

**AGENDA**  
**REVISED Tuesday, April 4**  
**JEFFERSON COUNTY COMMISSION**  
**SECOND QUARTERLY SESSION - APRIL-JUNE 2023**  
**THURSDAY, APRIL 6, 2023**  
**9:30 A.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

PRAYER – Pastor Bill Rowley

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- March 15, 2023 Budget Deliberations
- March 16, 2023 Regular Meeting
- March 22, 2023 Budget Deliberations

**APPROVAL OF ACCOUNTS PAYABLE**

- March 23, 2023
- March 30, 2023
- April 6, 2023

**APPROVAL OF MANUAL CHECKS**

- March 24, 2023
- March 31, 2023
- April 7, 2023

**APPROVAL OF REQUISITIONS**

- April 6, 2023

**APPROVAL OF PAYROLL**

- March 31, 2023

**ANNOUNCEMENTS**

Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

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

**PRESENTATIONS**

1. 9:40 a.m. Angie Banks, Assessor  
- Exonerations  
- Request Approval to Hire for Vacant Clerk Position
2. 9:50 a.m. Karen Olden, Probate, County Clerk's Office  
- Quarterly Review of Accountings/Waivers and New Estates  
- Appointment of Bradley C. Snowden, Esq. as a Fiduciary Commissioner
3. 10:00 a.m. Jennifer Myers, Director, Jefferson County Parks and Recreation  
- Request to add Jefferson County Parks & Recreation Commission to the Jefferson County Commission health insurance plan effective July 1, 2023  
- Request waiver of all fees and bonding for park and construction projects in Jefferson County Parks
4. 10:20 a.m. Steve Allen, Director, Jefferson County Homeland Security and Emergency Management  
- Acceptance of proposal bid for 2023 Multi-Jurisdictional All Hazards Mitigation Plan
5. 10:25 a.m. Steve Cox and Bessie Nelson, Jefferson County Sheriff's Civil Service Commission  
- Request guidance from the County Commission re: vendor contract for 3<sup>rd</sup> party to provide promotional exams for the Jefferson County Sheriff Deputies
6. 10:30 a.m. Lutman Land Development, LLC  
- Landowner Petition for Map Amendment for Lutman Land Development, LLC: Kabletown District, Map 29, Parcels 2 (66 Acres) and 6 (30.89 Acres) containing a total of 96.89+/- Acres – request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehension Plan Consistency of the request.
7. 10:35 a.m. ILA Properties, Inc, Applicant for REhman et. al. Property  
- Landowner Petition for Map Amendment for REHman, et. al., Middleway District, Map 2, Parcel 2.2 containing 12.80 +/- acres. Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.
8. 10:40 a.m. Laura Kuhn, Director, Fleet & Facilities Management  
- Request for Approval of Employment – Custodian  
- Request for Funding for Service Invoices for the E911 Generator
9. 10:55 a.m. Roger Goodwin, Chief County Engineer, Department of Engineering, Planning, and Zoning  
- Request Approval of Employment Offer to fill both positions of Planning Intern in the Department of Engineering, Planning, and Zoning
10. 11:00 a.m. Jeffrey Polczynski, Director, Jefferson County Emergency Communications  
- Appointment Request – Full-Time Public Safety Dispatchers (Trainee)
11. 11:05 a.m. Jeffrey Polczynski, Director, Jefferson County Emergency Communications; Dustyn McConnell, SWIC/SIRN, and Fred Kinder, SIRN Technician, WVEMD  
- Presentation/Discussion re: radio reception for Emergency Personnel in Shepherdstown

- 12.** 11:25 a.m. Liz Wheeler, Director, Jefferson County Farmland Protection Board  
- Approval of purchase of one Agricultural Conservation Easement
- 13.** 11:35 a.m. Nathan Cochran, Assistant Prosecuting Attorney
- a. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Perdue Pharmaceutical, et. al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc. et al., Civil Action No. 20-C-82 PNM (W. Va. Cir. Ct. Kanawha County) and related matters.
  - b. Review potential adoption of Commission leave policy as assigned to counsel.
  - c. Review, discussion, and possible adoption of Operational MOU for Fire & EMS between JCESA and/or JCC and fire departments.
  - d. Discussion of W.Va. Human Rights Comm. Case No. EREP-49-21

**UNFINISHED BUSINESS**

14. Memorandum of Understanding – Shepherd University Emergency Action Plan (SS)

**NEW BUSINESS**

15. Discussion between Commissioners and County Administration staff regarding the lead-up to the budgeting process, the late submission of the budget, and the errors discovered therein (JK)

- 16.** Approval of FY24 Official Budget Document Submittal to the State Auditor’s Office

17. Meeting Room Use Request – Mountain View Coaching

*\*\*\*Letters in parentheses following Unfinished/Old/ New Business items denote the initials of the commissioner making the agenda request\*\*\**

**INTERIM COUNTY ADMINISTRATOR REPORTS**

- ESA Reimbursement Request for Labor Cost of EMS Transition project for February 2023
- Continuation of Retro Pay Discussion
- Continuation of Increased Pay Rate
- Project Manager for ESA Transition
- Designation of Grant Signatory
- Offer of Employment – County Administrator

**COUNTY COMMISSION REPORTS**

**QUARTERLY REPORTS**

Historic Landmarks Commission – 1<sup>st</sup> Quarterly Report

**18. ADJOURN**

**CORRESPONDENCE AND INFORMATION**

WVDOH Notice of Railroad Crossing – Luther Jones Road

Year-to-Date Budget Report

**Jefferson County Commission Notice of Intent to Appoint to the following: Jefferson County Development Authority Board of Directors, HOME Consortium Council, Telamon Community Action Board of Directors**

**Public comments received from the following: David Tabb, Marc Petitpierre (comment & newspaper clipping), Art Hill**

*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.*

**SPECIAL SESSION**

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Wednesday March 15, 2023, beginning at 9:30 a. m.

**PRESENT:** Steve Stolipher, President  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
Cindy Rezmer, Interim County Administrator  
Krista Davis, Finance Director  
Sorayda Pitts, Administrative Assistant

**In re: FY24 Budget Deliberations Day 2**

The meeting was called to order at 9:30 am by President Stolipher.

Krista Davis, Finance Director for the FY24 budget, gave an overview of the budget process and the projected revenues and expenditure requests submitted by the department heads and elected officials for the upcoming fiscal year.

The Commissioners then reviewed the requests received from the County elected, department heads, component units, and several community organizations. The Commission discussed their budget priorities and the best course of action for balancing the FY24 budget.

No official action was taken at this meeting.

There being no further business, the meeting adjourned at 11:32 am

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Steve Stolipher, PRESIDENT

Respectively Submitted:  
Sorayda Pitts  
Administrative Assistant

## **SPECIAL SESSION**

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Wednesday, March 22, 2023, beginning at 9:30am

**PRESENT:** Steve Stolipher, President  
Clare Ath, Vice President  
Jane Tabb, Commissioner  
Jennifer Krouse, Commissioner  
Cindy Rezmer, Interim County Administrator  
Krista Davis, Finance Director  
Sorayda Pitts, Administrative Assistant

**In re: FY24 Budget Deliberations Day 3**

The meeting was called to order at 9:30am by President Stolipher.

Krista Davis, Finance Director for the FY24 budget, gave an overview of the budget process and the projected revenues and expenditure requests submitted by the department heads and elected officials for the upcoming fiscal year.

The Commission discussed their budget priorities and the best course of action for balancing the FY24 budget.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 12:00 pm

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Steve Stolipher, PRESIDENT

Respectively Submitted:  
Sorayda Pitts  
Administrative Assistant

## **Pre-Minutes**

### **Jefferson County Commission**

**Thursday, March 16, 2023**

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A meeting of the Jefferson County Commission was held on Thursday, March 16, 2023 during the second quarterly session at 6:00pm. The meeting was held via GoToWebinar and in-person. Present were Steve Stolipher, President, and Commissioners Tricia Jackson, Jennifer Krouse, and Jane Tabb. Also present were Cindy Rezmer, Interim County Administrator, Krista Davis, Finance Director, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, March 02, 2023 meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Danny Ortiz

#### **PLEDGE OF ALLEGIANCE**

Commissioner Stolipher led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

Motion by Mr. Stolipher to approve the February 27, 2023 Budget Presentation Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the February 28, 2023 Budget Presentation Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the March 1, 2023 Special Session Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the March 2, 2023 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

## APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the Payroll for March 17, 2023 in the amount of **\$274,630.12**. Motion seconded and unanimously approved.

## APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions for March 16, 2023 in the amount of **\$211,620.89**. Motion seconded and unanimously approved.

## APPROVAL OF ACCOUNTS PAYABLE

9-Mar-23

CHECK#	VENDOR NAME	AMOUNT
87666	PATRIOT FIRE AND SECURITY	\$ 6,310.00

- **Motion by Mr. Stolipher to approve the Accounts Payable for March 9, 2023 in the amount of \$6,310.00. Motion seconded and unanimously approved.**

CHECK#	VENDOR NAME	AMOUNT
87668	ALBERT HOCKMAN	\$ 2,108.27
87669	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 2,305.10
87670	AMERIFLEX	\$ 125.80
87671	APRIL BLAKER	\$ 44.34
87672	ASHTYN REYNOLDS	\$ 20.63
87673	AT&T	\$ 225.89
87674	BERKELEY GLASS INC	\$ 3,635.00
87675	BIEDLERS ELEC MOTOR REP	\$ 634.69
87676	BOLAND TRANE SERVICES INC	\$ 1,939.00
87677	BUREAU OF CHILD SUPPORT	\$ 373.39
87678	CITY OF CHARLES TOWN	\$ 40.00
87679	COLONIAL LIFE	\$ 95.68
87680	COMPTROLLER OF MARYLAND	\$ 845.14
87681	CORNELIA HAMM	\$ 340.56
87682	CYNTHIA DANNER	\$ 694.45
87683	DODSON SEPTIC SERVICE LLC	\$ 570.00
87684	ECOWATER	\$ 6,125.00

87685		EFTPS IRS TAXES	\$	94,050.38
87686		EMPOWER RETIREMENT	\$	5,531.14
87687		ENGAGE STRATEGIES LLC	\$	4,750.00
87688		FEDEX	\$	404.30
87689		GUTTMAN OIL CO	\$	7,983.72
87690		J.C. EHRLICH	\$	775.94
87691		JAMES TROUT	\$	200.00
87692		JAMIE GREEN	\$	1,573.39
87693		JEFFERSON SECURITY BANK	\$	4,075.00
87694		JOSEPH KENT	\$	451.35
87695		MAZZITTI & SULLIVAN EAP	\$	936.00
87696		NAPA AUTO PARTS	\$	116.10
87697		NORFOLK SOUTHERN CORP	\$	12.00
87698		NATIONWIDE RETIREMENT SOLUTIONS	\$	834.00
87699		POTOMAC EDISON	\$	31,026.53
87700		RETIREE HEALTH BENEFIT TRUST	\$	8,008.00
87701		SAMANTHA COMBS	\$	17.50
87702		SHERIFF OF JEFFERSON COUNTY	\$	129.28
87703		SOFTWARE SYSTEMS INC	\$	1,192.02
87704		STATE TAX DEPARTMENT	\$	150.00
87705		TEK ADVISORS LLC	\$	4,200.00
87706		THE HARTFORD	\$	2,241.55
87707		THE HARTFORD	\$	3,538.24
87708		THE JOURNAL	\$	540.00
87709		TRISTAN LUTMAN	\$	44.00
87710		U5 BANK	\$	66,618.15
87711		VITAL SIGNS	\$	735.00
87712		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$	16,962.24
87713		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	\$	622.01
87714		WV ENHANCED 911 COUNCIL	\$	125.00
87715		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	43,741.77
87716		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$	62,049.50
87717		XEROX CORPORATION	\$	1,672.26
87718	FG/009	RANSON POLICE DEPT	\$	1,087.34
87719	FG/009	SHERIFF OF JEFFERSON CO	\$	4,736.32
87720	FG/009	MOOREFIELD POLICE DEPT	\$	119.52
87721	BS/011	SHERIFF OF JEFFERSON CO	\$	7,132.42
87722	AM/053	SHERIFF OF JEFFERSON CO	\$	1,618.10
<b>TOTAL</b>			<b>\$</b>	<b>400,123.01</b>

- **Motion by Mr. Stolipher to approve the Accounts Payable for March 16, 2023 in the amount of \$400,123.01. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

17-Mar-23

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
323	DK/O3	SHERIFF OF JEFFERSON CO		\$ 20.65
841	HD/8	ATTENTI		\$ 2,800.00
842	HD/8	CORNERSTONE DIAGNOSTICS		\$ 224.00
843	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,399.80
844	HD/8	US BANK		\$ 91.06
002	TC077	UNITED WAY		\$ 40.00
165	AR/207	EMERGENCY VEHICLE SPECIALIST		\$ 5,429.90
166	AR/207	SHERIFF OF JEFFERSON CO		\$ 5,310.51
1811	CO/246	EXECUTIVE EMERGENCY LIGHTING		\$ 76,419.49
1812	CO/246	US BANK		\$ 103.43
1813	CO/246	US BANK		\$ 2,607.96
1044	AV/56	CASTO & HARRIS		\$ 5,810.00
1045	AV/56	FAO TOOLE OFFICE SYSTEMS		\$ 955.00
1046	AV/56	MILLERS SUPPLIES AT WORK		\$ 370.41
1047	AV/56	PRINT-O-STAT		\$ 190.00
1048	AV/56	SEGRA		\$ 616.00
1049	AV/56	US BANK		\$ 873.63
<b>TOTAL</b>				<b>\$ 103,261.84</b>

- **Motion by Mr. Stolipher approve the Manual Checks for March 17, 2023, in the amount of \$103,261.84. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:** Marc Petitpierre, David Tabb, Jaqueline Milliron, Denise Nick and Geri Wise

## PRESENTATIONS

1. Tina Renner- Circuit Clerk- Requested approval to hire and fill 2 positions.
  - **Motion by Mr. Stolipher to approve the hire of Danielle Stickel with an annual salary of \$35,000, a 70 hour work week and a start date of March 20, 2023 and Melissa Gragoles with an annual salary of \$35,000 with a 70 hour work week and a start date of April 3, 2023. Motion seconded and unanimously approved.**
  
2. Tom Hansen-Sheriff- Requested
  - a. the approval to hire a Tax Deputy in the Tax Office
    - **Motion by Mr. Stolipher to approve the hire of Emily Banocy-Newman to the position of Tax Deputy with an annual salary of \$34,000 with a 80 hour work week. Start date would be March 20, 2023. Motion seconded and unanimously approved.**
  
  - b. To re-visit the Deputy vacation accruals
    - **Motion by Mr. Stolipher to approve the extension of the deputies accrual times until May 31, 2023 and to have legal determine if at that time, the unused time can be paid out. Motion seconded and unanimously approved.**
  
  - c. Renew Bank Securities/Bonding
    - **Motion by Mr. Stolipher to approve the renewal of the bank securities/bonding as presented. Motion seconded and unanimously approved.**
  
  - d. The approval to add a third Lieutenant position
    - **Motion by Mr. Stoliphcr to approve the addition of the third Lieutenant position as amended by the Civil Service Commission. Motion seconded and unanimously approved.**

- e. The approval to hire a part-time Trip Guard(s)
- **Motion by Mr. Stolipher to approve the hire of Colin Wakeham and Dana Hanes as part time trip guards at an hourly rate of \$17.50 with a start date of March 20, 2023. Motion seconded and unanimously approved.**
- f. To discuss employee issue-
- **Motion by Mr. Stolipher to approve the acknowledgments of Deputy First Class Kelsey Stipanovic and Deputy First Class Joseph Moffett and to approve the back pay to the date of appointment. Motion seconded and unanimously approved.**
3. Nancy Strine- CDNG and HOME Administrator- Requested to hold a Public Hearing to discuss the housing needs of Jefferson County for the FY2023 HOME investment Partnership Program and second for the Commission to approve a Resolution authorization participation in the Eastern Panhandle Home Consortium of West Virginia for the period of July 1, 2023-June 30, 2024.

#### **PUBLIC HEARING**

- **Motion by Mr. Stolipher to approve the Resolution authorizing participating in the Eastern Panhandle Home Consortium of West Virginia for the period of July 1, 2023-June 30, 2024.**
4. Federal Group- Requested a Map amendment for the Federal Group, Inc. per article 12, Section 12.3.A. of Jefferson County Zoning and Land Development Ordinance from Residential Growth to Residential/Light Industrial/Commercial.

#### **PUBLIC HEARING**

**Commissioner Stolipher opened the floor to Public Comment. Mr. Davitt McAteer provided public comment during this public hearing.**

- **Motion by Mr. Stolipher to approve the Map amendment for the Federal Group, Inc. Parcel 10.9 and 24.3 on Map 8 in the Shepherdstown Tax District of Jefferson County Zoning and Land Development Ordinance from**

**Residential Growth to Residential/Light Industrial/Commercial. Motion passed on a 3-1 vote, Commissioner Tabb opposing.**

5. Steve Cox and Bessie Nelson- Requested guidance on signature authority to a sign a contract on behalf of the Civil Service Commission with a third party vendor to provide promotional exams for the Jefferson County Sheriff Deputies.

**It was the consensus of the Commission to move this item to the April 6<sup>th</sup> Commission meeting**

6. Sandy Hamilton-Requested Telamon community Board representation

- **Motion by Mr. Stolipher to approve the advertisement for a Jefferson County Representative to the Telamon Community Board. Motion seconded and unanimously approved.**

7. Interviews and Appointments

- a. Jefferson County Emergency Services Agency

- **Motion by Mr. Stolipher to approve the appointment of Christina Lantz for one unexpired term for Citizens Representative ending June 30, 2024. Motion passed on a 3-1 vote, with Commissioner Tabb opposing.**

- Jefferson County Planning Commission

- **Motion by Mr. Stolipher to approve the re-appointment Donnie Fisher for a three-year term ending March 31, 2023 and the appointment of Aaron Howell, and Timothy Smith to a three-year term ending March 21, 2026. Motion seconded and unanimously approved.**

8. Steve Allen-Director-Jefferson County Homeland Security and Emergency Management requested

a. Signature for the FY2020 Emergency Management Performance Grant

- **Motion by Mr. Stolipher to approve the President of the Jefferson County Commission to sign the FY2020 Emergency Management Performance Grant award document. Motion seconded and unanimously approved.**

b. Signature for the FY2023 Jefferson County Multi-Jurisdictional All Hazard Mitigation Plan Grant Award

- **Motion by Mr. Stolipher to approve the President of the Jefferson County Commission to sign the FY2023 Jefferson County Multi-Jurisdictional All Hazard Mitigation Plan Grant Award. Motion seconded and unanimously approved.**

c. Signature for the FY2021 Emergency Management Performance Grant Application

- **Motion by Mr. Stolipher to approve the President of the Jefferson County Commission to sign the FY2021 Emergency Management Performance Grant Application's conditions and Assurances lobbying and Debarment to apply for the 2021 EMPG. Motion seconded and unanimously approved.**

9. Mike Sine- Interim Director- Jefferson County Emergency Services Agency-

EMS Transition Update-

-Liabilities and interactions related to the level of VFD and Career staff involvement in emergency services particularly but not limited to the new EMS System.

-FSLA as it related to activities of County ESA employees

-VFD MOU's, Licensing, Rapid Response Licensing, personnel/equipment participation in the EMS system and use of County ambulances to provided non-911 community services.

-Potential Motion/policy state regarding use of County owned 911 Ambulances.

- **Motion by Mr. Stolipher to approve the policy regarding use of County owned 911 Ambulances as stated below:**

**The policy of the Jefferson County Commission is to occupy the field of ambulance dispatch and response in Jefferson County pursuant to the Commission's statutory authority, including the provisions of W.Va. Code 7-15-1, et. seq. and the provisions of W.Va. Senate Bill 224. In accord with this policy, the Jefferson County 911 EMS system shall only dispatch and operate ambulances that are owned and operated under the authority of the Jefferson County Commission.**

**There shall be two exceptions to this policy:**

- 1 - Surrounding government entities and 911 systems that have established Mutual-Aid Agreements with the Jefferson County ESA / Commission may be requested to dispatch their units to assist Jefferson County.**
- 2 - During a declared State of Emergency and/or Mass Casualty Incident the Jefferson County system, upon authorization of the Commission and/or the JCESA Director or designee, may request the assistance of other licensed non 911 transport ambulances.**

**The 911 EMS system may be supplemented by non-transport Rapid Response Units owned by Jefferson County and/or the Volunteer Fire Departments of this County (on a volunteer basis) conditioned on the agreement and approval of the JCESA Medical Director.**

**Motion passed on a 3-1 vote with Commissioner Krouse abstaining from voting.**

-Potential purchase of Middleway and /or Shepherdstown's Ambulances as part of the transition.

- **Motion by Mr. Stolipher to approve the additional purchase of two ambulances as part of the EMS Transition. Motion seconded and unanimously approved.**

10. Nathan Cochran- Assistant prosecuting attorney-

- a. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation) and related matters.
- b. Review, discussion, and possible adoption of leases for Ambulance parking, personnel space and other contractual issues between the JCESA and/or JCC and fire companies at various Fire Stations.
- c. Review, discussion, and possible decision regarding use and dispatch of ambulances in Jefferson County.
- d. Discussion of W.Va. Human Rights Comm. Case No. EREP-49-21.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on items 10, 11c and 12. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved**

## **FINANCE DIRECTOR REPORTS**

Internal Budget Revision- Transfer of FY2023 fund from Professional Services to Travel in the amount of \$5,326.73 for commissioner travel expenses.

- **Motion by Mr. Stolipher to approve the internal budget revision for the amount of \$5,326.73 from professional services to travel. Motion seconded and unanimously approved**

Request Approval for JCESA Invoice #439, March 3, 2023 in the amount of \$8,642.22 for January 2023 labor costs association with EMS transition project.

- **Motion by Mr. Stolipher to approve the reimbursement of \$8,642.22 to JCESA for the cost of labor for January 2023 in association with the EMS transition project and to be funded by ARPA Fund: EMS System allocation. Motion seconded and unanimously approved.**

## **UNFINISHED BUSINESS**

11. MOU- Shepherd University Emergency Action plan (SS)

- **Motion by Mr. Stolipher to sign the MOU for one specific event on April 15, 2023 from 11:30am-4pm. Jefferson County Commission will provide one fully staffed unit. Motion seconded and unanimously approved.**

12. Appointment to the Charles Town Utility Board (SS)

- **Motion by Mr. Stolipher to advertise on Social Media (Facebook Page and the County Website) for one more cycle. Motion seconded and unanimously approved.**

## **NEW BUSINESS**

13. Review of Agenda Policy & Procedures (SS)

**It was the consensus of the Commission to review and provide input at the April 6<sup>th</sup> Commission Meeting.**

14. Discussion regarding lack of adequate radio reception for emergency personnel in and around Shepherdstown. (JK)

- **Motion by Mrs. Krouse to further investigate the lack of radio reception in and around Shepherdstown, and research possible solutions with an eye towards implementing those solutions to solve the problem. Motion seconded and unanimously approved.**

15. Selection of Date and Time for the FY2024 Draft Budget Public Hearing

**It was the consensus of the Commission to have the Public Hearing on Monday March 27<sup>th</sup> at 9:30am.**

## **COUNTY ADMINISTRATOR REPORT**

-Selection of Date(s) for County Administrator Interviews

**It was the consensus of the Commission to have the County Administrator Interviews Wednesday March 29<sup>th</sup> starting at 9:30am.**

-Review of Anniversary Date Merit Increase Issue for Employees

**It was the consensus of the Commission to move to this item to the next Commission meeting April 6, 2023.**

The Commission adjourned at 10:09 pm on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

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Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant

## REQUISITIONS TO BE APPROVED

**April 6, 2023**

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
EMERGENCY COMMUNICATIONS	23094	\$ 9,964.00	Priority Dispatch	PROQA License Renewal
	23114	\$ 84,203.75	Connect Point	PS-12KW Power System 5yr Ext Warranty
	23111	\$ 15,058.83	Motorola Solutions Inc.	Interface Software for EFD & EPD
FLEET & FACILITIES	23104	\$ 67,574.00	B&M Painting	Painting Downtown Bldgs
SHERIFF - LAW ENFORCEMENT	23105	\$ 8,260.80	MARKL SUPPLY CO.	9mm and .223 ammunition
	23112	\$ 8,142.00	RNC Communications LLC	Mobile NetCloud CradlePoint Renewal
IT/DATA PROCESSING	23116	\$ 39,750.00	Rugged Notebooks	15 Laptops for ESA
COUNTY COMMISSION	23106	\$ 5,475.60	Stryker Medical	Assembly, Battery Charger
	23113	\$ 5,017.20	Emergency Vehicle Specialist, Inc.	Vehicle Servicing
<b>GRAND TOTAL</b>		<b>\$ 243,446.18</b>		



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$406,864.92		\$406,864.92
6.2% Tax Payable OASDI	\$25,203.95		\$25,203.95
1.45% Tax Payable HI	\$5,894.58		\$5,894.58
Fed Withholding	\$34,817.56		\$34,817.56
WV State Withholding	\$13,851.94		\$13,851.94
VA State Tax	\$355.92		\$355.92
MD State Tax	\$802.33		\$802.33
PERS Retirement Deduct 4.5%	\$8,416.68		\$8,416.68
PERS Retirement Deduct 6%	\$7,491.80		\$7,491.80
DSRS Retirement Deduct 8.5%	\$6,397.10		\$6,397.10
EMS Retirement Deduct 9%	\$220.21		\$220.21
Hosp. Pre-Taxed	\$0.00		\$0.00
D/VF	\$0.00		\$0.00
AFLAC Pre-Taxed	\$348.93		\$348.93
AFLAC Post-Taxed	\$803.62		\$803.62
Optional Life Post-Taxed	\$44.63		\$44.63
Wage Attach #1	\$373.39		\$373.39
Wage Attach #2	\$150.00		\$150.00
Wage Attach #3	\$0.00		\$0.00
Wage Attach #4	\$0.00		\$0.00
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,599.90		\$4,599.90
457R - Roth	\$945.00		\$945.00
Christmas Club	\$4,075.00		\$4,075.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms	\$0.00		\$0.00
Total Deductions	\$115,674.38	\$0.00	\$115,674.38
Net Wages Total	\$291,190.54	\$0.00	\$291,190.54
Payroll Date	March 31, 2023		



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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

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

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

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



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



Name: **Angela Banks**

Department or Organization: **Assessor**

Estimation of amount of time needed for appointment: 5 to 10 minutes.

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

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

Subject (*Wording to be placed on agenda*): Approval of New Hire beginning April 17<sup>th</sup>, 2023

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

Is this a funding request? **NO**

If so, how much? **\$**

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



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



Name: **Karen Olden**  
Department or Organization: **County Clerk - Probate**  
Estimation of amount of time needed for appointment: **10 minutes**  
Date Requested – 1<sup>st</sup> Choice: **April 6**  
*If a specific date is needed, please provide reason for specific date:*  
Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **1. Quarterly Review of Accountings/Waivers and New Estates**  
**2. Appoint Bradley C. Snowden, Esq. as a Fiduciary Commissioner**

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

- 1. The accounts/waivers and newly opened estates are from January 1, 2023 thru March 31, 2023.**
- 2. WV Code §44-3-1 allows the commission to appoint up to four Fiduciary Commissioners. Mr. Snowden reached out to our office via letter expressing his interest in serving as a Fiduciary Commissioner. Most of his legal practice involved estate and trust planning and estate and trust administration so he would be a great addition to the three current Fiduciary Commissioners. His letter is included with this request.**

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*):

- 1. To approve the accounts and waivers that have met all the requirements of the Probate Office and are ready to be closed and approve new estates that have been opened since last quarterly review.**
- 2. To appoint Bradley C. Snowden as the fourth Fiduciary Commissioner.**

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

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



**Bradley C. Snowden, Esquire  
6148 Winchester Avenue  
Inwood, WV 25428  
(304) 264-6166  
bradsnowdenlaw@gmail.com**

March 16, 2023

Jacqueline C. Shadle, Jefferson County Clerk,  
100 East Washington Street  
Charles Town, WV 25414.

Dear Ms. Shadle;

I would like to express my interest in serving Jefferson County and you as a Fiduciary Commissioner.

I have been licensed to practice law in the State of West Virginia since 1992 and actively practiced in both Virginia and West Virginia until taking a position with Shenandoah University in Winchester, Virginia in their Advancement Office managing the planned giving sector of their first capital campaign. I then transitioned to managing both planned gifts and major gifts for the university and remained at Shenandoah for nearly 15 years before moving to Mary Baldwin University in Staunton, Virginia as Director of Major and Planned Gifts and then to the position of Philanthropy Director at The Village at Orchard Ridge, a continuing care retirement community in Winchester Virginia where I led their philanthropy efforts for the past four years. During the entirety of my advancement and fundraising work, I have maintained my law licenses in Virginia and West Virginia. Upon request, I can provide you with my current resume.

Much of my legal practice when I was in Virginia and then with Martin & Siebert, LC, in Martinsburg involved estate and trust planning and estate and trust administration. I ran that firm's Charles Town Office for six years. I had the privilege of working with Robin Gaynor of the Clerk's Office on estate matters on a regular basis during my time practicing in the Charles Town Office.

I have had the privilege of working with clients across the spectrum of sophistication and wealth from modest to high net worth. I had the privilege of working with executors and administrators of simple to highly complex estate and simple to complex trusts. I have represented clients before the Internal Revenue Service as well as the Virginia and West Virginia Departments of Taxation on estate tax return matters including estate tax audits and I believe that I have the requisite background, experience and expertise to serve your Office effectively and efficiently in carrying out its work in reviewing and approving the settlements of estates and trusts in the probate process.

I would be more than glad and willing to meet with you at your convenience to discuss my interest in being a Fiduciary Commissioner serving Jefferson County. You may contact me at the address, telephone number and email address set out at the heading of this letter. In addition, if you would wish to inquire independently concerning my background, experience and competency, you may wish to contact D. Frank Hill, III, Esquire, a colleague and friend. Frank may be reached at 136 E German St, Shepherdstown, WV 25443 or by calling (304) 876-9333. While we are good friends, Frank will be both candid and refreshingly honest in his response.

Thank you in advance for your consideration.

Sincerely,

  
Bradley C. Snowden, Esquire

cc: D. Frank Hill, III, Esquire

**Regular Term**

**APRIL 2023**

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

**At a Regular Term of the County Commission of said County and State, begun and held at the Old Charles Town Library thereof, on Thursday, April 6<sup>th</sup>, 2023 at 9:30AM.**

**PRESENT: County Commissioners: Steve Stolipher, Jane Tabb, Tricia Jackson, Jennifer Krouse, Claire Ath**

**A list of Wills Probated, Executors qualified and Administrators appointed since the last Regular Term of this Commission, to-wit: January 2023 Term, thereof was this day presented to the Commission by the Clerk thereof, examined by it, and ordered filed:**

**Estate of Arnold Douglas Amoroso, deceased, First and Final Accounting, Scott Douglas Amoroso and Keith Howard Amoroso, Co Executors**

**Estate of Ronald E Brown, deceased, First and Final Accounting, Timothy M Brown, Executor**

**Estate of Leslie Ann Condon, deceased, First and Final Accounting, Anna M Marinoff, Administratrix**

**Estate of Walter Stanley Cool, deceased, First and Final Accounting, Paula Cool Gates, Executrix**

**Estate of James Robinson Henry, deceased, First and Final Accounting, James Scott Henry, Executor**

**Estate of Shirley Ann Howell, deceased, First and Final Accounting, Frank O Howell Jr, Executor**

**Estate of Elizabeth F Keegan, deceased, First and Final Accounting, Kevin C Keegan, Executor**

**Estate of Marshall Eugene Kerns, deceased, Final Accounting, Marsha Kerns Hardman, Administratrix**

**Estate of Barbara King Lemp, deceased, First and Final Accounting, Joel E Lemp, Executor**

**Estate of Kenneth Lee Mosetti, deceased, First Interim Accounting, Henry W Morrow Jr, Administrator**

**Estate of Peter Boughton Spaulding, deceased, First and Final Accounting, A Scott Gordon, Executor**

**Estate of June Elizabeth Underwood, deceased, First and Final Accounting, Rudolph Valentino Underwood Jr, Executor**

***The following Waivers of Final Settlement were this day examined by the Commission and there being no exceptions thereto, and none appearing on the face thereof, same are ordered approved and recorded as follows:***

**Estate of Gloria Ann Beach, deceased, WFS, Jennifer E Wolfe, Administratrix**

**Estate of Donald W Beeson, deceased, WFS, Daniel L Beeson, Executor**

**Estate of Andrew Bemus, deceased, WFS, Bambi Erekson, Administratrix**

**Estate of James Walter Blue, deceased, WFS, James W Blue Jr, Executor**

**Estate of Terry Philmore Brumm, deceased, WFS, Connie Clarke, Administratrix**

**Estate of Edward J Cape Jr., deceased, WFS, Barbara A Smith, Executrix**

**Estate of Hannah H Carroll, deceased, WFS, Frederick J and Brian K Carroll, Co Executors**

**Estate of Denise Alison Ceravalo, deceased, WFS, Michael Dylan Ceravalo, Executor**

**Estate of Judson Robert Eisel, deceased, WFS, Candice L Salter, Administratrix**

**Estate of Wanda Catherine Fisher, deceased, WFS, Lewis Edward Fisher, Executor**

**Estate of Barbara Belle Patterson Heinz, deceased, WFS, Suzette Snyder, Executrix**

**Estate of Neal Leonard Hovatter, deceased, WFS, Bradley Hovatter, Executor**

**Estate of James Grover Jenkins, deceased, WFS, Sam Jenkins, Administrator**

**Estate of James Rodger Jennings, deceased, WFS, Jamison C Jennings, Executor**

**Estate of Rebecca Kirby, deceased, WFS, John Ashby Kirby, Executor**

**Estate of Julia Lee Ann Leake, deceased, WFS, Cathy M Fisher, Administratrix**

**Estate of Billy Kaye Moores, deceased, WFS, Charles T Moores and Billy Kay Moores II, Co Executors**

**Estate of Sheila A Nicholson, deceased, WFS, Geraldine Anne Nicholson, Executrix**

**Estate of Janet Lee Painter, deceased, WFS, Robin Cole, Administratrix**

**Estate of Donald Reedy, deceased, WFS, Diana Sue Riley, Executrix**

**Estate of Mary Margaret Scott, deceased, WFS, Joseph David Scott, Administrator**

**Estate of Sandra R Shepherd, deceased, WFS, Stephen A Shepherd, Executor**

**Estate of Lanny Ross Shipley, deceased, WFS, Scott Shipley, Administrator**

**Estate of Kenneth Gardner Smith, deceased, WFS, Carreen Smith, Administratrix**

**Estate of Mary Belle Starliper, deceased, WFS, Lydia S Vickers, Executrix**

**Estate of Carolyn June Titus, deceased, WFS, Elizabeth Chatman and Lisa Tate, Co Administratrix's CTA**

**Estate of Don Joel White, deceased, WFS, Dennis White, Executor**

**Estate of Mary Victoria White, deceased, WFS, Claudia Adams White, Executrix**

**Estate of Lisa Ellen Zappia, deceased, WFS, Harold E Zappia, Executor**

**Accountings and Waivers of Final Settlement submitted from the Fiduciary**

**Commissioners: June K. Jovanelly, S. Andrew Arnold, Frank D. Hill, III and**

**David A. Dejarnett:**

**Estate of Gloria Galligane, deceased, Proposed Final Accounting, Christian L. Galligane, Executor**

**Estate of William Allen Sweeney, deceased, First and Final Accounting, Jacqueline Jane Grady, Executrix**

**Estate of Stanley E Stiles, deceased, Interim Accounting, David H Oswald, Executor**

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**President of the County Commission**

United States of America

State of West Virginia



County of Jefferson, ss:

# Appointment List

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Notice is hereby given that the following estate(s) have been opened for probate from 1/1/2023 thru 3/31/2023 in the Jefferson County Clerk's Office at PO Box 208, Charles Town, WV 25414-0208.

