33	1-Jun-33	110.4%	11,894	\$264	100%	\$3,144,422
20-Mar-34	1-Jun-34	112.6%	11,894	\$270	100%	\$3,207,311
20-Mar-35	1-Jun-35	114.9%	11,894	\$275	100%	\$3,271,457
20-Mar-36	1-Jun-36	117.2%	11,894	\$281	100%	\$3,336,886
20-Mar-37	1-Jun-37	119.5%	11,894	\$286	100%	\$3,403,624
20-Mar-38	1-Jun-38	121.9%	11,894	\$292	100%	\$3,471,696
20-Mar-39	1-Jun-39	124.3%	11,894	\$298	100%	\$3,541,130
20-Mar-40	1-Jun-40	126.8%	11,894	\$304	100%	\$3,611,953
20-Mar-41	1-Jun-41	129.4%	11,894	\$310	100%	\$3,684,192
20-Mar-42	1-Jun-42	131.9%	11,894	\$316	100%	\$3,757,876
20-Mar-43	1-Jun-43	134.6%	11,894	\$322	100%	\$3,833,033
20-Mar-44	1-Jun-44	137.3%	11,894	\$329	100%	\$3,909,694
20-Mar-45	1-Jun-45	140.0%	11,894	\$335	100%	\$3,987,888
20-Mar-46	1-Jun-46	142.8%	11,894	\$342	100%	\$4,067,645
20-Mar-47	1-Jun-47	145.7%	11,894	\$349	100%	\$4,148,998
20-Mar-48	1-Jun-48	148.6%	11,894	\$356	100%	\$4,231,978
20-Mar-49	1-Jun-49	151.6%	11,894	\$363	100%	\$4,316,618
20-Mar-50	1-Jun-50	154.6%	11,894	\$370	100%	\$4,402,950
20-Mar-51	1-Jun-51	157.7%	11,894	\$378	100%	\$4,491,009
20-Mar-52	1-Jun-52	160.8%	11,894	\$385	100%	\$4,580,829
Total						\$95,670,294

MuniCap, Inc.

22-Sep-2022

^(a) According to the West Virginia State Tax Department, sales taxes are due on either a monthly or quarterly basis. Assumes sales taxes are due on a monthly basis. According to the West Virginia State Tax Department, sales taxes for monthly filers are due on the 20th of the month following the reporting month. Assumes a two month lag for remittance to the Hill Top House from the State of West Virginia.

^(b) Assumes inflation rate of 2%.

^(c) See Schedule A.2.

^(d) Provided by Developer. Assumes stabilization occurs in sales period ending March 20, 2028, bond year ending June 1, 2028.

^(e) Assumes three months of sales are collected in year one.

*APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia*

Appendix A-3.c: Projected Sales, continued^(a)

Sales Period Ending	Bond Year Ending	Inflation Factor	Hotel/ Rooms	Food and Beverage	Spa/ Health Club	Total
20-Mar-22	1-Jun-22	100.0%	\$0	\$0	\$0	\$0
20-Mar-23	1-Jun-23	100.0%	\$0	\$0	\$0	\$0
20-Mar-24	1-Jun-24	100.0%	\$0	\$0	\$0	\$0
20-Mar-25	1-Jun-25	100.0%	\$0	\$0	\$0	\$0
20-Mar-26	1-Jun-26	100.0%	\$3,506,750	\$1,617,250	\$712,000	\$5,836,000
20-Mar-27	1-Jun-27	100.0%	\$16,202,000	\$7,827,000	\$3,178,000	\$27,207,000
20-Mar-28	1-Jun-28	100.0%	\$17,379,000	\$8,670,000	\$3,406,000	\$29,455,000
20-Mar-29	1-Jun-29	102.0%	\$17,726,580	\$8,843,400	\$2,904,960	\$29,474,940
20-Mar-30	1-Jun-30	104.0%	\$18,081,112	\$9,020,268	\$2,963,059	\$30,064,439
20-Mar-31	1-Jun-31	106.1%	\$18,442,734	\$9,200,673	\$3,022,320	\$30,665,728
20-Mar-32	1-Jun-32	108.2%	\$18,811,589	\$9,384,687	\$3,082,767	\$31,279,042
20-Mar-33	1-Jun-33	110.4%	\$19,187,820	\$9,572,381	\$3,144,422	\$31,904,623
20-Mar-34	1-Jun-34	112.6%	\$19,571,577	\$9,763,828	\$3,207,311	\$32,542,715
20-Mar-35	1-Jun-35	114.9%	\$19,963,008	\$9,959,105	\$3,271,457	\$33,193,570
20-Mar-36	1-Jun-36	117.2%	\$20,362,268	\$10,158,287	\$3,336,886	\$33,857,441
20-Mar-37	1-Jun-37	119.5%	\$20,769,514	\$10,361,453	\$3,403,624	\$34,534,590
20-Mar-38	1-Jun-38	121.9%	\$21,184,904	\$10,568,682	\$3,471,696	\$35,225,282
20-Mar-39	1-Jun-39	124.3%	\$21,608,602	\$10,780,055	\$3,541,130	\$35,929,787
20-Mar-40	1-Jun-40	126.8%	\$22,040,774	\$10,995,656	\$3,611,953	\$36,648,383
20-Mar-41	1-Jun-41	129.4%	\$22,481,590	\$11,215,569	\$3,684,192	\$37,381,351
20-Mar-42	1-Jun-42	131.9%	\$22,931,221	\$11,439,881	\$3,757,876	\$38,128,978
20-Mar-43	1-Jun-43	134.6%	\$23,389,846	\$11,668,678	\$3,833,033	\$38,891,557
20-Mar-44	1-Jun-44	137.3%	\$23,857,643	\$11,902,052	\$3,909,694	\$39,669,389
20-Mar-45	1-Jun-45	140.0%	\$24,334,796	\$12,140,093	\$3,987,888	\$40,462,776
20-Mar-46	1-Jun-46	142.8%	\$24,821,492	\$12,382,895	\$4,067,645	\$41,272,032
20-Mar-47	1-Jun-47	145.7%	\$25,317,921	\$12,630,553	\$4,148,998	\$42,097,472
20-Mar-48	1-Jun-48	148.6%	\$25,824,280	\$12,883,164	\$4,231,978	\$42,939,422
20-Mar-49	1-Jun-49	151.6%	\$26,340,765	\$13,140,827	\$4,316,618	\$43,798,210
20-Mar-50	1-Jun-50	154.6%	\$26,867,581	\$13,403,644	\$4,402,950	\$44,674,175
20-Mar-51	1-Jun-51	157.7%	\$27,404,932	\$13,671,717	\$4,491,009	\$45,567,658
20-Mar-52	1-Jun-52	160.8%	\$27,953,031	\$13,945,151	\$4,580,829	\$46,479,011
Total			\$576,363,329	\$287,146,949	\$95,670,294	\$959,180,571

MuniCap, Inc.

22-Sep-2022

^(a)See prior schedules.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-4: Projected Excise Tax Revenue

Sales Period Ending	Bond Year Ending	Inflation Factor	Total Sales ^(a)	Excise Tax Rate ^(b)	Total Excise Taxes
20-Mar-22	1-Jun-22	100.0%	\$0	6.00%	\$0
20-Mar-23	1-Jun-23	100.0%	\$0	6.00%	\$0
20-Mar-24	1-Jun-24	100.0%	\$0	6.00%	\$0
20-Mar-25	1-Jun-25	100.0%	\$0	6.00%	\$0
20-Mar-26	1-Jun-26	100.0%	\$5,836,000	6.00%	\$350,160
20-Mar-27	1-Jun-27	100.0%	\$27,207,000	6.00%	\$1,632,420
20-Mar-28	1-Jun-28	100.0%	\$29,455,000	6.00%	\$1,767,300
20-Mar-29	1-Jun-29	102.0%	\$29,474,940	6.00%	\$1,768,496
20-Mar-30	1-Jun-30	104.0%	\$30,064,439	6.00%	\$1,803,866
20-Mar-31	1-Jun-31	106.1%	\$30,665,728	6.00%	\$1,839,944
20-Mar-32	1-Jun-32	108.2%	\$31,279,042	6.00%	\$1,876,743
20-Mar-33	1-Jun-33	110.4%	\$31,904,623	6.00%	\$1,914,277
20-Mar-34	1-Jun-34	112.6%	\$32,542,715	6.00%	\$1,952,563
20-Mar-35	1-Jun-35	114.9%	\$33,193,570	6.00%	\$1,991,614
20-Mar-36	1-Jun-36	117.2%	\$33,857,441	6.00%	\$2,031,446
20-Mar-37	1-Jun-37	119.5%	\$34,534,590	6.00%	\$2,072,075
20-Mar-38	1-Jun-38	121.9%	\$35,225,282	6.00%	\$2,113,517
20-Mar-39	1-Jun-39	124.3%	\$35,929,787	6.00%	\$2,155,787
20-Mar-40	1-Jun-40	126.8%	\$36,648,383	6.00%	\$2,198,903
20-Mar-41	1-Jun-41	129.4%	\$37,381,351	6.00%	\$2,242,881
20-Mar-42	1-Jun-42	131.9%	\$38,128,978	6.00%	\$2,287,739
20-Mar-43	1-Jun-43	134.6%	\$38,891,557	6.00%	\$2,333,493
20-Mar-44	1-Jun-44	137.3%	\$39,669,389	6.00%	\$2,380,163
20-Mar-45	1-Jun-45	140.0%	\$40,462,776	6.00%	\$2,427,767
20-Mar-46	1-Jun-46	142.8%	\$41,272,032	6.00%	\$2,476,322
20-Mar-47	1-Jun-47	145.7%	\$42,097,472	6.00%	\$2,525,848
20-Mar-48	1-Jun-48	148.6%	\$42,939,422	6.00%	\$2,576,365
20-Mar-49	1-Jun-49	151.6%	\$43,798,210	6.00%	\$2,627,893
20-Mar-50	1-Jun-50	154.6%	\$44,674,175	6.00%	\$2,680,450
20-Mar-51	1-Jun-51	157.7%	\$45,567,658	6.00%	\$2,734,059
20-Mar-52	1-Jun-52	160.8%	\$46,479,011	6.00%	\$2,788,741
Total			\$959,180,571		\$57,550,834

MuniCap, Inc.

22-Sep-2022

^(a)See Schedule A.3.

^(b)Represents the state component of sales tax.

Attachment 7:

How the project address economic problems in the area in which the Project will be located.

The Project will redevelop and revitalize a historically significant and highly visible property within the Town which had fallen into disrepair. The Hotel will attract significant tourism to the Town and the County, and will create jobs both directly and indirectly.

DRAFT

Attachment 8:

A preliminary cost/benefit analysis.

Pursuant to the Act, the County Commission will cause the Tax Commissioner to capture and deposit, to the credit of the Development District subaccount to be maintained by the State Treasurer on behalf of the County Commission, all special district excise taxes generated within the proposed Development District. Under the Act, incremental special district excise taxes, above the Base Tax Revenue Amount certified by the Tax Commissioner, shall be available to the County Commission for payment of debt service on Obligations issued and used on a “pay-as-you-go” basis for costs of the Project within the proposed Development District, all for the benefit of Jefferson County and its citizens. As the special district excise tax would be an offset/capture of the State’s consumer sales and service tax, such revenues are not currently directly available or dedicated to the County for any purpose. Consequently, the capture and dedication of such revenues for costs of the Project will have a direct positive impact on the County and its citizens. Without the capture and dedication of such revenues for costs of the Project, the proposed infrastructure improvements are not likely to occur and thus the economic growth of the area will be greatly impeded. The incremental special district excise tax revenues that are projected to be available to the County Commission for costs of the Project are set forth in Attachment 6 of this application. The Developer is unaware of any costs of negative impacts to the County or the Town as a result of establishing the proposed Development District and approving the proposed Project.

DRAFT

Attachment 9:

The amount of private sector investment in the Project and documentation and facts that support a finding that without the support of the special district excise tax, financing the Project would not be feasible.

It is projected that \$130,000,000 of private investment will occur within the Development District within the next 28-30 months.

Notwithstanding such substantial private investment within the Development District, the County Commission and Developer have not been able to identify a revenue source to finance the proposed infrastructure, construction, and improvements necessary to facilitate and incentivize such private investment, without the assistance of special district excise tax revenue. Such funding will allow the Project to be planned and constructed in the most efficient and inexpensive process available to the County Commission and the Developer. Without the availability of such funds for the Project, the ability of the State, County Commission and Developer to provide the necessary funds to finance the Project, the Project is not reasonably expected to occur and thus the projected private investment is not reasonably expected to occur.