---

ESTATE NUMBER: 4275  
APPOINT DATE: 01/03/2023  
ESTATE NAME: ANTHONY W MANUEL  
ADMINISTRATOR ANDREW MANUEL

---

ESTATE NUMBER: 4289  
APPOINT DATE: 01/12/2023  
ESTATE NAME: RICHARD LEROY KUSTER  
ANCILLARY ADMINISTRATOR ROSEMARIE A MONCADA

---

ESTATE NUMBER: 4298  
APPOINT DATE: 01/04/2023  
ESTATE NAME: CURTISS ISIAIH HOSBY  
ADMINISTRATRIX EDNA DORENE DOWNEY

---

ESTATE NUMBER: 4300  
APPOINT DATE: 01/05/2023  
ESTATE NAME: DON JOEL WHITE  
EXECUTOR DENNIS WHITE

---

ESTATE NUMBER: 4301  
APPOINT DATE: 01/06/2023  
ESTATE NAME: TIMOTHY DUANE STAUBS  
ADMINISTRATOR ELLA JACQUELINE STAUBS

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ESTATE NUMBER: 4303  
APPOINT DATE: 01/08/2023  
ESTATE NAME: KENNETH GARDNER SMITH  
ADMINISTRATRIX CARREEN SMITH

---

ESTATE NUMBER: 4304  
APPOINT DATE: 01/10/2023  
ESTATE NAME: MARTHA VIRGINIA DUNN  
ADMINISTRATRIX SUSANNA D MCKENDREE

---

ESTATE NUMBER: 4306  
APPOINT DATE: 01/10/2023  
ESTATE NAME: EVELYN LOUISE SPRENKLE  
EXECUTOR WILLARD BEAHM JR

---

ESTATE NUMBER: 4307  
APPOINT DATE: 01/10/2023  
ESTATE NAME: PATRICK JOSEPH MCINTYRE  
EXECUTRIX MARY VIRGINIA MCINTYRE

---

ESTATE NUMBER: 4310  
APPOINT DATE: 01/11/2023  
ESTATE NAME: ESTHER SUSAN HAFNER  
ADMINISTRATRIX JANELLE MCDONOUGH  
ATTORNEY JAMES T KRATOVIL  
CHARLES TOWN, WV

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ESTATE NUMBER: 4311  
APPOINT DATE: 01/12/2023  
ESTATE NAME: KYUNG SOOK ADAMS  
ADMINISTRATRIX HAEJIN ANGELA PARK  
ATTORNEY CHRISTOPHER P STROECH  
116 W WASHINGTON STREET  
SUITE 2E  
CHARLES TOWN, WV 25414-1572

---

ESTATE NUMBER: 4312  
APPOINT DATE: 01/12/2023  
ESTATE NAME: EARL L FILLINGER  
EXECUTOR CHARLES S MCINTOSH

---

ESTATE NUMBER: 4314  
APPOINT DATE: 01/17/2023  
ESTATE NAME: WOODROW ALFORD GARRETT JR  
ADMINISTRATOR MARC GARRETT

---

ESTATE NUMBER: 4315  
APPOINT DATE: 01/19/2023  
ESTATE NAME: JERRY ALLAN SHEWBRIDGE SR  
EXECUTRIX CHASTIDY LINK

---

ESTATE NUMBER: 4319  
APPOINT DATE: 01/19/2023  
ESTATE NAME: NANCY LOU THOMPSON  
ADMINISTRATOR RICHARD HALL  
ATTORNEY JOHN CUMMINGS

---

ESTATE NUMBER: 4321  
APPOINT DATE: 01/20/2023  
ESTATE NAME: LISA ELLEN ZAPPIA  
EXECUTOR HAROLD EDWARD ZAPPIA  
ATTORNEY DANIEL C STAGGERS  
133 E. JOHN STREET  
MARTINSBURG, WV 25401-4214

---

ESTATE NUMBER: 4324  
APPOINT DATE: 01/27/2023  
ESTATE NAME: ANGELA HOPE EVERHART  
ADMINISTRATOR ROBERT BUTTS

---

ESTATE NUMBER: 4325  
APPOINT DATE: 01/27/2023  
ESTATE NAME: CURTIS RICHARD EVERHART  
ADMINISTRATRIX DEBORAH K EVERHART

---

ESTATE NUMBER: 4326  
APPOINT DATE: 02/07/2023  
ESTATE NAME: DREW CECIL TURNER JR  
ADMINISTRATOR DAVID MICHAEL HENNEN

---

ESTATE NUMBER: 4327  
APPOINT DATE: 02/08/2023  
ESTATE NAME: ARCHIE B SMITH  
CO EXECUTRIX JENNIFER S CALING  
CO EXECUTRIX PEGGY J WHETZEL  
CO EXECUTRIX ALICE K SMOOT  
ATTORNEY JOHN K DORSEY  
104 W CONGRESS STREET  
CHARLES TOWN, WV 25414

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ESTATE NUMBER: 4328  
APPOINT DATE: 01/31/2023  
ESTATE NAME: ROBERT DEWEY HODGE  
CO ADMINISTRATRIX ANGELA HODGE  
CO ADMINISTRATRIX AMBER HODGE

---

ESTATE NUMBER: 4329  
APPOINT DATE: 02/02/2023  
ESTATE NAME: REBECCA JEAN DAVIS  
ADMINISTRATOR JOHN DAVIS

---

ESTATE NUMBER: 4333  
APPOINT DATE: 02/07/2023  
ESTATE NAME: LAURA IRENE WANGER  
ADMINISTRATRIX IRENE YATES  
SURETY JOSEPH YATES

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ESTATE NUMBER: 4334  
APPOINT DATE: 02/15/2023  
ESTATE NAME: GARY DUANE ENGBRETSON  
EXECUTRIX SILJA GOMEZ

---

ESTATE NUMBER: 4335  
APPOINT DATE: 02/08/2023  
ESTATE NAME: LYNETTE MARIA FREEMAN  
ADMINISTRATOR CURTIS FREEMAN

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ESTATE NUMBER: 4338  
APPOINT DATE: 02/09/2023  
ESTATE NAME: THERESA ROSE ROHAL  
ADMINISTRATRIX HEATHER DERN MYERS

---

ESTATE NUMBER: 4339  
APPOINT DATE: 03/07/2023  
ESTATE NAME: LOIS HELEN ANDERSON  
EXECUTOR THOMAS WILLIAMS  
ATTORNEY DANIEL C STAGGERS  
133 E JOHN STREET  
MARTINSBURG, WV 25401-4214

---

ESTATE NUMBER: 4340  
APPOINT DATE: 02/09/2023  
ESTATE NAME: MARCELLA G KAY  
EXECUTOR CESAR SAMUEL GRILLO

---

ESTATE NUMBER: 4344  
APPOINT DATE: 02/14/2023  
ESTATE NAME: DEBRA LYNN BUELOW  
ADMINISTRATOR HENRY W MORROW JR  
ATTORNEY HENRY W MORROW JR  
PO BOX 459  
CHARLES TOWN, WV 25414-0459

---

ESTATE NUMBER: 4346  
APPOINT DATE: 02/15/2023  
ESTATE NAME: SHIRLEY MAY MCDONALD  
ADMINISTRATRIX SABRINA MCDONALD

---

ESTATE NUMBER: 4352  
APPOINT DATE: 03/16/2023  
ESTATE NAME: MARY VEOLAH LEPS  
EXECUTOR JEFFERY W LEPS

---

ESTATE NUMBER: 4355  
APPOINT DATE: 02/28/2023  
ESTATE NAME: SANDRA KAY PALMER  
ADMINISTRATOR THOMAS H HANSEN  
ATTORNEY PEGGY S FERRARO ESQ  
STOTLER HAYES GROUP LLC  
297 WILLBROOK BLVD  
PAWLEYS ISLAND, SC 29585-7789

---

ESTATE NUMBER: 4358  
APPOINT DATE: 03/01/2023  
ESTATE NAME: DENNIS LEON BYBEE  
EXECUTOR JEFFREY GRANT BYBEE  
ATTORNEY JOHN K DORSEY  
104 W CONGRESS STREET  
CHARLES TOWN, WV 25414-1622

---

ESTATE NUMBER: 4362  
APPOINT DATE: 03/06/2023  
ESTATE NAME: JOHN DONALD MCKEE  
EXECUTRIX CYNTHIA O'BANNON MCKEE

---

ESTATE NUMBER: 4364  
APPOINT DATE: 03/14/2023  
ESTATE NAME: JACOB EDWARD RABATIN  
EXECUTOR JUNE FINNEY RABATIN

---

ESTATE NUMBER: 4372  
APPOINT DATE: 03/31/2023  
ESTATE NAME: RICHARD JOHN VOLL  
ANCILLARY ADMINISTRATOR KIMBERLI BLOEMKER

---

ESTATE NUMBER: 4375  
APPOINT DATE: 03/15/2023  
ESTATE NAME: JANE FRANCINA RISSLER  
EXECUTRIX JAMIE HILL

---

ESTATE NUMBER: 4378  
APPOINT DATE: 03/17/2023  
ESTATE NAME: BARBARA ELAINE VIANDS  
EXECUTRIX MARJORIE L NICEWARNER

---

ESTATE NUMBER: 4379  
APPOINT DATE: 03/20/2023  
ESTATE NAME: DINA DOREEN SOUERS  
ADMINISTRATRIX CASANDRA OTT  
SURETY SCOTT GARY SMITH

---

ESTATE NUMBER: 4380  
APPOINT DATE: 03/30/2023  
ESTATE NAME: MARSHA JAYNE CRAUN  
ADMINISTRATOR JOHN M CRAUN  
SURETY CHRISTINA GRIMES

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ESTATE NUMBER: 4381  
APPOINT DATE: 03/20/2023  
ESTATE NAME: JOY DAVIS HUMPHRIES  
EXECUTRIX ELIZABETH D GRANT NIECE

---

ESTATE NUMBER: 4386  
APPOINT DATE: 03/22/2023  
ESTATE NAME: JACK L YOUNG  
EXECUTOR JACK W YOUNG  
ATTORNEY JOHN K DORSEY  
104 W CONGRESS ST  
CHARLES TOWN, WV 25414-1622

---

ESTATE NUMBER: 4387  
APPOINT DATE: 03/23/2023  
ESTATE NAME: DAVID WAYNE WHITE  
EXECUTRIX ASHLEY LAFRATTE

---

ESTATE NUMBER: 4388  
APPOINT DATE: 03/28/2023  
ESTATE NAME: OLVIA KAY WHITE  
ADMINISTRATOR JERRY LEDBETTER JR

---

ESTATE NUMBER: 4390  
APPOINT DATE: 03/29/2023  
ESTATE NAME: LINDA A WHITMORE  
CO ADMINISTRATOR KERY FRIES  
CO ADMINISTRATOR KAMALLA L BEDDINGFIELD

---

ESTATE NUMBER: 4395  
APPOINT DATE: 03/02/2023  
ESTATE NAME: ELLEN SHERRY HOFFMAN  
ADMINISTRATOR CTA DBN EUGENE ISAAC HOFFMAN  
ATTORNEY ALISON COX  
BOWLES RICE  
101 S QUEEN STREET  
MARTINSBURG, WV 25401-3315  
FIDUCIARY COMMISSIONER D FRANK HILL III  
PO BOX A  
SHEPHERDSTOWN, WV 25443-0600

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ESTATE NUMBER: 4396  
APPOINT DATE: 03/03/2023  
ESTATE NAME: RICHARD WALTER ACCURSO  
ADMINISTRATOR CTA DBN EUGENE ISAAC HOFFMAN  
ATTORNEY ALISON COX  
BOWLES RICE  
100 S QUEEN STREET  
MARTINSBURG, WV 25401-3316  
FIDUCIARY COMMISSIONER D FRANK HILL III  
PO BOX A  
SHEPHERDSTOWN, WV 25443-0600

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ESTATE NUMBER: 4397  
APPOINT DATE: 03/27/2023  
ESTATE NAME: GLADYS DOLLY MARION LARMAN  
ANCILLARY ADMINISTRATOR HARRY LARMAN JR

---

ESTATE NUMBER: 4398  
APPOINT DATE: 03/30/2023  
ESTATE NAME: MARGARET R CLIPP  
EXECUTOR RONALD B CLIPP

---

ESTATE NUMBER: 4399  
APPOINT DATE: 03/29/2023  
ESTATE NAME: THERL MEADOWS  
EXECUTRIX KATHY STEVENS

---

ESTATE NUMBER: 4401  
APPOINT DATE: 03/29/2023  
ESTATE NAME: BARBARA JANE BOWERS  
EXECUTOR JEFFREY D BOWERS

---

ESTATE NUMBER: 4404  
APPOINT DATE: 03/31/2023  
ESTATE NAME: ROBERT CALLAHAN  
EXECUTRIX ANN M CALLAHAN

---

ESTATE NUMBER: 4406  
APPOINT DATE: 03/31/2023  
ESTATE NAME: VICKIE M LAURINE  
EXECUTOR RICHARD S LAURINE

---

TOTAL ESTATES: 53

Subscribed and sworn to before me on 3/31/2023

\_\_\_\_\_  
President of the County Commission

*Jacqueline C. Shadle*

\_\_\_\_\_  
Jacqueline C Shadle  
Clerk of Jefferson County

By \_\_\_\_\_

Karen Olden  
Deputy Clerk

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



Name: Jennifer Myers

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

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

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

Date Requested – 2<sup>nd</sup> Choice: April 20, 2023

Subject (*Wording to be placed on agenda*): Request to add Jefferson County Parks & Recreation Commission to the Jefferson County Commission health insurance plan effective July 1, 2023.

Please provide the County Commission with a description of your request or presentation, including any background information: Jefferson County Parks & Recreation Commission is looking into options to change the health insurance benefit plan for their employees. Currently, employees have Public Employee Insurance Agency. If allowed, the Parks & Recreation Commission would add 8-10 employees to the County plan and then reimburse or pay the premium directly to the Jefferson County Commission.

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*): Motion to allow Jefferson County Parks & Recreation Commission to be set up as a division of the Jefferson County Commission health insurance plan.

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**



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



Name: Jennifer Myers

Department or Organization: Jefferson County Parks & Recreation Commission

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

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

Date Requested – 2<sup>nd</sup> Choice: May 4, 2023

Subject (*Wording to be placed on agenda*): Request waiver of all fees and bonding for park and construction projects in Jefferson County Parks.

Please provide the County Commission with a description of your request or presentation, including any background information: Jefferson County Parks & Recreation Commission is requesting that building permit fees and bonding be waived for park construction projects occurring in any county park. The Commission has previously approved waiver of permit fees and bonding for construction projects that have occurred at James Hite Park and Sam Michaels Park.

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*): Motion to waive all fees and bonding for construction projects in all Jefferson County Parks.

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**



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



Name: Stephen S. Allen, Director

Department or Organization: **Jefferson County Office of Homeland Security and Emergency Management**

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

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

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

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

- 1. Acceptance of proposal bid for 2023 Multi-Jurisdictional All Hazards Mitigation Plan**

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

- 1. This request is for the County Commission to accept the recommendation of the RFP Review Committee and act on approving the successful proposal bid contract for the 2023 Multi-Jurisdictional All Hazards Mitigation Plan. The committee received the RFP's on Friday, March 24<sup>th</sup> and were subsequently reviewed by the committee for completeness and meeting the requirements of the RFP documents. The committee will present their recommendation at the meeting.**

Is this a funding request? **Item 1, No. 100% Grant-funded**

If so, how much?

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

- 1. I move to approve the President sign the contract for the 2023 Multi-Jurisdictional All Hazards Mitigation Plan.**

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

If not attached, explain:

Attachments: Included 3

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

Contact information:

Email address: [sallen@jeffersoncountywv.org](mailto:sallen@jeffersoncountywv.org). Phone Number: 304-728-3290

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

Click here to enter text.



# JEFFERSON COUNTY WEST VIRGINIA



## **RFP - 2023**

Jefferson County  
Multi-Jurisdictional  
All-Hazards Mitigation Plan Update

Prepared By:

### **The Jogan Health Emergency Management Team**

Jogan Health  
84 Inverness Circle E  
Englewood, CO 80112  
[JoganHealth.com/Emergency-Management](https://JoganHealth.com/Emergency-Management)

Contact:

Zane Steves  
Director of Emergency Management  
[Zane.Steves@JoganHealth.com](mailto:Zane.Steves@JoganHealth.com)  
720-416-4804



Re: Jogan Health Response to RFP Hazard Mitigation Plan Update

Mr. Stephen S. Allen,

The Jogan Health Emergency Management Team is pleased to submit our proposal to perform a Hazard Mitigation Plan Update for Jefferson County and affiliate stakeholders. Our team represents decades of experience in all phases of Emergency Management, from strategic preparedness planning, continuity of operations and support throughout emergency events, to complete recovery operations. We have selected the most qualified individuals to lead this mission for Jefferson County and we welcome the opportunity to bolster operational resiliency and establish a valuable partnership with Jefferson County.

The enclosed response will provide an overview of our approach to updating the Hazard Mitigation Plan and will include all required information as requested within the RFP. Our experts have led multiple large-scale Emergency Management operations across several public and private agencies and have realized our success through our ability to remain operationally nimble while delivering best-in-industry Emergency Management guidance in a cost-efficient manner.

Should you have questions regarding our submission, please do not hesitate to contact Mr. Zane Steves, Jogan Health's Director of Emergency Management, by phone at (720) 416-4804 or by email at [Zane.Steves@joganhealth.com](mailto:Zane.Steves@joganhealth.com). We are available at any time and will be standing by to support your initiative for a stronger resilience. We trust that you will find the team at Jogan Health as the best suited candidate to support your team and the residents of Jefferson County.

Sincerely,

Zane Steves – Director of Emergency Management  
(720) 416-4804 - [zane.steves@joganhealth.com](mailto:zane.steves@joganhealth.com)





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## Firm Background

Jogan Health was created to help others in times of need. Our firm grew to help communities through our support in healthcare and emergency management. Our firm is in Englewood, Colorado, and has been in business for approximately 2 years. We strive to perform and ensure the best quality of work for our clients. To do so, our Emergency Management Division is comprised of dedicated, experienced, emergency management practitioners that will support the tasks needed to ensure your project is a success.



## Network of Reach



Although our firm is new and growing, our team is comprised of highly skilled personnel with past experiences in plan updates and mitigation planning. Several of our core staff are experienced in working with multiple sectors in the country. From local government to state level, our team has helped numerous organizations in various fields and sectors. Our organization brings proven knowledge and applied experience when it comes to helping others in enhancing their resilience. This includes hazard specific plans/annexes, as well as the Local Multijurisdictional Mitigation Plan. With

our core personnel and vast network of cadre members, our team have the resources to support and overcome any challenges that may arise throughout the progression of the project.

## Project Team – Mitigation

Jogan Health Emergency Management Division has seasoned veterans of emergency management with numerous deployments and exercise leadership missions between them.

Our emergency staff are composed of Certified Emergency Managers (CEM), Master Exercise Practitioners (MEP), Certified Business Continuity Professionals (CBCP), and a multitude of other key accreditations.

To ensure that Jefferson County will have a successful update of the Local Hazard Mitigation plan, our organization has assigned two dedicated emergency management personnel to support in the planning update project.

**Zane Steves CEM, CBCP (Program Manager) –**



Zane is an experienced emergency manager with over 20 years in the emergency management world. He helped a variety of agencies in fostering and enhancing their resilience through strategic and mitigation planning. Mr. Steves is very well familiar in mitigation planning. He has helped 3 counties with their mitigation plan updates and was successful in doing so. All 3 mitigation plans were local multijurisdictional mitigation plans. With his knowledge in local mitigation planning, Mr. Steves will be able to support and ensure the update of Jefferson County's multijurisdictional hazard mitigation plan.

**Justin Nguyen AEM, CFM (Project Lead) –**



Justin is an emergency management manager with over 5 years in the field of emergency management. He brings in a vast variety of experience in all phases of emergency management. Primarily, he has helped numerous organizations with preparedness through planning updates and review. Mr. Nguyen understands the value and importance of a successful plan through his time with prior projects. During his time, he reviewed over 200 healthcare facilities' comprehensive emergency management plans to ensure they are compliant with regulations, and also enhanced to promote a stronger resiliency against hazards. Mr. Nguyen is very familiar with mitigation planning and has applied experience in assisting Seminole tribal governments with their mitigation plan update. In past projects with the

Seminole Tribe of Florida, he led the mitigation steering committee and was responsible in the coordination and update of a successful FEMA-Approved Mitigation plan.

**GIS Cadre (HAZUS support and Hazard Analysis –**



As part of our mission to help Jefferson County with their hazard mitigation plan update, we will be utilizing our GIS cadre who are experienced in using HAZUS to analyze current data provided by Jefferson County. Through their analysis and support, we can strategically support current and prospective mitigation projects based on the potential forecast of hazardous threats. In addition, the team will update the risk assessment section with the latest information and analysis obtained.

**Jogan Health’s Emergency Management Division - Preparedness Branch Support**  
 To further advance our support for the mitigation update for Jefferson County, our internal preparedness team are also ready to assist, if needed, as part of our mission and goal to complete the plan update throughout the entirety of its phases.

EMD Preparedness Team Members	Preparedness Team Role	Hazard Mitigation Plan (Support Role)	Years of Experience in Emergency Management	Years with Jogan Health Emergency Management Division
<b>Mark Vogel (Preparedness Manager)</b>	✓ Oversees the preparedness branch	❖ All Phases	❖ 20 plus years	❖ 6 months
	✓ Provide guidance and support in all EMD Preparedness projects and assignments			
<b>Preston Beahm (Planning Coordinator)</b>	✓ Develop preparedness plans and annexes	❖ All Phases	❖ 5 years	❖ 6 months
	✓ Supporting policy development and procedures			
<b>Kesley Richardson (Test, Training, &amp; Exercise Coordinator)</b>	✓ Maintain and implement training programs	❖ All Phases	❖ 5 Years	❖ 6 months
	✓ Develop and support training exercises and materials			

## Statement of General Approach

By leveraging the increased awareness of natural hazards and the importance of resiliency in the wake of these disasters, Jefferson County has an opportunity to build a robust plan that meets FEMA requirements and helps shape the recovery process through reinforcing mitigation goals by identifying appropriate mitigation projects. Our Mitigation Project Team have managed mitigation plans throughout the country in areas impacted by disasters and is ready to work with the Jefferson County team to build a comprehensive plan.

The Mitigation Planning Team is critical to project execution. We recommend the Mitigation Planning Team include the County's Mitigation Working Group, and other key agency stakeholders such as the planning department, and the building officials that fall outside of the traditional emergency management spectrum to establish an inclusive well-rounded collaboration.

Jogan Health has the right staff, with the right experience, to create a plan that meets FEMA's requirements that aligns with the Jefferson County proposed project timeframe and provides a blueprint for state-wide mitigation resilience and mitigation efforts. Jogan Health brings extensive state and local



HMP experience and is ready to guide Jefferson County through all aspects of the planning process, from building the Mitigation Planning Team by identifying key stakeholders beyond traditional emergency management professionals, to

performing an insightful risk assessment that informs strategic mitigation planning.

Our planners have the technical capacity to create a plan that addresses FEMA's key concerns and comments from the previous planning effort, while also creating a strong and

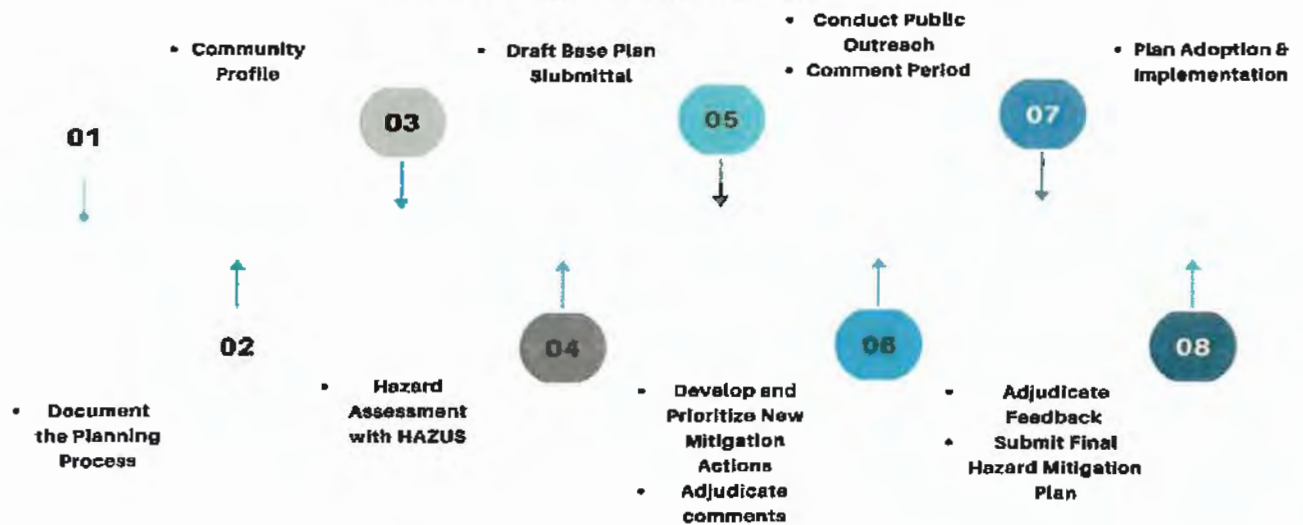
flexible framework for future updates. Jogan Health's experience supporting long-term recovery and resilience planning has provided the Team with knowledge of key local stakeholders, an understanding of the hazard, risks, and vulnerabilities challenging the County, and insight into potential mitigation approaches and solutions.

### Scope Of Work

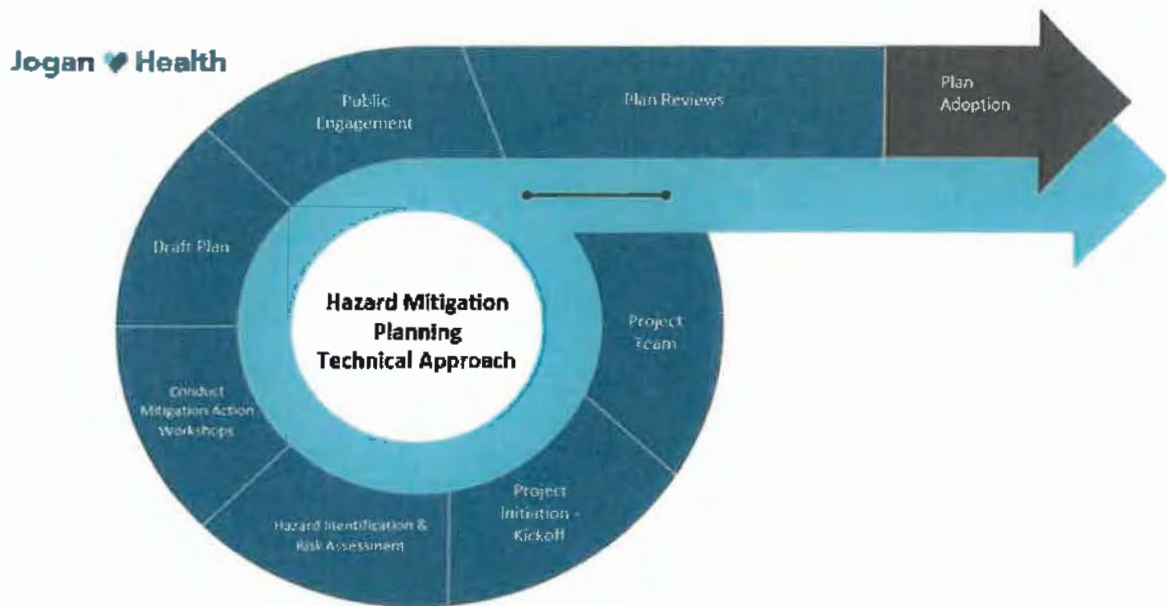
The scope of this effort will focus on developing a Comprehensive Multijurisdictional Hazard Mitigation Plan. Jogan Health will work with applicable stakeholders to include the public and ensure that the planning reflects the core concepts and requirements outlined in Federal Emergency Management Agency (FEMA) set forth in 44 CFR Part 201 and 206; the Disaster Mitigation Act of 2000; Planners will use standards found in FEMA's 'Local Mitigation Planning Handbook' (April 19, 2022), and the FEMA 'Mitigation Ideas' resource (January 2013). The new FEMA Building Resilient Infrastructure Communities Program (BRIC) program requirements will also be reviewed.



### Hazard Mitigation Planning Process



Furthermore, Jogan Health will work with Jefferson County to ensure that the following activities are met; research and integrate other known plans (comprehensive plans, building codes, zoning ordinances, storm water management plans, source water protection plans, THIRA (Threat Hazard Identification Risk Assessment), sub-division and land use/land development plans, Hospital and Health Department All Hazards Plans, National Flood Insurance Rate maps, Community Rating System Information, Program for Public Information (CRS), Emergency Management Plans, Repetitive Loss Areas, and other County and Municipal plans, Planning Process; Hazard Identification, Risk Assessment, Mitigation Strategies/Project Identification; Integration of maximizing CRS points using this as the Activity #510 Plan and Integrate the CRS Crosswalk for maximization of accumulating CRS points,



**Project Initiation, Planning Process, and Ongoing Project Management**  
To be inclusive of stakeholders within Jefferson County, Jogan Health will conduct an informal project planning call with Jefferson County's project sponsor and discuss the in-person kickoff meeting. To utilize existing and known workgroups, Jogan Health suggests the kickoff occur with the County's Working Group for Hazard Mitigation. (Depending on the timing of the kickoff of the project, and due to the short-term nature of the project, the Working Group may be asked to meet outside of their typical planning meeting.) During the Hazard Mitigation Working Group meeting kickoff, Jogan Health will work with the group to establish a Mitigation Steering Committee (MSC), identifying any additional stakeholders

that may not have traditionally participated but may be relevant to the Hazard Mitigation Plan Update based on recent events, and subsequent long-term recovery planning process. To prepare for the kickoff meeting, Jogan Health will host a project planning call with Jefferson County and confirm our agenda for the kickoff meeting. Using the feedback provided by Jefferson County, we will prepare materials (e.g., agenda, sign-in sheet, overview presentation, and reporting templates) to support execution of the kickoff meeting as well as the draft project management plan (PMP). To facilitate this meeting, Jogan Health will draft any and all necessary materials while Jefferson County will lead the invitation process. Jogan Health takes project management and coordination seriously. Developing a Project Management Plan (PMP) to guide our projects is a firm-wide practice, aligned with the best practices established through the Project Management Body of Knowledge (PMBOK). Our PMP will:

1. Detail our methodology to develop a Local mitigation plan that fulfills state and federal requirements, including Title 44 CFR Section 201.4 and 201.5;
2. Provide a comprehensive project schedule detailing deliverables and timelines;
3. Document project management methods, including regular status reporting; and
4. Articulate roles and responsibilities among the Jogan Health Team, MSC, and other stakeholder groups.

### Public Participation and Planning Integration

At Jogan Health, we believe a whole-community approach establishes greater involvement and innovation, which will result in a successful mitigation plan update. As mentioned previously, once the MSC has been established and key stakeholders identified, the



planning process will begin for the update of the mitigation plan. As the draft plan becomes more finalized throughout the process, Jogan Health will coordinate with Jefferson County to host public meetings to receive their input and integrate their feedback inside the plan

before a final product is created. The project team recommends four (4) public meetings, two (2) in-person and two (2) virtual meetings, that will allow the opportunity for full participation from the community. In addition, Jogan Health will create a survey following the meeting to receive and capture further inputs from the public. We understand that public and community participation can be a challenge. To further assist Jefferson County with its mission, we utilize professional marketing personnel that will assist in producing the right materials to engage with others in this important project.

As part of the planning meetings with the MSC, Jogan Health will identify any plans that may support or relate to the development of the final mitigation plan. This includes not only the county's plans, but the municipalities' plans as well. Our planners will analyze the planning documents to ensure it supports key sections of the mitigation plan such as the community profile, hazards, projects, and goals. Through our analysis, Jogan Health will ensure any supporting plans pertaining to the Mitigation Plan are updated through coordination and working with the agencies responsible for their respective plans.



### **Hazards and Risk Analysis**

During the in-person kickoff meeting, Jogan Health will facilitate a discussion based on our agenda, which will review our proposed approach, confirm goals and objectives, validate the MSC, and discuss deliverables and associated timelines. We anticipate one element of

this discussion to focus on a detailed methodology associated with the THIRA for review and feedback by the MSC. This methodology will include an analysis of hazards; development of hazard profiles; analysis of risk, impacts, and consequences; and analysis of hazard vulnerabilities and vulnerability factors. Overall discussion points and key considerations for the MSC will include:

- Strengths and limitations associated with key local plans from throughout the county and the current Jefferson County HMP;
- Recent federally declared disasters and hazard events;
- Critical infrastructure and facility databases and maintenance
- Findings from the State-developed THIRA;
- Analysis of the High Hazard Potential Dam Risk present in the county. This analysis will meet FEMA standards as laid out in questions HHPD1 through HHPD 4 of the FEMA Local Mitigation Policy Guide.
- Available data and other considerations provided by Jefferson County;
- Incorporation of new studies and scientific data, as well as Standard Digital Flood Insurance Rate Maps (FIRM), Flood Insurance Study (FIS) data, and appropriate Flood Risk Products; and
- Risk Assessment tools and methodology.

Our methodology will be reviewed and edited based on feedback provided in the project kickoff meeting. Jogan Health will present a revised methodology for review and feedback from the MSC prior to executing the overall THIRA. Within five business days of the kickoff meeting, Jogan Health will provide meeting minutes to the Jefferson County MSC for review and approval. Key decisions made during the meeting will be clearly documented, in addition to any specific next steps and action items determined. Leveraging the discussion held during the kickoff meeting, Jogan Health will revise our draft PMP and project schedule, facilitating submission of the draft to Jefferson County.

### Action Plan Implementation

As part of the HMP update, Jogan Health will work closely with Jefferson County to develop a maintenance plan as required by the Local Mitigation Planning Policy Guide. The mitigation project team will work closely with Jefferson County and its stakeholders/partners identified in the plan to ensure mitigation activities are implemented as written in the plan. Following the successful completion of update and approval by WVEMD and FEMA, Jogan Health will maintain a strong relationship with the county on monitoring and maintaining the plan on a yearly basis. This will allow the mitigation plan to be a living



document and ensure mitigation efforts are being progressed to enhance Jefferson County's resilience.

### Available Resources / Firm Locations

Jogan Health has resources staged nationwide to perform operations. We have virtual capability across several platforms to include Microsoft Teams, Google Hangouts, Adobe Connect, and Zoom to allow for virtual coordination. In our experience, Microsoft Teams is the least restrictive from a cybersecurity standpoint for organizations. We are available to be on site for major project milestones and planning processes that are best coordinated in a collaborative multi-agency manner.

Key Personnel	Phase 1 Planning Process	Phase 2 Community Profile	Phase 3 Hazard Assessment	Phase 4 Base Plan	Phase 5 Mitigation Actions	Phase 6 Public Outreach & Comment	Phase 7 & 8 Plan finalization, adjudication, and submittal	Grand Total (Hours)
Senior Hazard Mitigation Specialist (PM)	10	10	10	10	10	10	40	100
Hazard Mitigation Specialist	10	10	10	10	10	10	40	100
GIS Analyst			100					100
<b>TOTAL</b>								<b>300</b>

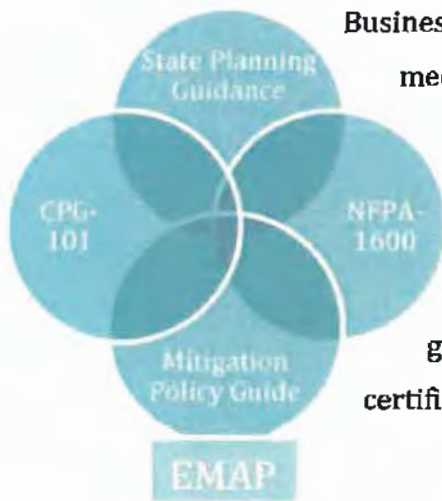
### County Support

We would look to the Client to help by being able to assist with information dissemination or providing an email list, collecting and sharing critical infrastructure data, risk and hazard data, sharing prior and relevant plans, providing data on repetitive losses, proposing mitigation projects, support plan feedback, and being available to coordinate and review throughout the planning process.



## Certified Emergency Management Accreditation Program (EMAP) Business Consultant Team

At Jogan Health, our organization strives for the best and most up to date practices in emergency management. We follow and are trained in the latest standards of the Emergency Management Accreditation Program. The Emergency Management Accreditation Program is a nationally recognized non-profit organization that foster organizations and communities to be resilient by establishing credible standards in emergency management. Our preparedness team are composed of dedicated, trained EMAP



Business Consultants that not only ensure the work being performed meets and exceed EMAP Standards but evaluate and advise any additional opportunities that follows EMAP. To do so, Jogan Health's Preparedness Branch has created a robust, highly detailed crosswalk that will ensure all requirements of the project meets EMAP standards as well as other key planning guidelines and documents like CPG-101. (Business Consultant certifications are attached in the addendums).

# Cost Proposal

Jefferson County, WV

RFP – Hazard Mitigation

Plan Update

## Hazard Mitigation Plan Update DEVELOPMENT

Category	Rate	Phase 1: Planning Process	Phase 2: Community Profile	Phase 3: Hazard Assessment	Phase 4: Base Plan	Phase 5: Mitigation Actions	Phase 6: Public Outreach and Comment	Phase 7&8: Plan finalization, adjudication, and submittal	Total Hours Costs
<i>Senior Hazard Mitigation Specialist (PM)</i>	\$85.00	10	10	10	10	10	10	40	\$8,500
<i>Hazard Mitigation Specialist</i>	\$80.00	10	10	10	10	10	10	40	\$8,000
<i>GIS Analyst</i>	\$80.00			100					\$8,000
<i>Estimated Travel Costs</i>									\$5,000.00
<i>Yearly Maintenance of HMP (For 5 years)</i>									\$25,000
									\$54,500

## Project Timeline

TOPIC	ESTIMATED DATES	OUTCOME
<b>Phase 1 - Document the Planning Process</b>		
Project Start	TBD	Project Start.
Project Overview Draft	+5 days from Award	Draft a Project Overview outlining the mitigation planning process and a proposal for how the effort will be conducted
Form a Planning Team	+15 days from Award	Form a Planning Team under the auspices of the Jefferson County Hazard Mitigation to coordinate the effort.
Stakeholder Engagement	+15 days from Award	Ensure that stakeholders and the public are actively involved in the planning process.
Planning Kickoff Meeting	+15 Days from Award	Members will meet prior to the kick-off to discuss development of a contact list, hazards list for consideration, meeting dates and documents, and other pertinent information.
<b>Phase 2 – Community Profile Assessment</b>		

Conduct Community Profiles	+25 Days from Award	<p>The Community profile will focus on the following:</p> <ul style="list-style-type: none"> <li>A. Community identifiers such as population, economics, housing, school, infrastructure and other pertinent data.</li> <li>B. Critical Facilities <ul style="list-style-type: none"> <li>o Physical Building Damage</li> <li>o Loss of Functionality</li> </ul> </li> <li>C. General Building Stock <ul style="list-style-type: none"> <li>o General building stock will be classified by the following occupancies; residential, commercial, industrial, agricultural, religious, government, and educational buildings. Identify Repetitive Losses.</li> </ul> </li> <li>D. Lifelines and Infrastructure <ul style="list-style-type: none"> <li>o Lifelines and infrastructure will be classified into transportation lifelines and utility lifelines.</li> <li>o The following impacts will be calculated for each of the lifeline classes: <ul style="list-style-type: none"> <li>i. Physical Damage</li> <li>ii. Functionality of System</li> <li>iii. Social/Demographic Characteristics</li> <li>iv. Vulnerable Populations</li> </ul> </li> </ul> </li> <li>E. Develop Relevant Maps</li> </ul>
<b>Phase 3 - Hazard Assessment</b>		
Conduct Risk Assessment and Community Priority Risk index Assessment	+30 Days from Award	Conduct a hazard evaluation, and analysis and assessment of risks from a variety of national, state and local sources to include a HAZUS-MH assessment. This will include GIS mapping to support critical infrastructure, vulnerabilities, hazards, and other critical information outlined in the SOW. Integrate in the National Flood Insurance Program's Community Rating System (CRS).
<b>Phase 4 -Base Hazard Mitigation Plan Submittal</b>		
Submit Draft Plan	+45 days from Award	Submit Draft Community Profile and Hazard Risk Assessment for Review and Feedback.
<b>Phase 5 - Develop and Prioritize New Mitigation Actions</b>		
Review and Analysis of Previous Mitigation Actions	+50 days from Award	Review prior mitigation efforts, best practices nationwide, and recommendations from local, state, and federal stakeholders.

Create a Mitigation Strategy and Mitigation Action Plan	+ 50 days from Award	Host Workshops to develop Mitigation Actions and prioritize. This data will be used from the Capability Assessment and facilitated discussion.
<b>Phase 6 - Conduct Public Outreach &amp; Revision Review</b>		
Public Briefing and Feedback Session	+70 Days from Award	Host a Feedback briefing and listening session with the community. Receive feedback and prepare a report for the Jefferson County.
Stakeholder Briefing and Feedback Session	+70 Days from Award	Host a Feedback briefing and listening session with the Stakeholder group. Receive feedback and prepare a report for the Jefferson County.
<b>Phase 7 &amp; 8 - Develop and Submit Draft Hazard Mitigation Plan, Approval and Adoption</b>		
Comment Period	+90 Days from Award	Host a Comment Period to obtain stakeholder feedback and public feedback. Host public Meetings. Adjudicate feedback into the plan.
Draft Hazard Mitigation Plan	+112 Days from Award	Submit a draft plan to include all sections after comment and adjudication period to comply with all State and Federal requirements. State EM will receive a Copy for review as well as coordination with FEMA for review.
Final Hazard Mitigation Plan	+140 Days from Award	Final Hazard Mitigation Plan to be completed based on Local, State, and Federal feedback. Plan provided to Jefferson County for approval and adoption.

## General List of Data and Information

The Hazard Mitigation Plan will be a resource that can drive resiliency through mitigation strategy and action. It will include a community profile, hazard risk assessment, and Mitigation Strategy/Actions as the bulk planning components. It will include at the minimum:

- Community identifiers such as population, economics, housing, school, infrastructure and other pertinent data.
- Critical Facilities
  - i. Physical Building Damage
  - ii. Loss of Functionality
- General Building Stock

- i. General building stock will be classified by the following occupancies; residential, commercial, industrial, agricultural, religious, government, and educational buildings.
    - ii. Identify Repetitive Losses.
  - o Lifelines and Infrastructure
    - i. Vulnerabilities will be annotated in Community Lifeline format to align with the FEMA Community Lifelines doctrine. Each Lifeline will detail a breakdown of the infrastructure associated:
      - 1. Physical Damage
      - 2. Functionality of System
      - 3. Social/Demographic Characteristics
      - 4. Vulnerable Populations
  - o Develop Relevant Maps that meet the RFP requirements and utilize HAZUS to pull data. We will work with Jefferson County to ensure that mapping meets their standard.

### Project Closeout

The planned effort will have reviews completed by the local, state, and federal partners. We will also ensure that the public is engaged, informed, and briefed on the planning effort, hazards, and mitigation actions. If a requirement would arise that is deemed unmet, Jogan Health will complete that missing requirement with haste. Your resiliency is our mission!

## References

---

- 1. Name of Firm: IEM Emergency Management**  
**Address: 2801 Slater Road Suite 200**  
**Morrisville, NC 27560**  
**Telephone: (206) 550-7180**  
**Contact: Charlie Axton**  
**Contact Email: [Charlie.Axton@IEM.COM](mailto:Charlie.Axton@IEM.COM)**  
**Service Dates: Sept. 2022 – Present**
- 2. Name of Firm: American Red Cross – Disaster Cycle Services**  
**Address: 8550 Arlington Blvd**  
**Fairfax, VA 22031**  
**Telephone: (202) 440-2851**  
**Contact: Jack Hermann MEd**  
**Contact Email: [Jack.Hermann@redcross.org](mailto:Jack.Hermann@redcross.org)**  
**Service Dates: Oct. 2022 – Present**  
**Summary of Project: Post-hurricane Recovery staffing in Florida.**

**Jefferson County  
Office of Homeland Security and Emergency Management  
28 Industrial Blvd.  
Suite 101  
Kearneysville, WV 25430**

*Prepared by:*



**Proposal  
for  
Consultant Service to Develop the Countywide  
Hazard Mitigation Plan Update  
for  
Jefferson County**

**March 20, 2023**

March 20, 2023

Stephen Allen, Director  
Jefferson County Office of Homeland Security and Emergency Management  
28 Industrial Blvd.  
Suite 101  
Kearneysville, WV 25430

Dear Mr. Allen,

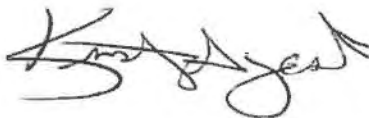
MCM Consulting Group, Inc. (MCM) is pleased to present Jefferson County with a proposal to update the Jefferson County Hazard Mitigation Plan. MCM has extensive experience in hazard mitigation planning, and we look forward to the opportunity to assist Jefferson County on this project. MCM is committed to providing the services outlined within this proposal.

MCM is certified to transact business in the state of West Virginia, certification number TCS201506090526-1 and is in compliance with all state, county and local laws and ordinances and has filed all tax returns and is current with all taxing agencies including federal, state, county and local throughout the United States.

For the purposes of contract negotiations and signing, the designated individual capable of binding MCM Consulting Group, Inc. shall be, Michael C. McGrady, Principal of the company or Kristy S. Agosti, President/CEO of the company.

Thank you for the opportunity to provide a proposal for this project. If you have any questions, feel free to call or email me.

Sincerely,



Kristy S. Agosti, President/CEO  
MCM Consulting Group, Inc.  
328 Innovation Blvd, Suite 210  
State College, PA 16803  
814-314-9900 (Office)  
814-389-2521 (Cellular)  
[KAgosti@MCMConsultinggrp.com](mailto:KAgosti@MCMConsultinggrp.com)

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## **Executive Summary**

MCM Consulting Group, Inc. (referred to as MCM) has extensive experience in hazard mitigation planning and the requirements that are necessary to update a county hazard mitigation plan in accordance with the Federal Emergency Management Agency (FEMA) standards. The staff of MCM has completed updates and received FEMA approval for thirty-three county hazard mitigation plans and is currently completing five county hazard mitigation plan updates. MCM also developed an annual HMP maintenance plan for our clients. Currently we are providing maintenance for two counties during their five-year cycle. All the elements that need to be addressed in a county hazard mitigation plan update project have been successfully addressed previously with clients by MCM.

The prime vision for this project is for MCM to assist Jefferson County in following established hazard mitigation planning processes to determine how to reduce or eliminate the loss of life and property damage resulting from natural and human caused hazards. The project planning team will follow the four basic phases for hazard mitigation planning: organize resources, assess risks, develop a hazard mitigation plan, and develop a plan of action and milestones for implementation and methodology for monitoring progress.

The primary deliverable of MCM is an updated county hazard mitigation plan. MCM will coordinate with the county and all municipalities in Jefferson County. The updated plan will meet or exceed all FEMA requirements.

MCM will provide all the necessary resources to complete the update to the county hazard mitigation plan. MCM is prepared to respond to any questions that may arise in reference to this proposal. MCM is prepared to dedicate the project team and conduct a kick-off meeting upon acceptance of this proposal and the execution of a professional service agreement.

## **Company Profile**

MCM is a privately held consulting firm dedicated to serving the public safety, government, education, and healthcare community with its corporate office located in Innovation Park, State College, Pennsylvania. The primary contact for the company is Kristy S. Agosti, President/CEO, 328 Innovation Boulevard, Suite 210, State College, Pennsylvania, 16803, Phone; 814-314-9900, email; [KAgosti@MCMConsultingGrp.com](mailto:KAgosti@MCMConsultingGrp.com)

MCM was formed in 1997 and incorporated in 2005 and our team members include program managers and planners, HSEEP designers and exercisers, public safety answering point (PSAP) and emergency management and IMT experts, EMS and healthcare specialists, GIS specialists, network (IT) and RF designers, telephony and tower site specialists and two-way radio experts.

We specialize in providing hazard mitigation planning, program management, other emergency services planning, training and HSEEP exercises, government, public safety, and hospital consulting as well as telecommunicator, supervisor, and management training to hospitals, emergency medical services, PSAPs, emergency management agencies, task forces and public safety agencies. Our team members have over 600 years of combined emergency management, healthcare, public safety, telecommunication, and military experience.

### **Project Experience**

MCM has completed thirty-three county hazard mitigation plan update projects. Five of our projects are outlined in this section of the proposal with county name, location, description of the project and a point of contact with contact information. MCM has acquired FEMA APA status on every hazard mitigation plan update project completed in the past. All projects except the 2016 Monroe County Hazard Mitigation Plan Update required only one update and resubmission after FEMA initial review. The 2016 Monroe County Hazard Mitigation Plan Update received FEMA APA upon the initial submission and is the only plan to date in Pennsylvania that was approved without any required revisions.

Recently, MCM completed the 2022 Clearfield County Hazard Mitigation Plan Update and was the first consulting agency in Pennsylvania to meet the **High Hazard Potential Dam (HHPD)** federal and state requirements for a county hazard mitigation plan update.

MCM will utilize the experience and lessons learned of completing thirty-three county hazard mitigation plan updates to ensure the 2023 Jefferson County Hazard Mitigation Plan Update also receives the FEMA approval. The process that MCM utilizes ensures a successful and complete county hazard mitigation plan update that will receive FEMA approval.

#### **Clearfield County Department of Public Safety: Clearfield, Pennsylvania**

MCM completed the 2022 Clearfield County Hazard Mitigation Plan Update and was the first consulting agency to meet the **High Hazard Potential Dam (HHPD)** federal and state requirements for a county hazard mitigation plan update. The plan is currently at the Federal Emergency Management Agency for final review and approval.

Scott Mignot, Director  
Clearfield County Emergency Management Agency  
911 Leonard Street  
Clearfield PA 16830  
(814) 765-5357 EXT.2  
[smignot@clearfield911.com](mailto:smignot@clearfield911.com)

### **Beaver County Emergency Services: Ambridge, Pennsylvania**

MCM Consulting Group, Inc. completed an update to the Beaver County Hazard Mitigation Plan. The plan was adopted by resolution by the Beaver County Commissioners and each municipality that participated in the 2021 plan update process.

Since the adoption of the 2021 Beaver County Hazard Mitigation Plan, Beaver County has contracted MCM Consulting Group, Inc. to complete an annual review of the plan each year until the next hazard mitigation plan update. Each year MCM documents all past occurrences of disasters or emergencies and conducts a review of the mitigation strategy to include all actions and projects identified in the plan. MCM works with the local planning team and all municipalities that have adopted the plan. The final step of the maintenance project each year is the submittal of the annual review report to PEMA and FEMA.

Eric Brewer, Director  
Beaver County Emergency Services  
351 14th Street  
Ambridge, PA 15003  
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[EBrewer@BeaverCountyPA.gov](mailto:EBrewer@BeaverCountyPA.gov)

### **Juniata County Planning Department: Mifflintown, Pennsylvania**

MCM Consulting Group, Inc. completed an update to the Juniata County Hazard Mitigation Plan. The plan was adopted by the Juniata County Commissioners and the plan now serves Juniata County and the municipalities of Juniata County for the next five years.

Since the adoption of the 2020 Juniata County Hazard Mitigation Plan, Juniata County has contracted MCM Consulting Group, Inc. to complete an annual review of the plan each year until the next hazard mitigation plan update. Each year MCM documents all past occurrences of disasters or emergencies and conducts a review of the mitigation strategy to include all actions and projects identified in the plan. MCM works with the local planning team and all municipalities that have adopted the plan. The final step of the maintenance project each year is the submittal of the annual review report to PEMA and FEMA.

Bradley W. Kerstetter, Director  
Juniata County Office of Planning and Community Development  
One North Main Street  
Mifflintown, PA 17059  
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### **Indiana County Emergency Management Agency: Indiana, Pennsylvania**

MCM Consulting Group, Inc. completed an update to the Indiana County Hazard Mitigation Plan. The plan was adopted by the Indiana County Commissioners on June 27, 2018, and White Township adopted the plan on June 13, 2018. The plan now serves Indiana County, Indiana University of Pennsylvania and the municipalities of Indiana County.

Since the adoption of the 2018 Indiana County Hazard Mitigation Plan, Indiana County has contracted MCM Consulting Group, Inc. to complete an annual review of the plan each year until the next hazard mitigation plan update. Each year MCM documents all past occurrences of disasters or emergencies and conducts a review of the mitigation strategy to include all actions and projects identified in the plan. MCM works with the local planning team and all municipalities that have adopted the plan. The final step of the maintenance project each year is the submittal of the annual review report to PEMA and FEMA.

Thomas Stutzman, Director  
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### **Lawrence County Department of Emergency Services: New Castle, Pennsylvania**

MCM Consulting Group, Inc. completed an update to the Lawrence County Hazard Mitigation Plan. The plan was adopted by the Lawrence County Commissioners on January 22, 2016, and Wayne Township adopted March 3, 2016. MCM completed the 2022 update to the Lawrence County HMP and has received FEMA approval.

Since the adoption of the 2022 Lawrence County Hazard Mitigation Plan, Lawrence County has contracted MCM Consulting Group, Inc. to complete an annual review of the plan each year until the next hazard mitigation plan update. Each year MCM documents all past occurrences of disasters or emergencies and conducts a review of the mitigation strategy to include all actions and projects identified in the plan. MCM works with the local planning team and all municipalities that have adopted the plan. The final step of the maintenance project each year is the submittal of the annual review report to PEMA and FEMA.

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Lawrence County Department of Public Safety  
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New Castle, PA 16101  
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## **Strategy, Schedule and Progress Reporting**

The following narrative will outline our understanding and process flow for this project. The updated Jefferson County Hazard Mitigation Plan will help the county become more sustainable and disaster-resistant through selecting the most appropriate mitigation measures based on the knowledge gained in the hazard identification and loss estimation process. The county will incorporate the results of the planning process as an integral component of daily county operation. The county will focus efforts on the hazard areas most important to the county by incorporating the concept of determining and setting priorities for mitigation planning efforts and saving resources by providing a forum for engaging in partnerships that could provide technical, financial, and or staffing assets in an effort to reduce the effects, and therefore the costs, of natural and human-caused hazards.

### **Administrative Requirements**

- MCM will conduct a kickoff meeting for the project and present a project schedule to outline the timeline and milestones for the project upon the issuance of a notice to proceed by Jefferson County. A sample project schedule is attached to this proposal.
- MCM will assist Jefferson County with all quarterly reports required for the county hazard mitigation grant. MCM will complete the quarterly reports by March 31, July 31, September 30, and December 31 and submit to Jefferson County for review and approval utilizing the current report format provided by Jefferson County.
- MCM will provide five printed and bound hardcopies and five digital copies on USB flash drives in PDF format of the final APA 2023 HMP.
- MCM will provide Jefferson County all by-products from the development of the 2023 HMP during the project closeout meeting.

### **Planning Process**

MCM will design and facilitate the planning process that will result in an updated 2023 Jefferson County Hazard Mitigation Plan that meets and exceeds all state and federal requirements. MCM will develop the 2023 Jefferson County Hazard Mitigation Plan Update in accordance with the most current State of West Virginia and FEMA hazard mitigation planning requirements. The planning process will afford all people and organizations involved in this project with an opportunity to engage, provide comments and review all aspects of the planning process. The following outlines the approach to the planning process that MCM will complete:

- Document the entire updated hazard mitigation planning process, including but not limited to:
  - Review of the previous plan
  - All changes from previous plan
  - How the plan was prepared
  - How the public was involved (i.e., workshops, community outreach)

- Guide Jefferson County with inviting previous members of the local planning team (LPT). LPT members should include a cross-section of the county, such as residents, government officials, community leaders, and business owners.
- Engage the updated LPT and facilitate:
  - The review of all sections of the previous plan and record changes.
  - The collection of all previous plan recommendations, monitoring reports, evaluations, and any new studies since approval of previous plan.
  - Holding public hearings, meetings, and/or workshops during the plan development period.
  - MCM utilizes a survey that is disseminated to the public for completion and engagement in the planning process.
  - Soliciting input from citizens and professionals with knowledge of applicable hazards.
  - Soliciting input regarding the feasibility of potential mitigation measures for each hazard and the prioritization of mitigation actions and projects.
  - Reviewing mitigation action items and project opportunities.
  - Reviewing the final draft of the plan and the plan's goals, objectives and proposed mitigation actions and projects.
- Develop and provide all draft public notices and official letters to the local planning team with specific data about the county.
- Meeting documentation:
  - Maintain, scan and upload, to the shared Dropbox folder, all sign in sheets from all meetings conducted during the project.
  - Complete a tracking document after every meeting to identify participants of the project.

Jefferson County will complete the following:

- Public notices:
  - Advertise all public notices on the county website, social media and in the local newspaper.
  - Request, scan, and upload to the shared Dropbox folder all proof of publications.
- Letters and memos:
  - Complete and send all letters and memos on the Jefferson County letterhead.
  - Scan and upload a copy of all letters to the shared Dropbox folder.
- Website:
  - Develop and maintain a county website for the hazard mitigation planning process. If one is already in place, the project items will be posted there.
  - Develop photos or snap shots of all web page updates and upload to the shared Dropbox folder.

## **Risk Assessment and Hazard Identification**

MCM will develop a description and prioritization of the natural and human-caused hazards that have occurred or could occur within the county and municipalities of Jefferson County. MCM will ensure the natural hazard categories are consistent with, but not necessarily limited to the current State of West Virginia Hazard Mitigation Plan.

- Flood related hazards including flash flood, ice jam flood, special flood hazard area flood, dam failures and levee failures
- Wind related hazards (hurricanes, coastal storms, winter storms, tornadoes) based on information provided by the National Weather Service
- Fire related hazards (drought, wildfires) based on local historical data, the National Weather service, and/or other applicable plans/sources
- Geologic hazards (earthquakes, landslides, sink holes) based on local historical information, and/or other applicable plans/sources
- Other hazards not listed above as determined by local history and experience

The human-caused hazards categories may include but are not limited to:

- Civil disturbance
- Dam failures
- Emergency Services
- Environmental hazard fixed facility and transportation (including unconventional gas and oil drilling)
- Nuclear incident
- Opioid epidemic
- Terrorism
- Transportation accidents
- Urban fire and explosions
- Utility interruptions

The county and all municipalities will complete and submit a hazard identification worksheet:

- Municipal hazard identification worksheets:
  - MCM will scan and upload all completed worksheets to the shared Dropbox folder.
  - MCM will compile the worksheet data in a master spreadsheet.

## **Hazard Mapping**

MCM will assist Jefferson County with the development of a comprehensive inventory of critical facilities and functional needs facilities. MCM will utilize the critical facility and functional need list in developing map items relative to the multiple hazard areas. The following items will be developed by MCM:

- Critical facilities data layer, including, but not limited to the following:
  - Emergency operations center, police/fire stations

- Hospitals and emergency shelters
- Water and wastewater treatment plants and associated pumping stations
- Power generation, transmission, and delivery facilities
- Special population centers, such as day-care facilities, nursing homes/elderly housing, correctional facilities
- Hazardous material facilities
- Evacuation routes
- Levees and dams
- Maps of repetitive flood loss and severe repetitive flood loss properties, as defined by FEMA, will be developed.
- Maps that depict the location of structures, land use, and population will be identified and developed by MCM GIS staff.
- A full library of municipal flood maps that identify the structures located in the special flood hazard areas and any other attributes identified by MCM.

### **Vulnerability Assessment**

Based on the previous information, MCM will refine and update the overview of each municipalities' vulnerability to specific hazards. This vulnerability assessment, if possible, will include:

- Types and numbers of buildings, infrastructure, and critical facilities located in the identified hazard areas.
- All existing multiple hazard protection measures within the county, including protective measures under the National Flood Insurance Program (NFIP).
- A description of each measure and the method of enforcement and/or the point of contact responsible for implementation of each measure.
- Historical performance of each measure and a description of improvements or changes needed.
- General description of land uses and development trends to incorporate future land use decisions.
- A HAZUS-MH Level 2 analysis to assist with the estimation of loss for the flooding hazard.

MCM will conduct a public meeting at the end of the risk assessment section to engage the public and seek comments to enhance the risk assessment section:

- The public meeting may be conducted as an in-person meeting or a virtual meeting to enhance the participation.

## High Hazard Potential Dam

MCM will include the High Hazard Potential Dam (HHPD) Risks as found in the FEMA Local Mitigation Plan Review Tool (HHPD FY20). The following items will be included in the Jefferson County HMP update:

- Provide a list of HHPDs by name, identification number, location by jurisdiction, and other relevant information (such as primary purpose, date of construction, and EAP approval date).
- Include a map that reflects each dam.
- Describe the method the state uses to identify and assess the risk associated with dams.
- Provide a summary description of all dam risk, namely incremental, non-breach, and residual risk.
- Summarize county-wide vulnerabilities from eligible HHPDs and include:
  - Information regarding cascading impacts of seismic events, landslides, wildfires, and other hazards on dams that might affect up and downstream flooding potential (breach, non-breach and residual risk).
  - Significant economic, environmental, or social impacts as well as multi-jurisdictional impacts from a dam incident.
  - Location and size of populations at risk (PARs) from HHPDs.
  - Potential dam failure impacts to institutions and critical infrastructure and lifelines.
  - The risk identification methodology and/or assumptions for risk data and inundations.
  - Documentation of limitations and the approach to address deficiencies.

## Capabilities Assessment

MCM will conduct a thorough capabilities assessment for the HMP update. The capabilities will be assessed with the local planning team members and each municipality within the county. MCM utilizes a capability assessment survey in hard copy, digital copy and via an online survey tool to engage all stakeholders. The results will be compiled, and the capability assessment section of the plan will be drafted. The following outlines some of the specific items that will be assessed in this section:

- Document each jurisdiction's existing authorities, policies, programs, and resources related to hazard mitigation, and its ability to expand on and improve these existing tools.
- Provide information on each jurisdiction's participation in the NFIP in terms of policies in force, total dollar amount for premiums, and any claims information:
  - MCM will utilize a separate NFIP review assessment document and will engage each municipality to complete this assessment.
  - All municipal results from the NFIP assessment will be compiled and utilized in the capability assessment section and mitigation strategy section drafts.

## **Mitigation Strategy**

MCM will complete the development of local mitigation strategies specific to the county's exposure and impacts by identified natural and human-caused hazards. The strategy will include:

- A list of mitigation goals and objectives that focus on reducing the risks from the identified hazards. The goal and objective development and project prioritization will be conducted by the LPT in coordination with representatives from each of the municipalities.
- A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure. This section will include a list of prioritized hazard mitigation actions and projects that best meet the needs for multiple hazard damage reduction:
  - Actions will be non-structural (e.g., planning, regulatory measures, property acquisition, etc.) and project opportunities will be structural based (e.g., dams, dikes, elevations, etc.) solutions.
  - At a minimum, this list of prioritized projects will be based on a process that results in identification of cost-effective hazard mitigation projects with public input, including:
    - An analysis of proposed mitigation actions and projects focused on several key areas, including but not limited to economic (including benefits and cost), engineering, technical, legal, environmental, social, and political feasibility.
    - Coordination with relevant federal and state agencies for input and technical assistance.
  - Integrate the community rating system (CRS) points system using the Activity #510 Plan and the integration of the CRS crosswalk to maximize the accumulation of CRS points.

## **Hazard Mitigation Plan Maintenance Process**

MCM will develop the plan maintenance section with input from the LPT and Jefferson County. The plan maintenance section outlines how the updated plan will be maintained and updated by the following task items:

- An annual review process will be identified and documented to ensure the updated hazard mitigation plan remains current and new actions and projects are added until the next complete hazard mitigation plan update.
- The county will assist the municipalities in conjunction with the LPT, for the monitoring, evaluating, and updating the plan.
- The county will assist the municipalities in the implementation and incorporation of the plans' goals and objectives into other local planning processes, such as a comprehensive plan, or other local by-laws and ordinances.

- The completed plan will include an implementation schedule with procedures for ensuring the plans' implementation, updating and revision every five years.
- The county will work with the communities for continued public involvement.

### **Additional State and Federal Requirements**

MCM exceeds the baseline state and federal minimum requirements for hazard mitigation planning.

### **Hazard Mitigation Plan Approval and Adoption**

MCM will guide Jefferson County on the hazard mitigation plan approval and adoption process. The following outlines specific items that will be completed during this process:

- MCM will complete the FEMA local plan review tool and then review the results with Jefferson County prior to completion of the draft plan. MCM has extensive experience in the development and approval of county hazard mitigation plans. This experience will further assist Jefferson County with acquiring a FEMA approved hazard mitigation plan.
- The final draft hazard mitigation plan will be presented to the county, municipalities and the public by MCM for review and comment. A draft plan public meeting will be conducted to present the draft plan to the public. The public will be advised how they can access a draft version of the plan and the public will be provided a procedure to submit written comments on the draft plan:
  - The public meeting may be conducted as an in-person meeting or a virtual meeting to enhance the public participation.
- The final plan will be submitted to the State of West Virginia Emergency Management Agency no later than ten weeks prior to the end of the grant performance period. The West Virginia Emergency Management Agency reviews it and if deemed approvable it is then submitted to FEMA/Region 3 no later than six weeks prior to the end of the grant performance period for final review and pending approval.
- Upon pending approval by FEMA, MCM will guide Jefferson County on the adoption process that the county and the participating municipalities will complete for adoption of the approved pending adoption plan.

### **Timeline**

MCM will complete this project with FEMA approved pending adoption status acquired six months of the start of the project. The project will be completed including FEMA APA approval by September 30, 2023.

### **Project Meetings/Schedule**

Project meetings will be conducted monthly onsite during the project to keep all stakeholders apprised of progress and identify any obstacles that have been encountered in addition to corrective actions to be taken to prevent delays. These meetings will be conducted in person and on the telephone via conference call, Microsoft Teams or other similar technology to maximize the efficiency of the project and expedite the progress. Specific dates and formats will be agreed upon after commencement of the project with the development of a “Project Schedule”. All meetings will be preceded with an agenda and will be followed up with meeting minutes.

Typical involvement of the Jefferson County team would include, but is not limited to attending, project meetings in person or via telephone, Microsoft Teams or other similar technology, providing requested information, corresponding with the project manager via the telephone, email, and mail.

### **Personnel Expertise and Experience**

Listed below are the names, titles and anticipated project positions of the core MCM team members who will be assigned to this project. We hope that by providing information for each team member that you will gain a better understanding of the breadth and depth of experience, expertise, and knowledge that MCM will bring to this project.

#### **MCM Team Members**

Kristy Agosti	President/CEO	Project Executive
James Matisko	Vice President	Project Supervisor
Michael Rearick	Director of Operations	Project Manager
Evalyn Fisher	Senior Consultant	HMP Planning SME
Adam Leister	Senior Consultant	HAZUS/GIS Specialist
Valerie Zents	Senior Consultant	HMP Planning SME
Daniel Becker	Consultant	HMP Planning SME

## **Biographics**

### **Kristy Agosti, President/CEO**

As president and CEO, Kristy oversees the corporate, financial and human resource aspects of MCM Consulting Group, Inc. (MCM). Kristy has introduced and implemented policy and procedures within MCM which have enhanced and streamlined time and expense management and project collaboration. She works daily on the corporate process flow to advance the overall health of the company which ensures that all personnel working on MCM projects have the training, equipment and support that is needed to successfully complete projects for our clients.

Kristy is the company lead for regional counter-terrorism taskforce projects and has worked with federal and state grant programs since 1998, and in regional taskforce financial and program administration since 2005. Kristy has secured and managed millions in grant funding for rural client groups since 2005. As part of grant administration, Kristy strives to ensure that all clients meet and follow funding guidelines, including the completion of required state and federal reporting and auditing. Kristy also works with the taskforce members to complete projects created as part of grant applications on time and on budget.

Kristy provides project administration and financial management for all projects at MCM. For hazard mitigation projects, Kristy completes the professional services agreement and the initial set up of the project for invoicing. Kristy establishes an invoicing methodology that utilizes the budget line items from the hazard mitigation planning grant that the county secured. By utilizing this process, the county will be able to process grant reimbursement more efficiently. Kristy has provided project administration and oversight, as well as financial management of the Susquehanna County Hazard Mitigation Plan Update, the Sullivan County Hazard Mitigation Plan Update, the Bradford County Hazard Mitigation Plan Update, the Juniata County Hazard Mitigation Plan Update, the Somerset County Hazard Mitigation Plan Update, the Lawrence County Hazard Mitigation Plan Update, the Warren County Hazard Mitigation Plan Update, the Montour County Hazard Mitigation Plan Update, the Beaver County Hazard Mitigation Plan Update, the Monroe County Hazard Mitigation Plan Update, the Clearfield County Hazard Mitigation Plan Update, the Cambria County Hazard Mitigation Plan Update, the Cameron County Hazard Mitigation Plan Update, the Tioga County Hazard Mitigation Plan Update, and the Calvert County, Maryland Hazard Mitigation Plan Update.

### **James Matisko, Vice President**

James came to MCM with extensive knowledge and experience in the areas of emergency management, executive leadership, fiscal management and personnel management. James is a retired Lieutenant Colonel and served in the United States military for thirty-three years. His background has enabled him to develop his skills in these areas. Previous experience includes Chief of Operations for the Center for Strategic Leadership, Chief of Plans and Operations for the East Division of the First US Army, Chief of Operations for the Human Capital Management

Division in the Army National Guard Headquarters, Strategic Plans Officer in the First US Army, and Army National Guard Workforce Analyst.

James holds his Master of Science from the University of Maryland and Bachelor of Science from the Pennsylvania State University. His continued growth in education and training have contributed to the strong foundation in which he develops his leadership and management skills to benefit the MCM staff and clients.

As the vice president, James is responsible for managing and administrating personnel throughout the company. He also supervises the director of operations, as well as the project supervisors. James is responsible for upholding the company policies and assisting staff members in observing and understanding the policies.

James has extensive experience with emergency planning in the military and the private sector. James provides project supervision for all projects at MCM. James also provides hazard mitigation planning services for hazard mitigation planning projects that MCM completes.

Recently, James has been involved in the Bradford County Hazard Mitigation Plan Update, Juniata County Hazard Mitigation Plan Update, Somerset County Hazard Mitigation Plan Update, the Lawrence County Hazard Mitigation Plan Update, the Warren County Hazard Mitigation Plan Update, the Montour County Hazard Mitigation Plan Update, the Beaver County Hazard Mitigation Plan Update, the Monroe County Hazard Mitigation Plan Update, the Clearfield County Hazard Mitigation Plan Update, Cambria County Hazard Mitigation Plan Update, the Cameron County Hazard Mitigation Plan Update, Tioga County Hazard Mitigation Plan Update, and the Calvert County, Maryland Hazard Mitigation Plan Update.

#### **Michael Rearick, Director of Operations**

As the director of operations with MCM, Michael has a broad scope of skills in 911, emergency management, healthcare, training, and exercise. Michael is one of MCM's subject matter experts for 911, EMA, and contributes to numerous company projects. Mike works diligently on projects including, 911, emergency management, education, healthcare, public safety, and telecommunications. Additionally, Michael serves as the director of operations overseeing (add details here).

Prior to his joining the MCM team, Michael worked as the executive director of the Clarion County Office of Emergency Services (OES), supervising twenty-five employees. As director, Michael developed and managed the department budget and researched and prepared federal and state grant applications. During his time with Clarion County, Michael developed and implemented a multi-unit telephony 911 system, implemented the first computer aided dispatch (CAD) system for the county and maintained standard operating procedures for the agency. Additionally, Mike established the Special Hazards Responders of Clarion County (hazardous materials) team.

While at the Clarion County Office of Emergency Services, Michael supervised a team of individuals that completed the first Clarion County Hazard Mitigation Plan in 2004. The mitigation planning process was completed by the Clarion County Local Planning Team in which Michael was the direct supervisor. The plan received approval by the Pennsylvania Emergency Management Agency (PEMA) and the Federal Emergency Management Agency (FEMA) and was noted to be the first PEMA and FEMA approved plan in the Commonwealth of Pennsylvania.

Since joining the MCM team, Michael has been the prime project manager and senior consultant for all hazard mitigation projects. All hazard mitigation projects identified in the past experience section of this proposal, Michael participated in and provided project management and planning services. Currently, Michael has completed over thirty hazard mitigation plan updates with FEMA final approvals.

#### **Evalyn Fisher, Senior Consultant**

Evalyn is an emergency planning specialist with over twenty years of experience. Evalyn has functioned at the local and state government levels as a planner. She previously served as the planning director for the Pennsylvania Emergency Management Agency where she interfaced with the state hazard mitigation planning program. Prior to her employment at PEMA, Evalyn was the State Hazard Mitigation Officer for the Maryland Emergency Management Agency. Evalyn has also assisted with various types of other emergency plans, risk assessments and Homeland Security Exercise and Evaluation Programs.

Currently, Evalyn is the task force coordinator and planner for the South Central Mountains Regional Task Force. Evalyn assists with various emergency and task force plans as a senior consultant. Evalyn has recently participated in the Somerset County Hazard Mitigation Plan Update, the Lawrence County Hazard Mitigation Plan Update, the Warren County Hazard Mitigation Plan Update, the Montour County Hazard Mitigation Plan Update, the Beaver County Hazard Mitigation Plan Update, the Monroe County Hazard Mitigation Plan Update, the Clearfield County Hazard Mitigation Plan Update, the Tioga County Hazard Mitigation Plan Update, Cambria County Hazard Mitigation Plan Update, the Cameron County Hazard Mitigation Plan Update, and the Calvert County, Maryland Hazard Mitigation Plan Update.

#### **Valerie Zents, Senior Consultant**

Valerie has been an EMT and volunteer fire fighter since 1984 and is currently a project coordinator and the equipment manager with NWCPAERG. Valerie is the MDMC coordinator for NWCPAERG and has coordinated several SNS and POD exercises including both tabletop and functional. Valerie has been involved in the development, direction and evaluation of over twenty exercises since 2008 including tabletop, functional, and full scale. Valerie has been a lead exercise designer, director and evaluator for several decontamination and incident management

exercises conducted within the NWCPAERG region and with healthcare facilities in the same region. Valerie is HSEEP certified for exercise design, direction, and evaluation.

Valerie currently serves as a senior consultant for MCM. Valerie is a specialist in the development and updating of county hazard mitigation plans. Valerie has assisted with hazard mitigation plan updates for the Somerset County Hazard Mitigation Plan Update, the Lawrence County Hazard Mitigation Plan Update, the Bradford County Hazard Mitigation Plan Update, the Juniata County Hazard Mitigation Plan Update, the Warren County Hazard Mitigation Plan Update, the Montour County Hazard Mitigation Plan Update, the Beaver County Hazard Mitigation Plan Update, the Monroe County Hazard Mitigation Plan Update, the Clearfield County Hazard Mitigation Plan Update, the Tioga County Hazard Mitigation Plan Update, Cambria County Hazard Mitigation Plan Update, the Cameron County Hazard Mitigation Plan Update, and the Calvert County, Maryland Hazard Mitigation Plan Update.

#### **Adam Leister, Senior Consultant**

Adam joined MCM as a GIS Consultant and is a geographic information systems (GIS) subject matter expert. Adam graduated from Mansfield University of Pennsylvania with a B.S. in Geography and a concentration in environmental science and mapping technology. Prior to joining MCM, Adam had two years of experience working with remote sensing equipment and analyzing geospatial data for use in projects.

As a GIS Senior Consultant for MCM, Adam is primarily focused on ensuring that GIS work is done in the most efficient, cost effective, and high-quality manner possible to fit client needs. Adam ensures that all projects he works on are well defined and that all client expectations are met to the highest standard. Adam has a strong foundation in using mapping software from his college studies and his work at various internships during and after college.

Adam has recently completed hazard mitigation planning and mapping for the Montour County Hazard Mitigation Plan Update, the Beaver County Hazard Mitigation Plan Update, the Warren County Hazard Mitigation Plan Update, the Monroe County Hazard Mitigation Plan Update, the Clearfield County Hazard Mitigation Plan Update, the Tioga County Hazard Mitigation Plan Update, the Cambria County Hazard Mitigation Plan Update, the Mercer County Hazard Mitigation Plan Update, the Cameron County Hazard Mitigation Plan Update, and the Calvert County, Maryland Hazard Mitigation Plan Update. Adam has completed HAZUS training and participated in a level one HAZUS analysis for these counties.

#### **Daniel Becker, Consultant**

Daniel joined the MCM Consulting Group, Inc. (MCM) Team as a consultant. As a consultant, Daniel is principally focused on GIS and emergency management (EM) projects. Daniel completes assignments and ensures work is done in the most accurate and efficacious manner

possible, in accordance with client needs and expectations. Daniel ensures that projects are done both expediently and holistically, as well.

Daniel graduated with a Bachelor of Science in Emergency Management and Homeland Security, during which time he studied emergency management and counterterrorism best practices. Daniel also has completed training in the use of ESRI ArcMap GIS Pro software. Before joining MCM as a consultant, Daniel completed an internship with MCM and garnered invaluable experience developing maps with GIS data and software for the drafting of hazard mitigation plans, commodity flow studies, and other EM assignments. Daniel looks to participate in multiple projects and work with clients to develop solutions when novel challenges arise.

Since becoming part of MCM, Daniel has participated in multiple hazard mitigation planning projects. These projects include the Lawrence County Hazard Mitigation Plan Update, the Beaver County Hazard Mitigation Plan Update, the Monroe County Hazard Mitigation Plan Update, the Clearfield County Hazard Mitigation Plan Update, Cambria County Hazard Mitigation Plan Update, Tioga County Hazard Mitigation Plan Update, the Mercer County Hazard Mitigation Plan Update, the Cameron County Hazard Mitigation Plan Update, and the Calvert County, Maryland Hazard Mitigation Plan Update..

### **Cost Section**

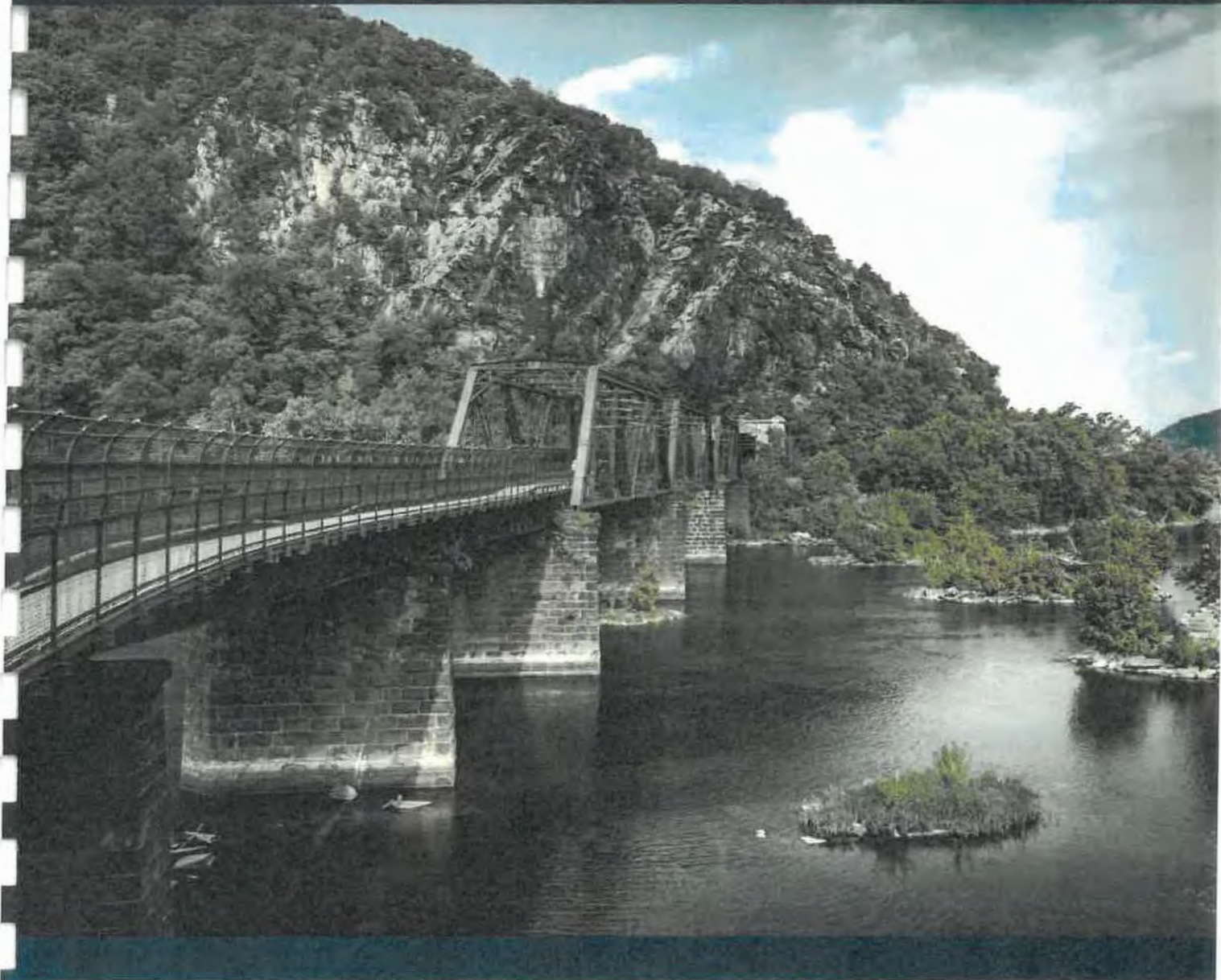
MCM can complete the Jefferson County Hazard Mitigation Plan Update for the total project price of \$45,980.00. This price includes all staff hours, travel, printing of documentation and insurances.