DRAFT

Attachment 10: How the economic opportunity development district's excise tax dollars will leverage or be a catalyst for the effective use of private, other local government or state or federal funding that is available.

See Attachment 9.

DRAFT

Attachment 11: Substantial and credible evidence that the Project will be started and completed in a timely manner.

A Project Schedule is included in **Attachment 4**.

DRAFT

Attachment 12:

Evidence that the Project will directly or indirectly improve opportunities in the project area for the successful establishment or expansion of other industrial or commercial businesses.

It is projected that \$130,000,000 of private investment will occur within the Development District within the next 28-30 months.

Notwithstanding such substantial private investment within the Development District, the County Commission and Developer have not been able to identify a revenue source to finance the proposed public infrastructure and construction and improvements necessary to facilitate and incentivize such private investment, without the assistance of special district excise tax revenue. Such funding will allow the Project to be planned and constructed in the most efficient and inexpensive process available to the County Commission and the Developer. Without the availability of such funds for the Project, the ability of the State, County Commission and Developer to provide the necessary funds to finance the Project, the Project is not reasonably expected to occur and thus the projected private investment is not reasonably expected to occur.

Additionally, through the undertaking of the Project, the Developer will redevelop and revitalize a historically significant and highly visible property within the Town which had fallen into disrepair. The Hotel will attract significant tourism to the Town and the County, and will create jobs both directly and indirectly. The economic impact study prepared by EY Quantitative Economics and Statistics and the revenue report prepared by MuniCap, Inc. which are included in **Attachment 18** further support the impact that the Project will have in the project area.

Attachment 13: How the Project will directly or indirectly assist in the creation of additional long term employment opportunities in the area and the quality of jobs created in all phases of the Project including wages and benefits.

The Project's anticipated job estimates are as follows:

Estimated Job Creation within the Development District

Job Category: Professional

Number:	8
Wages:	\$100,000
Benefits:	<u>Industry Standard</u>

Job Category: Clerical and Admin

Number:	11
Wages:	\$40,000
Benefits:	<u>Industry Standard</u>

Job Category: Skilled

Number:	5
Wages:	\$35,000 – 50,000
Benefits:	<u>Industry Standard</u>

Job Category: Semi-Skilled

Number:	5
Wages:	\$35,000 – 50,000
Benefits:	<u>Industry Standard</u>

Job Category: Unskilled

Number:	100
Wages:	\$40,500
Benefits:	<u>Industry Standard</u>

Total Estimated Number of Construction Jobs	239
---	-----

Total Estimated Number of Permanent Jobs	129
--	-----

Attachment 14: If the Project will meet any pressing need for the area of part of the area in which the Development District is located.

See Attachment 7.

DRAFT

Attachment 15:

Whether the County Commission has a strategy for economic development in the county and whether the Project is consistent with that strategy.

On January 14, 2015, the County Commission approved the Envision Jefferson 2035 Comprehensive Plan (the “County Comprehensive Plan”). The creation of the proposed Development District and the execution of the Project are consistent with the goals and objectives stated therein. For example, among the objectives outlined in the County Comprehensive Plan are (1) to build upon intergovernmental efforts to develop strategies to entice visitors who come to the Harpers Ferry National Historical Park to stay in Jefferson County for more than a one-day visit to the Park and (2) to identify opportunities for public/private partnerships (or other creative forms of collaboration) between local government entities and private sector investment that would result in the creation or expansion of employment opportunities and infrastructure in Jefferson County.

DRAFT

Attachment 16: How the Project helps diversify the local economy.

See Attachment 7.

DRAFT

Attachment 17:

How the Project is consistent with the goals of W. Va. Code § 7-22-1 *et seq.*

The Project is consistent with the Legislative Finding and Declaration of Purpose set forth by the Legislature of the State of West Virginia in Section 2 of the Act. The Project will be located in an underdeveloped area of the county and the Project will result in the development and construction of modern structure and facilities in the Development District. The Development District will serve a public purpose and promote the health, safety, prosperity, security, and general welfare of citizens of the State. The Development District will promote the establishment and vitality of significant business opportunities within the county while serving as an effective means for developing and promoting tourism and other business activity.

DRAFT

Attachment 18: How the economic opportunity development district's excise tax dollars will leverage or be a catalyst for the effective use of private, other local government or state or federal funding that is available.

Attached hereto are the following:

1. Economic impact study dated May 2019 prepared by EY Quantitative Economics and Statistics; and
2. Revenue report dated _____ 2022 prepared by MuniCap, Inc.

DRAFT

Quantifying the state and local economic impacts of the proposed Hill Top House Hotel Project

Prepared by EY Quantitative Economics and Statistics (QUEST)

May 2019

DRAFT



Contents

Executive summary	1
1. Introduction.....	3
2. Approach and terms used in the report.....	3
3. One-time impacts related to Project construction	5
4. Annual economic impacts of hotel operations	7
4.1 Direct economic impacts	7
4.2 Total direct, indirect, and induced economic and tax impacts	8
5. Estimated state and local tax impacts, by tax type.....	10
5.1 State and local taxes resulting from capital expenditures	11
5.2 State and local tax impacts resulting from annual operations	10
Appendix - Study methodology & limitations	13
Input-output multiplier analysis and the IMPLAN economic model.....	13
Interpretation of results and limitations of the analysis	13

DRAFT

Executive summary

EY was commissioned by SWaN Hill Top, LLC (“SWaN” or the “Company”) to estimate the potential economic benefits related to the construction and operation of the Hill Top House Hotel Project (“Hill Top House” or “Project”), a proposed high-end hotel in Harpers Ferry, West Virginia with approximately 129 rooms in the main hotel, lodge, and ancillary buildings. EY estimated the economic and tax effects related to: (1) temporary impacts during Project construction and build out and (2) the ongoing annual impacts from the proposed hotel’s operations. Table ES-1 summarizes the estimated economic and tax impacts.

One-time impacts associated with Project construction are estimated to include:

- An estimated 478 “worker years,” averaging 239 direct jobs on-site each year over the 2-year construction period, generating nearly \$29 million in direct personal income;
- More than \$105 million in total economic output (approximately business sales) in West Virginia, including indirect and induced economic effects; and
- Nearly \$7.2 million of state and local tax revenue over 2 years.
- Approximately two-thirds of the total economic impact will remain in Harpers Ferry, primarily construction contractors and laborers working on-site.
- Construction of the proposed Hotel will generate a one-time tax impact of nearly \$1.8 million for Harpers Ferry over 2 years (2-year total) related to on-site construction activity. This tax impact is generated primarily through business and occupation (B&O) tax on the construction contract and will not recur.

The ongoing operating impacts will include:

- 129 jobs at the hotel, supporting 140 total jobs in Harpers Ferry, including indirect and induced economic activity;
- Total impact on Harpers Ferry economic output of \$26.8 million annually; and
- Annual hotel operations will generate an estimated \$1 million in Harpers Ferry taxes on an annual basis, including taxes remitted on visitor purchases. Direct business taxes paid by the Project will account for 40% of the annual tax impact.
- The Project will also generate tax impacts for other local units of government including Jefferson County and Jefferson County School District. Total taxes expected to accrue to these other local units of government are \$2.3 million, of which \$2.2 million is direct property tax paid by the hotel.
- The reported tax impact includes taxes remitted on visitor spending. The analysis estimates that the hotel will remit \$581,200 annually in Harpers Ferry sales tax and hotel/motel occupancy taxes on behalf of visitors. This includes an estimated \$241,200 of Harpers Ferry sales taxes and \$340,000 in Harpers Ferry hotel occupancy tax (net revenue to Harpers Ferry, assuming 50% of revenues will go to the local tourism board). Additionally, \$340,000 will go to the local tourism board (Jefferson County Convention & Visitors Bureau).

Table ES-1. Direct and total economic impacts for Harpers Ferry and West Virginia related to the proposed hotel's construction and operations

Real 2019 dollars

	Direct impact	Total Harpers Ferry impact	Total statewide impact
One-time impact of capital investments			
Average annual employment	239	242	359
Worker Years (2 yr. total)	478	483	718
Labor income (2 yr. total)	\$28,628,600	\$28,802,700	\$39,324,500
GDP (2 yr. total)	\$41,863,600	\$42,202,500	\$60,450,800
Economic output (2 yr. total)	\$71,586,100	\$72,191,700	\$105,151,400
Ongoing impact of hotel operations			
Average annual employment	129	140	217
Labor income (annual)	\$5,230,200	\$5,566,700	\$9,019,300
GDP (annual)	\$13,990,200	\$14,642,300	\$20,638,800
Economic output (annual)	\$25,633,000	\$26,825,800	\$38,203,400

Note: Figures may not appear to sum due to rounding.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

Table ES-2. Total local tax impacts from ongoing hotel operations related to direct, indirect, and induced economic impacts and remitted on behalf of Hotel visitors, by tax type

Real 2019 dollars

	Total tax impact
Harpers Ferry taxes	
Property taxes	\$205,000
Sales & use taxes	
Sales & use taxes, paid by businesses & residents	\$900
Sales & use taxes, paid by visitors	\$241,200
Other local taxes, including B&O	\$216,200
Hotel/Motel Occupancy Tax, Harpers Ferry portion	\$340,000
Total Harpers Ferry taxes	\$1,003,300
Other local taxes	
Jefferson County + School District	\$2,255,400
Other local taxes, statewide	\$76,000
Hotel/Motel Occupancy Tax, local tourism board portion*	\$340,000
Total local taxes, statewide	\$3,674,700

* Jefferson County Convention & Visitors Bureau

Note: Figures may not appear to sum due to rounding.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

Quantifying the state and local economic impacts of the proposed Hill Top House Hotel Project

1. Introduction

EY was commissioned by SWaN Hill Top, LLC (“SWaN” or the “Company”) to estimate the potential economic benefits related to the Hill Top House Hotel Project (“Hill Top House” or “Project”), a proposed high-end hotel in Harpers Ferry, West Virginia. This report provides an assessment of the potential economic impacts attributable to the construction and annual operations of the Project, including the number of West Virginia jobs and employee earnings, GDP generated, state and local taxes, and other key economic contributions.

Harpers Ferry is located at the convergence of the Potomac and Shenandoah Rivers and is a popular site for tourists interested in the region’s history and outdoor recreation. The headquarters of the Appalachian Trail Conservancy is located in Harpers Ferry, making Harpers Ferry a popular spot for hikers. The rivers and topography of the area have supported businesses catering to outdoor enthusiasts, such as zip line and canopy tours, white water rafting and tubing, backpacking, children’s adventure camps, and boating. As a result, tourism to the area tends to be highly seasonal, peaking in the summer months. In addition to local attractions, Harpers Ferry is located near multiple vineyards, golf courses, and the Hollywood Casino at Charles Town Races, providing the opportunity for the proposed hotel to capture a share of the demand that already exists in the greater area.

The analysis presented in this report shows that the development and construction of the proposed Hill Top House Hotel will generate economic and tax benefits for Harpers Ferry and the State of West Virginia, should the Company undertake the project. In addition to the economic benefits of the hotel’s construction, the expected annual operations at the hotel will support jobs and tax revenues throughout the state.

2. Approach and terms used in the report

This analysis considers impacts related to:

- (1) One-time (temporary) impact of capital investment – The construction of the proposed hotel will temporarily support jobs in Harpers Ferry and throughout West Virginia, primarily in the construction sector.
- (2) Ongoing (annual) impact of hotel operations – Operations at the proposed hotel will support ongoing jobs and incomes in Harpers Ferry and throughout West Virginia, primarily in hospitality-related businesses.

This study estimates three types of economic effects related to hotel construction and operations:

- Direct effects: The hotel's direct impact includes the hotel's projected revenues (direct economic output) and payments to employees (direct jobs and labor income). For the construction period, the direct impacts reflect the temporary on-site construction contractors and total construction expenditures.
- Indirect (supplier) economic effects: Indirect effects are the result of the hotel's purchases from local suppliers (e.g., food, cleaning supplies, stationary, utilities, contract security, etc.). As the hotel purchases goods and services from local businesses, these businesses in turn purchase additional inputs from their suppliers in order to meet new demand from the hotel. These supplier sales are captured in the indirect effect, reflecting employment and labor income impacts and the subsequent rounds of supplier purchases in the state and local economies.
- Induced (employee spending) economic effects: Induced effects are supported through household consumption spending by employees. Hotel employees and employees of the hotel's suppliers will use a portion of their incomes to purchase goods and services from businesses in Harpers Ferry, as well as other parts of West Virginia. These transactions support employment at businesses such as retailers, restaurants, and service companies.