### **Proprietary Information**

This proposal is to be considered proprietary information and should be used only as information for the county to evaluate the work capability of MCM Consulting Group, Inc. and its associates. This material cannot be copied and used as the basis of Specifications or Scope of Work for projects without the express written permission of MCM Consulting Group, Inc. and its associates. The material is not to be shared with other vendors.

EXPRESSION OF INTEREST

# 2023 JEFFERSON COUNTY MULTI-JURISDICTIONAL All Hazards Mitigation Plan Update



SUBMITTED TO:  
**JEFFERSON COUNTY OFFICE OF HOMELAND  
SECURITY AND EMERGENCY MANAGEMENT**

**Michael Baker**  
INTERNATIONAL

March 24, 2023

Jefferson County Office of Homeland Security and Emergency Management  
28 Industrail Blvd., Suite 101  
Kearneysville, WV 25430

RE: 2023 Jefferson County Multi-Jurisdictional All Hazards Mitigation Plan Update

Michael Baker International, Inc. (Michael Baker) is pleased to submit our proposal for the Jefferson County Multi-Jurisdictional All Hazards Mitigation Plan Update.

Michael Baker, a full-service engineering and planning firm with a local office in Charleston, has the experience, knowledge, and capabilities to assist the Jefferson County Office of Homeland Security and Emergency Management staff, the Risk Assessment and Mitigation Planning Committee, and other stakeholders to update the County Government's Multi-Jurisdictional All Hazards Risk Assessment and Mitigation Plan. Our Team will be led by Project Manager, Mark James, who is located in in Baltimore, Maryland and has over 20 years' experience in hazard mitigation planning, emergency management, local, county and statewide planning, and economic development. We are excited to help Jefferson County advance its mitigation program by completing this update.

Michael Baker is continually evolving and bringing fresh ideas and diverse partners to the table, including the MBE/DBE Firm of Smith Planning and Design (SP&D). This expert team provides the necessary breadth of hazard mitigation, stakeholder engagement, recovery planning, and resilience and climate adaptation technical capabilities to execute on all technical planning needs. This team is reflective of the importance of equity both in project members and stakeholder participation and engagement, project analytics, and development of solutions.

Our team has decades of experience working on related projects for a host of State and local agencies in West Virginia, boarding Maryland, and Pennsylvania. We have mitigation planning experience from across the nation to add tremendous value to the Jefferson County Hazard Mitigation Plan Update. And with this knowledge, our team is ready to address each area efficiently, with innovation, a listening ear, and past experiences to build upon our successes with Jefferson County.

Our team is dedicated, process-driven, understands the problems, delivers quality projects, and has the familiarity of all resources to each phase. We are focused on providing exceptional service and solutions to exceed the project milestones for delivering the requirements of this contract to Jefferson County.

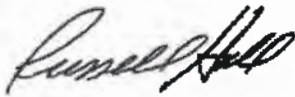
The Michael Baker team is here to serve you to ensure safety, service, and solutions to Make a Difference on this updated plan. We look forward to opportunity to assist Jefferson County to be prepared, resilient, and responsive against emergencies to support their economic growth and quality of life.

We appreciate your consideration and are available to provide additional information, at any time. Please contact Russel Hall, PE at 304-769-0821 RHall@mbakerintl.com if additional information is required.

Sincerely,

MICHAEL BAKER INTERNATIONAL, INC.

Rusty Hall, PE



Principal-in-Charge

Office Executive/Assoc. VP

**MICHAEL BAKER INTERNATIONAL, INC.**

**Address:** 400 Wash. St., Suite 301, Charleston, WV 25301

**Principal Contact Person:** Wesley Stafford, PE, AICP

**Telephone Number:** Office (304) 769-2116 Cell (304)256-0203

**Email Address:** wesley.stafford@mbakerintl.com

**Website URL:** <https://mbakerintl.com/en/>

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Hazard mitigation is at the core of Michael Baker's public service mission, we offer expertise that spans the full range of mitigation services from pre-disaster to post-disaster environments. Our Team is full of seasoned veterans led by Project Manager, Mark James, who has over 20 years' experience in hazard mitigation planning, emergency management, local, county, and statewide planning, and economic development. He's assisted by a support staff, detailed below that has an average experience level of over 20 year each. Michael Baker provides a team that has access to both Jefferson County and the West Virginia Emergency Management as needed with offices near both locations. Our staff currently has the availability to commit to this project to ensure that we meet the August 1st and September 1st deadlines for the project. Michael Baker knows how to help Jefferson County maximize the County's Community Rating System (CRS) Rating and meet approval of the high hazard potential dams program (HHPD) using the latest guidance provided by FEMA.

Michael Baker recognizes the timeframe for completion set forth in the request for proposal and has sought additional assistance from our sub-contractor, Smith Planning and Design. Our team will work concurrently on various plan components for seamless integration of these plan components, ensuring that we will meet the county's deadline for completion. While this presents some challenges, we will seize on the opportunities this affords. This fast-paced planning process along with closely spaced planning meetings including public engagement is beneficial in terms of continuity of participant's thoughts, enthusiasm, and overall plan momentum. Finally, MB & SP&D have been using the FEMA Local Mitigation Planning Policy Guide FP 206-21-0002 Released April 19, 2022, Effective April 19, 2023 for the past year and are well versed in the integration of these requirements in all local hazard mitigation plans.

#### A. INFORMATION ABOUT THE CONTRACTOR

Michael Baker has been providing engineering and energy solutions since 1940 and providing mitigation services to our clients since 1972. We offer a talented and diverse staff of planners, engineers, scientists, and architects who support a broad range of multi-disciplinary projects. Michael Baker has more than 3,000 employees in nearly 100 offices across the United States. Our Corporate Headquarters is in Pittsburgh and staff in our Charleston WV office and offices throughout the north-east and mid- regions will support this project. Michael Baker is committed to innovation and revisiting both internal and external processes to encourage greater diversity and equitable awareness and access. In addition to a national Diversity, Equity, and Inclusion Council, we have regional teams that are committed to furthering the conversation and opportunities to change every day.



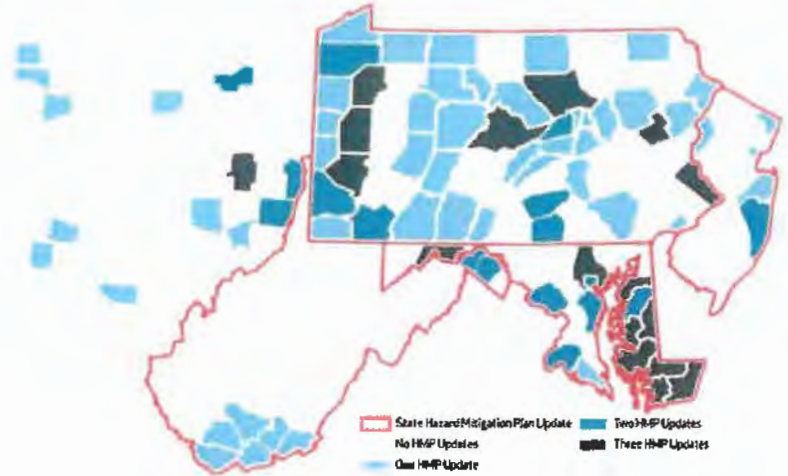
### FIRM QUALIFICATIONS

Hazard mitigation is at the core of Michael Baker’s public service mission, we offer expertise that spans the full range of mitigation services form pre-disaster to post-disaster environments.

Michael Baker has a nationally recognized hazard mitigation practice that provides assistance to FEMA, states, and local governments. Michael Baker is proud to have delivered more than 150

hazard mitigation plans in the last 15 years. As a FEMA contractor we were involved with drafting the State and local mitigation planning policy guide and have already produced local plans that support the transitional requirements.

Michael Baker has been a trusted partner in neighboring states, working with multiple counties to update their HMPs. We approach hazard mitigation planning with ideas that maximize engagement and plan priorities. Michael Baker team members balance innovative ideas with cost-and time-saving measures that match clients’ needs.



### PREVIOUS EXPERIENCE AND PAST PERFORMANCE

#### Community Engagement and Risk Communication (CERC), Nationwide, United States - End: 2027



Michael Baker is the managing partner of Resilience Action Partners, FEMA’s CERC contract provider. Resilience Action Partners combines technical and communications expertise to change how FEMA engages with its customers, drive action, and build a strong foundation for a mitigation movement. Our team has partnered with

FEMA to build an engagement and planning program that has driven behavior changes and catalyzed communities to take ownership in risk awareness and reduction. Since 2015, our team has executed more than 1,000 scoped projects in all 10 FEMA regions and at FEMA Headquarters, ranging from meeting support to the creation of a virtual reality app depicting flood hazards on smartphones. Resilience Action Partners is also committed to using an equity-based perspective to review past materials and co-create new materials and messages moving forward. Throughout this work, Resilience Action Partners has helped FEMA make the internal and external changes necessary to engage communities across the nation as full partners in risk identification and mitigation planning and decision making.

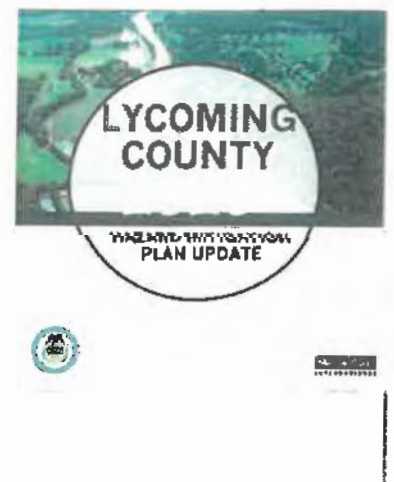
**Allegany County Hazard Mitigation Plan Update, Allegany County, MD – Ongoing**

Smith Planning and Design (SP&D) updated the latest version of the Allegany County Hazard Mitigation Plan (HMP), resulting in a FEMA-approvable plan. As required by FEMA, SP&D conducted a comprehensive update to the county's hazard identification, risk and vulnerability assessment, and mitigation strategies. Development trends in relation to high-risk hazard areas and integration of the County's Comprehensive Plan, as well as other planning documents, tools, and initiatives were a focus of the plan update. A robust planning committee comprised of representatives from various departments, agencies, and organizations participated in the plan update. In addition, all seven of the county's municipalities participated and adopted the county plan. Finally, This plan was also developed in adherence with the requirements laid out in the Maryland Department of Emergency Management Local Mitigation Guidance.



**Lycoming County Hazard Mitigation Plan Update, Lycoming County, PA - End: 2021**

Michael Baker updated the latest version of the comprehensive Hazard Mitigation Plan (HMP) for Lycoming County. Michael Baker created a tailored, virtual public outreach strategy that focused on engagement of a variety of local stakeholders. Through the update process, Michael Baker achieved 100 percent participation and collected more than 350 mitigation actions for the county's plan. Michael Baker then worked with the county and local jurisdictions to rank and prioritize mitigation actions on their ability to reduce risk from hazards identified in the plan. Michael Baker has completed the last three Lycoming County HMP updates, as well as the 2017 Enhanced Lycoming HMP update. As required by FEMA, Michael Baker conducted a comprehensive update to the county's hazard identification, risk and vulnerability assessment, and mitigation strategies. Michael Baker took an innovative approach by organizing several sections in the risk assessment and mitigation strategy by watershed to help align with the future Watershed Improvement Plan update. Michael Baker identified critical buildings, infrastructure, and facilities with respect to known hazard-prone areas. Using the results from the hazard identification and risk and vulnerability assessment, Michael Baker reviewed the existing mitigation goals, objectives, and action plan to verify the existing mitigation strategy is accurate and reflects current values of the county and municipalities. This plan was also developed in adherence to the requirements laid out in the PEMA Standard Operating Guide.



**Charles County Hazard Mitigation Plan & Flood Nuisance Plan, Charles County, MD - End: 2019 Renewed 2023**

Michael Baker provided a broad range of professional consulting services to develop a comprehensive Hazard Mitigation Plan and a Nuisance for Charles County. Michael Baker's services included identifying and mapping hazards, analyzing risks and hazard mitigation policies and procedures for hazard-prone areas, defining community roles, formulating mitigation strategies to reduce future risks, an assessment on historic and cultural resources and coordinating public involvement program development and implementation. Michael Baker extended the contract with the County to undertake the first Nuisance Flood Plan in the state of Maryland. This plan identified sources of nuisance and urban flooding, analyze these hazards, and make recommendations for actions to reduce flooding and increase community resiliency. The plan was adopted as a new chapter into the Charles County hazard mitigation plan and will be updated every five years when the plan is updated.



**REFERENCES**

Michael Baker excels at maintaining long-term client relationships. Our goal with every client is to exceed expectations and add unrivaled value to the relationship and partnerships. We would encourage the State to contact our references below for information on our exemplary performance and familiarity and experience working with these agencies.

We have provided three references below which can convey the firm's services, quality of work, and our ability and dedication to go above and beyond for our clients. These references correspond with our sample projects which illustrate both relevant and similar experiences required by this project. We invite you to contact the references listed below to further satisfy any questions you may have about Michael Baker, the services we offer, and the manner in which they are carried out. Our clients will attest to Michael Baker's responsiveness and availability, regardless of the distance.

Client Name	Client Contact	Project
Allegany County Depart. of Emergency Services 11400 Pittsburgh Plate Glass Rd SE, Cumberland, MD 21502	Carrie Hughes, Emergency Mgmt. Chief 301-876-9155 chuges@alleganygov.org	Allegany County Hazard Mitigation Plan
Pennsylvania Emergency Management Agency 1310 Elmerton Ave, Harrisburg, PA 17110	Thomas Hughes, State Hazard Mitigation Officer, 717-671-3616 thughes@pa.gov	Pennsylvania State Hazard Mitigation Plan
Charles County Dept. of Emergency Services 10425 Audie Ln, La Plata, MD 20646	Michelle Lilly, Chief of Emergency Management, 301-609-3429 lillym@charlescountymd.gov	Charles County Nuisance & Urban Flood Plan / Hazard Mitigation Plan

## B. STAFF EXPERTISE IN RISK ASSESSMENT & MITIGATION PLANNING

Our Michael Baker team will be led by **Mark James, CFM**. Mr. James offers more than 25 years of experience in land use, infrastructure and transportation, strategic planning, resilience, COOP, HMP, and emergency management. Our team's diverse expertise lies at the nexus of hazard mitigation, community outreach, climate change, and resiliency and will be indispensable to West Virginia's goals for plan integration. Mark combines hazard mitigation planning, emergency management experience, and can apply both background skillsets into economic recovery and long-term resilience recommendations. Mark brings extensive experience in hazard mitigation planning for multiple states and will provide high-level oversight throughout the project. Mark was the SHMO for Maryland and is recognized throughout FEMA Region 3 for his understanding of the federal to state politics, funding opportunities, and substantial damage expertise.

Mark will be supported by a familiar Deputy Project Manager – **Wes Stafford, PE, AICP** well known to West Virginia for his work with over the past 30+ years in mitigation planning, strategic planning, and technical expertise.

Our QA Manager, **Troy Truax, AICP**. Mr. Truax is a certified planner with more than 25 years of professional experience specializing in hazard mitigation and resilience planning, emergency and incident management, land use and zoning, economic development, stakeholder engagement, and public funding assistance. As a former Planning & Mapping Director, PEMA-Certified Emergency Management Coordinator, and 911 Coordinator for Fulton County, PA, Troy's multi-disciplinary experience in both the public and private sectors makes him uniquely qualified to serve as Michael Baker's Project Manager for this assignment. Troy's professional experience is augmented through his 20-plus continuous years serving as a Planning Commissioner for South Middleton Township in Cumberland County, PA where he has gained a wealth of value-added knowledge regarding land use, zoning, and development and the policy impacts these have on hazard mitigation and resilience planning.



We have selected Smith Planning and Design (SP&D) as our teaming partner. SP&D was carefully chosen for their proven experience, work quality, approach, and dedicated staff. We strive for a collaborative, dynamic, and engaged team where we can all learn from each other and provide the best possible work products for the State. We value meaningful contributions from each team member and fostering

opportunities for small and disadvantaged businesses. SP&D specializes in the development of comprehensive emergency management plans and related disaster, homeland security, and business continuity planning, training, and exercise services. Smith Planning and Design, LLC (SP&D) is a woman-owned certified MBE/DBE firm.

### SMITH PLANNING AND DESIGN (SP&D)

Address: 76 Baltimore Street, Cumberland MD 21502

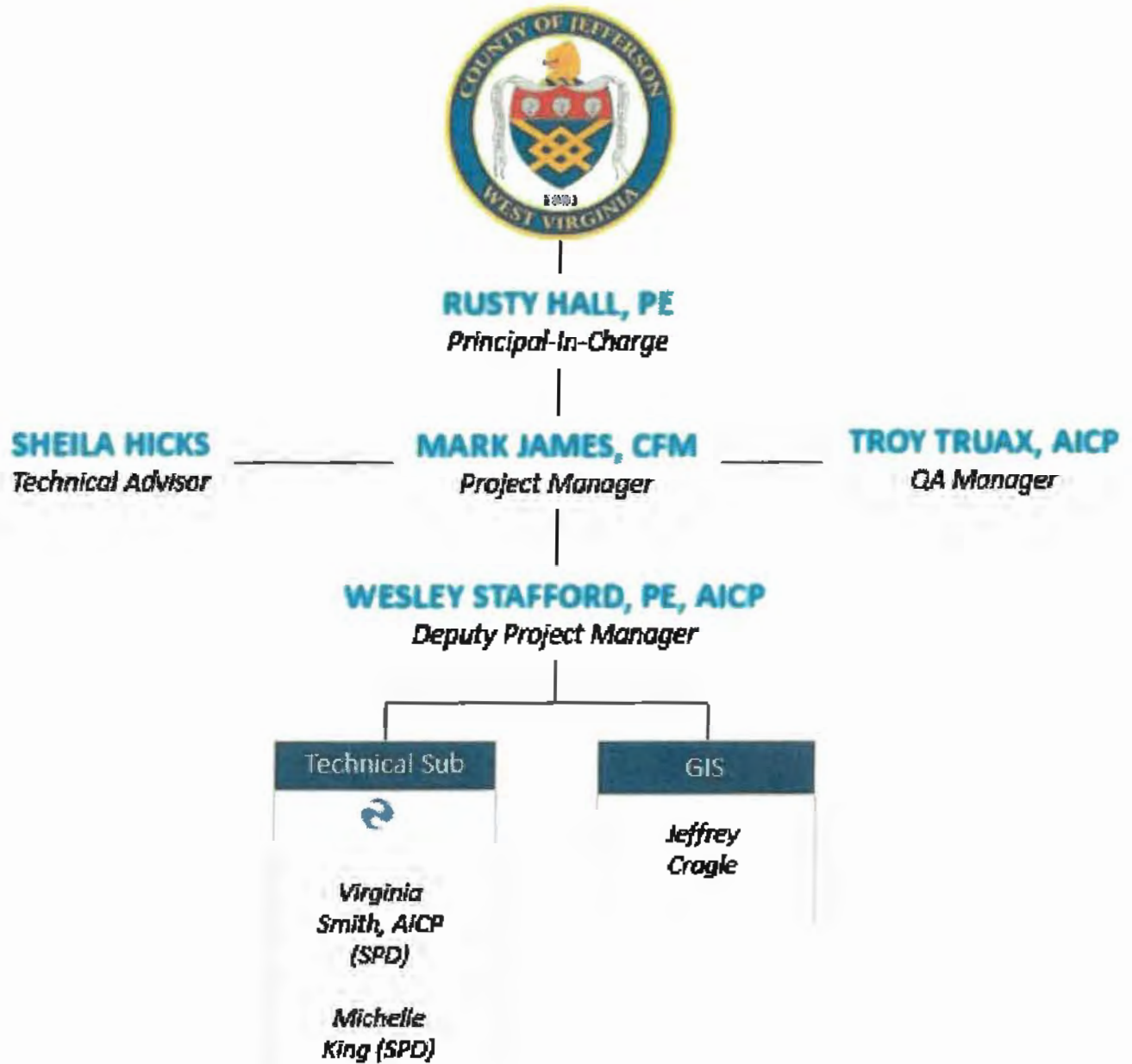
Principal Contact Person: Virginia Smith, AICP

Telephone Number: (301) 724-7511 E;

Email Address: [vsmith@smithp-d.com](mailto:vsmith@smithp-d.com)

Website URL: <https://www.smithp-d.com>

SP&D is a planning consulting firm headquartered in Cumberland, Maryland. Established in 2004 as S&S Planning and Design, they have since slightly changed their name for ease of use, to SP&D. Their office is easily accessible to several metropolitan areas within the four-state region.



## C. TEAM MEMBER INTRODUCTIONS

### MARK JAMES, CFM, PROJECT MANAGER



For over 20 years, Mr. James has been active in increasing public awareness and sound community planning through mitigation activities, community engagement and risk communication. He has extensive experience in project management, team building and communications. As the hazard mitigation and resiliency project manager in the Michael Baker Alexandria office Mr. James specializes in the coordination of federal, state and local hazard mitigation and disaster recovery planning. He has a strong working understanding of how federal agency programs are developed, distributed, and integrated into state and local governments. As the Maryland State Hazard Mitigation Officer for six years, he fostered strong relationships with county executives, state emergency support staff, and community leaders across the state. Mr. James has a great working knowledge and understanding of how federal agency programs are developed, distributed, and integrated into state and local level governments. As the Maryland State Hazard Mitigation Officer (SHMO) for eight years he led the mitigation team in Maryland and fostered strong relationships with county executives, state emergency support staff and community leaders. As a part of FEMA's *Resilience Action Partners* joint venture team, Mr. James provides strategy and tactical insight into hazard mitigation planning, risk assessment, and mitigation action to build state and local capacity for resilience.

### WESLEY STAFFORD, PE, AICP, DEPUTY PROJECT MANAGER



Mr. Stafford has experience in highway planning and design. As a consultant he has been the project manager for numerous traffic engineering project and environmental documents, including developing NEPA environmental documents from CEs to an EIS. His previous experience includes working as both a consultant and with the State of West Virginia and North Carolina. He led NCDOT Statewide Planning Branch's Small Urban Unit. The unit provided transportation planning expertise to municipalities across North Carolina and plans for the coordinated development of the road and highway systems for counties, planning regions, and municipalities on a statewide basis.

### TROY TRUAX, AICP, QUALITY CONTROL/QUALITY ASSURANCE MANAGER



Mr. Truax is a certified planner with more than 25 years of professional experience specializing in hazard mitigation and resilience planning, emergency and incident management, land use and zoning, economic development, stakeholder engagement, and public funding assistance. As a former Planning & Mapping Director, PEMA-Certified Emergency Management Coordinator, and 911 Coordinator for Fulton County, PA, Troy's multi-disciplinary experience in both the public and private sectors makes him uniquely qualified to serve as Michael Baker's Project Manager for this assignment.

Troy's professional experience is augmented through his 20-plus continuous years serving as a Planning Commissioner for South Middleton Township in Cumberland County, PA where he has gained a wealth of value-added knowledge regarding land use, zoning, and development and the policy impacts these have on hazard mitigation and resilience planning. For example, Troy has successfully leveraged this knowledge to assist the Cumberland County Planning Department with completing their past two FEMA approved Multi-jurisdictional Hazard Mitigation Plan Updates. In addition, Troy is working with the County to assist multiple municipalities with rewriting their municipal zoning ordinances to incorporate hazard mitigation strategies related to floodplain and stormwater management, and economic resilience. Troy also provides national leadership in resilience. He recently assisted FEMA and the U.S. Economic Development Administration with drafting the "Comprehensive Economic Development Strategy and Hazard Mitigation Plan Alignment Resource Guide.

#### **SHEILA HICKS, TECHNICAL ADVISOR**



Miss Hicks has 23 years' experience in highway and multi-modal transportation planning. Her previous experience includes working as both a consultant with the State of West Virginia and North Carolina.

She has led public involvement outreach efforts, worked with municipalities across West Virginia, and coordinated the development of the West Virginia's Statewide Transportation System. Most recently she

has led the on-call traffic counting program technical components for WVDOT, as well as being a key player for Michael Baker to process data received during pavement data collection and analysis.

#### **JEFFREY CRAGLE, GIS AND MAPPING**



Mr. Cragle has experience in map production and design. As a GIS associate, he has been part of the WVDOT Pavement Collection and Analysis team. His previous experience includes being project lead for numerous transportation projects creating maps and supporting documents for archeological and historic background studies, including NEPA and Section 106 documents. Other GIS experience

includes utility design, digital data migration, and landuse modeling for suitability modeling.

#### **VIRGINIA SMITH, AICP (SP&D) – TECHNICAL SUB CONTRATOR**



Mrs. Smith has worked with both State and local governments on hazard and land use planning for the past 20 years. She has experience in working closely with various community groups and planning committees to ensure public participation and input during the plan development process. Mrs. Smith is an experienced planner, with extensive backgrounds in hazard planning, comprehensive planning, land-use planning, restoration and sustainable growth/ development and grant writing.

During her tenure with local government she established herself as a grant writer and project manager on both planning and engineering projects gaining the necessary experience to oversee the development of various planning documents related to both land-use and hazard planning as well as environmental projects and designs. Her experience garnered from working for both State and local government has provided her insight into the needs and challenges that governmental entities are faced with daily. She thoroughly understands and advises on federal, state, and local regulations pertaining to planning and environmental projects. In order for the plans to be compliant with the Disaster Mitigation Act of 2000 (DMA – 2000), the participation of a Local Planning Committee (LPC) and the public was necessary and included into the overall project scope of work for each County. Each County Plan was adopted by the local jurisdiction and approved by both the Maryland Emergency Management Agency (MEMA) and FEMA for compliance with the DMA– 2000.

#### **MICHELE KING, CFM (SP&D) – TECHNICAL SUB CONTRACTOR**



Ms. King received her B.S. in Environmental Analysis and Planning (EVAP) from Frostburg State University in May 2007. She has 13 years of practical experience in several different fields, including land, comprehensive, and emergency management planning, surveying, mapping technologies, environmental consulting, and database management. She has experience with field surveying techniques, topographic map layout, public involvement and outreach, environmental sciences, AutoCAD, ArcGIS, and database management. Michele is fully versed in GPS applications and the implementation of GIS for data analysis and display. Ms. King has six years of experience with the FEMA HAZUS software, particularly with enhanced model analysis. Additionally, Ms. King is experienced with Adobe InDesign to integrate graphic design and publishing for professional document presentation

#### **D. PLAN OBJECTIVES**

The Michael Baker team will ensure that all deliverables and the project schedule align with the County's expectations as outlined in the RFP, including aligning the County's plan with existing State plans, guidance, and requirements and incorporating information from existing County and regional plans. The Michael Baker team will leverage their experience and the tools provided in FEMA guidance throughout the planning process and demonstrated in the final product.

**Maximize Jefferson County's CRS Rating (Community Rating System of the National Flood Insurance Program). The County's CRS Rating is currently a Class 7.**

Both hazard mitigation planning and floodplain management planning under the CRS (Community Rating System) help communities understand and act to reduce their risk to flooding. By coordinating these two planning processes the County can maximize their benefits and use one process to meet the goals of both programs. This can, in turn, save time, money, and resources while maintaining a high-quality, coordinated planning process.

Each program helps communities reduce their flood risk, but too often, if a community prepares both, they are done as two separate processes with different planning products. Michael Baker will ensure that the County coordinate these two processes to maximize CRS Rating that is currently a Class 7 and meet the goals, intent, and requirements of each program.

**Ensure the updated plan is approved for the high hazard potential dam (HHPD) program.**

FEMA's Rehabilitation of High Hazard Potential Dams (HHPD) grant program provides technical, planning, design, and construction assistance for eligible rehabilitation activities that reduce dam risk and increase community preparedness. The HHPD grant program presents an incentive for communities to include dams in their mitigation plan. To be eligible for HHPD funds the communities must have in place a FEMA approved hazard mitigation plan that includes all dam risks and complies with the Robert T. Stafford Act, as amended by the Disaster Mitigation Act of 2000. The requirements, as written in the Notice of Funding Opportunity (NOFO) and align with specific sections of the State Mitigation Planning Policy Guide.

An understanding of how dam hazards impact the County and what the potential mitigation actions is critical to helping the County identify distinct mitigation actions which will help build the framework for the mitigation strategy and dam related actions. The Michael Baker team will collect feedback from stakeholders to best understand the perception of risk that dam hazards poses to the County and how dam hazard might have changed due to recent events and how it might change in the future. A valued discussion within the mitigation strategy will also allow the team to rank dam hazard based on risk exposure and will be a critical step to understanding where additional mitigation actions are required.

**Develop a plan that is consistent with the revised FEMA guidelines appearing in the Local Mitigation Planning Policy Guide, FP 206-21-0002, effective April 19, 2023 and meet the deadline of August 1 for Draft and September 1 for Final deliverables, assure that the plan, meets the requirements of all, laws, regulations, policies, procedures, and authorities**

The Michael Baker team recognizes the importance of a well-drafted plan and understand that as a plan update, the 2023 plan is an opportunity to capture what has changed since 2018 and make changes based on how the mitigation program and priorities have evolved. After confirming and documenting County priorities, we intend to set up a meeting with the State and FEMA Region 3 (Optional) to develop a work strategy that will provide the County with an approvable All-Hazard Mitigation Plan update that will be prepared in accordance with Standard Plan per 44 CFR 201.4, and revised to include the updated FEMA FP 302-094-2 State Mitigation Planning Policy Guide (Effective April 19, 2023). We will also focus on producing a user-friendly plan that will integrate local and regional data and demonstrate effective use of mitigation assistance funding from federal and state agencies. The Michael Baker team will complete an accurate FEMA State Mitigation Plan Review Tool crosswalk for the State and FEMA review and will ensure that the final plan update is completed by September 1, 2023.

**Outline the strategy for gathering public input and developing the plan and provide an engagement strategy for getting public and plan participant input.**

Public outreach efforts will focus on full participation from every community from the onset of the project. The Michael Baker Team understands that a strong planning process and engagement plan are key factors in the success of this plan. Electronic and paper correspondence for meeting invitations, based on County's preference, and follow-up actions as well as meeting minutes will be handled by the Michael Baker Team. Our Team will assist the County conduct public information and engagement sessions around key project milestones to provide opportunities for transparency and inclusivity. Our approach begins with crafting a community engagement strategy that will include both an internal approach, engaging key agency staff and County officials, and an external approach, targeting diverse stakeholder organizations, community members, and local businesses. It is our hope that through this process the County and our team will deliver a long-term strategy to implement community-supported risk reduction options for the County.

Our Team understands that buy-in from County staff, elected officials, other stakeholders, and the community at large is paramount to the success of the Plan. Upon completion, key staff from the team will be available to assist County staff with delivering a briefing to the County Council and hold a public meeting to inform residents of how the County is taking initiative to mitigate flooding through risk reduction measures.

Depending on the complexity of the project tasks, public involvement may range in scope from distributing newsletters to large scope public involvement activities utilizing websites and social media, one person meetings, to mobile device data-sourcing. Upon receiving a project assignment under this agreement, our team will coordinate with the County to determine the appropriate the level of effort for the project. As required Limited English Proficiency (LEP) will be provided in conjunction with the public involvement.

**Encourage participation, including specific stakeholders listed in the Local Planning Policy Guide**

The Michael Baker team strives to work closely with the County to understand priorities, interests, and engage with County departments as a collaborative Planning Team, through emails, phone calls, website outreach and interaction, and in person meetings. We also intend to engage plan participants (the larger group of organizations with a hazard mitigation focus and role) in a meaningful way that yields high quality information sharing and process alignment. The Michael Baker team sees the Planning Team meetings as opportunities to share information and build upon long-term partnerships. Planning Team meetings will use a hybrid approach with staggered virtual and in person components. The virtual portion will be recorded for easy access by individuals unable to attend. Involving a variety of participants in the planning process is a priority. The Michael Baker team will identify a comprehensive list of participants and will recommend considering including non-typical participants in this process to address current trends including organizations focused on economic development and recovery,

businesses, freight carriers, and other organizations related to the supply chain.

We believe that it is important to consider who should be invited to participate so that a comprehensive look is being taken at hazard mitigation in Jefferson County and West Virginia. We recognize there are different conversations that need to take place. For instance, talking to the universities, hospitals, and prisons the conversation needs to be about their roles as institutions in the community as well as land developers, and key players in response and recovery. The Michael Baker team will define the planning partner engagement approach and share with the State for review prior to each meeting, for instance recommending break out groups by sector roughly aligned with the Community Lifelines for consistency from response, through recovery, and mitigation.

**Include the WVU TEIF-TEIL Risk Study Assessment Study into the plan.**

The West Virginia GIS Technical Center (WVGISTC), in partnership with FEMA and the State have produced risk assessments for flood and earthquake with the goal of creating safer and more resilient communities. Site-specific risk assessments on flood and landslide hazards for all 55 counties and 232 incorporated communities in West Virginia were generated to supplement the state hazard mitigation plan. The State refers to these studies for assessing and mitigating risks to communities in WV as the Total Exposure in Floodplain (TEIF) and Total Exposure in Landslides (TEIL). The risk assessment will needed mapping priorities that included:

- Comprehensive building exposure inventory that includes critical facilities and County-owned properties
- County-wide parcel file for hazard identification and risk assessments
- Standardize data analysis process for consistency in future hazard mitigation plans
- County-wide Hazus Level 2 flood risk analysis with more accurate local building inventories (user-defined facilities), effective DFIRM floodplains, and high-resolution elevation data
- County-wide landslide incident database for improving landslide susceptibility assessments.

The Michael Baker team will use the results of the Hazus runs and risk assessment that was completed by WVGISTC and integrate it into the 2023 Hazard Mitigation Plan update.

**Hold monthly meetings with Jefferson County Office of Homeland Security and Emergency Management Director and stakeholders**

The meeting schedule for this Plan will be spread over 5 months. This will allow for detailed updates and participation, while also ensuring consistent communication to maintain momentum. The team will use a project website, online surveys, webinars, and other outreach mechanisms to communicate consistently with participants and stakeholders. We will be sensitive to groups who cannot participate virtually during this process.

Our team has experience using unique methods to advertise meetings. All meetings will be a staggered hybrid and virtual event with in-person and remote components, and recorded for anyone to reference anytime during the planning process and beyond. With the option for virtual attendance, the goal is to have as many participants and stakeholders participating in the planning process as possible, and the team will employ varying methods to solicit participation to ensure maximum involvement. Our team has been doing virtual and hybrid meetings for years and used the pandemic as a chance to further hone our virtual meeting facilitation skills, create our own virtual meeting room technology, and work with groups who are not able to participate virtually in this new environment. Over the past year, we helped FEMA pivot to virtual and hybrid meetings for Risk MAP and mitigation planning meetings, developing guidance and gathering best practices for engagement. Within one week of the Notice to Proceed, we intend to set up a meeting with County staff, to talk through the update approach, partnerships, and any considerations that can guide our efforts throughout the process. The team will also conduct strategic outreach to get participants and stakeholders invested in the planning process ahead of time. We will work closely with the County to communicate overarching goals and information sharing opportunities clearly. Through early outreach and consistent collaboration we hope to encourage participant and stakeholder participation. Depending on RSVPs and areas of focus for this plan update, we will conduct additional outreach to further refine messaging and outreach approaches throughout the planning process. At a minimum, the Michael Baker team will conduct the following meetings, which are accounted for in the various tasks:

- Minimum of three events for the State Planning Team: (1) Project Kickoff; (2) Hazard Analysis/Risk Assessment, and Mitigation Strategy Development; (3) Draft Plan Review.
- One public outreach session

The Michael Baker team will allow participation by email, social media, phone, in-person where possible, and any other mechanism identified as useful throughout the plan update process. We understand that not every type of meeting will have the same setup; there may be a different mix of practices depending on the stage of the planning process.

**Submit monthly progress reports outlining the following: Activities (Calls, meetings, communications); planning progress to include completed tasks and future action items; drafts of the plan as they become available.**

Using a critical path method, we will put all meetings, deliverables, tasks, and staff hours into a project schedule. This will allow the County the opportunity to comment and recommend any schedule changes, and to see when we will look to partners for input throughout the process. This task will also involve working through milestones for plan development and review by stakeholders and ultimately, FEMA. We know from experience that early and frequent coordination is essential.

The core team strategically located in Charleston, WV, and Cumberland MD will be able to hit the ground running and are leaders in local and national organizations that address hazard mitigation, planning, and floodplain management. We have connections to all major industry partners and many of the state agencies that are involved in hazard mitigation planning. The Michael Baker team will use their knowledge of best practices and lessons learned from prior experiences to implement innovative strategies for participation using Virtual Platforms and Resource Locations. The Michael Baker team will provide meeting support and will use their expertise to help enhance the outreach process by using interactive methods that engage participants and stakeholders in new ways to improve the plan and coordinate on hazard mitigation.