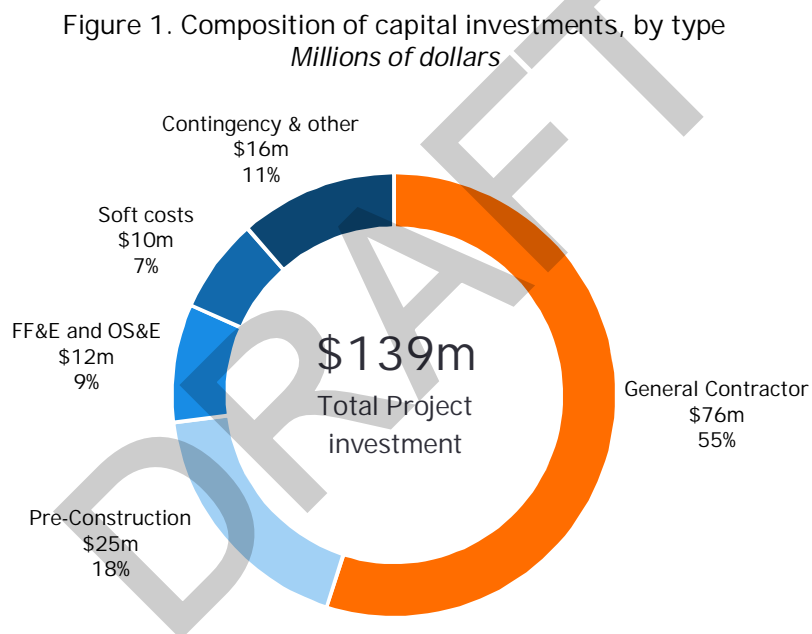
Direct, indirect, and induced impacts are expressed in terms of five indicators:

- Economic output: Economic output is the broadest measure of economic activity and includes GDP and intermediate input purchases. For the proposed hotel, economic output is equivalent to total room and service revenues. Economic output is the sum of GDP and intermediate demand (purchases from third-party suppliers).
- Gross Domestic Product (GDP): GDP, or value added, is a component of economic output and includes labor income, payments to capital, and indirect taxes.
- Labor income: Labor income is a component of GDP and includes total employee compensation (value of wages and benefits) and proprietor income.
- Employment: Employment reflects the total number of full- and part-time jobs (headcount).
- State and local taxes: Estimated taxes include individual and corporate income taxes, sales and excise taxes, and local property taxes paid by businesses and households. Income, property, and sales taxes paid by hotel employees on their incomes and purchases are included as direct taxes. The analysis presents estimates for local taxes collected within Harpers Ferry (all taxing jurisdictions) and other local governments throughout the state.

3. One-time impacts related to Project construction

Based on information compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN, the proposed hotel will require \$139 million in total investment including construction, design, furnishing, and other costs. Of this total spend, over half will be for the construction of the hotel and surrounding infrastructure (see Figure 1). This spending will temporarily increase demand for local construction services, generating nearly \$72 million of direct construction sector economic output and supporting on-site employment. The construction of the proposed hotel in Harpers Ferry will generate economic impacts over the two-year construction period. These impacts are described as “one-time” because they do not recur.

Soft costs, such as design and management, account for \$10 million, and hard costs including furniture, fixtures, and equipment (FF&E) will total \$12 million. These goods and services are assumed to be supplied from vendors outside of West Virginia and are not included in the economic impacts presented in this section.



Note: Amount includes escalation.

Source: Data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

Estimated one-time economic impacts

- Direct construction expenditures of nearly \$72 million will support an average of 239 on-site construction contractors per year in Harpers Ferry during the hotel's construction – totaling 478 direct worker years (one-year jobs).
- Including direct (contractor), indirect (supplier), and induced (household spending) economic effects, Project construction will support an average of 242 construction and related jobs per year in Harpers Ferry during the 2-year construction period.

- The total job impact includes construction contractors and engineers, as well as employees at construction material suppliers. Workers supported by capital expenditure impacts in Harpers Ferry will earn an estimated \$28.6 million in total compensation (direct labor income).
- Projected capital investments in the Hill Top House Hotel will generate approximately \$72.2 million of total economic output in Harpers Ferry. Of this total output, \$42.2 million will be attributed to GDP, including \$28.8 million in labor income earned by Harpers Ferry workers.
- While most of the impact will be in Harpers Ferry, additional activity will be supported throughout West Virginia as a result of local construction spending (\$105.2 million of total economic output in West Virginia) – supporting an average of 359 jobs per year statewide (718 worker-years).
- Capital investments will generate \$7.2 million in total state and local tax revenues. Of this total, \$4.6 million will be direct taxes paid by the construction contractor, including more than \$2.0 million of state and local sales taxes on construction materials.¹

Table 1. State and local impacts of planned capital investments
Real 2019 dollars

	Direct impact	Indirect & Induced impact	Total impact
	Construction contractors	Payments made to construction suppliers; Businesses selling to contract employees	Total one-time
Harpers Ferry			
Avg. annual jobs	239	3	242
Worker years	478	5	483
Labor income	\$28,628,600	\$174,100	\$28,802,700
GDP	\$41,863,600	\$338,900	\$42,202,500
Economic output	\$71,586,100	\$605,600	\$72,191,700
WV, statewide			
Avg. annual jobs	239	120	359
Worker years	478	240	718
Labor income	\$28,628,600	\$10,695,900	\$39,324,500
GDP	\$41,863,600	\$18,587,200	\$60,450,800
Economic output	\$71,586,100	\$33,565,300	\$105,151,400

Note: Figures may not appear to sum due to rounding. Worker years are equivalent to the number of jobs lasting an average of one year each.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

¹ Assumes 40% of the \$72 million planned construction spend is subject to state sales tax rate of 6% and local sales tax rate of 1%.

4. Annual economic impacts of hotel operations

4.1 Direct economic impacts

The hotel's direct impacts can be described in terms of economic value generated and distributed, as shown in Table 2. The hotel generates economic value through its sales, shown as direct economic output. The hotel distributes economic value in West Virginia through its payments to in-state suppliers, employees, and governments.²

The analysis assumes that the hotel will employ 129 workers once fully operational (assuming one employee per room). According to the most recent Census estimates, the combined population of Harpers Ferry and neighboring Bolivar was around 1,500 people – with approximately 300 people working in these two towns combined.³ Including current employment in Harpers Ferry and neighboring Bolivar, the direct jobs at the proposed hotel would increase the number of local jobs by 40%.⁴

Hotel employees will earn an estimated \$40,500 in average total compensation, including the value of wages, tips, and benefits – totaling more than \$5.2 million in annual payroll expense (direct labor income).⁵ This average compensation, which is representative of both full-time and part-time workers, reflects an average work week of approximately 34 hours.⁶

Table 2. Economic value generated and distributed, annual
Real 2019 dollars

	Direct hotel operations
Economic value generated in Harpers Ferry	
Rooms	\$13,598,000
Food and beverage	\$9,498,000
Spa	\$1,511,000
Other revenues	\$1,026,000
Direct economic output	\$25,633,000
Economic value distributed in WV	
Local supplier purchases (intermediate demand)	
<i>Within Harpers Ferry</i>	\$251,700
<i>Elsewhere in West Virginia</i>	\$5,461,100
Employees (direct labor income)	\$5,230,200
Governments (taxes)	
<i>Harpers Ferry</i>	\$409,100
<i>Other state & local taxes</i>	\$1,769,000
Total value distributed in WV	\$13,121,100

Note: Figures may not appear to sum due to rounding; Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

² The share of operating inputs purchased from local vendors was estimated using industry averages for the accommodations sector in the IMPLAN models of Jefferson County and WV, reflecting historical purchasing relationships for existing businesses.

³ U.S. Census American Community Survey (ACS) 5-Year Population Estimate (2013-2017) and 2002-2014 LEHD Origin Destination Employment Statistics (LODES).

⁴ U.S. Census 2002-2014 LODES.

⁵ Annual average compensation based on the average for the accommodations sector in the IMPLAN model of Harpers Ferry.

⁶ According to BLS, the average employee in the leisure and hospitality sector worked 34.1 hours per week in 2018.

4.2 Total direct, indirect, and induced economic and tax impacts

Contributions related to operations provide a snapshot of the potential ongoing annual economic impacts of the proposed hotel. The estimated impacts reflect the anticipated annual operations of the hotel, once fully-operational (year 3). Economic impacts include activity in the Town of Harpers Ferry and the State of West Virginia overall.

Estimated annual economic impacts

- Hotel operations will support an estimated 140 direct, indirect, and induced jobs in Harpers Ferry and 217 total jobs throughout the state. This includes jobs at the hotel's suppliers (indirect) and businesses that sell to hotel employees and hotel supplier employees (induced).
- For every 10 direct jobs at the hotel, an additional 7 jobs are supported elsewhere in the state through indirect and induced economic activity – 17 jobs total (statewide employment multiplier of 1.7). This is higher than the average employment multiplier for the existing West Virginia hotel sector of 1.4, reflecting the hotel's high wages and overall worker productivity (economic output per worker), relative to the rest of the sector.
- The total (direct, indirect, and induced) impact on state economic output will be an estimated \$38.2 million, approximately half of which will be state GDP (\$20.6 million).

Table 3. Annual state and local impacts of hotel operations
Real 2019 dollars

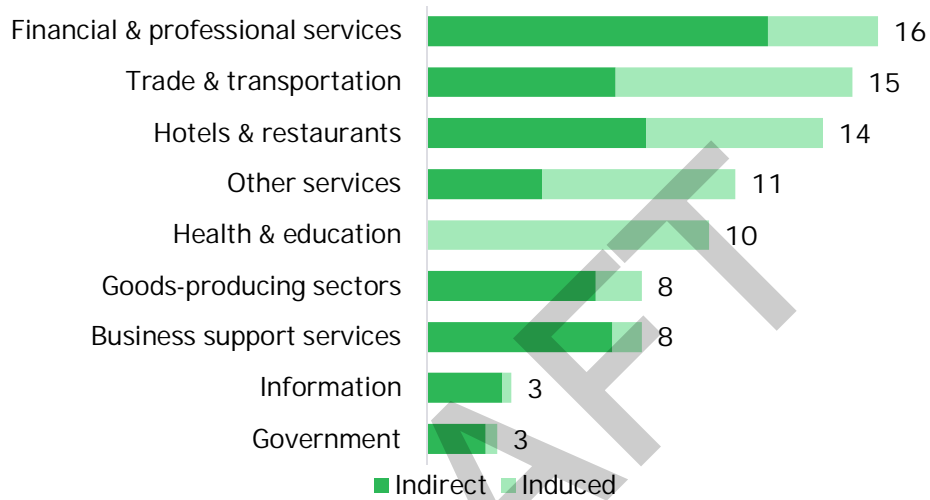
	Direct impact	Indirect & Induced impact	Total impact
	<i>Hotel operations</i>	<i>Hotel suppliers; Businesses selling to employees</i>	<i>Total</i>
Harpers Ferry			
Employment	129	11	140
Labor income	\$5,230,200	\$336,500	\$5,566,700
GDP	\$13,990,200	\$652,100	\$14,642,300
Economic output	\$25,633,000	\$1,192,800	\$26,825,800
WV, statewide			
Employment	129	88	217
Labor income	\$5,230,194	\$3,789,100	\$9,019,300
GDP	\$13,990,194	\$6,648,562	\$20,638,800
Economic output	\$25,633,000	\$12,570,368	\$38,203,400

Note: Figures may not appear to sum due to rounding.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

The hotel will support direct hospitality jobs and also jobs in other sectors as a result of the indirect and induced effects. Two out of every 10 estimated jobs are supported through the indirect effects, totaling 49 indirect jobs statewide at businesses that will sell goods and services to the hotel (e.g. financial and professional services and trade and transportation sectors). An additional 39 permanent jobs will be supported in the state through the induced economic impact – primarily at restaurants, retailers, and in education and health care. See Figure 2.

Figure 2. Distribution of indirect and induced employment, by sector
Statewide indirect and induced employment = 88



Note: Figures may not appear to sum due to rounding.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

5. Estimated state and local tax impacts, by tax type

5.1 Local tax impacts resulting from annual operations and capital expenditures

An analysis of the potential local tax impacts included:

- Construction of the proposed Hotel will generate a one-time tax impact of \$1.8 million for Harpers Ferry over 2 years (2-year total) related to on-site construction activity. This tax impact is generated primarily through the Harpers Ferry B&O tax that is assumed to be paid by the Project's construction contractors, as well as sales and use taxes on construction materials and will not recur.
- Annual hotel operations will generate an estimated \$1 million in Harpers Ferry taxes on an annual basis, including taxes remitted on visitor purchases.
- Direct business taxes paid by the Project will account for 40% of the annual tax impact.
- Based on information compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN, the hotel would generate an estimated \$201,000 per year in Harpers Ferry property taxes on real and personal property. Of this, \$191,000 (95%) would be incremental tax paid on real property improvements, \$2,300 (1%) is the current tax on the existing property, and \$7,800 (4%) would be tax on business personal property. Additionally, the Project will generate an average of \$2.2 million per year in county and school district property taxes.
- A TIF agreement would require that a portion of the \$191,000 in incremental property tax revenues be used to service the TIF bond. Assuming the TIF would be funded from ad valorem real and personal property taxes, the tax increment would generate sufficient revenue to service the bond at an assumed 4.5% interest rate over 30 years.
- The Hotel will generate additional revenues through taxes remitted on visitor spending. The analysis estimates that the hotel will remit \$581,200 annually in Harpers Ferry sales tax and hotel/motel occupancy taxes on behalf of visitors. This includes an estimated \$241,200 of Harpers Ferry sales taxes and \$340,000 in Harpers Ferry hotel occupancy tax (net revenue to Harpers Ferry, assuming 50% of revenues will go to the local tourism board). Additionally, \$340,000 will go to the local tourism board (Jefferson County Convention & Visitors Bureau).

Table 4. Total local tax impacts from ongoing hotel operations related to direct, indirect, and induced economic impacts and remitted on behalf of Hotel visitors, by tax type

Real 2019 dollars

	Direct taxes paid by the hotel	Taxes paid by hotel employees, indirect & induced effects, and remitted on visitor purchases	Total local tax impact
Harpers Ferry taxes			
Property taxes	\$201,100	\$3,900	\$205,000
Sales & use taxes			
Sales & use taxes, paid by businesses & residents	\$600	\$300	\$900
Sales & use taxes, paid by visitors		\$241,200	\$241,200
Other local taxes, including B&O	\$207,400	\$8,800	\$216,200
Hotel/Motel Occupancy Tax, Harpers Ferry portion		\$340,000	\$340,000
Total Harpers Ferry taxes	\$409,100	\$594,200	\$1,003,300
Other local taxes			
Jefferson County + School District	\$2,204,000	\$51,400	\$2,255,400
Other local taxes, statewide	--	\$76,000	\$76,000
Hotel/Motel Occupancy Tax, local tourism board portion*		\$340,000	\$340,000
Total local taxes, statewide	\$2,613,100	\$1,061,600	\$3,674,700

* Jefferson County Convention & Visitors Bureau

Note: Figures may not appear to sum due to rounding.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

5.2 State taxes resulting from capital expenditures and operations

Tax revenues supported by capital investments in the construction of Hill Top House Hotel will provide significant tax revenues for both Harpers Ferry and the State of West Virginia.

- In total, economic activity from hotel construction will generate \$4.4 million in total state taxes over two years. This includes an estimated \$1.7 million of state sales taxes paid on construction materials.
- Capital expenditures for the hotel's construction are estimated to support approximately \$1.0 million in individual income tax revenues for the State of West Virginia.
- In total, economic activity from hotel operations will generate more than \$2 million in total state taxes annually, including an estimated \$1.4 million of state sales taxes remitted on behalf of Hotel guests on their on-site purchases. Through the Tourism Development Credit (TDC), SWaN expects to receive a full rebate of the state sales tax paid during annual operations over the 10-year TDC period.

Table 5. Total state tax impacts from capital expenditures and operations, by tax type
Real 2019 dollars

	Total tax contribution from capital expenditures (cumulative total)	Total tax contribution related to Hotel operations (annual)
State taxes		
Sales & excise taxes		
Sales & excise taxes, paid by business and residents	\$3,055,400	\$306,700
Sales & excise taxes, paid by visitors	n/a	\$1,447,300
Personal income	\$1,020,800	\$234,100
Other state taxes	\$324,600	\$74,500
Total state taxes	\$4,400,900	\$2,062,600

Note: Figures may not appear to sum due to rounding.

Source: EY analysis and data compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN.

DRAFT

Appendix – Study methodology & limitations

Input-output multiplier analysis and the IMPLAN economic model

The estimated economic and tax contributions presented in this study are based on information compiled by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN, specializing in design and procurement, food & beverage and construction, or estimated by EY. The state and local economic and tax impacts related to this activity were estimated using the regional Economic Impact Analysis for Planning (IMPLAN) input-output economic models for Jefferson County and the State of West Virginia, which describe relationships between businesses, households, and governments within each economy. This model follows flows of purchases as purchases of local goods by companies and employees support sales, jobs, and tax revenues. IMPLAN is used by the public sector, as well as private-sector businesses and other researchers and is based on widely accepted methodology for estimating these types of economic linkages.

The magnitude of each economic effect is described in terms of an economic multiplier. The multipliers in the IMPLAN model are based on the Leontief matrix, which estimates the total economic requirements for every unit of direct output in a given industry using detailed inter-industry relationships documented in the input-output model. The input-output framework connects commodity supply from one industry to commodity demand by another. The multipliers estimated using this approach capture all of the upstream economic activity (or backward linkages) related to an industry's production by attaching technical coefficients to expenditures. These output coefficients (dollars of demand) are then translated into dollars of GDP and labor income and number of employees based on industry averages.

In general, tax impacts are estimated based on the historical relationship between state and local tax collections (by tax type) to economic activity (measured as personal income). This ratio estimates the effective tax rates for each tax type as a share of total personal income. This approach assumes that the proposed hotel's employees and employees supported from the indirect and induced economic activity will generate taxes at the average effective rate on economic activity.

Interpretation of results and limitations of the analysis

The accompanying analyses were prepared for the use of SWaN. The analyses conducted in this report constitute neither an examination nor a compilation of prospective financial statements nor the application of agreed-upon procedures thereto in accordance with the attestation standards established by the American Institute of CPAs (AICPA). Accordingly, EY does not express an opinion on or offer any other assurances as to whether the analyses are presented in conformity with AICPA presentation guidelines or as to whether the underlying assumptions provide a reasonable basis for the analyses.

The reader should be aware of the following limitations and assumptions when interpreting the results:

- Information on projected capital expenditures and hotel operations was provided to EY by Interstate Hotels & Resorts and other hotel development and management industry specialists retained by SWaN, specializing in design and procurement, food & beverage and construction, for the purpose of this report. This data has not been independently audited or validated by EY. As such, EY offers no opinion on the validity of the data provided by the Company, although it was reviewed for general reasonableness and internal consistency.

- Indirect and induced contributions are estimated using the 2017 detailed IMPLAN input-output economic model of Jefferson County and the State of West Virginia. This methodology is widely used to assess indirect and induced economic linkages.
- Results for Harpers Ferry were estimated as a share of the county-wide indirect and induced estimates from the IMPLAN model of Jefferson County. County results were allocated to Harpers Ferry based on the town's historical share of employment within each sector in the indirect and induced impact.
- In general, indirect and induced tax impacts are estimated based on state and county averages for all industries and households. These estimates do not incorporate industry-specific tax rates, exemptions, or bases.
- Direct state and local sales and use taxes on construction materials were estimated based on the applicable statutory tax rates (6% state; 1% local), assuming 40% of construction expenditures are on taxable materials.
- Hotel accommodations taxes were estimated based on the 5% hotel accommodations tax rate for Harpers Ferry. State and local sales taxes paid by hotel visitors were estimated based on hotel revenues, less revenues for spa services, as personal services are exempt in West Virginia. Estimated taxes paid by hotel guests are not included in the tax impact tables.
- The economic impacts presented in this study (including employment and labor income) reflect the work location. These are jobs that will be based in West Virginia and could be filled by residents or non-residents.
- Given Harpers Ferry's proximity to Virginia and Maryland, the projected capital expenditures and hotel operations will likely support economic activity in these two states. However, the economic impacts presented in this study do not reflect any economic contributions to these two states.

**Hill Top House - Harpers Ferry
Jefferson County, West Virginia**

Appendices to the Pledged Revenue Report

DRAFT

DRAFT

Prepared By:

MUNICAP, INC.
— PUBLIC FINANCE —

September 22, 2022

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Scenario A
(Base Scenario)

Assumptions

Completion of Hill Top House Hotel
Rehabilitation of Yellow House and Old Lodge
Existing Ancillary Armory Buildings

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Projected Development

DRAFT

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-1: Development Summary

Property Type ^(a)	Construction	Property Area ^(a)		
	Completion	Rooms	GSF per Room	GSF
Commercial				
Hill Top House				
Lodging	2025	122	608	74,132
Banquet hall	2025	-	-	15,975
Restaurant	2025	-	-	10,875
Cocktail lounge	2025	-	-	4,674
Health club	2025	-	-	11,894
Parking structure	2025	-	-	27,029
Sub-total Hill Top House		122		144,579
Existing buildings				
Yellow House	-	-	-	4,201
Old Lodge	-	-	-	14,488
Ancillary buildings				
Map ID 17 - Red House/Office	-	-	-	1,906
Map ID 19 - Armory House	-	-	-	2,562
Map ID 22 - Armory House	-	-	-	1,928
Map ID 24 - Armory House	-	-	-	1,404
Map ID 25 - Armory House	-	-	-	1,549
Map ID 27 - Armory House	-	-	-	1,424
Sub-total existing buildings				29,462
Total		122		174,041

MuniCap, Inc.

22-Sep-2022

^(a)Provided by Developer.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.a: Projected Construction Completion - Hill Top House^(a)

Development			Lodging		Banquet Hall		Restaurant	
Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Rooms	Cumulative	GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	0	0	0	0	0	0
31-Dec-22	1-Jul-23	1-Apr-24	0	0	0	0	0	0
31-Dec-23	1-Jul-24	1-Apr-25	0	0	0	0	0	0
31-Dec-24	1-Jul-25	1-Apr-26	0	0	0	0	0	0
31-Dec-25	1-Jul-26	1-Apr-27	122	122	15,975	15,975	10,875	10,875
31-Dec-26	1-Jul-27	1-Apr-28	0	122	0	15,975	0	10,875
31-Dec-27	1-Jul-28	1-Apr-29	0	122	0	15,975	0	10,875
31-Dec-28	1-Jul-29	1-Apr-30	0	122	0	15,975	0	10,875
31-Dec-29	1-Jul-30	1-Apr-31	0	122	0	15,975	0	10,875
31-Dec-30	1-Jul-31	1-Apr-32	0	122	0	15,975	0	10,875
31-Dec-31	1-Jul-32	1-Apr-33	0	122	0	15,975	0	10,875
31-Dec-32	1-Jul-33	1-Apr-34	0	122	0	15,975	0	10,875
31-Dec-33	1-Jul-34	1-Apr-35	0	122	0	15,975	0	10,875
31-Dec-34	1-Jul-35	1-Apr-36	0	122	0	15,975	0	10,875
31-Dec-35	1-Jul-36	1-Apr-37	0	122	0	15,975	0	10,875
31-Dec-36	1-Jul-37	1-Apr-38	0	122	0	15,975	0	10,875
31-Dec-37	1-Jul-38	1-Apr-39	0	122	0	15,975	0	10,875
31-Dec-38	1-Jul-39	1-Apr-40	0	122	0	15,975	0	10,875
31-Dec-39	1-Jul-40	1-Apr-41	0	122	0	15,975	0	10,875
31-Dec-40	1-Jul-41	1-Apr-42	0	122	0	15,975	0	10,875
31-Dec-41	1-Jul-42	1-Apr-43	0	122	0	15,975	0	10,875
31-Dec-42	1-Jul-43	1-Apr-44	0	122	0	15,975	0	10,875
31-Dec-43	1-Jul-44	1-Apr-45	0	122	0	15,975	0	10,875
31-Dec-44	1-Jul-45	1-Apr-46	0	122	0	15,975	0	10,875
31-Dec-45	1-Jul-46	1-Apr-47	0	122	0	15,975	0	10,875
31-Dec-46	1-Jul-47	1-Apr-48	0	122	0	15,975	0	10,875
31-Dec-47	1-Jul-48	1-Apr-49	0	122	0	15,975	0	10,875
31-Dec-48	1-Jul-49	1-Apr-50	0	122	0	15,975	0	10,875
31-Dec-49	1-Jul-50	1-Apr-51	0	122	0	15,975	0	10,875
31-Dec-50	1-Jul-51	1-Apr-52	0	122	0	15,975	0	10,875
Totals			122		15,975		10,875	

MuniCap, Inc.