**Provide a final 2023 Multi-Jurisdictional All Hazards Mitigation Plan at the conclusion of the contract. To include 5 hard copies, and 5 CDs, plus one Master Copy that can be updated easily by the jurisdiction in the future.**

Prior to release of the draft plan the Michael Baker team will put the draft version of the plan online with an accompanying comment form. The team will also do a pre-release briefing for the County. At a draft plan meeting the Planning Team will talk through the process, the updates, and next steps. After the plan is drafted, the public will have the opportunity to provide comments and feedback prior to submission to the State and FEMA Region 3. Revisions identified by FEMA will be addressed in a timely manner so that the plan may be re-submitted to gain approval-pending-adoption status. If FEMA and the State decide to complete courtesy or partial reviews of the plan prior to formal submission, Michael Baker will be available to support those meetings and capture any changes requested. After the plan receives approval-pending-adoption status, the Michael Baker team will ensure that the plan is posted to the project website in a format that is easily accessible by visitors to the site.

### Major Work Tasks Outline

- **Kick-off Meeting** - Meet with the planning team to describe the rationale behind the MHMP program and answer questions from county participants. This meeting will also include a discussion of roles, responsibilities, decision-making processes, administrative procedures, and communication strategies.
- **Risk Analysis** - Conduct an inventory of the vulnerable assets and refine it using local available data. Incorporate critical facilities identified by the planning team, existing local GIS data, and available community property assessment information. The risk assessment will determine how community's assets will be affected by the hazard events. Hazus-MH software and GIS tools will be used to estimate these losses.
- **Update and Prioritize Mitigation Strategy** - Develop a strategy to update and prioritize mitigation actions, including costs and timeframes. Review the goals, objectives and mitigation actions listed in the 2018 plan, assess which strategies were successful, discuss why certain strategies were not completed, and reprioritize/develop new strategies based on the results of the hazard profiles and loss estimation.

- Plan Development** - Develop the final plan by compiling the results of each section of the planning process. This step is the culmination of a process that begins with each task and continues throughout. Draft copies of the plan will be distributed to jurisdictions ahead of the final review meeting. The planning team will review the final product. After the planning team has approved the plan, the applicant will deliver it to WV EMD and FEMA for review and conditional approval

**E. BUDGET**

Excellent organization, tools, and methods to monitor budgets, an emphasis on communication both internally and externally, and a structured project management approach are a few examples of how our team maintains client satisfaction. Our Project Manager’s proactive management approach and effective communication will save the County time and money throughout the planning process. Our cost proposal is included below.

**JEFFERSON COUNTY HAZARD MITIGATION PLAN  
BUDGET**

	Time (Hours)	Cost
Task 1. Kick-off Meeting (meeting #1)	10	\$1,400
Task 2. Identify Hazards and Inventory Assets	40	\$5,600
Task 3. Risk Analysis and Vulnerability Analysis	140	\$19,600
Task 4. Risk Assessment Meeting (meeting #2)	10	\$1,400
Task 4. Update Mitigation Strategy	40	\$5,600
Task 5. Prioritize Mitigation Actions	30	\$4,200
Task 7. Public MHMP Meeting (meeting #3)	20	\$2,800
Task 8. MHMP Development	60	\$8,400
Task 9. Distribute Draft Plan for Comment	18	\$2,520
Task 10. Final MHMP Review (meeting #4)	10	\$1,400
Task 11. Finalize and Publish MHMP	20	\$2,800
<b>Subtotal</b>		<b>\$55,720</b>
<b>ODC</b>		<b>\$1,280</b>
<b>TOTAL</b>		<b>\$57,000</b>

**F. TIMELINE**

Our team will be able to make the County their professional priority and start work as soon as they receive notice to proceed. The following proposed 5-month work plan will result in reaching the goal of submitting the final hazard mitigation plan by September 1, 2023. The proposed work plan lays out the essential framework for the hazard mitigation plan but may be modified to the exact needs of the County. Our team understands that while there are regulatory requirements for hazard mitigation plans, the planning process is most successful when it recognizes and meets the needs and capabilities of the County and its community members.

**JEFFERSON COUNTY HAZARD MITIGATION PLAN  
TIMELINE**

	April	May	June	July	August	September
Task 1. Kick-off Meeting (meeting #1)	★					
Task 2. Identify Hazards and Inventory Assets						
Task 3. Risk Analysis and Vulnerability Analysis						
Task 4. Risk Assessment Meeting (meeting #2)		★				
Task 4. Update Mitigation Strategy						
Task 5. Prioritize Mitigation Actions						
Task 7. Public MHMP Meeting (meeting #3)			★			
Task 8. MHMP Development						
Task 9. Distribute Draft Plan for Comment						
Task 10. Final MHMP Review (meeting #4)				★		
Task 11. Finalize and Publish MHMP						

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



Name: Steve Cox & Bessie Nelson

Department or Organization: **Civil Service Commission**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

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

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

Please provide the County Commission with a description of your request or presentation, including any background information:  
**This is a carry over from the March 16 meeting. Per your request, JCDSCSC submitted the contract along with a cover letter to the County Commissions for review.**

**Guidance from the County Commission on signature authority to sign a contract on behalf of Civil Service Commission with a 3<sup>rd</sup> party vendor to provide promotional exams for the Jefferson County Sheriff Deputies. I will also enter a purchase requisition in the Tyler Software System with the estimated annual expense to be approved and converted to a purchase order within the Tyler Software System. This would encumber the funds from the Materials and Supplies G/L and the actual amount would be liquidated from the PO when invoices are paid.**

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: Approved in the FY23 budget and has been requested for the FY24 budget in materials and supplies line item.

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

Make a motion to grant the President of the Jefferson County Civil Service Commission authority to sign contracts on behalf of the Civil Service Commission providing funds are available.

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: Bessie Nelson, administrative support on behalf of JCDSCSC

Email address: [jcdscsc@jeffersoncountywv.org](mailto:jcdscsc@jeffersoncountywv.org) Phone Number: 304.728.3340

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

not applicable



# Jefferson County Deputy Sheriffs Civil Service Commission

Steve Cox, President  
Will Liston, Vice President  
Jean Vezzosi, Commissioner



Jacki Shadle, County Clerk  
Bessie Nelson, Administrative Support

ESTABLISHED 1971

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March 21, 2023

Steve Stolipher, President  
Clare Ath, Vice President  
Tricia Jackson, Commissioner  
Jennifer Krouse, Commissioner  
Jane Tabb, Commissioner  
Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

RE: IO Solutions Contract

Commissioners:

Per your request at the March 16 County Commission meeting, I am forwarding a copy of the contract for your review. I am also providing some additional information pertaining to this contract.

IO Solutions has named this document "Test Security Agreement". It is titled "Test Review, Inspection, Lease and Usage Agreement". There are three parts requiring three signatures, and each signature is named something different.

The First signature references the "Handler's Name" and Agency. This portion outlines the security of the testing materials for the most part. Who can request the materials, who receives the materials, who stores the materials till testing, and who the test scores are then sent back to? In the two-plus years that I have been appointed to this Commission, I have seen last-minute material orders because of last-minute additions to our list, and in an effort to help our cause, we stay very flexible. Those things happen and are hard to plan for, so having one or all of the Civil Service Commissioners as handlers for last-minute (emergency) security reasons is highly beneficial. State Law dictates that the Civil Service Commission be responsible for all Civil Service Activities. The Civil Service Commission exists to protect law enforcement from vicissitudes due to local elections and locally elected persons. I bring this up because it would be inappropriate for the elected County Commissioners to be involved in the chain of custody of the employment and promotional testing materials. It would also be problematic for Elected County Commissioners to receive pre-employment or promotional test scores. I would recommend that the Civil Service President or any Civil Service Commissioner be designated as "Handlers."

Part two is the "Lease Agreement" Because there is some language pointing out purchase orders and invoicing, I believe it would be the responsibility of the County Commission to sign on page 4 as the "Lessee" as they refer to it unless you feel otherwise. I want to point out that IO Solutions mention that we can elect to outsource (third-party vendor) scoring services, and

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Address: 100 East Washington Street, PO Box 208, Charles Town WV 25414

Phone: 304.728.3340 Email: [JCDSCSC@jeffersoncountywv.org](mailto:JCDSCSC@jeffersoncountywv.org) Web Site: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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Jefferson County Commissions  
Page 2  
March 21, 2023

"Agency Scoring" is available, increasing the price. We will not be using any outsourced methods of scoring. IO Solutions will score all exams, which is provided in the test cost. Our State Laws do not allow the Civil Service Commission to grade in-house.

Part three is the "Local Validity Evidence Disclaimer." I can't sum this up for you. There's a lot of info detailing the Intellectual property, how we can't hold them responsible for errors, a disclaimer stating that they will store our records in case we lose them or end up in a legal proceeding in which they can also defend their testing materials for us. It's kind of a general statement, and I think we are just acknowledging this information with a signature.

An agenda request will be submitted for the April 6 meeting regarding this matter.

Respectfully,



Steve Cox  
President, JCDSCSC

cc: Cindy Rezmer, Interim County Administrator  
Krista Davis, Finance Director

Attachment: IO Solutions Contract



## Test Review, Inspection, Lease and Usage Agreement

### 1. Security Agreement

This agreement is made between a representative (herein referred to as "Handler") on behalf of a public safety agency (herein referred to as "Agency") and Industrial/Organizational Solutions, Inc. (herein referred to as "IOS"), an Illinois corporation with offices at 1520 Kensington Road, Suite 110, Oak Brook, IL 60523.

The purpose of this agreement is to specify the manner in which the Handler and Agency may use examination materials provided by IOS. For the purpose of this agreement, examination materials are defined as examination or test booklets, documents containing test questions, candidate study guides and practice tests, technical/validation reports, sample interview questions, or any other type of testing or assessment tool or sample that is published or copyrighted by IOS. Our expressed goal is to preserve the confidentiality, security and copyright of these documents and to ensure their proper handling and implementation according to professional guidelines.

The Handler has requested to review/inspect/lease/use examination materials from IOS, and the Handler represents that he/she is a member/employee of said Agency, has authority to request examination materials, and is authorized to execute this agreement on behalf of the Agency. IOS has consented to provide such examination materials pursuant to this executed agreement. The following terms will define the nature of this exchange.

#### 1.1. Terms of Use of Examination Materials

All examination materials provided by IOS remain the property of IOS under any executed agreement and are not intended for distribution, reproduction or usage without the expressed permission of IOS. All examination materials are confidential and contain trade secret information, in which IOS invests substantial time, money and effort to protect.

IOS will provide the requested examination materials for the following purposes:

- Review and inspection of examination materials prior to making a decision to lease/use examination materials.
- Administration of a validation study to support the local use of an examination.
- Lease/use of an examination or assessment for the official purposes of the Agency including:
  - Administration of an exam or assessment.
  - Distribution of study guides or practice tests.
  - Maintenance or review of technical information.

#### 1.2. Examination Materials: Handling and Security

The Handler agrees on his/her behalf, and on behalf of the Agency, to safeguard the security of all examination materials provided under this agreement according to the terms of this agreement.

The Handler agrees that examination materials remain the responsibility of the Handler until returned to IOS. The Handler also agrees to the following terms:

IOS Test Security Agreement v2.1

1. Examination materials will be stored in a secure location under lock and key.
2. Examination materials will only be used for the official purpose of the Agency.
3. Examination materials will never be provided to candidates or test-takers without permission from IOS. The following regulations shall apply:
  - a. Test booklets/assessment materials are strictly prohibited from use for any purpose other than to assess candidates for employment/hiring or promoting (i.e., never to be used as study/preparation materials).
  - b. Technical documentation will never be provided or discussed with any outside agent or third party or potential test-taker.
  - c. Examination materials approved for candidate and test-taker distribution will be distributed only for the purpose of study/preparation for an official Agency process. Posting of these materials to a publicly accessible website is prohibited without expressed permission from IOS and to a finite period of time as approved by IOS.
4. Examination materials will never be distributed to any party outside the Agency.
5. Examination materials will not be disclosed pursuant to "open records" requests, and IOS will be notified of any such requests. IOS maintains that all examination materials are proprietary.

#### 1.2.1 Examination Administration

All examination materials administered to candidates/test-takers must be done under certain, specific conditions. The Handler agrees on his/her behalf, and on behalf of the Agency, to abide by the following administration policies:

1. Materials will only be administered to candidates/test-takers in secure, proctored environments.
2. Proctors will follow the administration protocols outlined by IOS for each examination.
3. Proctors will monitor candidate/test-taker behaviors and will not tolerate cheating or potential theft of IOS property.
  - a. Any potential risk to the security of IOS property, suspicions of cheating or other manner of impropriety will be handled immediately, and IOS should be notified of all incidents.
4. No cellular phones, cameras, tablets or any other electronic devices should be accessed by candidates/test-takers while testing.
5. All examination materials and notes will be collected from candidates/test-takers prior to their exiting the testing room for any purpose.
6. All examination materials distributed to candidates/test-takers will be collected and accounted for at the end of an administration.

**1.2.2 Breach of Security**

Should the security or confidentiality of examination materials ever be compromised, or potentially compromised in the judgment of the Handler, the Handler will notify IOS immediately. The Handler will be responsible for working with IOS, in good faith, to remedy the security compromise.

**1.3. Term and Cessation of Responsibilities**

All examination materials will be returned to IOS within 90 days of their delivery to the Handler. These materials include both used test booklet materials and unused test booklet materials. The Handler may request an extension by contacting IOS within this 90-day timeframe. *[All examination materials must be shipped directly to IOS in an opaque package, carefully sealed, using a traceable carrier].*

Unless otherwise arranged, materials subject to the 90-day lease agreement that are not returned within 90 days of their delivery to the Handler will be subject to penalty fees outlined under the leasing terms.

This agreement remains in effect as long as the Handler or Agency remains in possession of examination materials. The Handler and Agency maintain an on-going responsibility under this agreement NOT to share the content of the examination materials, either verbally or in written format, with any party outside the Agency or with parties inside the Agency that are not directly associated with the testing/assessment function.

**Destruction of Used Test Booklet Provision**

The Handler and Agency may be allowed, in specific cases, to destroy used examination materials rather than return them to IOS. This allowance must be arranged between the Handler and IOS prior to execution. This provision defines proper destruction as the shredding of materials either by a certified secure document destruction firm or through means of an in-house shredding system. Regardless of an established destruction provision, IOS will verify that used test booklets have been properly destroyed by the Agency for every order. Improperly destroyed materials that lead to the breach of security of an IOS product will be considered a breach of the terms stated herein, and all reasonable and appropriate penalties and remedies will be sought.

**1.4 Acknowledgement of Responsibilities**

By signing, the Handler acknowledges that he/she has read the requirements and responsibilities of handling IOS examination materials. The Handler also acknowledges that IOS maintains the ownership of any and all examination materials sent to the Handler. Any knowing, willful or careless breach of the terms stated herein will be prosecuted to the fullest extent of the law, and all reasonable and appropriate penalties and remedies will be sought.

This agreement is made between IOS and

\_\_\_\_\_ (Handler's Name) on behalf of  
\_\_\_\_\_ (Agency).

By checking this box and affixing your name below, you are signing the Security Agreement electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Agreement. By checking this box, you consent to be legally bound by this Agreement's terms and conditions.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

## **2. Lease Agreement**

This agreement is made between a representative (herein referred to as "Lessee") on behalf of a public safety agency (herein referred to as "Agency") and Industrial/Organizational Solutions, Inc. (herein referred to as "IOS"), an Illinois corporation with offices at 1520 Kensington Road, Suite 110, Oak Brook, IL 60523.

This lease agreement establishes an approved individual to enter into a leasing agreement with IOS (Lessor). The Lessee will be authorized to make purchases through credit card transactions and invoicing by use of a placement order/purchase order number. Placement of an order by an authorized Lessee will represent a contractual agreement between IOS and the Agency that the Lessee represents.

### **2.1 Pricing**

The lease/usage pricing terms between IOS and the Lessee is assumed to reflect the current published lease price for the product at the time of ordering, unless superseded by an established contract. IOS' current product pricing is available upon request. IOS' product pricing is subject to change; the Lessee is responsible for verifying current pricing at the time of order.

#### **2.1.1 Testing Materials**

The Agency will be invoiced only for the exams that are used. All testing materials (used test booklets, unused test booklets and answer sheets) are subject to a 90-day lease term. Unless otherwise agreed to by IOS (e.g., customs who pay up front to hold inventory of exams), **all testing materials noted must be returned to IOS within 90 days of the placement of the order and in a manner specified in section 1.3.**

Invoicing of the Agency will occur upon receipt and scoring of the examination materials for ONLY the used exams, given: (1) receipt of the examination materials occurs within 90 days of the order, (2) used and unused test booklets and answer sheets are returned within 90 days OR used booklets have been destroyed per IOS approval, and (3) unused test booklets are in saleable, "like-new" conditions, defined as:

1. Undamaged and intact test booklets,
2. Answer sheets remain attached to the test booklet,
3. Answer sheets and test booklets are not written on, and
4. Test booklets are not folded, creased, stained or in otherwise damaged condition.

Unused materials that are not returned in "like-new" condition will be subject to invoicing at the full product price.

#### **Penalty Clause**

Unless superseded by an established contract or an accommodation has been agreed to by IOS and the Agency, all leased testing materials are subject to a 90-day lease term. The 90-day window commences when orders are received by Lessee. Materials not returned within this 90-day window are subject to a penalty of double the product price; this includes all outstanding examination booklets (used and unused). IOS maintains the rights and ownership of all materials regardless of penalty assessed. Test materials returned for scoring after the payment of a penalty are subject to the agreed upon pricing terms made at the time of the order.

#### **2.1.2 Preparation Materials**

The Agency will be invoiced for all preparation materials at the time of an order. If a single order is placed for preparation materials and testing materials, a second invoice will be generated for the testing materials per section 2.1.1 of the Lease Agreement. Test preparation materials may not be returned for credit.

#### **2.1.3 Loaned Materials**

IOS loans various materials as part of fulfilling a product or service order. These materials include video or audio CDs/files, self-scoring answer templates and scanners. IOS maintains the rights and ownership of all loaned materials. Unless superseded by an established contract or an accommodation has been agreed to by IOS and the Agency, all loaned materials are subject to a 90-day loan term. During this time, IOS agrees to provide to the Agency access to the loaned materials at no additional cost beyond the price of a product or service. Failure to return the loaned materials within the specified period of time may result in a penalty fee equal to the greater of either \$500.00 or the cost to replace the loaned item.

### **2.2 Test Scoring Services - Included in Lease**

As part of the lease for each order placed with IOS, the Agency will receive test scoring services. The following services are included in the price of the Lease:

1. **Testing Materials:** Agency is provided the testing materials necessary for testing, including: Test booklets, answer sheets, administration guide, and test administration script. **Shipping cost is not included in the Lease price.**
2. **Answer Sheet Scanning:** Completed answer sheets are electronically scanned by trained test scoring specialists.
3. **Data Cleaning:** All data is "cleaned" by test scoring specialists to correct any errors that result from candidate error or scanner error.
4. **Data Scoring:** Data is scored by our proprietary algorithms and verified for accuracy by test scoring specialists.
5. **Scoring Report Generation:** Scoring reports will be provided to the agency and will list candidate's demographics, his/her scores and his/her passing status on the examination, if applicable. Several reporting options, such as overall score reporting and score breakdown reporting, are available.
6. **Re-stacking of Unused Testing Materials:** We will restock any unused test booklets without additional fees.
7. **Transportability Analysis:** We will conduct a summary analysis to ensure that the use of any of our entry-level testing products is valid for your agency. This analysis requires agency participation – the scope of work is defined in *Section 3.4 – Free Validity Assessment: What You Need To Do.*

### **2.3 Additional Test Scoring Services**

IOS provides additional services beyond what is provided in the Lease price. These additional services are listed below:

#### **2.3.1 Off-the-Shelf Custom Reporting and Consulting**

Additional reporting, such as adverse impact analysis, and customization work, such as local validation or exam

customization, is available and can be provided at additional costs. IOS should be contacted for more information regarding this work.

### 2.3.2 Challenge Processes

The products leased are off-the-shelf tools that have been developed according to industry best practices. To protect the security of these products, it is our policy to not allow for individual test takers to engage in formal challenge processes where answer keys or test items are reviewed; except as noted below:

- *Where state or local civil service rules mandate a formal challenge process:*
  1. IOS must be notified of the scope of the challenge process at the time of order placement.
  2. Only a single form of each of our products is designated for formal challenge processes.
  3. All challenge process must be proctored. All materials provided are subject to terms for handling IOS property outlined in the Security Agreement (Section 1).
- *Types of Exams and Exemptions:*
  1. Entry-Level Exams
    - i. *Cognitive Ability Sections:* May be subjected to a challenge process.
    - ii. *Non-Cognitive Sections:* Cannot be subjected to a challenge process.
  2. Promotional Exams:
    - i. *Knowledge-based Section:* May be subjected to a challenge process.
    - ii. *Judgment-based Sections:* Cannot be subjected to a challenge process.
- *Materials and Services Provided:*
  1. Modified Test Booklet (\*Removes section not subject to challenge process) - **\$10.00 per booklet**
  2. Master Challenge Form – **No Cost**
  3. Challenge Review and Response - **\$25.00 per item appealed.**

### 2.3.3 Agency-Driven Scoring "Self-Scoring"

Several methods have been developed to allow for agency-driven scoring. These methods allow for an agency to score our examinations without IOS assistance:

- **2.3.3.1 Out-Sourced Test-Scoring System**

Enables agency to fully "self-score" IOS exams. You will be able to export data scanned from answer sheets and import them into a web-based application for scoring. Scores are generated automatically for you. Data is stored in a secured database, which you can query as needed through a client interface.

  - Requirements:
    1. Purchase of third party software.
    2. Client set-up with IOS - **\$500.00**
- **2.3.3.2 Manual Entry Method**

Enables agency to fully "self-score" IOS exams for no additional cost. You will be able to manually enter answers from completed answer sheets via a web-based application. Scores are generated automatically for you. Data is stored in a secured database, which you can query as needed through

a client-facing interface. Service is free of charge and only requires establishing an online account with us.

- **2.3.3.3 OMR Scoring using Remark Software**

Agency can self-score by scanning, uploading, and cleaning data using Remark software and high-resolution scanners.

  1. The Agency will be required to complete a training session conducted by IOS Scoring Specialist on all procedures for OMR scoring.
    - i. A training fee of \$500 will apply.
  2. Remark software is required to be purchased and installed by the Agency.
    - i. Remark software can be purchased directly through the software company. Additional fees may apply.

### **2.4 Exam Material Handling**

All examination materials ordered by the Lessee must be sent to an authorized Handler who has entered into an agreement on behalf of the Agency with IOS, OR to the authorized Lessee. By signing as an authorized Lessee for an Agency, the Lessee acknowledges and agrees to the terms for handling IOS property outlined in the Security Agreement (Section 1).

### **2.5 Acknowledgement of Lease Agreement**

By signing, the Lessee states that he/she has the authority to enter into a leasing agreement with IOS on behalf of the Agency listed below. He/she further acknowledges that he/she has read the requirements and responsibilities of handling IOS property (outlined in Section 1). The Lessee agrees to take full responsibility for handling any IOS leased examination materials OR for delegating these responsibilities to an approved Handler who has entered into an agreement with IOS. Last, the Lessee acknowledges that IOS maintains ownership of all examination materials sent to or used by an Agency. Any knowing, willful or careless breach of the terms stated herein will be prosecuted to the fullest extent of the law, and all reasonable and appropriate penalties and remedies will be sought.

This agreement is made between IOS and

\_\_\_\_\_ (Lessee Name) on behalf of  
\_\_\_\_\_ (Agency).

**By checking this box and affixing your name below, you are signing the Lease Agreement electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Agreement. By checking this box you consent to be legally bound by this Agreement's terms and conditions**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

### **3. Local Validity Evidence Disclaimer**

Every municipal, county or state public safety agency that uses an off-the-shelf tool to assist in making an employment decision bears the responsibility to demonstrate the local appropriateness and validity of that tool. While it is highly common to use an off-the-shelf tool without making such a demonstration, the legal defensibility of a test hinges on local validity evidence. IOS has diligently collected evidence to demonstrate that our tests are valid to select qualified individuals for the jobs for which the tests are designed. As a test provider, we view it as our role to support our products and our clients by making simple methods and procedures available to assist you in establishing the validity of these tests for your use. IOS has established a procedure that enables your agency to demonstrate local validity evidence simply and without cost. This document will describe the means by which this can be accomplished.

### 3.1 Validation Evidence: An Introduction

Test vendors often state that a test is "valid." This claim is somewhat misleading as a test cannot be valid or invalid. Only a test's "use" is valid or invalid; therefore, your specific use of any tool to assist in making an employment decision needs to be validated. When a test vendor provides validation information, they have provided information about the test's validation within a specific location(s). Validity evidence does provide a test user with information about the supposed validity of a test for that test user, assuming the job in the validation study is highly similar to the test user's job. Within the field of personnel selection (psychometrics), a principle has been established whereby one can demonstrate that validity evidence generalizes across locations – this is called validity generalization. However, without specific documentation, claims that an off-the-shelf tool is "valid" in any location are generally unfounded. It is not safe to assume that a test designed to select firefighters or police officers can be used to select firefighters or police officers in any context. Best practice always dictates that the test user must demonstrate that the test is substantially related to the job in question. Some form of LOCAL validity evidence is always necessary to support the use of a test.

Local validity evidence is typically divided into four types. The list below presents these types of local validity evidence in order of complexity (from high to low):

1. Local predictive criterion-related validation study
2. Local concurrent criterion-related validation study
3. Transportability study (generalizability)
4. Content validation study

Both methods one (1) and two (2) require the demonstration of a statistical relationship between measures of job performance and test scores for job incumbents. The difference between these two methods is the status of the test taker. In a concurrent study, job incumbents are asked to take the test, whereas, in a predictive study, job applicants take the test. To obtain measures of job performance in the concurrent study, an incumbent's current job performance is assessed and a statistical relationship between the test and the job performance measure is established. In the predictive study, job performance is measured at a future point and correlated with test scores. Methods one (1) and two (2) are time-consuming and are often not feasible due to sample size or logistical considerations.

### 3.2 Our Offer: A Free Transport Assessment or Content Assessment

#### IOS Test Security Agreement v2.1

IOS recommends that every agency perform a transportability or content validation study, at minimum, to demonstrate local validity evidence. IOS offers a method that allows for this to be accomplished at no cost to your agency. Certain IOS products are suitable for a transport assessment, while other products are suitable for a content assessment. In either case, IOS will supply a questionnaire that must be completed by a representative sample of your job incumbents.

- *For Transport Assessment:*

These questionnaires will be returned to IOS and analyzed to determine the degree to which your local job overlaps with the job for which our test was validated. IOS will report back to you the degree of job overlap. Assuming that the coefficient of similarity is 75% or greater, your agency has demonstrated the local validity of the testing tool. IOS will retain the associated validation and job analysis questionnaire data, including the results, should a challenge ever be raised as to the local validity of the test.

- *For Content Assessment:*

These questionnaires will be returned to IOS and analyzed to determine if the content of our products is sufficiently suitable to demonstrate local validity evidence. The questionnaire will also allow for a demonstration that the content measurement of the IOS product is relevant to the job in question and "matches" the job analytic data from your agency. Due to the complexity of content validation, IOS must assume that the agency has job analytic data available. IOS will retain the associated validation and content measurement questionnaire data, including the results, should a challenge ever be raised as to the local validity of the test. *Disclaimer: Certain state or local regulations may restrict the implementation of this process.*

This process would ideally be completed prior to the use of a selection tool; however, it is perfectly reasonable to perform this process after the test's use to generate archival validation evidence.

It is important to note that the job similarity coefficient or content validity coefficient is only one part of a thorough test transportability process. While it substantiates the use of our selection tool locally, it does not provide a full defense. However, with the job analysis data provided by your agency, IOS will be able to support your use of the test should a legal challenge arise.

#### 3.2.1 What You Get Out of this Process:

1. *Index of Validity:*
  - a. *Job Similarity Coefficient (Transport Assessment) –* Provides evidence of similarity between target and focal job. Allows for validity coefficients to be "transported" to your agency.
  - b. *Content Validity Ratio (Content Assessment) –* Provides agreement from local subject matter experts that the exam content is appropriate for the job.
2. *Data and Result Storage –* We will keep your records on file. Should you need to defend your use of our products, we will be able to provide fully documented local validity evidence at a later time (fees may apply for documentation).
3. *Legal Support –* IOS will be able to provide expert guidance should a legal challenge be raised as to the

local validity of the test (fees will apply for legal support).

### 3.3 Risk Level: What Defense Do I Need?

Agencies should consider their level of legal risk associated with the use of a selection tool. The following factors should be considered:

**Legal History:** An agency with past litigation/court oversight/court orders/consent decrees have the greatest amount of risk and should invest in a full scale local criterion-related validation study for any selection tool they employ.

**Prominence:** More prominent agencies, based on size or demography, are more likely to come under scrutiny. Since tests often result in disparate impact to some degree, prominent agencies should consider past levels of disparate impact and the likelihood of a legal challenge. Prominent agencies should consider obtaining more rigorous validation evidence.

**Union Activity/Relationships:** Strained relationships between a city and a collective bargaining group can hinder the success of validation studies. If reliable testing of incumbents cannot be performed or accurate rating of job performance cannot be obtained, a local criterion-related validation study will not succeed. These local conditions should be considered in assessing the feasibility of more complex local validation strategies.

For agencies that have a higher risk-level, our transportability strategy may be inappropriate. For those agencies that wish to obtain thorough documentation of the validation process, a full transportability report or a job analysis report can be provided. These reports will be provided at a cost to the agency.

### 3.4 Free Validity Assessment: What You Need to Do

To move forward with a Validity Assessment, you will need to identify job incumbents to serve as subject matter experts (SMEs) who will complete the questionnaire. You should identify a minimum of 15 to 30 SMEs, or if your agency employs more than 100 incumbents for a target position, 15 to 20% of your incumbent workforce should complete the questionnaire. SMEs should be highly familiar with the position in question. Also, this sample needs to be representative in terms of gender and race. At a minimum the sample should reflect the department; ideally, it should more closely approximate the population of the community that it serves.

Once your sample has been determined, you will need to contact IOS so that we can provide job analysis questionnaires. Please call (888.784.1290) or send us an e-mail ([info@iosolutions.org](mailto:info@iosolutions.org)).

*IOS will collect the following information:*

- The number of job analysis questionnaires you require.
- The test you have used or are planning to use.
- The contact person who will receive the results (name, position, phone number and e-mail).
- The shipping address to which to send the questionnaires.

Once your SMEs have completed the job analysis questionnaires, please ship them back to IOS using a traceable carrier (e.g., UPS, FedEx) to:

IOS, Inc.

IOS Test Security Agreement v2.1

Validation Assessment Services  
1520 Kensington Road, Suite 110  
Oak Brook, IL 60523

You can expect a 10-15 business day turnaround time for your job similarity results. You will receive these results in an email, including a PDF document that you may keep for your records. Best practice suggests that you should re-establish transportability evidence every 5 to 10 years.

#### Contact Us

If you have any questions or concerns, or would like to speak with us about what options are best for you, please contact our office at:

Toll-Free: 888.784.1290

Email: [info@iosolutions.org](mailto:info@iosolutions.org)

It is our goal to make local validation easy and affordable for your agency. We strongly encourage you to consider conducting a transportability assessment to safeguard your agency's testing process.

By checking this box and affixing your name below, you are signifying that IOS has informed you of your agency's responsibility to demonstrate the local appropriateness and validity of the selection tools it uses in making employment decisions. You further acknowledge that IOS offers a validity assessment at no direct cost that would provide evidence of the local appropriateness of using a given selection tool for making employment decisions at your agency.

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Name

---

Date

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



Name: Lutman Land Development, LLC

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

**Subject (Wording to be placed on agenda): Landowner Petition for Map Amendment for Lutman Land Development, LLC: Kabletown District, Map 29, Parcels 2 (66 Acres) and 6 (30.89 Acres) containing a Total of 96.89 +- Acres. Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.**

**Please provide the County Commission with a description of your request or presentation, including any background information: Request for a Map Amendment for Lutman Land Development, LLC per Article 12, Section 12.3.A. of Jefferson County Zoning and Land Development Ordinance from Industrial/Commercial to Residential Growth/Light Industrial/Commercial. Supporting and Background Attached.**

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: \$0.00

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

**Motion: Move to Accept Landowner Petition and Request for Map Amendment for Lutman Land Development, LLC, Parcels 2 and 6 on Map 29 in the Kabletown Tax District and schedule a Public Hearing at the County Commission Meeting on May 4, 2023 and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan.**

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

If not attached, explain: Attached

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

Contact information: Paul J Raco

Email address: [Pjraco.consulting@gmail.com](mailto:Pjraco.consulting@gmail.com)

Phone Number: 304/676-8256

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

11





Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
 116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
 Charles Town, West Virginia 25414

File #: \_\_\_\_\_  
 Date Rec'd: \_\_\_\_\_  
 Fees Paid: \_\_\_\_\_  
 Staff Int: \_\_\_\_\_

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

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: Lutman Land Development, LLC  
 Mailing Address: 67 Lutman's Lane, Kearneysville, WV 25430  
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Same as Owner Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

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

**Physical Property Details**

Physical Address: Route 340/1 Lewisville Road Just West of Route 340 Vacant Lot:   
 Tax District: Kabletown Map No: 29 Parcel No: 2 and 6  
 Parcel Size: 66 +- Acres & 30.89 +- Acres Deed Book: 1292 Page No: 482

**Current Zoning District**

Industrial/Commercial

**Proposed Zoning District**

Residential/Light Industrial/Commercial

**Substantiation for the Request**

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

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

N/A Planning Commission Found this property's change to the Mixed-Use Zone as being Consistent with the Comprehensive Plan. This property is located in the Preferred Growth District.

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

See Attached

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

See Attached

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge.

	3-29-2023		
Property Owner Signature*	Date	Property Owner Signature*	Date

\*The original signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Map Amendment Application  
Rezoning Request  
Article 12, Jefferson County Zoning Ordinance  
Lutman Land Development LLC  
March 30, 2023

**Owners/Applicants:**

Lutman Land Development, LLC  
67 Lutmans Lane  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12, Section 12.3 Jefferson County Zoning and Land  
Development Ordinance

**Map Amendment Definition:**

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

**Request:**

Amend the Zoning Map for these two parcels of approximately 66 and 30.89 acres in size. The amendment is from the current Industrial/Commercial District to the Rural District.

**Substantiation for the Request:**

1. The property is currently zoned for Heavy Industrial and Commercial Uses and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial

District. As further explained in this package, the Applicants believe that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. The Applicant sought a Rezoning to Rural, but the Staff and Planning Commission found that request not to be consistent with the Comprehensive Plan since the property is located in a Preferred Growth District. The Planning Commission already moved that Rezoning to this proposed Mixed-Use Zone was Consistent with the Plan and asked the Applicant to resubmit this Application requesting the Residential/Light Industrial/Commercial District;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include multiple rezonings north of this property which were approved by the County Commission after the Planning Commission declared them consistent with the Comprehensive Plan. This includes the rezoning of the Sunnyside Industrial Park from Industrial/Commercial to the Residential/Light Industry/Commercial District.
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. As such, the plan calls for Urban Scale Growth. The Department of Transportation has also announced that the four lane near this site is in the final stage before construction. The four lane is one of the main reasons that this area was continued to be slated for development in the 2015 Comprehensive Plan; and,
4. The Applicants believe that the current Heavy Industrial/Commercial Zoning Classification is an error in the Jefferson County Zoning Map since the property is now shown located in one of the 6 primary growth areas of Jefferson County. When the original Zoning Ordinance, the main focus for all areas along a highway and a railroad was for the property to be developed into Heavy Industrial Uses. This was still the philosophy during the 2015 rewrite of the Comprehensive Plan. As the Commission knows now, heavy industrial uses are not

the major focus of Jefferson County and this trend shifted after the 2015 Plan was adopted. The property is also located just west of Principal Arterial Road (Route 340) in the County with near direct access to the proposed four lane Route 340. The properties are shown to have direct access to Route 340 under this plan. This rezoning will allow the area to focus on Commercial if needed after the highway is constructed and will also allow limited residential lots since public water and sewer has not been constructed as anticipated by the Comprehensive Plan.

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

Kabletown Tax District, Map 29, Parcels 2 and 6

**Deed Book Reference:**

Deed Book 1292 at Page 482

**Sketch Plat:**

Attached

**Tract Size:**

Total of approximately 96.89 Acres in two parcels (66 and 30.89 acres)

**Discussion on:**

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

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

#### **A. Comprehensive Plan Compatibility**

As found on page 13 through 21 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within the Route 340 South PGA. The Comprehensive Plan was adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a new Comprehensive Plan to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, the initial Zoning Ordinance, the 2004 Plan and the 2015 Plan show this property slated for growth around Route 340 and the railroad from Rippon to Virginia. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Rt 340 South Preferred Growth Area and identifies the property for Commercial Development.

Regarding the history of Land Use Regulations and Comprehensive Plans in Jefferson County, this area was slated for Commercial and Industrial development in the original ordinance because of Route 340 and the Railroad in this corridor. The area was also put into a PGA because of the expectation that Public Water and Sewer would be extended to this area from Charles Town when Route 340 was expanded to four lanes. After 35 years, the road expansion appears primed to happen. As expressed in the recent Rezoning of the Sunnyside Industrial Park north of this property, there is little to no interest from anyone for commercial or industrial development in this area. The market does not support commercial or industrial development in this area and the public does not support industrial development in the area. The interest for commercial may be enhanced with the improved road.

So, in fact for the last 35 years, these properties remain undeveloped, the road has not expanded, water and sewer has not become available, and the owners can't even convey a family transfer of land for a relative to build a house because it isn't permitted in the current zone. Essentially, the value of the property has not grown as in other Preferred

Growth Areas, because regardless of the size, neither commercial nor industrial users are interested and the owner cannot subdivide or put more than one house on the parcels. As such, these parcels remain vacant 66 and 30 acre parcels that are taxed, but not able to be utilized better for enhanced taxes.

The type of use that the 1988 County Commission envisioned when it was adopted has not come to fruition because of the shift in Heavy Industrial priorities. Furthermore, as stated in the following section of the Comprehensive Plan, this property will be west of the four lane preferred route if it does get built, so the area should most likely all be rezoned. From simply a professional planning standpoint on the original zoning of the area and the last Comprehensive Plan, this area should be reassessed based on the Highway and the shift away from Heavy Industrial uses.

Again, the Jefferson County Envision Comprehensive Plan indicates that this area is in the 340 South Preferred Growth Area and as such is an area that should develop into a mixture of uses.

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

#### “Land Use Activity Areas

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

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

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

The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one

residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added.

In this case, the subject property is in a Preferred Growth Area (PGA), but certainly Urban Scale Growth or Heavy Industrial Uses are not what comes to mind in the area south of Rippon to the Virginia line. This area is better for commercial uses and rural type of housing that would be permitted with the rezoning.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 21 and 22 that describes this PGA:

“c. US 340 South PGA (portions of the corridor beginning north of Rippon continuing south to the Clarke County Line):

The proposed highway widening, and realignment is expected to create some additional growth pressures along this corridor.