22-Sep-22

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.a: Projected Construction Completion - Hill Top House, continued^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Cocktail Lounge		Health Club		Parking Structure		
			GSF	Cumulative	GSF	Cumulative	GSF	Cumulative	
31-Dec-21	1-Jul-22	1-Apr-23	0	0	0	0	0	0	
31-Dec-22	1-Jul-23	1-Apr-24	0	0	0	0	0	0	
31-Dec-23	1-Jul-24	1-Apr-25	0	0	0	0	0	0	
31-Dec-24	1-Jul-25	1-Apr-26	0	0	0	0	0	0	
31-Dec-25	1-Jul-26	1-Apr-27	4,674	4,674	11,894	11,894	27,029	27,029	
31-Dec-26	1-Jul-27	1-Apr-28	0	4,674	0	11,894	0	27,029	
31-Dec-27	1-Jul-28	1-Apr-29	0	4,674	0	11,894	0	27,029	
31-Dec-28	1-Jul-29	1-Apr-30	0	4,674	0	11,894	0	27,029	
31-Dec-29	1-Jul-30	1-Apr-31	0	4,674	0	11,894	0	27,029	
31-Dec-30	1-Jul-31	1-Apr-32	0	4,674	0	11,894	0	27,029	
31-Dec-31	1-Jul-32	1-Apr-33	0	4,674	0	11,894	0	27,029	
31-Dec-32	1-Jul-33	1-Apr-34	0	4,674	0	11,894	0	27,029	
31-Dec-33	1-Jul-34	1-Apr-35	0	4,674	0	11,894	0	27,029	
31-Dec-34	1-Jul-35	1-Apr-36	0	4,674	0	11,894	0	27,029	
31-Dec-35	1-Jul-36	1-Apr-37	0	4,674	0	11,894	0	27,029	
31-Dec-36	1-Jul-37	1-Apr-38	0	4,674	0	11,894	0	27,029	
31-Dec-37	1-Jul-38	1-Apr-39	0	4,674	0	11,894	0	27,029	
31-Dec-38	1-Jul-39	1-Apr-40	0	4,674	0	11,894	0	27,029	
31-Dec-39	1-Jul-40	1-Apr-41	0	4,674	0	11,894	0	27,029	
31-Dec-40	1-Jul-41	1-Apr-42	0	4,674	0	11,894	0	27,029	
31-Dec-41	1-Jul-42	1-Apr-43	0	4,674	0	11,894	0	27,029	
31-Dec-42	1-Jul-43	1-Apr-44	0	4,674	0	11,894	0	27,029	
31-Dec-43	1-Jul-44	1-Apr-45	0	4,674	0	11,894	0	27,029	
31-Dec-44	1-Jul-45	1-Apr-46	0	4,674	0	11,894	0	27,029	
31-Dec-45	1-Jul-46	1-Apr-47	0	4,674	0	11,894	0	27,029	
31-Dec-46	1-Jul-47	1-Apr-48	0	4,674	0	11,894	0	27,029	
31-Dec-47	1-Jul-48	1-Apr-49	0	4,674	0	11,894	0	27,029	
31-Dec-48	1-Jul-49	1-Apr-50	0	4,674	0	11,894	0	27,029	
31-Dec-49	1-Jul-50	1-Apr-51	0	4,674	0	11,894	0	27,029	
31-Dec-50	1-Jul-51	1-Apr-52	0	4,674	0	11,894	0	27,029	
Totals			4,674		11,894		27,029		

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.b: Projected Construction Completion - Existing Buildings^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Yellow House		Old Lodge		Map ID 17 - Red House/Office	
			GSF	Cumulative	GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	4,201	4,201	14,488	14,488	1,906	1,906
31-Dec-22	1-Jul-23	1-Apr-24	0	4,201	0	14,488	0	1,906
31-Dec-23	1-Jul-24	1-Apr-25	0	4,201	0	14,488	0	1,906
31-Dec-24	1-Jul-25	1-Apr-26	0	4,201	0	14,488	0	1,906
31-Dec-25	1-Jul-26	1-Apr-27	0	4,201	0	14,488	0	1,906
31-Dec-26	1-Jul-27	1-Apr-28	0	4,201	0	14,488	0	1,906
31-Dec-27	1-Jul-28	1-Apr-29	0	4,201	0	14,488	0	1,906
31-Dec-28	1-Jul-29	1-Apr-30	0	4,201	0	14,488	0	1,906
31-Dec-29	1-Jul-30	1-Apr-31	0	4,201	0	14,488	0	1,906
31-Dec-30	1-Jul-31	1-Apr-32	0	4,201	0	14,488	0	1,906
31-Dec-31	1-Jul-32	1-Apr-33	0	4,201	0	14,488	0	1,906
31-Dec-32	1-Jul-33	1-Apr-34	0	4,201	0	14,488	0	1,906
31-Dec-33	1-Jul-34	1-Apr-35	0	4,201	0	14,488	0	1,906
31-Dec-34	1-Jul-35	1-Apr-36	0	4,201	0	14,488	0	1,906
31-Dec-35	1-Jul-36	1-Apr-37	0	4,201	0	14,488	0	1,906
31-Dec-36	1-Jul-37	1-Apr-38	0	4,201	0	14,488	0	1,906
31-Dec-37	1-Jul-38	1-Apr-39	0	4,201	0	14,488	0	1,906
31-Dec-38	1-Jul-39	1-Apr-40	0	4,201	0	14,488	0	1,906
31-Dec-39	1-Jul-40	1-Apr-41	0	4,201	0	14,488	0	1,906
31-Dec-40	1-Jul-41	1-Apr-42	0	4,201	0	14,488	0	1,906
31-Dec-41	1-Jul-42	1-Apr-43	0	4,201	0	14,488	0	1,906
31-Dec-42	1-Jul-43	1-Apr-44	0	4,201	0	14,488	0	1,906
31-Dec-43	1-Jul-44	1-Apr-45	0	4,201	0	14,488	0	1,906
31-Dec-44	1-Jul-45	1-Apr-46	0	4,201	0	14,488	0	1,906
31-Dec-45	1-Jul-46	1-Apr-47	0	4,201	0	14,488	0	1,906
31-Dec-46	1-Jul-47	1-Apr-48	0	4,201	0	14,488	0	1,906
31-Dec-47	1-Jul-48	1-Apr-49	0	4,201	0	14,488	0	1,906
31-Dec-48	1-Jul-49	1-Apr-50	0	4,201	0	14,488	0	1,906
31-Dec-49	1-Jul-50	1-Apr-51	0	4,201	0	14,488	0	1,906
31-Dec-50	1-Jul-51	1-Apr-52	0	4,201	0	14,488	0	1,906
Totals			4,201		14,488		1,906	

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.b: Projected Construction Completion - Existing Buildings, continued^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Map ID 19 - Armory House		Map ID 22 - Armory House		Map ID 24 - Armory House	
			GSF	Cumulative	GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	2,562	2,562	1,928	1,928	1,404	1,404
31-Dec-22	1-Jul-23	1-Apr-24	0	2,562	0	1,928	0	1,404
31-Dec-23	1-Jul-24	1-Apr-25	0	2,562	0	1,928	0	1,404
31-Dec-24	1-Jul-25	1-Apr-26	0	2,562	0	1,928	0	1,404
31-Dec-25	1-Jul-26	1-Apr-27	0	2,562	0	1,928	0	1,404
31-Dec-26	1-Jul-27	1-Apr-28	0	2,562	0	1,928	0	1,404
31-Dec-27	1-Jul-28	1-Apr-29	0	2,562	0	1,928	0	1,404
31-Dec-28	1-Jul-29	1-Apr-30	0	2,562	0	1,928	0	1,404
31-Dec-29	1-Jul-30	1-Apr-31	0	2,562	0	1,928	0	1,404
31-Dec-30	1-Jul-31	1-Apr-32	0	2,562	0	1,928	0	1,404
31-Dec-31	1-Jul-32	1-Apr-33	0	2,562	0	1,928	0	1,404
31-Dec-32	1-Jul-33	1-Apr-34	0	2,562	0	1,928	0	1,404
31-Dec-33	1-Jul-34	1-Apr-35	0	2,562	0	1,928	0	1,404
31-Dec-34	1-Jul-35	1-Apr-36	0	2,562	0	1,928	0	1,404
31-Dec-35	1-Jul-36	1-Apr-37	0	2,562	0	1,928	0	1,404
31-Dec-36	1-Jul-37	1-Apr-38	0	2,562	0	1,928	0	1,404
31-Dec-37	1-Jul-38	1-Apr-39	0	2,562	0	1,928	0	1,404
31-Dec-38	1-Jul-39	1-Apr-40	0	2,562	0	1,928	0	1,404
31-Dec-39	1-Jul-40	1-Apr-41	0	2,562	0	1,928	0	1,404
31-Dec-40	1-Jul-41	1-Apr-42	0	2,562	0	1,928	0	1,404
31-Dec-41	1-Jul-42	1-Apr-43	0	2,562	0	1,928	0	1,404
31-Dec-42	1-Jul-43	1-Apr-44	0	2,562	0	1,928	0	1,404
31-Dec-43	1-Jul-44	1-Apr-45	0	2,562	0	1,928	0	1,404
31-Dec-44	1-Jul-45	1-Apr-46	0	2,562	0	1,928	0	1,404
31-Dec-45	1-Jul-46	1-Apr-47	0	2,562	0	1,928	0	1,404
31-Dec-46	1-Jul-47	1-Apr-48	0	2,562	0	1,928	0	1,404
31-Dec-47	1-Jul-48	1-Apr-49	0	2,562	0	1,928	0	1,404
31-Dec-48	1-Jul-49	1-Apr-50	0	2,562	0	1,928	0	1,404
31-Dec-49	1-Jul-50	1-Apr-51	0	2,562	0	1,928	0	1,404
31-Dec-50	1-Jul-51	1-Apr-52	0	2,562	0	1,928	0	1,404
Totals			2,562		1,928		1,404	

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without penalty.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-2.b: Projected Construction Completion - Existing Buildings, continued^(a)

Development Year Ending	Appraised As Of ^(b)	Final Tax Due Date ^(c)	Map ID 25 - Armory House		Map ID 27 - Armory House	
			GSF	Cumulative	GSF	Cumulative
31-Dec-21	1-Jul-22	1-Apr-23	1,549	1,549	1,424	1,424
31-Dec-22	1-Jul-23	1-Apr-24	0	1,549	0	1,424
31-Dec-23	1-Jul-24	1-Apr-25	0	1,549	0	1,424
31-Dec-24	1-Jul-25	1-Apr-26	0	1,549	0	1,424
31-Dec-25	1-Jul-26	1-Apr-27	0	1,549	0	1,424
31-Dec-26	1-Jul-27	1-Apr-28	0	1,549	0	1,424
31-Dec-27	1-Jul-28	1-Apr-29	0	1,549	0	1,424
31-Dec-28	1-Jul-29	1-Apr-30	0	1,549	0	1,424
31-Dec-29	1-Jul-30	1-Apr-31	0	1,549	0	1,424
31-Dec-30	1-Jul-31	1-Apr-32	0	1,549	0	1,424
31-Dec-31	1-Jul-32	1-Apr-33	0	1,549	0	1,424
31-Dec-32	1-Jul-33	1-Apr-34	0	1,549	0	1,424
31-Dec-33	1-Jul-34	1-Apr-35	0	1,549	0	1,424
31-Dec-34	1-Jul-35	1-Apr-36	0	1,549	0	1,424
31-Dec-35	1-Jul-36	1-Apr-37	0	1,549	0	1,424
31-Dec-36	1-Jul-37	1-Apr-38	0	1,549	0	1,424
31-Dec-37	1-Jul-38	1-Apr-39	0	1,549	0	1,424
31-Dec-38	1-Jul-39	1-Apr-40	0	1,549	0	1,424
31-Dec-39	1-Jul-40	1-Apr-41	0	1,549	0	1,424
31-Dec-40	1-Jul-41	1-Apr-42	0	1,549	0	1,424
31-Dec-41	1-Jul-42	1-Apr-43	0	1,549	0	1,424
31-Dec-42	1-Jul-43	1-Apr-44	0	1,549	0	1,424
31-Dec-43	1-Jul-44	1-Apr-45	0	1,549	0	1,424
31-Dec-44	1-Jul-45	1-Apr-46	0	1,549	0	1,424
31-Dec-45	1-Jul-46	1-Apr-47	0	1,549	0	1,424
31-Dec-46	1-Jul-47	1-Apr-48	0	1,549	0	1,424
31-Dec-47	1-Jul-48	1-Apr-49	0	1,549	0	1,424
31-Dec-48	1-Jul-49	1-Apr-50	0	1,549	0	1,424
31-Dec-49	1-Jul-50	1-Apr-51	0	1,549	0	1,424
31-Dec-50	1-Jul-51	1-Apr-52	0	1,549	0	1,424
Totals			1,549		1,424	

MuniCap, Inc.

22-Sep-2022

^(a) Provided by Developer.

^(b) Property is assessed on July 1 annually based on discussion with Jefferson County Assessor.

^(c) Property tax bills are mailed July 15 of each year and are based on the assessed value for the property as of July 1 of the preceding year. Property taxes are due in two installments, September 1 and March 1 of the following year, with April 1 as the final due date without

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Projected Sales
and Excise Tax Revenues

DRAFT

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-3.a: Projected Sales

Sales Period Ending ^(a)	Bond Year Ending	Inflation Factor ^(b)	Hotel/Rooms				Food and Beverage				
			Rooms ^(c)	Sales Per Room ^(d)	Operations ^(e)	Annual Sales	GSF ^(c)	Sales Per GSF ^(d)	Operations ^(e)	Annual Sales	
20-Mar-22	1-Jun-22	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-23	1-Jun-23	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-24	1-Jun-24	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-25	1-Jun-25	100.0%	0	\$0	0%	\$0	0	\$0	0%	\$0	
20-Mar-26	1-Jun-26	100.0%	122	\$114,975	25%	\$3,506,750	31,524	\$205	25%	\$1,617,250	
20-Mar-27	1-Jun-27	100.0%	122	\$132,803	100%	\$16,202,000	31,524	\$248	100%	\$7,827,000	
20-Mar-28	1-Jun-28	100.0%	122	\$142,451	100%	\$17,379,000	31,524	\$275	100%	\$8,670,000	
20-Mar-29	1-Jun-29	102.0%	122	\$145,300	100%	\$17,726,580	31,524	\$281	100%	\$8,843,400	
20-Mar-30	1-Jun-30	104.0%	122	\$148,206	100%	\$18,081,112	31,524	\$286	100%	\$9,020,268	
20-Mar-31	1-Jun-31	106.1%	122	\$151,170	100%	\$18,442,734	31,524	\$292	100%	\$9,200,673	
20-Mar-32	1-Jun-32	108.2%	122	\$154,193	100%	\$18,811,589	31,524	\$298	100%	\$9,384,687	
20-Mar-33	1-Jun-33	110.4%	122	\$157,277	100%	\$19,187,820	31,524	\$304	100%	\$9,572,381	
20-Mar-34	1-Jun-34	112.6%	122	\$160,423	100%	\$19,571,577	31,524	\$310	100%	\$9,763,828	
20-Mar-35	1-Jun-35	114.9%	122	\$163,631	100%	\$19,963,008	31,524	\$316	100%	\$9,959,105	
20-Mar-36	1-Jun-36	117.2%	122	\$166,904	100%	\$20,362,268	31,524	\$322	100%	\$10,158,287	
20-Mar-37	1-Jun-37	119.5%	122	\$170,242	100%	\$20,769,514	31,524	\$329	100%	\$10,361,453	
20-Mar-38	1-Jun-38	121.9%	122	\$173,647	100%	\$21,184,904	31,524	\$335	100%	\$10,568,682	
20-Mar-39	1-Jun-39	124.3%	122	\$177,120	100%	\$21,608,602	31,524	\$342	100%	\$10,780,055	
20-Mar-40	1-Jun-40	126.8%	122	\$180,662	100%	\$22,040,774	31,524	\$349	100%	\$10,995,656	
20-Mar-41	1-Jun-41	129.4%	122	\$184,275	100%	\$22,481,590	31,524	\$356	100%	\$11,215,569	
20-Mar-42	1-Jun-42	131.9%	122	\$187,961	100%	\$22,931,221	31,524	\$363	100%	\$11,439,881	
20-Mar-43	1-Jun-43	134.6%	122	\$191,720	100%	\$23,389,846	31,524	\$370	100%	\$11,668,678	
20-Mar-44	1-Jun-44	137.3%	122	\$195,554	100%	\$23,857,643	31,524	\$378	100%	\$11,902,052	
20-Mar-45	1-Jun-45	140.0%	122	\$199,466	100%	\$24,334,796	31,524	\$385	100%	\$12,140,093	
20-Mar-46	1-Jun-46	142.8%	122	\$203,455	100%	\$24,821,492	31,524	\$393	100%	\$12,382,895	
20-Mar-47	1-Jun-47	145.7%	122	\$207,524	100%	\$25,317,921	31,524	\$401	100%	\$12,630,553	
20-Mar-48	1-Jun-48	148.6%	122	\$211,674	100%	\$25,824,280	31,524	\$409	100%	\$12,883,164	
20-Mar-49	1-Jun-49	151.6%	122	\$215,908	100%	\$26,340,765	31,524	\$417	100%	\$13,140,827	
20-Mar-50	1-Jun-50	154.6%	122	\$220,226	100%	\$26,867,581	31,524	\$425	100%	\$13,403,644	
20-Mar-51	1-Jun-51	157.7%	122	\$224,631	100%	\$27,404,932	31,524	\$434	100%	\$13,671,717	
20-Mar-52	1-Jun-52	160.8%	122	\$229,123	100%	\$27,953,031	31,524	\$442	100%	\$13,945,151	
Total						\$576,363,329				\$287,146,949	

MuniCap, Inc.

22-Sep-2022

^(a) According to the West Virginia State Tax Department, sales taxes are due on either a monthly or quarterly basis. Assumes sales taxes are due on a monthly basis. According to the West Virginia State Tax Department, sales taxes for monthly filers are due on the 20th of the month following the reporting month. Assumes a two month lag for remittance to the Hill Top House from the State of West Virginia.

^(b) Assumes inflation rate of 2%.

^(c) See Schedule A.2.

^(d) Provided by Developer. Assumes stabilization occurs in sales period ending March 20, 2028, bond year ending June 1, 2028.

^(e) Assumes three months of sales are collected in year one.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-3.b: Projected Sales, continued

Sales Period Ending ^(a)	Bond Year Ending	Inflation Factor ^(b)	Spa/Health Club			Annual Sales
			GSF ^(c)	Sales Per GSF ^(d)	Operations ^(e)	
20-Mar-22	1-Jun-22	100.0%	0	\$0	0%	\$0
20-Mar-23	1-Jun-23	100.0%	0	\$0	0%	\$0
20-Mar-24	1-Jun-24	100.0%	0	\$0	0%	\$0
20-Mar-25	1-Jun-25	100.0%	0	\$0	0%	\$0
20-Mar-26	1-Jun-26	100.0%	11,894	\$239	25%	\$712,000
20-Mar-27	1-Jun-27	100.0%	11,894	\$267	100%	\$3,178,000
20-Mar-28	1-Jun-28	100.0%	11,894	\$286	100%	\$3,406,000
20-Mar-29	1-Jun-29	102.0%	11,894	\$244	100%	\$2,904,960
20-Mar-30	1-Jun-30	104.0%	11,894	\$249	100%	\$2,963,059
20-Mar-31	1-Jun-31	106.1%	11,894	\$254	100%	\$3,022,320
20-Mar-32	1-Jun-32	108.2%	11,894	\$259	100%	\$3,082,767
20-Mar-33	1-Jun-33	110.4%	11,894	\$264	100%	\$3,144,422
20-Mar-34	1-Jun-34	112.6%	11,894	\$270	100%	\$3,207,311
20-Mar-35	1-Jun-35	114.9%	11,894	\$275	100%	\$3,271,457
20-Mar-36	1-Jun-36	117.2%	11,894	\$281	100%	\$3,336,886
20-Mar-37	1-Jun-37	119.5%	11,894	\$286	100%	\$3,403,624
20-Mar-38	1-Jun-38	121.9%	11,894	\$292	100%	\$3,471,696
20-Mar-39	1-Jun-39	124.3%	11,894	\$298	100%	\$3,541,130
20-Mar-40	1-Jun-40	126.8%	11,894	\$304	100%	\$3,611,953
20-Mar-41	1-Jun-41	129.4%	11,894	\$310	100%	\$3,684,192
20-Mar-42	1-Jun-42	131.9%	11,894	\$316	100%	\$3,757,876
20-Mar-43	1-Jun-43	134.6%	11,894	\$322	100%	\$3,833,033
20-Mar-44	1-Jun-44	137.3%	11,894	\$329	100%	\$3,909,694
20-Mar-45	1-Jun-45	140.0%	11,894	\$335	100%	\$3,987,888
20-Mar-46	1-Jun-46	142.8%	11,894	\$342	100%	\$4,067,645
20-Mar-47	1-Jun-47	145.7%	11,894	\$349	100%	\$4,148,998
20-Mar-48	1-Jun-48	148.6%	11,894	\$356	100%	\$4,231,978
20-Mar-49	1-Jun-49	151.6%	11,894	\$363	100%	\$4,316,618
20-Mar-50	1-Jun-50	154.6%	11,894	\$370	100%	\$4,402,950
20-Mar-51	1-Jun-51	157.7%	11,894	\$378	100%	\$4,491,009
20-Mar-52	1-Jun-52	160.8%	11,894	\$385	100%	\$4,580,829
Total						\$95,670,294

MuniCap, Inc.

22-Sep-2022

^(a) According to the West Virginia State Tax Department, sales taxes are due on either a monthly or quarterly basis. Assumes sales taxes are due on a monthly basis. According to the West Virginia State Tax Department, sales taxes for monthly filers are due on the 20th of the month following the reporting month. Assumes a two month lag for remittance to the Hill Top House from the State of West Virginia.

^(b) Assumes inflation rate of 2%.

^(c) See Schedule A.2.

^(d) Provided by Developer. Assumes stabilization occurs in sales period ending March 20, 2028, bond year ending June 1, 2028.

^(e) Assumes three months of sales are collected in year one.

*APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia*

Appendix A-3.c: Projected Sales, continued^(a)

Sales Period Ending	Bond Year Ending	Inflation Factor	Hotel/ Rooms	Food and Beverage	Spa/ Health Club	Total
20-Mar-22	1-Jun-22	100.0%	\$0	\$0	\$0	\$0
20-Mar-23	1-Jun-23	100.0%	\$0	\$0	\$0	\$0
20-Mar-24	1-Jun-24	100.0%	\$0	\$0	\$0	\$0
20-Mar-25	1-Jun-25	100.0%	\$0	\$0	\$0	\$0
20-Mar-26	1-Jun-26	100.0%	\$3,506,750	\$1,617,250	\$712,000	\$5,836,000
20-Mar-27	1-Jun-27	100.0%	\$16,202,000	\$7,827,000	\$3,178,000	\$27,207,000
20-Mar-28	1-Jun-28	100.0%	\$17,379,000	\$8,670,000	\$3,406,000	\$29,455,000
20-Mar-29	1-Jun-29	102.0%	\$17,726,580	\$8,843,400	\$2,904,960	\$29,474,940
20-Mar-30	1-Jun-30	104.0%	\$18,081,112	\$9,020,268	\$2,963,059	\$30,064,439
20-Mar-31	1-Jun-31	106.1%	\$18,442,734	\$9,200,673	\$3,022,320	\$30,665,728
20-Mar-32	1-Jun-32	108.2%	\$18,811,589	\$9,384,687	\$3,082,767	\$31,279,042
20-Mar-33	1-Jun-33	110.4%	\$19,187,820	\$9,572,381	\$3,144,422	\$31,904,623
20-Mar-34	1-Jun-34	112.6%	\$19,571,577	\$9,763,828	\$3,207,311	\$32,542,715
20-Mar-35	1-Jun-35	114.9%	\$19,963,008	\$9,959,105	\$3,271,457	\$33,193,570
20-Mar-36	1-Jun-36	117.2%	\$20,362,268	\$10,158,287	\$3,336,886	\$33,857,441
20-Mar-37	1-Jun-37	119.5%	\$20,769,514	\$10,361,453	\$3,403,624	\$34,534,590
20-Mar-38	1-Jun-38	121.9%	\$21,184,904	\$10,568,682	\$3,471,696	\$35,225,282
20-Mar-39	1-Jun-39	124.3%	\$21,608,602	\$10,780,055	\$3,541,130	\$35,929,787
20-Mar-40	1-Jun-40	126.8%	\$22,040,774	\$10,995,656	\$3,611,953	\$36,648,383
20-Mar-41	1-Jun-41	129.4%	\$22,481,590	\$11,215,569	\$3,684,192	\$37,381,351
20-Mar-42	1-Jun-42	131.9%	\$22,931,221	\$11,439,881	\$3,757,876	\$38,128,978
20-Mar-43	1-Jun-43	134.6%	\$23,389,846	\$11,668,678	\$3,833,033	\$38,891,557
20-Mar-44	1-Jun-44	137.3%	\$23,857,643	\$11,902,052	\$3,909,694	\$39,669,389
20-Mar-45	1-Jun-45	140.0%	\$24,334,796	\$12,140,093	\$3,987,888	\$40,462,776
20-Mar-46	1-Jun-46	142.8%	\$24,821,492	\$12,382,895	\$4,067,645	\$41,272,032
20-Mar-47	1-Jun-47	145.7%	\$25,317,921	\$12,630,553	\$4,148,998	\$42,097,472
20-Mar-48	1-Jun-48	148.6%	\$25,824,280	\$12,883,164	\$4,231,978	\$42,939,422
20-Mar-49	1-Jun-49	151.6%	\$26,340,765	\$13,140,827	\$4,316,618	\$43,798,210
20-Mar-50	1-Jun-50	154.6%	\$26,867,581	\$13,403,644	\$4,402,950	\$44,674,175
20-Mar-51	1-Jun-51	157.7%	\$27,404,932	\$13,671,717	\$4,491,009	\$45,567,658
20-Mar-52	1-Jun-52	160.8%	\$27,953,031	\$13,945,151	\$4,580,829	\$46,479,011
Total			\$576,363,329	\$287,146,949	\$95,670,294	\$959,180,571

MuniCap, Inc.