Additionally, a percentage of the property along the western edge of US 340 South is currently zoned Industrial Commercial. Localized water and sewer service may need to be utilized for higher intensity development to occur along this corridor. It is recognized that the proposed US 340 alignment is not yet finalized and that land use decisions may need to move with the corridor, or a small area plan may be needed for this location if the final alignment is significantly different from the proposed configuration.

The West Virginia Division of Highways has identified a preferred alignment out of multiple alternatives and recently made minor adjustments to the preferred alignment choice. However, a Record of Decision, the legally binding conclusion, has been published at this time. The possibility for changes to the current preferred alignment is possible. In creating the land use recommendation for this area, the preferred alignment was used to make future land use decisions. The current preferred alignment is shown to the east of the existing US 340 right-of-way. This area does not have any public water and sewer infrastructure which future development will need for site development.”

It is clear that this section specifically recognizes that this area needs further work with the WVDOH on the highway expansion. This is finally happening. Furthermore, these two lots will have close access to the new widened highway. These parcels and the lack of access to public utilities, are more appropriately destined for a small minor or family subdivision and commercial development that can be sustained in the area. This is especially true since there are no major developments in the area. Many people from Jefferson County stop on the Virginia side of the border at the Convenience, Fuel, and Cigarette Outlet just south of the site.

Based on these portions of the Comprehensive Plan, this map amendment is consistent and compatible with the Plan. In this case, the Consistency with, and Compatibility to the existing Comprehensive Plan is more related to what didn't happen in this area and thus has rendered the properties nearly unusable for the past 35 years as Heavy Industrial.

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

“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. This section is also consistent with the original Zoning Ordinance adopted in 1988 and several Comprehensive plans in between. While the plan is usually used for predictability of land use for the public purchasing in an area of the County, it is also used by owners and purchasers when planning for the future. In this case, the area was slated for development by the County but has not developed in that direction. No utilities were extended to the area and the DOH decision on the highway has been pending for over 20 years. Just now has the

DOH moved forward with the plans to make this a viable rezoning request, especially to lose the Heavy Industrial component.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would be consistent with the statements that indicate that the area should be studied again depending on the highway. In this case, the owner would like to have these properties downzoned from an Industrial standpoint and to allow a limited amount of Minor Subdivisions that are consistent with septic and well since Public Utilities are not foreseeable in the future.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. These parcels will finally have access to proper highway infrastructure and therefore should be supported in the applicant's request to be rezoned. The Residential/Light Industrial/Commercial Zone is a viable and useful zone that allows for limited mixed uses. Current Planning practices have moved in the direction of mixed uses that are consistent with urban centers and towns. It allows for neighborhoods to be able to serve themselves both residentially and commercially. Contrary to recent reports, the mixed use zone is not a prohibited zone in the Comprehensive Plan. The County Commission did not prohibit the zone to be used in rezonings. The plan merely makes a statement that this zone should be discouraged in lieu of other new zones that were being developed. A typical Zoning Ordinance in a traditionally zoned community sometimes has more than 50 zoning districts. Jefferson County's Ordinance only has 12 zones and two or three don't even have any land in the zone. In order for Jefferson to be able to totally do away with the currently permitted mixed-use zone, the ordinance would need to be expanded to include many more zones that allow for a much more variety of uses. The mixed use zone is the only zone in the Jefferson County Ordinance that allows a property owner some flexibility in using and marketing their property.

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

## B. Change of Neighborhood

This area of Jefferson County has changed a bit since the Zoning Ordinance was adopted in 1988 and the Comprehensive Plan in 2015. While Public Utilities have not been extended, the widening of Route 340 has finally been approved to move forward. Accordingly, the Envision Jefferson Plan suggests that this area be reevaluated, especially since this property has access to one of the new interchanges.

The following are changes in the neighborhood that would specifically support the requested change from Industrial and Commercial to the Mixed-Use District:

### 1. Availability of Public Utilities and Services:

Public Water and Public Sewer have not become available in this neighborhood. The lack of availability of utilities is a change for what was envisioned in this neighborhood in the 35 years since 1988. As such, the commercial and smaller, large lot residential would still be supported in the area, but the Heavy Industrial aspect of the current zone would not be:

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

Again, this would allow commercial/retail/residential, but not heavy industrial uses.

### 2. Lack of Industrial Growth in the Corridor and the PGA:

Since the adoption of the original Zoning Ordinance in 1988, this area has not developed as Industrial as envisioned in the original ordinance. Again, the original Zoning Ordinance and subsequent

(including current) Plans relied on the belief that the Railroad, along with the expansion of the highway and utilities, would support Industrial Growth in this area. That hasn't happened. The significant growth has occurred in the other Preferred Growth Areas and Urban Growth Boundary. The new plan should add PGAs in other areas of the County that are growing.

However, other uses and other zones are supported in this Preferred Growth Area such as limited residential and commercial uses. This is especially true now that the highway expansion is happening. The Plan shows this area as a PGA and is permitted to develop, just not industrially which this rezoning will address.

C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics north of this area since the time of the adoption of the Zoning Ordinance. Route 340 was expanded to 4 lanes north of Rippon over 25 years ago. The County has been waiting for the expansion of Route 340 to be completed to the Virginia line, and that is about to happen.

These changes and improvements to the transportation system near this site has not taken place since 1988 when the Zoning Ordinance was adopted. However, since the Comprehensive Plan was adopted in 2015, the potential of this road improvement has been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. Accordingly, the Comprehensive Plan already acknowledges the highway elements are key to this area developing as a major growth area. In the meantime (the past 35 years), the owners' hands have been tied with respect to doing even a minor subdivision of a Parent to Child transfer of land. These delays in upgrading the road does have an effect on the ability to develop in this PGA. This occurrence supports the rezoning of the property to continue to support commercial, while allowing residential and disallowing the heavy industrial uses.

D. *Error or Change of Conditions From the Original Zoning and Subsequent Plans*

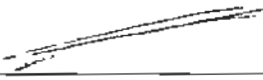
One justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. But other justifications generally include a change of neighborhood, or a change in conditions since the Zoning Ordinance was adopted. This Application has discussed some of the reasons that this property should not have been zoned for Heavy Industry when the original ordinance was adopted and definitely not after the Envision Jefferson 2035 Plan was adopted.

In this case, the error in the original zoning ordinance is that all of the area south of Rippon could not feasibly develop into commercial and industrial uses simply because it was located between a railway and Route 340. That would be impractical without additional services and infrastructure. Furthermore, County Government and the County public's thoughts on the types of permitted Industry has changed since 1988. This doesn't appear to be the preferred location for heavy industry in Jefferson County anymore. Accordingly, the property should be allowed to develop into commercial and residential uses to take advantage of the PGA designation.

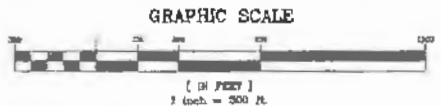
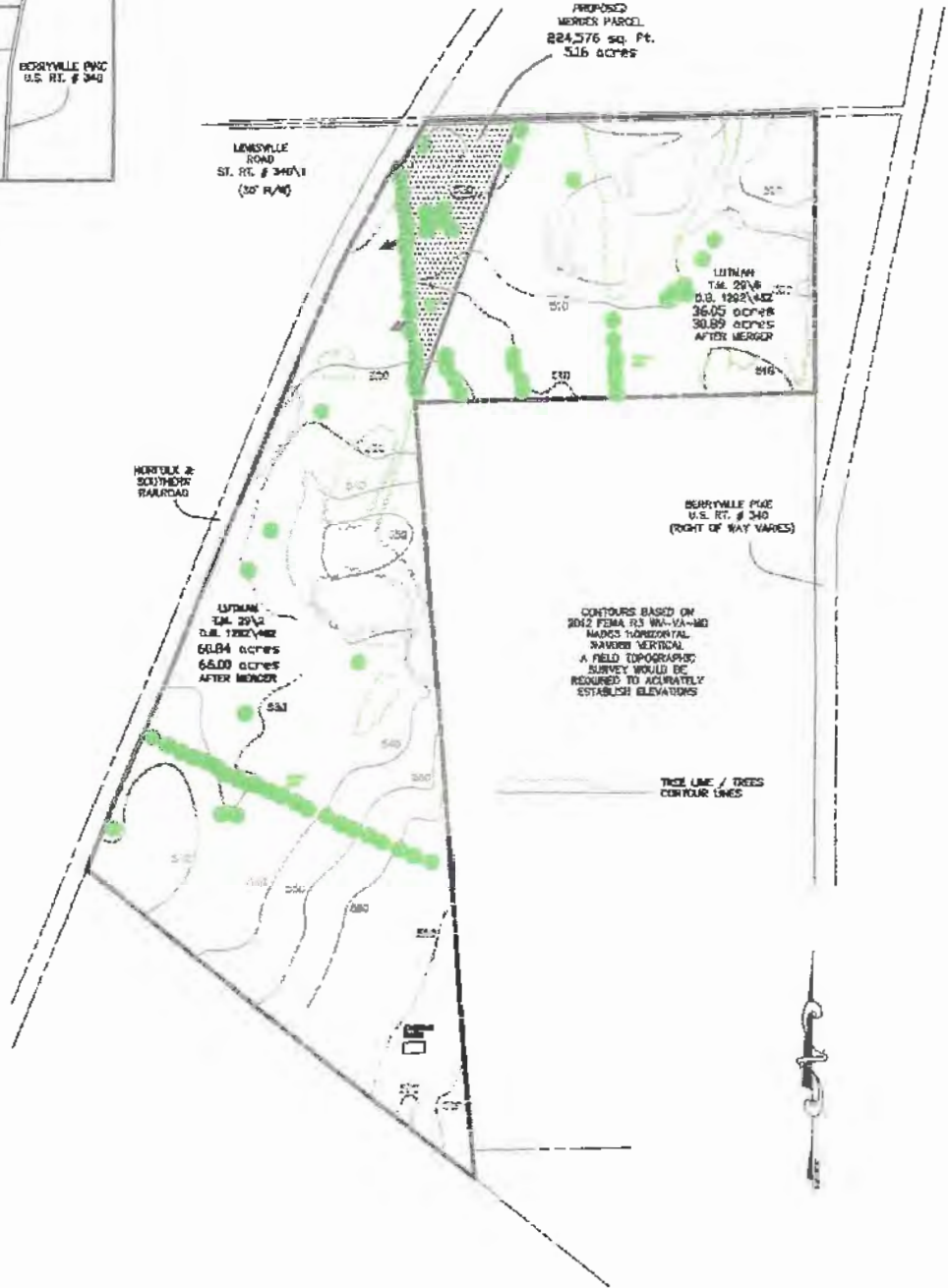
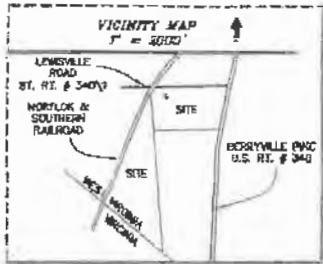
Finally, the change of conditions from the original Zoning Ordinance and the Comprehensive Plans that followed after 1988 is simply that all of these Plans anticipated infrastructure construction and the continued desire to have industry in this area which has changed. It is time to let the property owners have a say in what the zoning and use of their property should be. In this case, the Applicant is simply requesting a reversion to commercial with the ability to do some limited number of large lots or family transfers.

E. Conclusion:

The Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan and the original Zoning Ordinance in that the required elements envisioned to make this a Preferred Growth Area has not materialized for industrial growth; the changes in the neighborhood from when the original zoning ordinance was adopted including the recent rezoning of the Sunnyside Industrial Park from Industrial/Commercial to Residential/Light Industrial/Commercial District on Wheatland Road; the fact that the area is located in a Preferred Growth Area in the new Plan; the news that the Highway widening is on a direct path for construction; and, the Planning Commission and Staff have indicated in their reports and action that this area's change to the Mixed-Use zone is consistent with the Comprehensive Plan. This map amendment will change the zoning classification on the Applicant's property from the Industrial/Commercial District to the Residential/Light Industrial/Commercial District.

  
\_\_\_\_\_  
David Lutman, Lutman Land Development LLC

3-29-2023  
Date



**LUTZMAN MERGING SURVEY PLAN**  
**TAX MAP 29 PARCELS 2 & 3**  
**JEFFERSON COUNTY, WEST VIRGINIA**  
T.M. 29 PARCELS 2 & 3 DEED BOOK 1282 PAGE 482  
KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA

PROPERTY STANDING IN THE NAME OF LUTZMAN LAND DEVELOPMENT LLC, AS RECORDED  
IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1282 PAGE 482.

SURVEYOR: PETER N. LORZEN - P.O. BOX 807 316, SUMMIT POINT, WY. 25410.  
(304) 728-5093

OWNER: LUTZMAN LAND DEVELOPMENT LLC, DEVELOPER: 67 LUTZMAN LANE, KEARNEYVILLE, WY. 25430  
(304) 702-2500

DWD & GANSLER DATE 12-12-22



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



Name: ILA Properties, Inc, Applicant for Rehman, et. al. Property

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

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

**Subject (Wording to be placed on agenda): Landowner Petition for Map Amendment for Rehman, et. al., Middleway District, Map 2, Parcel 2.2 containing 12.80 +- Acres. Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**Request for a Map Amendment for Rehman, et. al. per Article 12, Section 12.3.A. of Jefferson County Zoning and Land Development Ordinance from Rural to Residential Growth/Light Industrial/Commercial. Supporting and Background Attached.**

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: \$0.00

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

**Motion: Move to Accept Landowner Petition and Request for Map Amendment for Rehman, et. al., Parcel 2.2 on Map 2 in the Middleway Tax District and schedule a Public Hearing at the County Commission Meeting on May 4, 2023 and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan.**

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

If not attached, explain: Attached

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

Contact information: Paul J Raco

Email address: [Pjraco.consulting@gmail.com](mailto:Pjraco.consulting@gmail.com)

Phone Number: 304/676-8256

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





Jefferson County, West Virginia  
 Department of Engineering, Planning and Zoning  
 Office of Planning and Zoning  
 116 E. Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716  
 Charles Town, West Virginia 25414

File #: \_\_\_\_\_  
 Date Rec'd: \_\_\_\_\_  
 Fees Paid: \_\_\_\_\_  
 Staff Int: \_\_\_\_\_

Email: [planning@jeffersoncountywv.org](mailto:planning@jeffersoncountywv.org)  
[zonrules@jeffersoncountywv.org](mailto:zonrules@jeffersoncountywv.org)

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

### Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-3 et seq of the WV State Code.

#### Property Owner Information

Owner Name: Saif and Shahzad Rehman  
 Business Name: \_\_\_\_\_  
 Mailing Address: 874 Robinwood Hills Drive, Akron, OH 44333  
 Phone Number: c/o Paul 304/676-8256 Email: [c/o.piraco.consulting@gmail.com](mailto:c/o.piraco.consulting@gmail.com)

#### Applicant Contact Information

Applicant Name: Joshbean Grewal Same as owner:   
 Business Name: IIA, LLC POCO-THE-IND  
 Mailing Address: 4515 Charles Town Road, Kearneyville, WV 25430  
 Phone Number: 304/676-8255 Email: [pjraco.consulting@gmail.com](mailto:pjraco.consulting@gmail.com)

#### Consultant Information

Name: Paul J Raco  
 Business Name: P.J. Raco Consulting, LLC  
 Mailing Address: P.O. Box 648, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: [pjraco.consulting@gmail.com](mailto:pjraco.consulting@gmail.com)

#### Physical Property Details

Physical Address: Charles Town Road, Route 115 West Side just South of Berkeley Line Vacant Lot:   
 Tax District: Middlaway Map No: 2 Parcel No: 2.2  
 Parcel Size: 12.80 +/- Acres Deed Book: 1059 Page No: 646

#### Current Zoning District

Rural District

#### Proposed Zoning District

Residential/Light Industrial/Commercial District

Substantiation for the Request

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

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

Property is located in a Preferred Growth Area in the Jefferson County Envision Jefferson Comprehensive Plan.

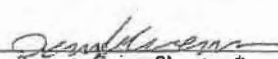
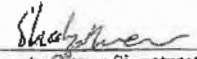
Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

See Attached

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

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge.

	3/29/2023		3/29/2023
Property Owner Signature*	Date	Property Owner Signature*	Date

\*The original signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Map Amendment (Rezoning) Application  
Article 12, Jefferson County Zoning Ordinance  
Rehman Property  
ILA, LLC  
March 30, 2023

**Owners:**

Saif and Shahzad Rehman  
874 Robinwood Hills Drive  
Akron, OH 44333

**Applicants:**

ILA Properties, Inc  
4115 Charles Town Road  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance. Section 12.3

**Map Amendment Definition:**

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

**Request:**

Amend the Zoning Map for this 12.80 Acre Parcel to Residential/Light Industrial/Commercial, due to its Consistency with the Envision Jefferson 2035 Comprehensive Plan.

**Substantiation for the Request:**

1. The property is currently zoned Rural, and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial District. The Applicant believes that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. This area for development was also considered compatible with the

2004 Jefferson County Comprehensive Plan as evidenced by the County Commission's rezoning of three properties across Route 115 (Hunter Family and Perkins/Lindburg Families) in 2014 for commercial and residential uses and the Murall Limited Partnership property just several properties north of this site;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The changes include the availability of Public Water and Sewer, the aforementioned rezonings north of this property and across the street in which all were approved by the County Commission, and the additional growth in the area. These changes are addressed in the application;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This Map, Growth Area and Plan was approved in 2015 and so far, has developed as envisioned in the Plan. The reasons for rezoning that are cited in this Petition are the same reasons that led to this area to be in the Preferred Growth Area in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the current Jefferson County Zoning Map since the property has been a Preferred Growth Area since 2015. As such, this area is located in one of the 6 primary growth areas of Jefferson County and is intended for Urban Scale Growth instead of Rural. The property is also located on a Principal Arterial Road (Route 115) in the County. A Principal Arterial Road is the highest rated road in the County and only three roads are identified as Principal Arterial Roads: Route 340, Route 9, and this road, Route 115.

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

Middleway Tax District, Map 2, Parcel 2.2

**Deed Book Reference:**

Deed Book 1059 at Page 645

**Sketch Plat:**

Attached

**Tract Size:**

12.80 +/- Acres

**Discussion on:**

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

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

**A. Comprehensive Plan Compatibility**

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

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

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous Plans is that this Plan clearly identifies areas slated for urban growth and under what conditions that this growth should develop. In this area, the Plan targets this area for development due to the availability of Water and Sewer from Berkeley County along with the area's easy access to two interchanges for the four lane Route 9. This modal of transportation leads directly to Route 81. The property area also has direct access to a Principal Arterial Road, one of only three in Jefferson County. Finally, the area is within the Growth Area due to the immediate location of an Office Park (mostly government facilities) in the Liberty Business Park and it is within minutes of the Regional Veteran's Administration Hospital. This map amendment will allow the property to pursue commercial, office and multifamily opportunities. This property along with the other properties adjacent to this property that have already been rezoned should be able to provide support services and housing for the business and industries in the area including the Rockwool Development. The idea is to provide housing near the office and industrial centers so that the labor force does not have to travel long distances through the County to get to work.

The Comprehensive Plan's map show that this property is ready for future development, especially commercial, office, and multifamily development due to its location. This type of use is what the Commission intended when it was designated a Preferred Growth Area.

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

**"Land Use Activity Areas**

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

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

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

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

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

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

In this case, the subject property is in a Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated area, along with the fact that the property is close to a major Electrical Substation, a Business Park, and a Federal Hospital and Outpatient Treatment Facility.

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

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

It is clear that this section specifically recognizes the subject property as one of the primary properties that is slated for Urban Level Growth. It is ideal for a small professional office, commercial center, or multifamily (apartment) building that will serve the immediate office, institutional and business area. This type of project will provide for apartments and/or commercial uses, while keeping traffic to a minimum.

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

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

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

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

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

And on Page 70: Recommendations:

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

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

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Route 9 PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency with, and Compatibility to the existing Comprehensive Plan and the

Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

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

“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

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

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would allow the Applicants the flexibility of building commercial, office, and/or residential. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial growth in this County, as opposed to Berkeley County. As a matter of fact, this applicant is the developer who extended water and sewer in the area as desired by the Comprehensive Plan. Since commercial and residential uses are being developed in the area, Jefferson County should continue to take advantage of it. This is especially true since the traffic generated will most likely disperse along the Primary Transportation routes including the four lane highway to other employment centers such as Martinsburg, Hagerstown and Winchester.

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

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

by the inclusion of this area Route 9 Preferred Growth Area in the Envision 2035 Plan.

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

2004 Comprehensive Plan Recommendations:

**Recommendation 3.01 on Page 24:**

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

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

**Recommendation 3.18 on Page 64:**

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

Again, this area is promoted in the Plan to develop into residential subdivisions, apartments, offices and a small commercial center that is conveniently located to a federal government office park and the VA Center. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the mixed-use development that was recently processed across Route 115.

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

also has access to good infrastructure, including water, sewer, natural gas, and roads.

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

#### B. Change of Neighborhood

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

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains Coast Guard and IRS facilities. This park is minutes from this property. The adjacent Coast Guard Road serving this property and the Liberty Business Park is now a State Road.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area. The Berkeley County Water and Sewer lines were also extended down Route 115 to this property by this applicant to serve other compatible uses that are endorsed by the Comprehensive Plan Preferred Growth Area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision (Final Section still under construction) and Chapel View Subdivision and the applicant has two more affordable projects under development in the immediate area.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191-acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural, and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The large Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.

7. A Food Lion (within eyesight just across Coast Guard Drive) was built adjacent to this property just on the Berkeley side of the line. The grocery store was sold since it opened.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility in the neighborhood. This facility was a project that was approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center.
10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has two major interchanges that services this Preferred Growth Area. Old Route 9 (Route 115) still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal the plan supported development.
11. 2014, the County Commission unanimously approved two separate requested mixed-use rezonings for the three properties across the street owned by the Hunters and the Perkins Trust.
12. A 132 Unit Townhouse Residential Project with Mini-Storages was recently approved by the Planning Commission for the property in the vicinity of the subject property.

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

1. Availability of Public Utilities and Services:

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

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

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

“Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, **PGAs**, or Villages **where water and sewer services are available.**” (Emphasis added)

In this case, there is a need for commercial development and multifamily to offset the office and institutional development in this area and that are recommended in the UGBs and the PGAs. This property is ideal to provide those needed commercial and affordable housing for the existing office and hospitals/inpatient facilities.

## 2. Growth in the Corridor:

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

### C. Change of Transportation Characteristics:

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

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown

interchanges onto new Route 9. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for further development and is just as proposed by the Comprehensive Plan.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this Route 9 Preferred Growth Areas in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so, the County endorsed the creation of this area as an Urban Growth Center in an acknowledged Preferred Growth Area. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

D. *Error in the Original Zoning Map*

The only justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted. These aren't errors in the traditional sense, just reasons that the area should be rezoned based on the circumstances that existed in 1988 when Zoning was adopted and after both the 2004 and 2015 Comprehensive Plans were adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005, the Hunter and Perkins' properties were rezoned in 2014 and the Murrill Property was rezoned in 2019 all in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a Principal Arterial Road as defined by the Comprehensive Plan. There are only three roads defined as Principal Arterial Roads in Jefferson County (Route 340, Route 9, and Route 115);

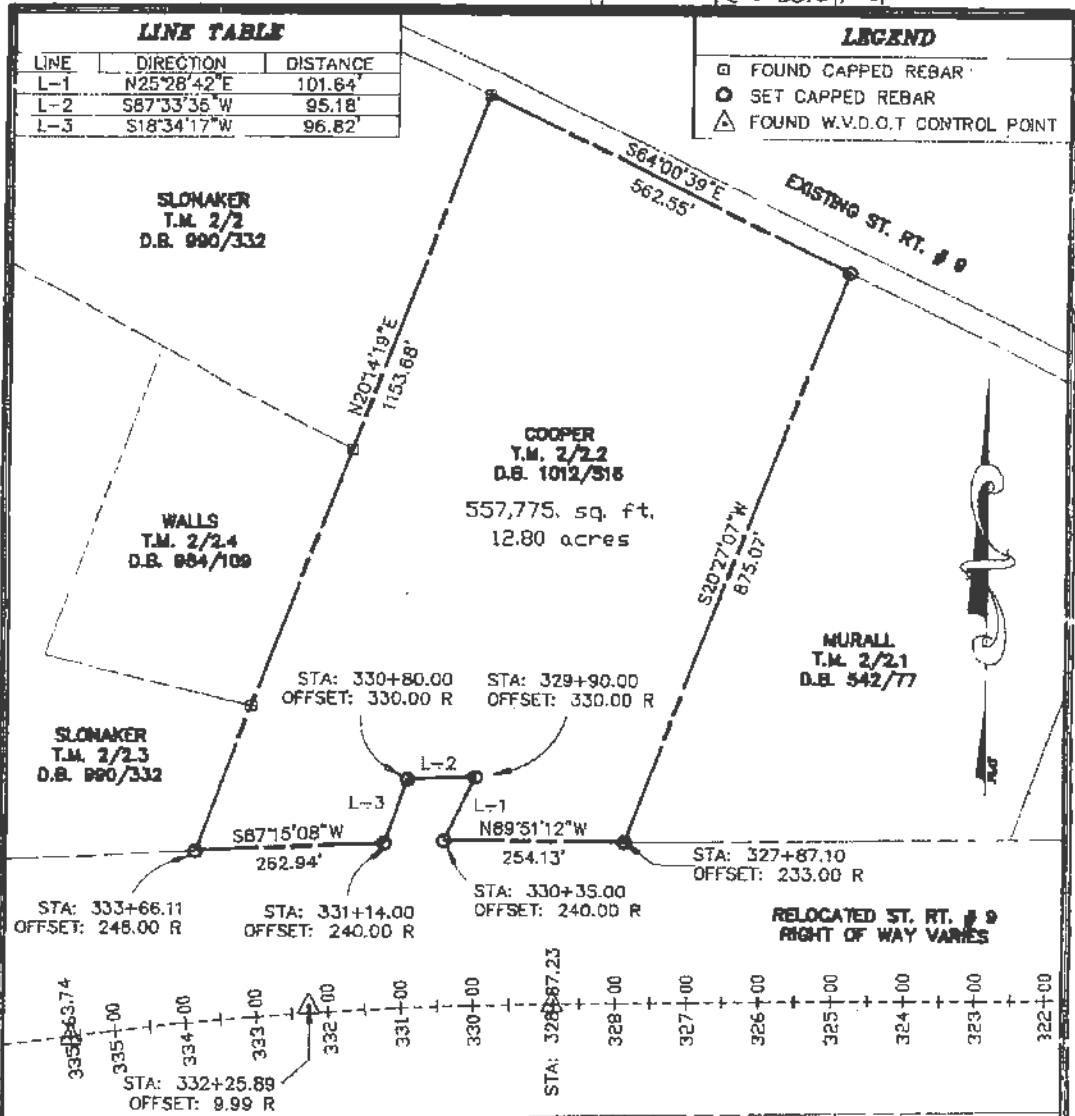
2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville); and,
4. The long anticipated major connection was made with Route 81 when the Route 9 Four Lane was completed.

Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the grocery store, the VA Center, the Hospice of the Panhandle; the multiple rezonings; and, the new Route 9, it makes this property and ideal candidate for the requested map amendment. These arguments were only bolstered by the 2015 Comprehensive Plan's designation as a PGA.





REYMAN REZDING



### PLAT OF RESURVEY

PLAT SHOWING RESURVEY OF TAX MAP PARCEL 2/2.2,  
 STANDING IN THE NAME OF OTTOWAY & MONTCELLO COOPER, AS RECORDED IN THE  
 OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1012/516  
 LOCATED IN MIDDLEWAY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # 4588

DATE--10/26/05

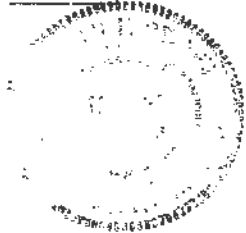
#### GRAPHIC SCALE



( IN FEET )  
 1 inch = 200 ft

SURVEYED BY:

PETER H. LORENZEN P.S.  
 SUMMIT POINT, W.V. 728-6093



REYMAN Reformed



# Jefferson County WV Public Research Map

Jefferson County GIS/Addressing Office

Layers

- Addressing ✓
- Boundaries
- Parcels - Not Survey Accurate ✓
- Water Features ✓
- Historic ✓
- Recreation
- Geology ✓
- JC Planning & Zoning

- Find
- Identify Filter
- Identify Results

1 features currently selected

**Parcel: 07000200020002**

TD: 07 / Map: 2 / Pcl: 0002.0002  
 Deeded Owner: REHMAN SAIF & SHAHZAD  
 Owner Address: 874 ROBINWOOD HILLS DR  
 City: AKRON  
 State: OH  
 Zip: 44333  
 Dead Book/Page: 1059/646  
 Description: 12.80 AC S & W ENTERPRISES  
 Lot Size: 12.8  
 Tax Year: 2023  
 Map Card: [Map Card](#)  
 County Tax Information: [County Tax Info](#)



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



Name: **Laura Kuhn**

Department or Organization: **Fleet & Facilities Management**

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

Date Requested – 1<sup>st</sup> Choice: **4/6/2023**

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

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

Subject (*Wording to be placed on agenda*): **Request for Approval of Employment - Custodian**

Please provide the County Commission with a description of your request or presentation, including any background information: **I have a custodial vacancy in my department. After reviewing applications and interviewing, I am recommending the employment of Conner Walzl for the position. This is a grade 2, 40-hour position with a salary of \$33,000.**

Is this a funding request? Y/N **No. Budget Neutral**

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*):

**Move to approve the employment of Conner Walzl as a Custodian with the Department of Fleet and Facilities Management at a Grade 2, 40-hour position with a starting salary of \$33,000.**

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: [LKuhn@jeffersoncountywv.org](mailto:LKuhn@jeffersoncountywv.org)

Phone Number: 304-728-3355

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

not applicable



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



Name: **Laura Kuhn**  
Department or Organization: **Fleet & Facilities Management**

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

Date Requested – 1<sup>st</sup> Choice: **4/6/2023**  
*If a specific date is needed, please provide reason for specific date:*

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

Subject (*Wording to be placed on agenda*): **Request for Funding for Service Invoices for the 911 Generator**

Please provide the County Commission with a description of your request or presentation, including any background information: **In November of 2022, the generator at 911 failed to start during its weekly exercise. The technician was called and it was established that there was a problem with the excitation windings and the part would be ordered. The parts were on back order for two months. I had to bring in a backup rental unit to cover the 911 center until repairs were made to the generator. The generator rental was \$20,000. This has negatively affected my maintenance and repair budget line. I do not have the funds to cover the repair and rental disconnect. I am requesting funding from the county commission in order to cover the repairs to the 911 generator for \$14,172.04.**

Is this a funding request? **Y/N Yes**  
If so, how much? **\$ 14,172.04**

Provide exact financial impact/request: **Funds will need to come from another line to cover the invoices.**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
**Move to approve funding in the amount of \$14,172.04 to cover the two invoices from Fidelity Power Systems in the amount of \$14,172.04 to repair the generator at the 911 Communications Center.**

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: [LKuhn@jeffersoncountywv.org](mailto:LKuhn@jeffersoncountywv.org)      Phone Number: 304-728-3355

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

not applicable





# INVOICE

INVOICE NUMBER      FPS0084023  
 INVOICE DATE        1/24/2023  
 PO NUMBER          LAURA KUHN  
**TOTAL DUE            \$12,154.54**

**BILL TO**

JEFFERSON CO. COMMISSION  
 911 CENTER  
 P.O. BOX 250  
 CHARLESTOWN, WV 25414

**LOCATION**

JEFFERSON CO. 911  
 28 INDUSTRIAL BLVD  
 KEARNEYSVILLE, WV 25430

**Description**            SERVICE CALL LAURA KUHN 304 728 3355 DID NOT EXERCISE. OVERVOLTAGE.  
**Service Call**    221111-0064    CHECK GENERATOR

Salesperson	Customer Number	Order Date	Payment Terms	Shipping Method
	03151	11/16/2022	NET 30	DELIVERY

Subtotal	\$12,154.54
Tax	\$0.00
Amount Paid	\$0.00
<b>Total</b>	<b>\$12,154.54</b>

**Service Performed**

[11/18/2022 9:48:57 AM SMITH, BENJAMIN - 0001] 11-2. Drove to site. Met customer and gained access to Gen. Opened breaker and tried to run unit. Gen started and shut down in a few seconds in overvoltage. Troubleshoot bad voltage regulator and capacitor. Customer approved parts order.[11/28/2022 10:13:21 AM SMITH, BENJAMIN - 0002] Drove to site. Found voltage regulator to be incorrect. After talking to another senior tech, I also ran a few more test. Found excitor stator shorted to ground. Customer requested rental.[1/20/2023 8:34:49 PM FLETCHER, ADRIEL - 0004] DROVE TO SITE. ASSISTED TECH WITH REPLACEMENT OF EXCITER STATER. MADE NECESSARY CONNECTIONS. TESTED UNIT. UNIT HAD 480AC[1/23/2023 7:08:12 AM SMITH, BENJAMIN - 0003] Drove to site. Replaced excitor stator and voltage regulator. Ran unit without load. Verified voltage and frequency. Performed transfer test. All readings OK. Left unit in auto and breaker closed.

PLEASE REMIT TO: Fidelity Power Systems 25 Loveton Circle Sparks, MD. 21152 Phone: 410-771-9400  
 CREDIT TERMS: Net 30 1.5% interest Charges per month will be added to past due accounts. APR 18%  
 Acceptable Methods of Payments: Check, ACH, VISA, MASTERCARD, AMERICAN EXPRESS  
 Credit Card payments subject to a convenience fee equal to 3% of the total purchase price. Thank you for your business.



# INVOICE

INVOICE NUMBER      FPS0085804  
 INVOICE DATE        3/10/2023  
 PO NUMBER            L KUHN  
**TOTAL DUE            \$2,017.50**

**BILL TO**

JEFFERSON CO. COMMISSION  
 911 CENTER  
 P.O. BOX 250  
 CHARLESTOWN, WV 25414

**LOCATION**

JEFFERSON CO. 911  
 28 INDUSTRIAL BLVD  
 KEARNEYSVILLE, WV 25430

**Description**            SERVICE CALL: TICKET FOR RENTAL DISCONNECT  
**Service Call**    230120-0066    TICKET FOR RENTAL DISCONNECT

Salesperson	Customer Number	Order Date	Payment Terms	Shipping Method
	03151	3/10/2023	NET 30	DELIVERY

Subtotal	\$2,017.50
Tax	\$0.00
Amount Paid	\$0.00
<b>Total</b>	<b>\$2,017.50</b>

**Service Performed**

[1/20/2023 8:34:50 PM FLETCHER, ADRIEL - 0001] Disconnected rental [1/21/2023 10:17:38 PM MARKS, ROBERT - 0002] ASSISTED TECHS WITH RENTAL DISCONNECT [1/23/2023 7:08:12 AM SMITH, BENJAMIN - 0003] Disconnected rental

PLEASE REMIT TO: Fidelity Power Systems 25 Loveton Circle Sparks, MD. 21152 Phone: 410-771-9400  
 CREDIT TERMS: Net 30 1.5% Interest Charges per month will be added to past due accounts. APR 18%  
 Acceptable Methods of Payments: Check, ACH, VISA, MASTERCARD, AMERICAN EXPRESS  
 Credit Card payments subject to a convenience fee equal to 3% of the total purchase price. Thank you for your business.

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



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

**Department or Organization:** Department of Engineering, Planning & Zoning

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

**Date Requested – 1<sup>st</sup> Choice:** April 6, 2023

**Date Requested – 2<sup>nd</sup> Choice:** April 20, 2023

**Subject (Wording to be placed on agenda):** Request Approval of Employment Offer to Fill both Positions of Planning Intern in the Department of Engineering, Planning & Zoning.

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

The Director of Engineering, Planning & Zoning is requesting approval of employment offer to fill both positions of Planning Intern in the Department of Engineering, Planning & Zoning. The temporary positions will not begin before May 1, 2023. The positions are critical to the 2045 Comprehensive Plan update.

The positions were advertised, resumes received and reviewed, interviews conducted, and two qualified people selected for the positions.

The funding was provided in a budget adjustment to the Extra Help budget line item for the FY 2023 Engineering, Planning & Zoning Department budget. The proposed action will also be funded by the FY 2024 Engineering, Planning, & Zoning Department Extra Help budget line item. The current budgeted hourly rate is \$15/hour. The proposed action is budget neutral. No additional funding is needed

Is this a funding request? **No, funding is already provided in the FY 2023 Engineering, Planning, and Zoning budget; and the proposed FY 2024 budget.**

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):

**Motion to approve the offer of employment at the hourly rate of \$15.00, for Joe Guttman to fill the position of Planning Intern in the Department of Engineering, Planning & Zoning.**

**Motion to approve the offer of employment at the hourly rate of \$15.00, for Shenandoah Ragle to fill the position of Planning Intern in the Department of Engineering, Planning & Zoning.**

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

If not attached, explain: **N/A**

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



## Jefferson County, West Virginia Job Description

<b>Position Title:</b>	Planning Intern	<b>Grade Level:</b>	N/A
<b>Department</b>	Engineering, Planning, and Zoning	<b>Date:</b>	Jan 19, 2023
<b>Reports to:</b>	Deputy Director of Engineering, Planning, and Zoning	<b>FLSA Status</b>	N/A

**Statement of Duties:** The Planning Intern's primary task is to assist staff in completing the Comprehensive Plan Update. The intern will report directly to the County Planner for direction. This will principally be a research and writing role where the intern concentrates on data collection and analysis. Research can range from accessing databases, utilizing GIS functions, and finding articles on best practices in planning. Some field work may be required, as well as speaking with stakeholders and other governmental organizations. Additionally this role will include working with small groups to combine, condense, and present this information for public consumption. Public outreach will be part of this internship and will include recording and potentially answering public comments. This internship will require occasional evening meetings.

**Work Environment:** Work is performed in an office environment with some field work required.

**Essential Functions:**

*The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

1. Primary function is providing support to staff in completing the Comprehensive Plan update.
2. Perform research as directed on county level data from multiple sources; create reports and documents of findings as appropriate.
3. Provide sophisticated analysis of collected data and its application in the planning process.
4. Collect created research, analysis, communications, meeting notes, public comments, and additional material as appropriate in proper record keeping practices.
5. Assist staff in presenting oral and written data, analysis, and recommendations at meetings, conferences, workshops, and public sessions with county governing bodies, other government organizations, and the public as directed.
6. Participate in public outreach opportunities with staff. This could include presentations, technical assistance, recording comments, facilitating small group work sessions and other related tasks.
7. Create, maintain, and manage public content for online applications such as department website, public surveys, and internet maps.
8. Collaborate closely with GIS office in creating, utilizing, and maintaining maps used in the planning process.