22-Sep-2022

^(a)See prior schedules.

APPENDIX A
Hill Top House - Harpers Ferry
Jefferson County, West Virginia

Appendix A-4: Projected Excise Tax Revenue

Sales Period Ending	Bond Year Ending	Inflation Factor	Total Sales ^(a)	Excise Tax Rate ^(b)	Total Excise Taxes
20-Mar-22	1-Jun-22	100.0%	\$0	6.00%	\$0
20-Mar-23	1-Jun-23	100.0%	\$0	6.00%	\$0
20-Mar-24	1-Jun-24	100.0%	\$0	6.00%	\$0
20-Mar-25	1-Jun-25	100.0%	\$0	6.00%	\$0
20-Mar-26	1-Jun-26	100.0%	\$5,836,000	6.00%	\$350,160
20-Mar-27	1-Jun-27	100.0%	\$27,207,000	6.00%	\$1,632,420
20-Mar-28	1-Jun-28	100.0%	\$29,455,000	6.00%	\$1,767,300
20-Mar-29	1-Jun-29	102.0%	\$29,474,940	6.00%	\$1,768,496
20-Mar-30	1-Jun-30	104.0%	\$30,064,439	6.00%	\$1,803,866
20-Mar-31	1-Jun-31	106.1%	\$30,665,728	6.00%	\$1,839,944
20-Mar-32	1-Jun-32	108.2%	\$31,279,042	6.00%	\$1,876,743
20-Mar-33	1-Jun-33	110.4%	\$31,904,623	6.00%	\$1,914,277
20-Mar-34	1-Jun-34	112.6%	\$32,542,715	6.00%	\$1,952,563
20-Mar-35	1-Jun-35	114.9%	\$33,193,570	6.00%	\$1,991,614
20-Mar-36	1-Jun-36	117.2%	\$33,857,441	6.00%	\$2,031,446
20-Mar-37	1-Jun-37	119.5%	\$34,534,590	6.00%	\$2,072,075
20-Mar-38	1-Jun-38	121.9%	\$35,225,282	6.00%	\$2,113,517
20-Mar-39	1-Jun-39	124.3%	\$35,929,787	6.00%	\$2,155,787
20-Mar-40	1-Jun-40	126.8%	\$36,648,383	6.00%	\$2,198,903
20-Mar-41	1-Jun-41	129.4%	\$37,381,351	6.00%	\$2,242,881
20-Mar-42	1-Jun-42	131.9%	\$38,128,978	6.00%	\$2,287,739
20-Mar-43	1-Jun-43	134.6%	\$38,891,557	6.00%	\$2,333,493
20-Mar-44	1-Jun-44	137.3%	\$39,669,389	6.00%	\$2,380,163
20-Mar-45	1-Jun-45	140.0%	\$40,462,776	6.00%	\$2,427,767
20-Mar-46	1-Jun-46	142.8%	\$41,272,032	6.00%	\$2,476,322
20-Mar-47	1-Jun-47	145.7%	\$42,097,472	6.00%	\$2,525,848
20-Mar-48	1-Jun-48	148.6%	\$42,939,422	6.00%	\$2,576,365
20-Mar-49	1-Jun-49	151.6%	\$43,798,210	6.00%	\$2,627,893
20-Mar-50	1-Jun-50	154.6%	\$44,674,175	6.00%	\$2,680,450
20-Mar-51	1-Jun-51	157.7%	\$45,567,658	6.00%	\$2,734,059
20-Mar-52	1-Jun-52	160.8%	\$46,479,011	6.00%	\$2,788,741
Total			\$959,180,571		\$57,550,834

MuniCap, Inc.

22-Sep-2022

^(a)See Schedule A.3.

^(b)Represents the state component of sales tax.

Attachment 19:

The ability of the County Commission and the Developer or project team to carry out the Project.

Attached are profiles of members of the Project Team, including:

- SWaN Hill Top House Hotel, LLC
- Frederick Schaufeld, Managing Director of SWaN & Legend Venture Partners
- Karen Schaufeld, CEO of SWaN Hill Top House Hotel, LLC
- Brett Stewart, Development Partner
- Laurel Ziemianski, Developer's Project Manager
- Steptoe & Johnson PLLC, Developer's Counsel
- _____, Bond Counsel
- B.C. Ziegler and Company, Underwriter

DRAFT

KAREN SCHAUFELD, CEO

As CEO of SWaN Hill Top, Karen Schaufeld is working to develop a re-imagined Hill Top House Hotel in historic Harpers Ferry, WV. She helped found NEW Customer Services Companies, Inc., the nation's largest administrator of consumer product warranties, now part of NEW Asurion, Inc., where she served as General Counsel. She is CEO and Co-Founder of Altor Locks, a company that creates innovative security products such as the lightest and strongest bike and trailer hitch locks on the market. She is the founder and President of 100WomenStrong, a granting organization that strategically invests in nonprofits and programs that enrich the lives of Loudoun County, VA, residents. Karen also co-founded All Ages Read Together (AART), a school readiness program for low-income preschool-aged children. She is an advocate for the growth of renewable energy in Virginia and a more secure and stable grid through distributed energy. She founded PoweredbyFacts.com and is actively involved in the passage of energy legislation. She also formed VAOurWay to educate voters to spur their action and attention during the Virginia legislative session. Along with serving on the Claude Moore Charitable Foundation Advisory Council, she currently serves on the boards of All Ages Read Together and Middleburg Film Festival and is a member of the National Council on White House History. She also is Co-Chair of Wolf Trap's Next Chapter Initiative. Previously, she served as Trustee for Lehigh University and was a board member of Wolf Trap Foundation for the Performing Arts, Venture Philanthropy Partners, Journey Through Hallowed Ground and OneVoice Movement.

Karen is the author and publisher "The Lollipop Tree" in 2014, "Larry and Bob" in 2016 and "How to Eat a Peach" in April 2019. Her fourth book, "Vultures, A Love Story," was released in February 2022. Karen earned a Bachelor's degree in English and Government from Lehigh University and a J.D. from George Washington University.

FREDRICK D. SCHAUFELD, DEVELOPMENT PARTNER

Fred is co-Founder and a Managing Director of SWaN. Fred also is a Partner in Monumental Sports and Entertainment, which owns the Washington Capitals (NHL), Wizards (NBA), Mystics (WNBA), Capital City GoGo (NBA-G), Wizards District Gaming (NBA-2K) and the Capital One Arena. He is a Partner in the Washington Nationals (MLB), Team Liquid (e-Sports), the Professional Fighters League (PFL) and American Bike Ride, parent of the DC Bike Ride. Prior to SWaN, Fred founded and led National Electronics Warranty Corporation (NEW), which was acquired by Asurion in 2008 (now NEWAsurion). NEWAsurion is the world's largest consumer product protection company, employing over 20,000 people worldwide. During his tenure, NEW was recognized by Inc. Magazine in its "Inc. 500" list of the fastest growing private companies. He is the patent holder of the Rigid Insurance Form and a Founder and former President of the Service Contract Industry Council (SCIC). Fred currently sits on the boards of Sugar23, Custom Ink, KIND, DuraStat, José Andrés ThinkFood Group, Mindshow, PFL, M34 Capital, Curator Solutions, Georgiammune and Telos. He is an advisor to the boards of CAVA, ClassEDU, Growcentia and Biothred. He previously sat on the boards of American Honors College, Anonymous Content, Asurion, Bio-Warn, Framebridge, NEW, Noodle, OrderGroove and SocialRadar.

Fred is a recipient of Ernst & Young's "Entrepreneur of the Year" award. He is a member of the Economic Club of Washington, DC, the Young Presidents' Organization (YPO) and its Peace Action Network Arab American Action Forum.

Fred and his wife, Karen, live in Virginia and are active in organizations dedicated to education, health, environment, peace, inter-faith tolerance, military support and the arts. He is the chairman of the Inova Health System Foundation and sits on the board of the Wolf Trap Foundation. He is a member of Venture Philanthropy Partners and a supporter of the Schaufeld Family Heart Center of the Inova Loudoun Hospital; the Fredrick D. and Karen G. Schaufeld Lower School of Loudoun Country Day School, Leesburg, VA; the Fredrick D. Schaufeld Scholarship program, Westbury, NY; Lehigh University's Karen Shihadeh Schaufeld and Fredrick D. Schaufeld Endowed Scholarship Fund and Joachim Schaufeld Center for Jewish Life; the Emil and Grace Shihadeh Innovation Center, Winchester, VA; All Ages Read Together; 100WomenStrong and the OneVoice Movement. He is a recipient of the Loudoun Laurels award and the Loudoun County Boy Scouts' Good Scout award. Fred received his Bachelor of Arts in Government from Lehigh University.

BRETT STEWART, DEVELOPMENT PARTNER

Brett Stewart is a hotel and real estate investment professional and entrepreneur involved in several hospitality and residential projects in the United States. Brett is working alongside Karen Schaufeld and team to develop the Hill Top House Hotel in Harpers Ferry, WV. Brett's background includes over 15 years of investment and ownership experience with leading players in the hospitality and real estate industries. Most recently, Brett led hotel real estate growth efforts for Sonder, a global alternative hospitality brand with a >\$1B valuation. Prior to that, Brett analyzed over \$2B of hotel assets across the U.S. as Senior Vice President of Acquisitions and Development with Interstate Hotel & Resorts (now Aimbridge Hospitality), the leading third-party hotel management company in the United States and Europe. At Interstate, Brett also supported the launch of the company's lifestyle and resort division as well as asset management efforts for \$300M of luxury assets in New York City and coastal California. Brett also has spent significant time on the ownership side of the business serving as Vice President of Strategy and Capital Markets at DiamondRock Hospitality Company (NYSE: DRH), a national full-service hotel Real Estate Investment Trust (REIT). Brett supported the CEO and CFO in strategic buy/sell, M&A, and capital investment decisions as well as in the execution of over \$1B in debt capital markets transactions for the >\$3.5B, 28-hotel company. In addition, Brett has also served as a hospitality and real estate consultant at EY and had a brief stint at Hilton Worldwide. Brett began his career in Asia as a strategy and branding consultant serving clients such as Samsung Electronics, LG Electronics, Hyundai Motors, Morgan Stanley, Unilever and AIG. He also launched a travel, lifestyle and media start up in Seoul, South Korea during his time there.

Brett holds a Bachelor's degree in Anthropology with a minor in Chemistry from the University of North Carolina – Chapel Hill and a Master's of Business Administration (MBA) from Columbia

Business School in New York, NY. Brett was a U.S. Fulbright Scholar, a Freeman Asia scholarship winner and was named to Real Estate Forum's list of "Fifteen Under 35" Emerging Leaders in Hotels in 2015.

DRAFT



John C. Stump | Member

PHONE (304) 353-8196
EMAIL john.stump@steptoe-johnson.com
LICENSURE KY | OH | WV
EDUCATION J.D. Washington & Lee

John Stump concentrates his practice in the areas of municipal bonds, project finance, economic development and utility regulation. Mr. Stump's experience includes significant involvement in tax-exempt and taxable bond issues of all types, a variety of economic development projects, and providing legal representation to utilities, financial institutions, and municipal and other public bodies.