**Recommended Minimum Qualifications:**

**Education and Experience:** Internship ideally suited for individual pursuing degree in Public Administration, GIS, Planning and Zoning, Geography, Environmental Science, or Political Science.

**Knowledge, Abilities and Skills**

**Knowledge and Skills:** Knowledge of Microsoft Office programs including Word, Excel, PowerPoint, and Outlook. Strong organizational and record keeping skills, as well as time management skills are required. Effective research, written and verbal communication skills are critical.

**Special Requirements:** Employee will be required to work beyond normal business hours to attend occasional regularly scheduled evening meetings and additional meetings as needed and requested by the Chief County Planner, County Planner, or Deputy Director.

**Physical and Mental Requirements**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

**Physical Skills:** Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. There may also be some occasional lifting of objects such as ledger books, photocopy and computer paper.

**Motor Skills:** Position requires minimal motor skills for activities such as: operating a personal computer and/or most other office equipment, typing and/or word processing, filing, moving objects, sorting of papers or operating a motor vehicle.

**Visual Skills:** Position requires routine reading of documents, and reports for understanding; employee is required to distinguish colors.

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



Name: **Jeffrey Polczynski, Director of Communications**

Department or Organization: **Emergency Communications Center – Dept 712**

Estimation of amount of time needed for appointment: **10 Minutes**

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

*If a specific date is needed, please provide reason for specific date: **Timing in regards to coordinating onboarding of employees. I will also not be available for the April 20, 2023 meeting due to the Navigator Priority Dispatch Conference attendance.***

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

Subject (*Wording to be placed on agenda*): **Appointment Request – Full-Time Public Safety Dispatchers (Trainee)**

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

**The purpose of this agenda item is to request permission to appoint six individuals to fill vacancies in the staffing at the Emergency Communications Center.**

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*):

1. ***“Motion to approve the appointment of Amanda Carroll as a Public Safety Dispatcher (Trainee) at the hourly rate of \$22.2822 (\$46,347/yearly), training incentive signing bonus of \$2,000 and the post-training salary increase upon completion of training.”***
2. ***“Motion to approve the appointment of Matthew Buchwitz as a Public Safety Dispatcher (Trainee) at the hourly rate of \$22.9507 (\$47,737.41/yearly), training incentive signing bonus of \$2,000 and the post-training salary increase upon completion of training.”***
3. ***“Motion to approve the appointment of Steffanie Michael as a Public Safety Dispatcher (Trainee) at the hourly rate of \$22.2822 (\$46,347/yearly), training incentive signing bonus of \$2,000 and the post-training salary increase upon completion of training.”***
4. ***“Motion to approve the appointment of Robert Smith as a Public Safety Dispatcher (Trainee) at the hourly rate of \$22.2822 (\$46,347/yearly), training incentive signing bonus of \$2,000 and the post-training salary increase upon completion of training.”***
5. ***“Motion to approve the appointment of Jade Warner as a Public Safety Dispatcher (Trainee) at the hourly rate of \$22.2822 (\$46,347/yearly), training incentive signing bonus of \$2,000 and the post-training salary increase upon completion of training.”***
6. ***“Motion to approve the appointment of Anthony Cole as a Public Safety Dispatcher (Trainee) at the hourly rate of \$22.2822 (\$46,347/yearly), training incentive signing bonus of \$2,000 and the post-training salary increase upon completion of training.”***

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   **NO**

Contact information: **Jeffrey Polczynski**

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

Phone Number: 304-728-3317

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

**149AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Elizabeth Wheeler, Director

Department or Organization: **Jefferson County Farmland Protection Board**

Estimation of amount of time needed for appointment: 5- 10 minutes

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

*If a specific date is needed, please provide reason for specific date: **March 16, if possible.***

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

Subject (*Wording to be placed on agenda*): **Approval of purchase of one Agricultural Conservation Easement**

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

**The attached Deed of Easement for (2020-05) has been approved by the Jefferson County Farmland Protection Board (Board) and reviewed and approved by the Planning and Zoning Office and the Office of the Prosecuting Attorney. The easement is ready to close. Funding is provided for the easement through the Jefferson County Farmland Protection Program. The 2020-05 easement is for 178.3 acres with a cost to the Board of \$612,790. The landowner is donating \$375,210 of easement value.**

Is this a funding request? Y/N **NO**

If so, how much? \$ 0

Provide exact financial impact/request:

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

**That the Jefferson County Commission approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program one conservation easement on the property in Jefferson County owned by Kime Farm Owner, LLC. (Property 2020-05).**

Attach supporting documents for request, or request may be denied. Map of easement location, Deed of Conservation Easement

If not attached, explain:

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

Contact information:

Email address: [farmlandprotection@jcda.net](mailto:farmlandprotection@jcda.net)

Phone Number: 304-724-1414

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





## DEED OF CONSERVATION EASEMENT

convey to Grantee the right to preserve and protect the Conservation Values of the Property in perpetuity;

WHEREAS, the Property is visible from Brucetown Road (~~County WV~~ Route 1/8), as shown by photographs of those scenic views included in the Baseline Documentation Report;

WHEREAS, among other features the Property includes two distinct regions – one of older, large trees ~~that which~~ are mainly Oak (*Quercus sp.*), Hickory (*Carya sp.*), Sycamore (*Platanus occidentalis*), Walnut (*Juglans nigra*), Cherry [Choke and Black] (*Prunus sp.*), Hackberry (*Celtis occidentalis*), and American Persimmon (*Diospyros virginiana*), and a second area that consists mainly of primary successional growth, consisting almost exclusively of Eastern Red Cedar (*Juniperus virginiana*), Black Locust (*Robinia pseudoacacia*), and Virginia Pine (*Pinus virginicus*);

WHEREAS, the Legislature of the State of West Virginia ("Legislature") has recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the ~~S~~state of West Virginia, including statutory support for these important goals in WV Code §8A-12 (Land Use Planning - Voluntary Farmland Protection Programs), and WV Code §20-12 (Natural Resources-Conservation and Preservation Easements);

WHEREAS, the Legislature has declared that agriculture is a unique life-support industry and recognizes the need to support the irreversible loss of agricultural land ~~and .The legislature~~ has authorized the ~~S~~state of West Virginia and its counties so desiring to protect agricultural land and woodland as open-space land, to develop programs and to accept qualifying properties voluntarily entered into the program;

WHEREAS, the Property is nearly entirely in agricultural production, with most fields in hay;

WHEREAS, the hayfields appear~~ed~~ well maintained, and the Property generally does not have significant infestation of invasive plant species;

WHEREAS, the Property is located to the east of Opequon Creek and is generally level to gently rolling ~~and .The Easement Property~~ is entirely within the Turkey Run-Opequon Creek watershed and possesses frontage on major stream, areas in 100-year flood plain, 10+ acres mature forest, wetlands and sinkholes;

WHEREAS, the importance of the Property to ~~the State of~~ West Virginia and Jefferson County is being confirmed by JCFPB's payment of \$612,790 toward the acquisition of this Conservation Easement by JCFPB;

WHEREAS, the County Commission of Jefferson County, West Virginia ("County Commission") has declared that the agriculture community of Jefferson County provides sources of agricultural products for the citizens of the state; enhances tourism, protects worthwhile community values, institutions and landscapes which are inseparably associated

## DEED OF CONSERVATION EASEMENT

with traditional farming; and controls urban expansion which is consuming land, topsoil and woodland of the county;

WHEREAS, the County Commission has resolved to provide ~~landowners in persons~~ of Jefferson County an opportunity to voluntarily protect agricultural land by creating JCFPB and authorizing it to create and administer the Jefferson County Farmland Protection Program;

WHEREAS, JCFPB is a public agency established to provide landowners with an opportunity to voluntarily protect agricultural land in Jefferson County by the voluntary placement of conservation or preservation easements on eligible property;

WHEREAS, JCFPB was established as a conservation easement holder through the State of West Virginia Voluntary Farmland Protection Act at WV Code §§8A-12-1 et seq. and is qualified to hold conservation easements under Section 170(h) of the Internal Revenue Code of 1986;

WHEREAS, the policies and procedures adopted by JCFPB state that it adheres "to the policies and procedures established in WV Code §§8A-12-1 et seq. and to Land Trust Standards and Practices established by the Land Trust Alliance";

WHEREAS, the importance of the Property to the State of West Virginia and Jefferson County is being confirmed by JCFPB's acquisition of this Conservation Easement;

WHEREAS, protection of the Property will accomplish a number of the factors determining "significant public benefit" under Treas. Reg. Section 1.170A-14(d)(4)(iv);

WHEREAS, accordingly, protection of the Property is for the scenic enjoyment of the general public and will yield a significant public benefit, and therefore this Easement meets the requirements of Section 170(h)(4)(A)(iii)(I) of the Code; and

WHEREAS, accordingly, protection of the Property is pursuant to clearly delineated federal, state, and local governmental conservation policies, and will yield a significant public benefit, and therefore this Easement meets the requirements of Section 170(h)(4)(a)(iii)(II) of the Code;

WHEREAS, Grantee affirms that this Easement represents a unique and valuable asset to the quality of life in Jefferson County and the ~~S~~state of West Virginia and that by the acceptance of this Easement that it will act in good faith to uphold this Conservation Easement and not seek to benefit from its conversion or elimination and ~~It~~ agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come.

NOW, THEREFORE, in consideration of the above and the mutual covenants, good and valuable consideration, terms, conditions and restrictions contained herein, and pursuant to the laws of the State of West Virginia, Grantor hereby voluntarily grants, bargains, and

# DEED OF CONSERVATION EASEMENT

conveys to Grantee a conservation easement (as defined in the West Virginia Conservation and Preservation Easement Act, WV Code §§ 20-12-1 through 20-12-8) in perpetuity over the Property of the nature and character and to the extent hereinafter set forth in this Easement.

To achieve these objectives, the terms, conditions, and restrictions of this Easement are hereinafter set forth.

## I. TERMS, CONDITIONS AND RESTRICTIONS

It is the purpose of this Easement to assure that the Property will be retained forever in its natural, agricultural, scenic, and open space condition and to prevent any use of the Property that will impair or interfere with the Conservation Values of the Property, including its qualifying prime, unique, statewide and locally important soils.

Grantor reserves to Grantor, and to Grantor's successors, and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement and the perpetual protection of the Conservation Values. The following terms, conditions and restrictions clarify and govern the intent of Grantor and Grantee:

1. **Use and Quiet Enjoyment.** Grantor has the right to reside on the Property and to benefit from all aspects of the quiet enjoyment of the Property. Grantor has the right to engage in any and all personal recreational uses of the Property, including, but not limited to, hiking, touring, swimming, camping, biking, hunting and fishing, that require no development of the land and are consistent with the Conservation Values.

2. **Agricultural Uses of the Land.** Grantor may engage in any and all agricultural uses of the Property. For example, the production of plants and animals useful to man, including, but not limited to, forage, grain and field crops; pasturage, dairy and dairy products; poultry and poultry products; equestrian uses; livestock and fowl uses and livestock and fowl products; bees and apiary products; fruits nuts and vegetables of all kinds; nursery, floral and greenhouse products; aquaculture; a grain mill; and the processing and storage of the agricultural products produced principally on the Property are permitted. Any secondary agricultural activity, including, but not limited to, farm mechanics, blacksmithing, or related activities, shall be considered an agricultural activity. However, such activities or businesses must be undertaken in the existing (and so identified in the Baseline Documentation Report) and permitted agricultural or residential structures and must be consistent with the Conservation Values and the maintenance of the high quality of the agricultural soils and the Conservation Values of the Property.

3. **Agricultural Structures.** Grantor has the right to maintain, place, and, with notice to Grantee, construct agricultural structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the Property ("Agricultural Structures"). Agricultural Structures shall be limited by the maximum square footage as described in Paragraph I.10 (Maximum Impervious Surface Coverage) and

## DEED OF CONSERVATION EASEMENT

shall be constructed in specific locations where such structures do not have an adverse impact on the Conservation Values.

4. **Retail Sale of Farm Products.** Businesses directly related to the retail sale of farm products produced primarily on the Property that are supportive and agriculturally compatible may be established on the Property. Such businesses include roadside stands or structures to facilitate the direct sale to the public of agriculture products.

5. **Activities for Religious, Charitable or Educational Purposes or to Foster Tourism.** Prior to the commencement of such activities, and with notice to Grantee, activities or businesses undertaken for charitable or educational purposes or to foster tourism may be conducted on the Property in order to foster rural economic uses while protecting the rural character of the Property. Such activities or businesses must be compatible with and supportive of the rural character of the Property and must remain incidental to the agricultural and open space character of the Property.

- (a) Non-agricultural commercial and industrial structures and uses are prohibited. Activities or businesses undertaken for charitable or education purposes or to foster tourism must be undertaken in the Agricultural Structures or the Existing Residential Dwelling (hereinafter defined); no other structures are permitted on the Property, except as provided in Paragraph I.7A (Retained Development Rights).
- (b) The existing shed, hay sheds, loafing barn and run-in shed, so identified in the Baseline Documentation Report, are considered Agricultural Structures. Such Agricultural Structures shall be limited by the maximum square feet as described in Paragraph I.10 (Maximum Impervious Surface Coverage).
- (c) Accommodation of tourists and visitors is permitted but only within permitted residential structures and appurtenances, and/or agricultural structures, except for rural recreational activities such as hayrides, corn mazes, etc.
- (d) Accommodation of overnight guests is permitted, but only within the Existing Residential Dwelling or within the Permitted Campground (hereinafter defined), subject to compliance with applicable Jefferson County ordinances.
- (e) Commercial operation of dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, jet skis, motorized boats or any other types of mechanized vehicles whether or not considered to foster tourism is prohibited.
- (f) Commitment of land resources as required by golf courses, racetracks, tennis clubs, baseball, soccer and other ball fields and similar uses whether or not considered to foster tourism is prohibited.

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6. **Home-based Businesses.** Any home-based business that does not require a Division of Environmental Protection permit to operate may be conducted on the Property, provided that:

- (a) The occupation or business use must be conducted entirely within the Existing Residential Dwelling or appurtenances allowable under Paragraph I.7 (Existing Residential Dwelling) or the Additional Residential Dwellings (hereinafter defined) and appurtenances allowable under Paragraph I.7A (Retained Development Rights).
- (b) The use of any residential dwelling for a home-based business shall be clearly incidental and subordinate to the use of such residential dwelling for residential purposes.

7. **Existing Residential Dwelling.** The Grantor and Grantee acknowledge the existence of one (1) residential dwelling ("Existing Residential Dwelling") on the Property, as more fully shown and described on the Farmland Protection Plat and in the Baseline Documentation Report. The term Existing Residential Dwelling shall include any replacement thereof permitted by the provisions of this Easement. All structures and improvements permitted by this Paragraph I.7 shall be within the Retained Development Right Area (as hereinafter defined).

- (a) The Existing Residential Dwelling shall be contained in a building envelope (the "Residential Dwelling Area") of two (2) acres as shown and described on the Farmland Protection Plat and in the Baseline Documentation Report.
- (b) Grantor has the right to maintain, repair, enlarge or, with notice to Grantee, replace the Existing Residential Dwelling as it may so desire, except that the impervious surface of the Existing Residential Dwelling is limited to 5,000 square feet.
- (c) The Existing Residential Dwelling may house one or more families or occupants but shall not be converted to a multi-family dwelling.
- (d) Grantor has the right to construct appurtenances that are normal and customary for single family residential dwellings, such as garages, sheds, pools, and other recreational facilities within the Retained Development Right Area, except that the total allowed impervious surface within the Retained Development Right Area, including the Existing Residential Dwelling and permitted appurtenances under this subparagraph (d), the Additional Residential Dwellings (hereinafter defined), appurtenances permitted under Paragraph I.7(A), and the facilities permitted under Paragraph I.7B, shall not exceed 27,000 square feet.
- (e) Except as provided in Paragraph I.7A (Retained Development Rights), no other residential dwellings shall be constructed or placed on the Property. All new or replaced or relocated structures and improvements permitted hereunder must be located within the Retained Development Right Area, except for Agricultural

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Structures permitted herein under Paragraph I.3. (Agricultural Structures), which may be placed anywhere on the Property subject to the provisions of Paragraph I.3 (Agricultural Structures).

- (f) Grantor and Grantee acknowledge and agree that Grantor and Grantee have agreed to establish the 10-acre Retained Development Right Area within the Property on the condition that Grantee shall only pay consideration for this Conservation Easement for the two acres of land within Residential Dwelling Area in accordance with WV Code §8A-12-16(4)(c), but shall not pay any consideration for the eight acres of land within the Retained Development Right Area outside of the Residential Dwelling Area. Nonetheless and for avoidance of doubt, Grantor and Grantee acknowledge that all ten acres of the Retained Development Right Area shall be covered by and be subject to the terms and conditions of this Conservation Easement.

7A. **Retained Development Rights.** In addition to the Existing Residential Structure permitted under Paragraph I.7 (Existing Residential Structure), with notice to Grantee, Grantor may construct two additional single family residential dwellings on the Property (each an "Additional Residential Dwelling") that satisfy all of the following conditions:

- (a) Each Additional Residential Dwelling shall be contained in the 10-acre area as shown on the Farmland Protection Plat and designated as the Retained Development Right Area (the "Retained Development Right Area").
- (b) Grantor has the right to maintain, repair, enlarge or, with notice to Grantee, replace each Additional Residential Dwelling, except that the impervious surface of each Additional Residential Dwelling shall be limited to 5,000 square feet.
- (c) Each Additional Residential Dwelling may house one or more families or occupants but shall not be converted to a multi-family dwelling.
- (d) Grantor has the right to construct appurtenances to each Additional Residential Dwelling that are normal and customary for single family residential dwellings, such as garages, sheds and recreational facilities within the Retained Development Right Area except that the total allowed impervious surface within the Retained Development Right Area, including the Existing Residential Dwelling, each Additional Residential Dwelling and the facilities permitted under Paragraphs I.7(d) and I.7B, shall not exceed 27,000 square feet. Grantor agrees that the location and size of parking areas established within the Retained Development Right Area shall be subject to the prior review and approval of Grantee to assure that such parking areas do not materially and adversely impact the prime and unique soils on the Property.

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- (ed) The construction, enlargement and occupation of each Additional Residential Dwelling shall be subject to all applicable laws, ordinances, rules and regulations of Jefferson County, West Virginia. Grantor shall be solely responsible, at its sole cost and expense, for obtaining all required approvals and permits from Jefferson County authorities to construct the Additional Residential Dwellings and appurtenances permitted under this Paragraph I.7(A) in the Retained Development Right Area. Grantor shall provide Grantee with copies of all such approvals and permits prior to construction. Notwithstanding the foregoing, Grantor agrees that no Additional Residential Dwelling may be constructed on the Property if Jefferson County requires subdivision of the Property to permit such construction.

7B. **Permitted Campground and Camping.** To foster tourism on the Property. Grantor, with notice to Grantee, may establish a [Farm Vacation Enterprise campground \(as defined in Jefferson County Land and Development Ordinance amended June 16, 2022, Article 2: Definitions, Section 2.2 Terms Defined: Farm Vacation Enterprise\)](#) campground on the Property (the "Permitted Campground") subject to the following conditions:

- (a) The Permitted Campground shall be established in a specified identifiable location within the Retained Development Right Area.
- (b) The Permitted Campground shall not exceed 22,000 square feet in area.
- (c) No more than five (5) campsites may be established with the Permitted Campground.
- (d) Only non-permanent camping tents may be erected in the Permitted Campground. RVs, camping trailers or other structures shall be prohibited; provided, however, that Grantor may place up to four (4) non-permanent toilet facilities within the Permitted Campground for the use of campers. No impervious surfaces shall be permitted in the Permitted Campground. All equipment involved in such accommodation shall be removed when not in use.
- (e) Users of the Permitted Campground shall not occupy their campsite for more than fifteen (15) consecutive days.
- (f) The Permitted Campground shall comply with all requirements of the [Jefferson County Zoning Code](#) and all other applicable Jefferson County ordinances, and Grantor shall be responsible for obtaining all required approvals and permits at its sole cost and expense.
- (g) Grantor agrees that the use of the Permitted Campground shall be incidental to the agricultural and open space character of the Property, [including use of the Property for tourism](#). Accordingly, Grantor shall not advertise the availability of the Permitted Campground [separate from the Property as a tourist destination to the general public](#).

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8. **Transfer of Development Rights.** All other development rights not specifically reserved under this Easement are hereby extinguished and shall not be transferred to any other property pursuant to a transfer of development rights program or any other means or used to calculate permitted development density.

The Property and any portion thereof shall not be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open spaces requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights which have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise.

9. **Subdivision.** It is the intention of Grantor to protect the open space values of the Property. Accordingly, subdivision of ~~land~~the Property is prohibited. Grantor acknowledges and agrees that the designation of the Residential Dwelling Area and/or the Retained Development Right Area on the Farmland Protection Plat does not constitute a subdivision of land and neither the Residential Dwelling Area nor the Retained Development Right Area may be conveyed separately from each other or the remainder of the Property.

10. **Maximum Impervious Surface Coverage.** The total surface coverage of impervious surfaces on the Property shall be subject to the limitations defined below.

- (a) Impervious surfaces shall be defined as any material which covers land and inhibits the percolation of storm water directly into the soil, including, but not limited to, buildings, roofs, the area covered by permanent or nonpermanent structures, macadam and pavement, gravel and stone driveways and parking areas.
- (b) See Paragraph I.3 (Existing Residential Dwelling) for impervious surface limits relating to the Existing Residential Dwelling and structures considered as an appurtenance to such dwelling.
- (c) See Paragraph I.7A (Retained Development Rights) for impervious surface limits relating to the Additional Residential Dwellings and structures considered as an appurtenant to such dwellings.
- (d) The total surface coverage of the Property by all impervious surfaces, including the Existing Residential Dwelling, structures considered as an appurtenance to such dwelling, the Additional Residential Dwellings, structures considered as an appurtenance to such dwellings, Agricultural Structures, and all driveways and parking areas, shall not exceed 2% of the surface area of the Property.

11. **Removal of Natural Resources.** Ditching, draining, diking, filling, excavating, removal of topsoil or sand, gravel or rock on the Property is prohibited, except when such activities are conducted in order to carry out activities permitted under this Easement, are in accordance with a conservation plan that takes into account the perpetual protection of the

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Conservation Values, do not exceed one (1) acre in total area and are restored within a reasonable time period. The exploration, development, mining or extraction of minerals, oil, gravel, gas or any other hydrocarbon substance is prohibited.

12. **Management of Woodland Resources.** If at any time in the future a contiguous forest that exceeds 40 acres exists on the Property, Grantor shall have a new Forest Management Plan prepared for the Property by a licensed professional forester and reviewed by Grantee. The agricultural use of timber and woodland products on the Property is permitted under a current forest management plan that was approved by the Grantee which allows, among other rights, the right to use timber from the Property for any allowable use on the Property.

The use of timber and woodland products of not more than one percent (1%) of available on-site timber) in any two-year period on site is permitted without a Forest Management Plan and will not require acceptance by the Grantee.

A Forest Management Plan shall not be required for the following permitted non-commercial activities and do not require prior approval of the Grantee:

- (a) removal of trees posing an imminent hazard to the health or safety of persons or livestock;
- (b) cutting of trees for firewood, or for other domestic uses of Grantor;
- (c) cutting of trees for the construction or maintenance of permitted structures or landscaping within the Retained Development Right Area or for access otherwise permitted in this Easement;
- (d) removal of trees for the maintenance of or the improvement to existing pastures or fence lines;
- (e) removal of invasive species both plant and insect; and/or
- (f) maintenance of the health of the forest and any habitat.

Forest management and timber harvesting activities must be carried out in accordance with all applicable local, State, Federal, and other governmental laws and regulations and be consistent with this Easement and the protection of Conservation Values of the Property.

Forest management and timber harvesting in excess of 1% of available timber in any two-year period must be performed in accordance with a written Forest Management Plan consistent with this Conservation Easement prepared and signed by a licensed professional forester. The plan shall be subject to Grantee's approval, which shall not be unreasonably withheld, conditioned or delayed, to ensure it is consistent with the Conservation Values. Said plan must have been prepared not more than 10 years prior to the date any harvesting is expected to commence.

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13. **Other Construction.** Except as specifically permitted above in Paragraphs ~~I.7, and 1.7A and 1.3~~, there shall be no constructing or placing of any buildings, manufactured homes, commercial recreational facilities, commercial lighting or any other temporary or permanent structure or facility on or above the Property. Existing roads as identified in the Baseline Documentation Report may be maintained and repaired in their current state. After notice to Grantee, Grantor may construct new unpaved roads or paths necessary for agricultural operations or in connection with allowable recreational uses and forest management activities, so long as such unpaved roads or paths are located in a manner that does not have an adverse impact on the perpetual protection of the Conservation Value. Paved roads are subject to the impervious surface limitations referenced above.

14. **Fences.** Existing fences (as identified in the Baseline Documentation Report) may be repaired, replaced, removed or relocated, and new fences may be built on the Property as necessary for agricultural operations on the Property, including customary management of livestock, protection of crops and plantings, and to delineate the boundary of the Property.

15. **Signs.** Except for signs intended to deter trespassers or unauthorized hunters, for-sale signs, signs identifying this Easement, and signs to advertise an on-site activity or business, all other signs, advertisements and billboards of any nature are prohibited. The permitted signs may not exceed 15 square feet per sign. Grantor reserves the right to approve any sign suggested by Grantee.

16. **Wastes.** Dumping or storage of trash, garbage, hazardous substances, abandoned vehicles or machines or other material on the Property is prohibited. However, composting of biodegradable material used or produced on the Property to improve gardens and pastures on the Property is permitted so long as composting and its application is consistent with a conservation plan. Storage, for subsequent removal, of waste generated on the Property in the normal course of permitted activities is permitted; provided, that such waste shall be removed from the Property every six (6) months.

17. **Utilities.** Grantor shall not sell, lease or grant an easement covering any portion of the Property where such sale, lease or easement is for the purpose of construction and installation of underground or above-ground utility systems, including, but not limited to, water, sewer, power, fuel, sewerage pumping stations, and cellular telephone or other communication towers. Notwithstanding the foregoing, Grantor may install utilities necessary for the permitted residential and agricultural structures.

18. **Streams, Wetland and Water Bodies.** There shall be no pollution, alteration, depletion of surface water, natural water courses, lakes, ponds, marshes, wetlands, springs, subsurface water or any other water bodies, nor shall there be activities conducted on the Property which would be detrimental to water purity, or which could alter natural water level and/or flow in or over the Property. Nothing in this paragraph shall prohibit the creation or dredging of farm ponds and allow the reasonable use of the available water of the Property for agricultural purposes on the Property permitted by this Easement. Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation on the Property shall be considered an agricultural use. Expansion and construction of ponds and

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structures shall be in accordance with the conservation plan. Farm ponds shall not exceed two (2) acres in area.

### **II. GENERAL PROVISIONS**

1. **Access.** No right of access by the general public to any portion of the Property is conveyed by this Easement.

2. **Rights and Obligations of the Grantee.** To accomplish the purpose of this Easement the following rights are conveyed to Grantee or its agent by this Easement:

- (a) To preserve and protect the Conservation Values of the Property;
- (b) To enter upon the Property on a yearly basis (or more frequently if violations are observed or suspected) in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and
- (c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to Paragraph II.4 (Grantee's Remedies).
- (d) After each inspection of the Property by Grantee, Grantee shall prepare a written report of the results of such inspection, including in particular any significant natural (or other) changes to the Property since the prior inspection. Grantee shall make a copy of such report available to Grantor. To the extent that Grantee by action or inaction does not perform or fulfill the preceding or any other affirmative, non-discretionary obligation required of Grantee pursuant to the terms of this Easement, then pursuant to the provisions of this Paragraph II(2)(d), Grantor shall give written notice of such obligation to Grantee and the parties shall cooperate and act in good faith to reach a resolution with respect to such obligation.

3. **Procedure for Grantee Notice and Approval**

- (a) Whenever notice to Grantee is specifically required by the provisions of this Easement, Grantor shall notify Grantee, by overnight delivery or otherwise by a method requiring proof of receipt, in writing not less than ninety (90) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified. The notice shall:
  - (i) Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;

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- (ii) Describe how the proposed activity will not impair the Purpose or Conservation Values;
  - (iii) Certify that the proposed activity is consistent with the terms of this Conservation Easement; and
  - (iv) Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to monitor the exercise of said reserved right.
- (b) Where Grantee's approval is specifically required by the provisions of this Easement, Grantee shall grant or withhold approval in writing within ninety (90) days of receipt of Grantor's request therefore. Grantor shall request such approval in writing and shall include therewith information identifying the proposed site or activity with reasonable specificity, evidencing conformity with the requirements of the applicable paragraphs under which the right is reserved hereunder, and, when applicable, evidencing conformity with existing land use regulations. Grantee's approval, which shall not be unreasonably withheld, conditioned, or delayed, shall take into account the following criteria:
- (i) the extent to which use of the site and/or the proposed activity would impair the scenic qualities of the Property;
  - (ii) the extent to which use of the site and/or the proposed activity would destroy an important habitat or would have a material adverse effect on the movement of wildlife;
  - (iii) the extent to which use of the site for the proposed activity would impair water quality;
  - (iv) in the case of any proposal to build new structures or roads, the extent to which the scenic quality of the Property may be adversely impacted; and
  - (v) the extent to which the proposed activity or use of the site for the proposed activity would otherwise impair the Conservation Values.
- (c) Grantor and Grantee shall cooperate and shall act in good faith to arrive at agreement in connection with any determinations that are necessary to be made by them (either separately or jointly) under this Paragraph 3. Grantor and Grantee shall cooperate and shall act in good faith to arrive at agreement in connection with any determinations that are necessary to be made by them (either separately or jointly) under this Paragraph 3. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that each of the conditions enumerated above have been met. Grantor shall pay all costs and expenses in connection with any request made by Grantor under this Paragraph II.3, including Grantee's reasonable attorneys' fees and costs.

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- (d) **Deemed Denial.** Grantee agrees to use reasonable diligence to respond to Grantor's request for approval within ~~ninety sixty~~ (960) calendar days of delivery. Grantee's failure to respond within the ~~ninety sixty~~ (960) calendar day period shall be deemed a denial of the request (hereinafter, a "Deemed Denial"). A Deemed Denial is procedural in nature, not substantive, and Grantor may re-submit the same or a similar request for approval without prejudice.

#### 4. **Grantee's Remedies.**

(a) **Notice of Violation: Corrective Action.** If Grantee determines that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action within 60 days sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured to its condition described in the Baseline Report in accordance with a plan approved by Grantee.

(b) **Injunctive Relief.** The Grantee, its successors or assigns, jointly or severally shall have the right to enforce these restrictions by injunction and other appropriate proceedings, including, but not limited to, the right to require Grantor to restore the Property to the condition existing at the time of this Easement in order to correct any violation(s) of this Easement. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee shall be entitled to the injunctive relief in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

(c) **Costs of Enforcement.** Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including without limitation costs of suit and attorneys' fees, and costs or restoration necessitated by Grantor's violation of the terms of this Easement shall be borne by Grantor. If Grantor prevails in action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. Costs incurred by Grantee in enforcing the terms of this Easement against third party shall be borne by Grantee.

(d) **Forbearance.** Forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

5. **Acts beyond the Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control including, without limitation, fire,

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flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. Grantor shall take reasonable actions on the Property to prevent trespassers from taking actions on the Property. In the event the terms of this Easement are violated by acts of trespassers, Grantor agrees that Grantee has the right to pursue enforcement action against the trespassing parties.

6. **Costs, Legal Requirements and Liabilities.** Grantor, its heirs, successors and assigns retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property.

7. **Control.** Nothing in this Easement shall be construed as giving rise to any right or ability of Grantee to exercise physical or managerial control over the day-to-day operations of the Property, or any responsibility to the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. §§ 9602 et seq.).

8. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on or assessed against the Property or residence contained thereon by competent authority, including any taxes imposed upon, or incurred as a result of, this Easement.

9. **Environmental Warranty.** Grantor warrants that to the best of Grantor's knowledge it is in compliance with, and will remain in compliance with, all applicable Environmental Laws. Grantor warrants to the best of Grantor's knowledge that there are no notices by any governmental authority of any violation or alleged violation of, noncompliance or alleged noncompliance with, or any liability under, any Environmental Law relating to the operations or conditions of the Property. Grantor further warrants that it has no actual knowledge of a release or threatened release of Hazardous Materials, as such substances and wastes are defined by applicable Federal and State law.

Moreover, Grantor hereby agrees to hold harmless and indemnify Grantee against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with the release or threatened release of any hazardous materials on, at, beneath or from the Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Property. Grantor's indemnification obligation will not be affected by any authorizations provided by Grantee ~~or the United States~~ to Grantor with respect to the Property or any restoration activities carried out by Grantee at the Property; provided, however, that Grantee will be responsible for any Hazardous Materials placed on the Property by Grantee after the Effective Date of this Easement.

"Environmental Law" or "Environmental Laws" means any and all Federal, State, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection,

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and similar environmental health, safety, building, and land use as may now or at any time hereafter be in effect.

"Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials, and any other element, compound, mixture, solution, or substance which may pose a present or potential hazard to human health or the environment.

10. **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee, its members, directors, officers, employees, agents, assigns, and contractors (collectively, the "Grantee") from and against all liabilities, fines, fees, penalties, costs, losses, damages, expenses, causes of action, suits, proceedings, claims, demands, judgments, and sanctions asserted by or on behalf of any person or governmental authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs and reasonable attorneys' fees and attorneys' fees on appeal), to which the Grantee may be subject or which the Grantee may incur relating to the Property, which may arise from, but are not limited to, Grantor's negligent acts, omissions, or breach of any representation, warranty, covenant, or agreements contained in this Easement, or violations of any state or local laws, including all environmental laws; provided, however, that Grantor shall not be responsible for any such all liabilities, fines, fees, penalties, costs, losses, damages, expenses, causes of action, suits, proceedings, claims, demands, judgments, and sanctions incurred by Grantor arising out of the negligence of misconduct of Grantee or its agents while entering onto the Property in performing any physical inspections of the Property or exercising its rights and remedies pursuant to and in accordance with this Easement.

11. **Extinguishment of Easement/Condemnation Proceeds.**

(a) **Termination; Extinguishment.** If a subsequent unexpected change in the conditions surrounding the Property that is the subject of a donation under this Easement has made impossible or impractical the continued use of the Property for conservation purposes, the conservation purpose can nonetheless be treated as protected in perpetuity if the restrictions are terminated or extinguished by judicial proceeding and all of Grantee's Proceeds (as hereinafter defined) from a subsequent sale or exchange of the Property are used by Grantee in a manner consistent with the conservation purposes of the original contribution. A judicial proceeding is the exclusive manner in which this Easement may be terminated or extinguished. In the event of extinguishment of this Easement in whole or in part, the provisions of this Paragraph II.11 shall survive such extinguishment. The mere cessation of farming on the Property shall not be construed to be grounds for extinguishment of this Easement. In addition, Grantor has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. Grantor believes that any such changes in the use of neighboring properties will increase the benefit to the public of continuation of this Easement, and Grantor and Grantee intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement. The respective rights of Grantor

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and Grantee set forth in this Paragraph II.11 shall be in addition to, and not in limitation of, any rights they may have at common law.

(b) **Grantee's Proportionate Share.** In connection with any condemnation, termination, or extinguishment of this Easement, Grantee's Proceeds from such action shall be the greater of the amount determined as Grantee's Proceeds under Paragraph II.11(c) or Paragraph II.11(d) below.

(c) **Grantee's Proceeds for Extinguishment, Condemnation; Grantee Determination.** The conveyance of this Easement gives rise to a property right immediately vested in the Grantee. If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. At the date this Easement was donated, the proportionate values were as follows: Grantor's proportionate value is 37% of the appraised fair market value of the Property. Grantee's proportionate value, and therefore the amount of Grantee's Proceeds, is 73% of the appraised fair market value of the Property.

If this Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantor shall be entitled to compensation in an amount not less than the fair market value of the Property determined without regard to the existence of this Easement. Grantor, upon receipt of notification of any pending condemnation action brought by any government entity affecting and/or relating to the Property, shall notify the Grantee in writing, within fifteen (15) days of receipt of said notification.

(d) **Grantee's Proceeds for Extinguishment, Condemnation; Internal Revenue Code Determination.** Grantor and Grantee agree that the donation of this Easement gives rise to a ~~real~~ property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Easement bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant. A copy or original of a document, signed by Grantor and Grantee, setting forth the values so determined and the percentage of Grantee's proportionate value so determined, shall be retained by Grantee along with Grantee's copy of the Baseline Documentation.

If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full fair market value (without regard to any diminution in value attributable to the Restriction) of the interests in the Property subject to the taking and all incidental or direct damages resulting from the taking. Prior to the payment of any expenses reasonably incurred by the parties to this Easement in connection with such taking, Grantee shall be entitled to its proportionate share from the recovered proceeds (Grantee's Proceeds) in conformity with the provisions of this Paragraph II.11(d), with respect to the allocation of proceeds.

12. **Reserved**.

## DEED OF CONSERVATION EASEMENT

13. **Assignment.** This Easement is not transferable by the Grantee to any other local, county or state department, board, agency, commission or successor. In the event that JCFPB ceases to operate or exist, the rights of the Grantee under this Easement shall be transferred by a court of competent jurisdiction to an organization that is a qualified organization under Section 170(h)(3) of the Code, and is a West Virginia-domiciled organization authorized to acquire and hold conservation easements under the West Virginia Conservation and Preservation Easements Act (WV Code §§20-12-1, et seq.).

The Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which this Easement was originally intended to advance. The transfer of this Easement to a new or successor transferee or assignee will not create a financial obligation of any kind on the Grantor.

14. **Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest.

15. **Estoppel Certificates.** Upon request by Grantor, Grantee shall within thirty (30) days execute and deliver to Grantor any document, including an estoppel or compliance certificate, which certifies to the best of Grantee's knowledge Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

16. **Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by certified mail, return receipt, addressed as follows:

To Grantor: Kime Farm Owner, LLC  
c/o Jake Farver  
4317 Forest Lane NW  
Washington, DC 2007

To Grantee: Jefferson County Farmland Protection Board  
PO Box 731  
Charles Town, WV 25414

or to such other address as either party from time to time shall designate by written notice to the other.

17. **Recordation; Effective Date.** This instrument shall be effective (the "Effective Date") when it has been delivered for recording to the Office of the Clerk of the County Commission with a date-stamped copy retained as proof of timely delivery. Grantee shall record this instrument in timely fashion with the Clerk of the County Commission of Jefferson County,

## DEED OF CONSERVATION EASEMENT

West Virginia and may re-record it at any time as may be required to preserve its rights in this Easement.