Mr. Stump has extensive experience as bond counsel, underwriter's counsel, and issuer's counsel for tax-exempt and taxable bond issues for public works of state agencies, counties, municipalities, and public service districts, as well as conduit financings for 501(c)(3) corporations, private educational institutions, and industrial development projects.

Mr. Stump has represented a number of companies, ranging from *Fortune 500* international conglomerates to privately held start-ups, in the negotiation and identification of state economic development incentive packages. He has negotiated, and implemented, all types of development incentives, including Tax Increment Financing, Economic Opportunity Districts and Tourism Development Credits.

Mr. Stump regularly represents utilities before regulatory agencies. His experience includes testifying as an expert witness before regulatory agencies on project financing issues.

REPRESENTATIVE EXPERIENCE

Served as bond counsel for a tax increment financing private placement bond issue to finance public infrastructure costs associated with an 800 unit high-end residential and commercial community

Represented a start-up public utility in the acquisition of a 2,000 customer private utility serving a resort community

Represented a fiber optic cable not-for-profit utility to provide ultra-high speed broadband access to over 50,000 customers

Represented a national developer in the creation of the first stand-alone community enhancement district (assessment district) in West Virginia for a 1,200 unit high-end, second home development. Work included financial structuring, legislative modifications and local government representation. The entire investment was in excess of \$1.0 billion.

Represented an international manufacturing conglomerate in the location of a more than \$175 million

manufacturing facility, including negotiation, structuring and closing of financial incentives and structuring and documenting PILOT transaction

Served as bond counsel for the issuance of the first water revenue bonds secured solely by capacity improvement fees in the State of West Virginia

Represented a market leading international investment bank in the refinancing of over \$200 million dollars of pollution control and solid waste disposal bonds

Served as bond counsel for a national youth development organization in financing a portion of the capital costs associated with the acquisition and construction of a 12,000-acre, year-round leadership facility, with an estimated total investment of \$500 million

Represented a national youth development organization in the negotiation and implementation of a state incentive package, that included site preparation work, access roads and state tax considerations

Represented investment bankers in the purchase of bonds secured by sales tax revenues

Represented a municipal utility in the sale of a combined public waterworks and sewage system to a private utility; work included sale term negotiation, documentation, public hearings, election process, and closing

Served as bond counsel and issuers counsel for a \$5 billion incentive package for an international manufacturing company

WORK EXPERIENCE

1993 Steptoe & Johnson PLLC

MEMBERSHIPS AND AWARDS

PROFESSIONAL

Peer Review Rated AV by Martindale-Hubbell

Chambers USA America's Leading Lawyers for Business

Best Lawyers® 2021 Charleston, WV Government Relations Practice, Lawyer of the Year

Best Lawyers® 2019 Charleston, WV Project Finance Law, Lawyer of the Year

Best Lawyers® 2015 Charleston, WV Government Relations Practice, Lawyer of the Year

The Best Lawyers in America®, Economic Development Law (2020-Present), Government Relations Practice (2013-Present), Municipal Law (2010-Present), Project Finance Law (2008-Present), Public Finance Law (2007-Present), Securitization and Structured Finance Law (2010-Present)

National Association of Bond Lawyers

INDUSTRY/CIVIC

Vice President, Huntington Area Development Council

Board of Directors, Advantage Valley, Inc.



Jason W. Turner | Member

PHONE (304) 933-8120
EMAIL jason.turner@steptoe-johnson.com
LICENSURE WV
EDUCATION J.D. West Virginia University

Jason Turner is a native West Virginian with a passion for fostering economic development and growth in his home state. Jason enjoys working as part of a team and works closely with developers, municipalities, county commissions, and healthcare systems to help them plan and implement funding.

Jason's financing experience includes working with tax-exempt and taxable bond issues of all types, TIF Districts, and other government and tax incentives. His practice helps a variety of public and quasi-public organizations secure funding for asset purchase, infrastructure development, and land development projects to improve their communities.

REPRESENTATIVE EXPERIENCE

Assisted in serving as bond counsel for West Virginia county commission in issuance of tax increment financing bonds and special district excise tax bonds to finance public infrastructure improvements within a large mixed-use retail, office and entertainment development

Assisted in serving as bond counsel for West Virginia municipality in issuance of tax increment financing bonds to finance the acquisition, repair, renovation and maintenance of a public parking garage and other public infrastructure improvements

Served as bond counsel for West Virginia county commission in issuance of tax increment financing bonds and special district excise tax bonds to finance public infrastructure improvements within a large mixed-use retail, office, and entertainment development

Assisted in serving as bond counsel for West Virginia municipality for a sales tax revenue bond issue to finance road and bridge improvements and the total rehabilitation of a historic public theatre facility

Assisted in representation of regional underwriting firm for the issuance of tax increment financing bonds

Served as bond counsel for West Virginia municipality for a sales tax revenue bond issue to finance road and bridge improvements and the total rehabilitation of a historic public theatre facility

Served as bond counsel for tax increment financing bond issues to finance and refinance infrastructure improvements and mass grading of land in a 160 acre mixed-use professional office park

Served as bond counsel for a regional hospital facility for a private placement, tax-exempt 501(c)(3) bond financing for refinancing of outstanding debt

Served as bond counsel for a West Virginia municipal building commission in issuance of lease revenue bonds to finance replacement of bridge

Served as special commissioner appointed by West Virginia circuit court to conduct annual statutory audit of general receiver

WORK EXPERIENCE

- 2015 Steptoe & Johnson PLLC
- 2014 Summer Associate, Steptoe & Johnson PLLC
- 2013 Summer Clerk, Bowles Rice LLP
- 2009-2012 Director of Donor Relations, West Virginia University Foundation, Inc.
- 2005-2009 Director of Research & Project Management, West Virginia University Foundation, Inc.
- 2002-2005 Prospect Research Analyst, West Virginia University Foundation, Inc.

MEMBERSHIPS AND AWARDS

PROFESSIONAL

CALI Awards: Constitutional Law; Civil Disobedience and the Law; Complex Litigation; Intellectual Property; Legislative Process; Lawyers as Leaders; Nonprofit Organizations; United States Supreme Court Clinic 1; United States Supreme Court Clinic 2

ABA-Bloomberg BNA Award for Excellence in Labor and Employment Law

Patrick Duffy Koontz Award

Order of the Coif

Executive Research Editor, W. Va. Law Review, Vol. 117

Associate Editor, W. Va. Law Review, Vol. 116

Member, United States Supreme Court Clinic

INDUSTRY/CIVIC

Board of Directors and Chair of Development Committee, Spark! Imagination and Science Center, Morgantown, WV

National Association of Bond Lawyers

Attachment 20:

A listing of the businesses currently located in the proposed Development District, and which are anticipated to remain in the Development District following its creation.

There are no businesses currently operating within the proposed Development District. The Developer anticipates operating the Hill Top House Hotel in the proposed Development District following its creation.

DRAFT

Resolution Submitting Application - Excise TIF

RESOLUTION

WHEREAS, The County Commission of Jefferson County, West Virginia (the “County Commission”) is authorized by the County Economic Opportunity Development District Act, Chapter 7, Article 22 of the Code of West Virginia 1931, as amended (the “Act”) to create Economic Opportunity Development Districts, to approve Economic Development District projects, to issue bonds or notes to finance development expenditures and other costs permitted by the Act and to take other actions as are necessary or desirable to stimulate the construction, supplementation, reconstruction and repair of structures and facilities in undeveloped, underdeveloped or seriously deteriorated areas within Jefferson County, West Virginia (the “County”), which will serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the State of West Virginia all as more fully set forth in the Act;

WHEREAS, the County Commission has received and reviewed an Application (the “Application”) prepared by SWaN Hill Top House Hotel, LLC (the “Developer”) relating to the proposed creation of an Economic Opportunity Development District in Jefferson County, to be known and designated as “Hill Top House Hotel Economic Opportunity Development District” (the “Excise TIF District”);

WHEREAS, the County Commission did, on November 3, 2022, following proper notice thereof, hold public hearings with respect to the proposed creation of the Excise TIF District wherein any owner of real property situated in the proposed Excise TIF District and any resident of Jefferson County were afforded a reasonable opportunity to express their views on the proposed creation of the Excise TIF District and its proposed boundaries;

WHEREAS, the County Commission has, following such public hearing, found and determined that the submission of the Application to the West Virginia Department of Economic Development (the “WVDED”) will promote the establishment and vitality of significant business opportunities within the County and serve as an effective means for developing or restoring and promoting retail and other business activity within the Excise TIF District, which will stimulate economic growth and job creation in the County thereby serving a public purpose and promoting the health, safety, prosperity, security and general welfare of all citizens in the County and State all as more fully set forth in the Act; and

WHEREAS, the County Commission now desires to submit the Application to the WVDED for consideration for approval and, if approved, for subsequent consideration for approval by the West Virginia Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. It is hereby found and determined following the public hearing thereon that the Application, as submitted to the County Commission, is approved, and the submission to the WVDED for its consideration for approval, and, if approved, for consideration for approval by the West Virginia Legislature, is hereby approved, ordered and directed.

2. It is hereby found and determined that the approval of the Application and the submission of the Application to the WVDED and the West Virginia Legislature for consideration for approval will promote the establishment and vitality of significant business opportunities within the County and serve as an effective means for developing or restoring and promoting retail and other business activity within the Excise TIF District, which will stimulate economic growth and job creation in the County thereby serving a public purpose and promoting the health, safety, prosperity and general welfare of all citizens in the County and State all as more fully set forth in the Act.

3. It is hereby authorized and ordered that the President of the County Commission cause the Application and all other necessary documentation to be submitted to the WVDED, together with a request for approval thereof.

4. The President and Members of the County Commission and other officials and employees of the County Commission are hereby authorized and directed to take such actions as they shall deem appropriate in facilitating the approval of the Application by the WVDED and the West Virginia Legislature.

5. This Resolution is effective immediately upon adoption.

[Signature Page Follows]

Adopted this November 3, 2022.

THE COUNTY COMMISSION OF JEFFERSON
COUNTY

By: _____
Its President

CERTIFICATION

The undersigned, being the duly qualified, elected and acting Clerk of The County Commission of Jefferson County, does hereby certify that the foregoing Resolution was duly adopted by the County Commission, at a regular meeting duly held, pursuant to proper notice thereof, on November 3, 2022, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this November 3, 2022.

By: _____

Name: Jacqueline C. Shadle

Title: County Clerk

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 17, 2022, or as soon thereafter as the Commission may decide:

Jefferson County Parks and Recreation Commission: three (3) three-year terms ending June 30, 2025.

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

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

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 17, 2022, or as soon thereafter as the Commission may decide:

Board of Zoning Appeals -one unexpired term ending January 1, 2026 and two alternate terms ending January 1, 2024 and January 1, 2025, respectively.

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

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

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

Public Comment for Jefferson County Commission meeting October 20, 2022

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

PUBLIC COMMENT –

I attended an emergency preparedness meeting on October 19, 2022, and it appears this organization did not know the status of our volunteer fire companies. A suggestion was made that this organization may want to review what assets are available for emergency services.

I have one question to this County Commission: What is the plan when this current plan does not work for the emergency services?

PRESENTATION # 5 Michelle Gordon, Finance Director

- Approval of FY22 Financial Statements (p. 53-71)
- Review and Approval FY23 – General Fund
- Review and Approval FY23 – Coal Severance

It appears that the County as of June 30, 2022 has \$58,245,692.00. What is concerning is you really cannot tell from the paperwork. A total expense is showing as \$36,410,217.28, leaving \$22,000,000.00 in reserve but the paperwork does indicate that these figures are true. Plus, Michelle Gordon has a request for revision to approved budget for \$450,493.00 (Acct# 299 with 6.7M to be revised to 7.1M). What is an unassigned fund balance? It appears the request for revision is someone made a mistake on the paperwork for \$450,493.00 (stated by the West Va. State Auditors). The other disturbing issue is all the paperwork is listed as unaudited.

(Pages 75-77 and 85) is the paperwork supporting the \$450,493.00 shortfall. These pages contain numerous ink pen markings. Apparently, we don't have a computer that can make these corrections, so one only has an ink pen to make adjustments. Thank goodness it wasn't a pencil!

This reminds me of myself and the power of the pen!

(Page 88) Still have not figured out why there is a copy of a check for \$15,000.00 on 11/5/2021. No explanation...

ON page 93-95 There appears to be a request from the JCDA to redesign the current master plan for Burr Industrial Park, at the request of \$171,000.00.

I would encourage the County Commissioner to ask the JCDA about the on-going issue with the current storm water permit before moving forward with developing the property that will increase the storm water requirements.

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

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

Have a nice day!