### 18. Amendment.

(a) This Easement shall be amended only upon the written agreement of Grantee and Grantor, at Grantee's sole and absolute discretion, but only if such amendment: (i) does not constitute private inurement or give rise to an impermissible private benefit under Section 501(c)(3) and other applicable provisions of the Code or applicable state statute based on an opinion of tax counsel retained and paid for by Grantor and acceptable to Grantee in its reasonable discretion; (ii) has a positive effect on the Conservation Values, based on an evaluation of the effect of the proposed amendment on the Conservation Values by an independent qualified person selected by Grantee and paid for by Grantor; (iii) is consistent with the purpose of this Easement and the perpetual protection of the Conservation Values; (iv) does not affect the perpetual nature of this Easement; and (v) complies with any applicable state statute and Section 170(h) of the Code. No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor and recorded with the Clerk of the County Commission of Jefferson County, West Virginia. Further, no amendment shall be permitted that does not comply with the provisions of this Paragraph II.18 or (i) would involve the removal of any of the Property from the Easement, (ii) would alter or remove the restrictions on assignment of this Easement under the provisions of Paragraph II.13, or the provisions in connection with 5 percentage interests, proceeds, or condemnation under the provisions of Paragraphs II.11 and II.12, or (iii) in any way would cause the provisions of this Paragraph II.18 to be less restrictive. All of these requirements and restrictions in this Paragraph II.18 must be satisfied. Any amendment that does not comply with the provisions of this Paragraph II.18 shall be invalid.

(b) In the event Grantor and Grantee agree to an amendment pursuant to the provisions of this Paragraph II.18, a new Baseline Documentation Report shall be prepared and shall be acknowledged by Grantor and Grantee as memorializing the condition of the Property as of the date the amendment is delivered for recording with the Clerk of the County Commission of Jefferson County, West Virginia. Notwithstanding the foregoing, an addendum to the Baseline Report shall not be required for any amendment that involves solely the correction of a drafting mistake or mapping error.

(c) If Grantor is the party requesting an amendment of this Easement, Grantor shall be responsible for all reasonable and customary costs related to Grantee's evaluation of said request and the amendment's execution and, if applicable, any judicial proceeding related to any such amendment, including reasonable attorney's fees actually incurred and staff, contractor, legal, and consultant costs actually incurred by Grantee, and any costs associated with the preparation of the updated Baseline Documentation Report prepared pursuant to the provisions of Paragraph II.18(b).

### 19. Other Provisions.

(a) Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of West Virginia.

## DEED OF CONSERVATION EASEMENT

(b) **Severability; Interpretation.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby. If any provision of this Easement is arguably construed as ambiguous, an interpretation of said provision that is consistent with the perpetual protection of the Conservation Values and the purpose of this Easement shall be favored over any interpretation that would be inconsistent therewith.

(c) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of the Grantor's title in any respect.

(d) **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Property.

(e) **Captions.** The captions herein have been inserted solely for convenience of reference and are not a part of this Easement and shall have no effect upon construction or interpretation.

(f) **Subordination.** Any mortgage or lien arising after the date of this Easement shall be subordinated to the terms of this Easement.

(g) **Title Warranties.** Grantor warrants that Grantor has good title to the Property; that Grantor has the right to convey this Easement, and that the Property is free and clear of any encumbrances.

(h) **Merger.** If Grantee at some future time acquires the underlying fee title in the Property, the interest conveyed by this Easement will not merge with fee title but will continue to exist and be managed as a separate estate. The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of this Easement are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee, or any successor or assignee will be deemed to eliminate these conservation easement terms, or any portion thereof, pursuant to the doctrine of "merger" or any other legal doctrine.

(i) **Representation of Authority.** Each signatory to this Easement represents and warrants that he or she is duly authorized to enter into and execute the terms and conditions of this Easement and to legally bind the party he or she represents.

(j) **No Goods or Services.** Pursuant to the requirements of Section 170(f)(8) of the Code, Grantor and Grantee acknowledge that other than the \$612,790 paid by JCFPB toward the acquisition of this Easement, no goods or services or other consideration have been provided by Grantee to Grantor as consideration for this Easement, and Grantee will provide Grantor with a separate letter so stating.

## DEED OF CONSERVATION EASEMENT

(k) **Counterparts.** This **DEED OF CONSERVATION EASEMENT** may be executed in several counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but all of which together shall constitute one instrument.

[Balance of Page Intentionally Left Blank]

[Signature Page Follows]

**DEED OF CONSERVATION EASEMENT**

DECLARATION OF CONSIDERATION OF VALUE. The undersigned hereby declare under penalty of fine and imprisonment as provided by law, that the conveyance made by this document is a transfer of property right to a county governmental entity, and therefore is exempt from the West Virginia excise tax due on the transfer of real property.

IN WITNESS WHEREOF Grantor and Grantee have set their hand:

**GRANTOR:**

**KIME FARM OWNER, LLC,**  
a West Virginia limited liability company

By \_\_\_\_\_  
Name:  
Title:

**GRANTEE:**

**JEFFERSON COUNTY FARMLAND PROTECTION BOARD**

By \_\_\_\_\_  
Name:  
Title:

[Notary Acknowledgements Appear on Following Page]

**DEED OF CONSERVATION EASEMENT**

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, as \_\_\_\_\_ of Kime Farm Owner, LLC, a West Virginia limited liability company, on behalf of said company.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2023, by \_\_\_\_\_, President of the Jefferson County Farmland Protection Board on behalf of the Board.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**SCHEDULE OF EXHIBITS**

Exhibit A: Legal Description of Property Subject to Easement



# Exhibit A



**Keller Engineers, Inc**  
420 Allegheny Street  
Hollidaysburg, PA 16648  
Phone: (814) 696-7430  
Fax: (814) 696-0150  
keller-engineers.com

**FARMLAND CONSERVATION EASEMENT  
DESIRED BY  
JEFFERSON COUNTY FARMLAND PROTECTION BOARD  
FROM  
KIME FARM OWNER, LLC  
PROJECT NUMBER 3964-9  
REVISED: MARCH, 2023**

All that certain piece or parcel of land lying and being situate in the Middleway District (07), Tax Map 23, Parcels 2, within Jefferson County, West Virginia, and more particularly bounded and described as follows:

Farmland Conservation Easement Tract

Beginning at an existing iron pin on the westerly right-of-way line of West Virginia Route 1/8 (Brucetown Road) at the common corner with lands now or formerly of Donovan C. & Ruth A. Knupp; thence along the Knupp land and along lands now or formerly of Sean P. & Amanda B. Perdue and along lands now or formerly of Arnold E. & Patricia M. Evans NORTH 62 DEGREES 04 MINUTES 33 SECONDS WEST a distance of 1041.09 FEET to an existing post; thence continuing along the Evans land SOUTH 36 DEGREES 36 MINUTES 09 SECONDS WEST a distance of 443.15 FEET to a re-bar on the common line of lands now or formerly of James A. & Donna J. Marrone; thence along the Marrone land and along lands now or formerly of Tyler & Lauren Spears NORTH 64 DEGREES 36 MINUTES 03 SECONDS WEST a distance of 1635.50 FEET to an existing post at the common corner of lands now or formerly of John S. & Deborah N. Bauserman; thence along the Bauserman land NORTH 27 DEGREES 39 MINUTES 12 SECONDS EAST a distance of 672.69 FEET to an existing post; thence along the same NORTH 63 DEGREES 10 MINUTES 33 SECONDS WEST a distance of 208.44 FEET to a point in or near Opequon Creek; thence continuing along the Bauserman land and through and along Opequon Creek NORTH 15 DEGREES 49 MINUTES 29 SECONDS EAST a distance of 224.13 FEET to a point; thence through and along the same NORTH 08 DEGREES 12 MINUTES 13 SECONDS EAST a distance of 329.59 FEET to a point; thence through and along the same NORTH 38 DEGREES 49 MINUTES 37 SECONDS EAST a distance of 286.98 FEET to a point; thence through and along the same NORTH 33 DEGREES 03 MINUTES 32 SECONDS EAST a distance of 388.49 FEET to a point; thence through and along the same NORTH 24 DEGREES 15 MINUTES 20 SECONDS EAST a distance of 176.20 FEET to a point; thence through and along the same NORTH 47 DEGREES 03 MINUTES 40 SECONDS EAST a distance of 472.41 FEET to a point; thence through and along the same NORTH 59 DEGREES 30 MINUTES 14 SECONDS EAST a distance of 338.30 FEET to a point on the

common line of lands now or formerly of Maynard Douglas Rotruck; thence along the Rotruck land and along lands now or formerly of Jason & Nihan Dymczynski, Robert & Linda M. Hensley, Martin H. Mallory, David Lutman, Sandra & Robert Nusbaum, Roger Seal, Kevin B. Sanders, and Paul A. & Ann M. Carnes SOUTH 61 DEGREES 50 MINUTES 15 SECONDS EAST a distance of 2938.52 FEET to an existing iron pin on the westerly right-of-way line of West Virginia Route 1/8; thence along the right-of-way line SOUTH 34 DEGREES 35 MINUTES 15 SECONDS WEST a distance of 701.22 FEET to a point; thence along the same SOUTH 33 DEGREES 36 MINUTES 53 SECONDS WEST a distance of 1566.05 FEET to the point and place of beginning and having an area of 178.358 Acres.

Being a portion of the parcel of land title to which became vested in Kime Farm Owner, LLC by deed as recorded in Jefferson County Deed Book Volume 1214 at Page 89.

Subject to a Proposed 50-foot-wide Access Easement for ingress, egress and regress running from West Virginia Secondary Route 1/8, over and through lands described above, to the Residential Dwelling Area described herein. Being more fully shown on the below referenced "Conservation Easement" survey plat.

#### Residential Dwelling Area

Included within the above described Farmland Conservation Easement is the following Residential Dwelling Area:

Beginning at an iron pin, said iron pin being located NORTH 28 DEGREES 56 MINUTES 58 SECONDS WEST a distance of 1354.70 FEET from the point of beginning of the above described Farmland Conservation Easement Tract; thence from the said iron pin and through lands of which this is a part NORTH 59 DEGREES 03 MINUTES 09 SECONDS WEST a distance of 261.50 FEET to an iron pin; thence through the same NORTH 30 DEGREES 56 MINUTES 51 SECONDS EAST a distance of 333.14 FEET to an iron pin; thence through the same SOUTH 59 DEGREES 03 MINUTES 09 SECONDS EAST a distance of 261.50 FEET to an iron pin; thence through the same SOUTH 30 DEGREES 56 MINUTES 51 SECONDS WEST a distance of 333.14 FEET to the point and place of beginning and having an area of 2.000 Acres.

#### Retained Development Right Area

Also included within the above described Farmland Conservation Easement is the following Retained Development Right Area:

Beginning at a point, said point being located NORTH 32 DEGREES 06 MINUTES 27 SECONDS WEST a distance of 1295.62 FEET from the point of beginning of the above described Farmland Conservation Easement Tract; thence from the Residential Dwelling Area point of beginning and through lands of which this is a part NORTH 89 DEGREES 59 MINUTES 49 SECONDS WEST a distance of 224.46 FEET to a point; thence through the same and with a curve turning to the right with a radius of 307.72 FEET, an arc length of 966.72 FEET, a chord bearing of NORTH 00 DEGREES 00 MINUTES 11 SECONDS EAST, and a

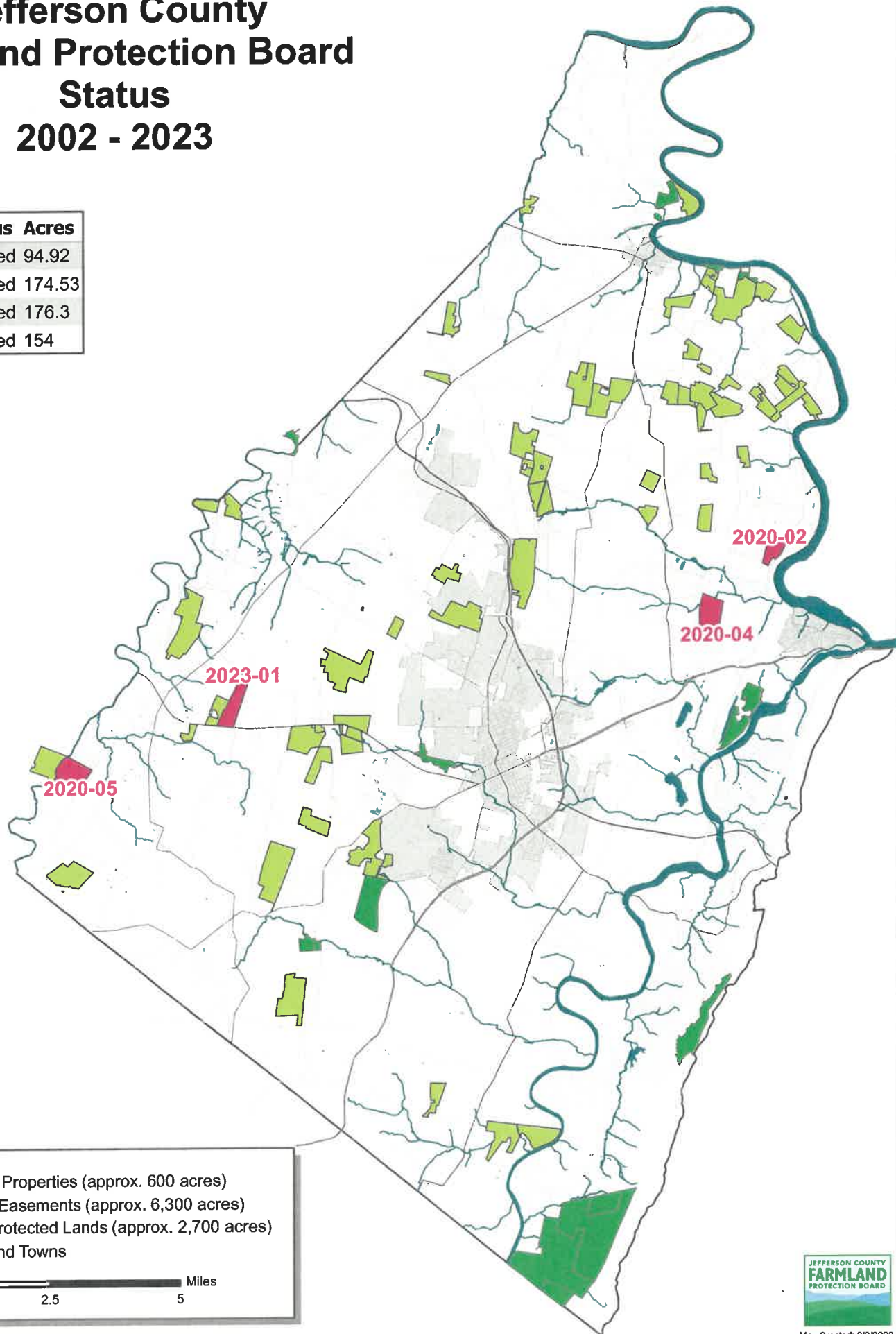
chord length of 615.43 FEET to a point; thence through the same SOUTH 89 DEGREES 59 MINUTES 49 SECONDS EAST a distance of 224.46 FEET to a point; thence through the same and with a curve turning to the right with a radius of 307.72 FEET, an arc length of 966.72 FEET, a chord bearing of SOUTH 00 DEGREES 00 MINUTES 11 SECONDS WEST, and a chord length of 615.43 FEET to the point and place of beginning and having an area of 10.000 Acres.

The total area of the Farmland Conservation Easement is 178.358 Acres (which includes the above described 2.000 Acre Residential Dwelling Area and the 10.000 Acre Retained Development Right Area) and is more fully shown on the Conservation Easement survey plat prepared by Keller Engineers, Inc., dated March 21, 2022, last revised March 09, 2023, and indexed as Project Number 3964-9.



# Jefferson County Farmland Protection Board Status 2002 - 2023

ID	Status	Acres
2020-02	Funded	94.92
2020-04	Funded	174.53
2020-05	Funded	176.3
2023-01	Funded	154



- Funded Properties (approx. 600 acres)
- JCFPB Easements (approx. 6,300 acres)
- Other Protected Lands (approx. 2,700 acres)
- Cities and Towns

0 1.25 2.5 5 Miles







Name: **Nathan Cochran**

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **April 6, 2023**

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

Date Requested – 2<sup>nd</sup> Choice: **April 20, 2023**

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

- a. **Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir. Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.**
- b. **Review potential adoption of Commission leave policy as assigned to counsel.**
- c. **Review, discussion, and possible adoption of Operational MOU for Fire and EMS between the JCESA and/or JCC and fire departments.**
- d. **Discussion of W.Va. Human Rights Comm. Case No. EREP-49-21.**

Is this a funding request? **No**

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

Provide exact financial impact/request:

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

*not applicable*



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



Name: Steve Stolipher, President

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: April 6, 2023

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

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

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

**MOU – Shepherd University Emergency Action Plan**

**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*): I move to approve a letter of support to Senator Joe Manchin requesting grant funding consideration for the Charles Town Utility Board and authorize the President of the Commission to affix his signature to the document.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



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



Name: **Jennifer Krouse**

Department or Organization: **Commissioner**

Estimation of amount of time needed for appointment: **30-40 minutes**

Date Requested – 1<sup>st</sup> Choice: **April 6<sup>th</sup>**

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

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

Subject (*Wording to be placed on agenda*): **A discussion with the Commissioners, Interim County Administrator Cindy Rezmer, County Finance Director Krista Davis, regarding the lead-up to the budgeting process, the late submission of the budget, and the errors discovered therein.**

Please provide the County Commission with a description of your request or presentation, including any background information: **This year's budgeting process was hampered by difficulties, delays, and errors. The Commission was, however, ultimately able to approve a final budget on 03/27/23 for submission on 03/28/23 as required by statute. On 03/29/23 it was brought to my attention by the Interim County Administrator that the budget was not submitted on time (to the best of my knowledge it still has not been submitted as of 03/31/23). It has also come to my attention that there may be several errors in the bottom line amounts in the budget which may require amendments. Managing the county budget is one of the most important tasks of the Commission. We need to have a discussion with all relevant parties to diagnose what went wrong during the process and determine what needs to be done going forward to ensure this doesn't happen in the future.**

Is this a funding request? Y/**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*):

**None at this time**

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

If not attached, explain:

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

Contact information:

Email address: **jcckrouse@gmail.com**

Phone Number: **(304) 404-7878**

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

not



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



Name: Andrea Davis

Department or Organization: Mountain View Coaching

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: April 6, 2023

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

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

Subject (*Wording to be placed on agenda*): Meeting Room Use Request – Mountain View Coaching Financial Empowerment for Teens Workshops

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

- Mountain View Coaching is requesting the use of the Jefferson County Commission Meeting Room on April 22, 2023 from 9-11am and the 4<sup>th</sup> Saturday of all subsequent months for 2023

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*):

- I move to approve Mountain View Coaching's use of the Jefferson County Commission meeting room for teen financial empowerment workshops to be held 9-11am on April 22, 2023 and the 4<sup>th</sup> Saturday of each month thereafter for 2023

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**



COUNTY COMMISSION MEETING ROOM

REQUEST FORM

Date Requested: April 22<sup>nd</sup> (and 4<sup>th</sup> Sat of all  
 Meeting Time: 9am to 11am Subsequent  
 Organization Name: Mountain View Coaching months '2  
 Purpose of Meeting: Financial Empowerment for 2023)  
Teens workshop

Please attach a brief description of your organization. (You may attach other printed materials )

Please check the boxes on all that apply to your organization:

- Has previously used the library
- Is a not-for-profit organization
- Can provide a certificate of insurance
- Indemnification Form provided in lieu of certificate of insurance

By signing this Request, I acknowledge that I have read and fully understand the Jefferson County Commission Meeting Room Policy for the use of the County Commission Meeting Room located at 200 East Washington Street lower level of the Old Charles Town Library. I agree to assume personal responsibility for my organization's compliance with these regulations, the behavior of all those attending any meeting or program, and the care of the meeting room and all property within the room.

Person Making Request: (printed): AUDREA M DAVIS

Signature of Person Making Request: Andree M Davis Date: 3/30/2023

Contact Person: \_\_\_\_\_

(If other than the representative signing above)  
Representative's Address: 203 STEPHANIE WAY

CHARLES TOWN, WV 25414

Telephone: 304-283-0239 Fax: \_\_\_\_\_

email - andi.davis.mvc@gmail.com



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



Name: Cindy Rezmer, Interim County Administrator

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: April 6, 2023

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

Subject (*Wording to be placed on agenda*): **INTERIM COUNTY ADMINISTRATOR REPORTS**

- ⬇ **ESA Reimbursement Request for Labor Costs of EMS Transition project for February 2023**
- ⬇ **Continuation of Retro Pay Discussion**
- ⬇ **Continuation of Increased Pay Rate**
- ⬇ **Project Manager for ESA Transition**
- ⬇ **Offer of Employment – County Administrator**

**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













## Quarterly Report

January 1, 2023 – March 31, 2023

### 1. Active Projects

- a. Civil War Battlefield Preservation in Jefferson County – Ongoing
  - i. Shepherdstown Battlefield properties acquisition and management – ongoing
    1. James Osbourn Farm easement preparation – out on review by funders
  - ii. Lobby for Antietam National Battlefield boundary expansion to include Shepherdstown Battlefield – ongoing
- b. Peter Burr Farm improvements and programing – ongoing
- c. Develop grant application and eligibility requirements for JCHPF, a new grant program
- d. WV GeoExplorer project – sponsor and coordinate - ongoing
- e. Duffields Depot rehabilitation - ongoing
- f. Concept Plan reviews in conjunction with JC Planning Department - ongoing
- g. Annual verification of JCHLC historic sites inventory data – ongoing
- h. Identify all cemeteries in Jefferson County - ongoing.
- i. Text amendment to Zoning Ordinance to include - Delay of Demolition Ordinance – ongoing
- j. Rt. 340 mitigation - contractor hired to write NR nomination for *Shady Grove*
- k. Designating the *Jefferson County Courthouse*, as a National Historic Landmark
- l. National Register nomination for the *Isaac Clymer House*
- m. National Register boundary expansion for the Haines Farm to include *Susan Thornton House*
- n. JC Landmark nomination for *Winchester Cold Storage and Apple Industry in JC*
- o. Monthly article on historic preservation to appear in the Observer – ongoing.
- p. Work with JC Schools to implement *Teaching with Historic Places* – ongoing
- q. Fairview Cemetery project - ongoing
- r. Write a brochure for Morgan’s Grove Historic District
- s. National Register nomination for the *James Osbourn Farm* – Awaiting confirmation from DC
- t. National Register nomination for Fair View, (Rees-Daniels Farm) - Ongoing

### 2. Projects Completed

- a. Received a Community Service Grant for \$1,000 from CSX Transportation- February 28, 2023
- b. Received a Community Fund Grant for \$1,000 from JCHS – March 8, 2023
- c. Conducted detailed inspection of the James Osbourn house, barn, and corn crib – March 16, 2023
- d. Received a \$4,000 grant from the EWVCF for Fairview Cemetery – March 24, 2023
- e. Delivered an interpretive program on colonial textiles to 675 4<sup>th</sup> grade students in Jefferson County Schools - Complete March 28, 2023

Submitted by  
Martin Burke, Chair





# **HIGHWAY NEWS**

WEST VIRGINIA DIVISION OF HIGHWAYS  
DISTRICT FIVE

P. O. BOX 99 • BURLINGTON, WV 26710-0099 • (304) 289-3621

PRESS RELEASE

FOR IMMEDIATE RELEASE

March 30, 2023

## **Luther Jones Road Railroad Crossing, in Jefferson County, to be Closed Beginning Monday, April 3, 2023**

BURLINGTON, W.Va. – Luther Jones Road, County Route 16/4, in Jefferson County, will be closed at the railroad crossing from Monday, April 3, 2023, through Thursday, April 6, 2023, to allow for CSX Railroad to repair the tracks. Signs will be in place directing traffic to utilize Charles Town Road, County Route 115/5, Shenandoah Junction Road, County Route 20, and Warm Springs Road, County Route 48/2 as detour routes. Motorists should allow extra time while traveling in this area.

###

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

ACCOUNTS FOR: 001	GENERAL FUND							
ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED		
<b>001401 COUNTY COMMISSION</b>								
001401 410100	OFFICIALS SALARY							
227,675.00	227,675.00	162,288.49	25,793.10	0.00	65,386.51	71.3%		
001401 410300	EMPLOYEES SALARY AND WAGES							
444,419.00	467,864.00	302,189.61	47,888.20	0.00	165,674.39	64.6%		
001401 410400	FICA TAX							
40,964.00	42,417.00	28,357.06	4,512.75	0.00	14,059.94	66.9%		
001401 410401	MEDICARE EXPENSE							
9,582.00	9,922.00	6,631.91	1,055.43	0.00	3,290.09	66.8%		
001401 410500	HEALTH INSURANCE							
104,023.00	104,023.00	48,967.16	5,687.06	0.00	55,055.84	47.1%		
001401 410599	HEALTH INSURANCE-CONTRA							
-104,023.00	-104,023.00	-37,596.98	0.00	0.00	-66,426.02	36.1%		
001401 410600	RETIREMENT							
56,854.00	58,966.00	38,429.65	6,158.49	0.00	20,536.35	65.2%		
001401 410801	OVERTIME							
1,000.00	1,000.00	915.87	0.00	0.00	84.13	91.6%		
001401 421100	TELEPHONE							
1,350.00	1,350.00	304.61	0.00	0.00	1,045.39	22.6%		
001401 421400	TRAVEL							
4,000.00	4,000.00	8,999.73	0.00	0.00	-4,999.73	225.0%		
001401 421800	POSTAGE							
500.00	500.00	33.74	0.00	0.00	466.26	6.7%		
001401 422000	ADVERTISING / LEGAL PUBS							
6,200.00	6,200.00	1,302.42	0.00	0.00	4,897.58	21.0%		
001401 422100	TRAINING AND EDUCATION							
2,500.00	2,500.00	3,156.08	0.00	0.00	-656.08	126.2%		
001401 422200	DUES AND SUBSCRIPTIONS							
13,015.00	13,015.00	4,200.95	0.00	0.00	8,814.05	32.3%		
001401 422300	PROFESSIONAL SERVICES							
70,750.00	105,750.00	38,016.35	12,203.25	37,125.00	30,608.65	71.1%		
001401 422301	HRA-HEALTH REIMBURSEMENT ACCT							
200,000.00	200,000.00	85,180.23	15,412.00	0.00	114,819.77	42.6%		
001401 422320	EMPLOYEE ASSISTANCE PGM							
3,800.00	3,800.00	3,744.00	936.00	0.00	56.00	98.5%		
001401 422400	AUDIT COSTS							
35,000.00	35,000.00	0.00	0.00	0.00	35,000.00	.0%		
001401 422600	INSURANCE AND BONDS							
328,385.00	329,912.00	332,562.50	0.00	0.00	-2,650.50	100.8%		
001401 422601	WORKERS COMP INSURANCE							
126,338.00	126,338.00	128,909.00	31,966.25	0.00	-2,571.00	102.0%		

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

ACCOUNTS FOR: 001	GENERAL FUND		YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
ORIGINAL APPROP	REVISED	BUDGET					
001401 422602		UNEMPLOYMENT INSURANCE					
	20,000.00	20,000.00	697.33	0.00	0.00	19,302.67	3.5%
001401 423000		CONTRACTED SERVICES					
	3,000.00	3,000.00	1,304.24	186.32	0.00	1,695.76	43.5%
001401 423900		INSURANCE PREMIUM RETIREE					
	85,000.00	85,000.00	71,096.00	8,008.00	0.00	13,904.00	83.6%
001401 434100		MATERIALS AND SUPPLIES					
	1,000.00	6,000.00	8,985.20	0.00	0.00	-2,985.20	149.8%
001401 449999		PCARD UNALLOCATED TRANSACTIONS					
	0.00	0.00	-16.99	0.00	0.00	16.99	100.0%
001401 456700		CONTR/TRSFR OTHR GOV UNIT					
	4,800.00	4,800.00	4,800.00	0.00	0.00	0.00	100.0%
001401 456708		IN-KIND RENT-FARMLAND PROT BD					
	14,231.00	14,231.00	10,673.28	1,185.92	0.00	3,557.72	75.0%
001401 456800		CONTRIBUTION/ TRANSFER OTHER					
	500.00	500.00	0.00	0.00	0.00	500.00	.0%
001401 456800 G2011		CONTRIBUTION/ TRANSFER OTHER					
	150,010.00	150,010.00	112,507.50	0.00	0.00	37,502.50	75.0%
TOTAL COUNTY COMMISSION							
	1,850,873.00	1,919,750.00	1,366,638.94	160,992.77	37,125.00	515,986.06	73.1%
TOTAL GENERAL FUND							
	1,850,873.00	1,919,750.00	1,366,638.94	160,992.77	37,125.00	515,986.06	73.1%
TOTAL EXPENSES							
	1,850,873.00	1,919,750.00	1,366,638.94	160,992.77	37,125.00	515,986.06	

YEAR-TO-DATE BUDGET REPORT

REPORT OPTIONS

Sequence 1	Field #	Total	Page Break	Year/Period: 2023/ 9
Sequence 2	1	Y	Y	Print revenue as credit: Y
Sequence 3	9	Y	N	Print totals only: N
Sequence 4	0	N	N	Suppress zero bal accts: Y
				Print full GL account: N
				Double space: N
				Roll projects to object: N

Report title:  
YEAR-TO-DATE BUDGET REPORT

Print Full or Short description: F  
Print MTD Version: Y  
Print Revenues-Version headings: N  
Format type: 1  
Print revenue budgets as zero: N  
Include Fund Balance: N  
Include requisition amount: N  
Multiyear view: D  
Amounts/totals exceed 999 million dollars: N

Carry forward code: 1  
Print journal detail: N  
From Yr/Per: 2023/ 9  
To Yr/Per: 2023/ 9  
Include budget entries: Y  
Incl encumb/liq entries: Y  
Sort by JE # or PO #: J  
Detail format option: 1

Find Criteria

Field Name	Field value
Org	001401
Object	
Project	
Rollup code	
Account type	
Account status	

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

JOURNAL DETAIL 2023 9 TO 2023 9

ACCOUNTS FOR: 001		GENERAL FUND		YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
ORIGINAL APPROP	REVISED BUDGET							
<b>001401 COUNTY COMMISSION</b>								
001401 410100		OFFICIALS SALARY						
	227,675.00	227,675.00		162,288.49	25,793.10	0.00	65,386.51	71.3%
2023/09/000008	03/03/2023	PRJ	8,597.70	REF 2318PR		WARRANT=2318PR	RUN=1 BI-WEEKL	
2023/09/000076	03/17/2023	PRJ	8,597.70	REF 2319PR		WARRANT=2319PR	RUN=1 BI-WEEKL	
2023/09/000149	03/31/2023	PRJ	8,597.70	REF 2320PR		WARRANT=2320PR	RUN=1 BI-WEEKL	
001401 410300		EMPLOYEES SALARY AND WAGES						
	444,419.00	467,864.00		302,189.61	47,888.20	0.00	165,674.39	64.6%
2023/09/000008	03/03/2023	PRJ	13,924.20	REF 2318PR		WARRANT=2318PR	RUN=1 BI-WEEKL	
2023/09/000076	03/17/2023	PRJ	17,924.20	REF 2319PR		WARRANT=2319PR	RUN=1 BI-WEEKL	
2023/09/000149	03/31/2023	PRJ	16,039.80	REF 2320PR		WARRANT=2320PR	RUN=1 BI-WEEKL	
001401 410400		FICA TAX						
	40,964.00	42,417.00		28,357.06	4,512.75	0.00	14,059.94	66.9%
2023/09/000008	03/03/2023	PRJ	1,368.60	REF 2318PR		WARRANT=2318PR	RUN=1 BI-WEEKL	
2023/09/000076	03/17/2023	PRJ	1,616.63	REF 2319PR		WARRANT=2319PR	RUN=1 BI-WEEKL	
2023/09/000149	03/31/2023	PRJ	1,527.52	REF 2320PR		WARRANT=2320PR	RUN=1 BI-WEEKL	
001401 410401		MEDICARE EXPENSE						
	9,582.00	9,922.00		6,631.91	1,055.43	0.00	3,290.09	66.8%
2023/09/000008	03/03/2023	PRJ	320.11	REF 2318PR		WARRANT=2318PR	RUN=1 BI-WEEKL	
2023/09/000076	03/17/2023	PRJ	378.05	REF 2319PR		WARRANT=2319PR	RUN=1 BI-WEEKL	
2023/09/000149	03/31/2023	PRJ	357.27	REF 2320PR		WARRANT=2320PR	RUN=1 BI-WEEKL	
001401 410500		HEALTH INSURANCE						
	104,023.00	104,023.00		48,967.16	5,687.06	0.00	55,055.84	47.1%
2023/09/000008	03/03/2023	PRJ	2,907.03	REF 2318PR		WARRANT=2318PR	RUN=1 BI-WEEKL	
2023/09/000076	03/17/2023	PRJ	2,780.03	REF 2319PR		WARRANT=2319PR	RUN=1 BI-WEEKL	
001401 410599		HEALTH INSURANCE-CONTRA						
	-104,023.00	-104,023.00		-37,596.98	0.00	0.00	-66,426.02	36.1%
001401 410600		RETIREMENT						
	56,854.00	58,966.00		38,429.65	6,158.49	0.00	20,536.35	65.2%
2023/09/000008	03/03/2023	PRJ	1,869.36	REF 2318PR		WARRANT=2318PR	RUN=1 BI-WEEKL	
2023/09/000076	03/17/2023	PRJ	2,229.36	REF 2319PR		WARRANT=2319PR	RUN=1 BI-WEEKL	
2023/09/000149	03/31/2023	PRJ	2,059.77	REF 2320PR		WARRANT=2320PR	RUN=1 BI-WEEKL	

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

JOURNAL DETAIL 2023 9 TO 2023 9

ACCOUNTS FOR: 001	GENERAL FUND							
ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED		
001401 410801	OVERTIME	1,000.00	1,000.00	915.87	0.00	0.00	84.13	91.6%
001401 421100	TELEPHONE	1,350.00	1,350.00	304.61	0.00	0.00	1,045.39	22.6%
001401 421400	TRAVEL	4,000.00	4,000.00	8,999.73	0.00	0.00	-4,999.73	225.0%
001401 421800	POSTAGE	500.00	500.00	33.74	0.00	0.00	466.26	6.7%
001401 422000	ADVERTISING / LEGAL PUBS	6,200.00	6,200.00	1,302.42	0.00	0.00	4,897.58	21.0%
001401 422100	TRAINING AND EDUCATION	2,500.00	2,500.00	3,156.08	0.00	0.00	-656.08	126.2%
001401 422200	DUES AND SUBSCRIPTIONS	13,015.00	13,015.00	4,200.95	0.00	0.00	8,814.05	32.3%
001401 422300	PROFESSIONAL SERVICES	70,750.00	105,750.00	38,016.35	12,203.25	37,125.00	30,608.65	71.1%
2023/09/000004	03/01/2023 API		900.00 VND 022192 VCH					MILLENIUM INS G HRA ADMINISTRATION MARCH 2023 87641
2023/09/000087	03/14/2023 API		4,750.00 VND 100048 VCH					ENGAGE STRATEGI Engage Strategies Professional 87687
2023/09/000157	03/23/2023 API		900.00 VND 021004 VCH					LAW OFFICE OF G Feb. Services 87762
2023/09/000157	03/23/2023 API		2,092.50 VND 021004 VCH					LAW OFFICE OF G Jan. Services Rendered 87762
2023/09/000157	03/23/2023 API		880.25 VND 021004 VCH					LAW OFFICE OF G Dec. Services Rendered 87762
2023/09/000157	03/23/2023 API		475.50 VND 021004 VCH					LAW OFFICE OF G Nov. Services Rendered 87762
2023/09/000157	03/23/2023 API		2,205.00 VND 021004 VCH					LAW OFFICE OF G Oct. Services Rendered 87762
001401 422301	HRA-HEALTH REIMBURSEMENT ACCT	200,000.00	200,000.00	85,180.23	15,412.00	0.00	114,819.77	42.6%
2023/09/000083	03/01/2023 API		44.34 VND 011143 VCH					APRIL BLAKER EMPLOYEE HRA DEDUCTIBLE REIMBU 87671
2023/09/000083	03/01/2023 API		694.45 VND 013132 VCH					CYNTHIA DANNER EMPLOYEE HRA DEDUCTIBLE REIMBU 87682
2023/09/000083	03/01/2023 API		1,573.39 VND 016004 VCH					JAMIE GREEN EMPLOYEE HRA DEDUCTIBLE REIMBU 87692
2023/09/000083	03/01/2023 API		2,108.27 VND 017132 VCH					ALBERT HOCKMAN EMPLOYEE HRA DEDUCTIBLE REIMBU 87668
2023/09/000083	03/01/2023 API		451.35 VND 020062 VCH					JOSEPH KENT EMPLOYEE HRA DEDUCTIBLE REIMBU 87694
2023/09/000120	03/15/2023 API		361.57 VND 017097 VCH					JENNILEE HARTMA EMPLOYEE HRA DEDUCTIBLE REIMBU 87729
2023/09/000120	03/15/2023 API		2,751.47 VND 028215 VCH					WILLIAM SCHWEIT EMPLOYEE HRA DEDUCTIBLE REIMBU 87732

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

JOURNAL DETAIL 2023 9 TO 2023 9

ACCOUNTS FOR: 001	GENERAL FUND		YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
ORIGINAL APPROP	REVISED BUDGET						
HRA-HEALTH REIMBURSEMENT ACCT							
2023/09/000157	03/24/2023	API	6,500.00	VND 011011	VCH		
2023/09/000157	03/24/2023	API	927.16	VND 021039	VCH		
				JAMIN BRANCH	EMPLOYEE HRA DEDUCTIBLE REIMBU		87752
				NICOLE NOBREGA	EMPLOYEE HRA DEDUCTIBLE REIMBU		87765
001401 422320		EMPLOYEE ASSISTANCE PGM					
			3,800.00				
			3,800.00			56.00	98.5%
			3,744.00				
				936.00			
2023/09/000083	03/01/2023	API	936.00	VND 022099	VCH		
				MAZZITTI & SULL	QTRLY EAP 4/1/23-6/1/23		87695
001401 422400		AUDIT COSTS					
			35,000.00				
			35,000.00			35,000.00	.0%
			0.00				
				0.00			
001401 422600		INSURANCE AND BONDS					
			328,385.00				
			329,912.00			-2,650.50	100.8%
			332,562.50				
				0.00			
001401 422601		WORKERS COMP INSURANCE					
			126,338.00				
			126,338.00			-2,571.00	102.0%
			128,909.00				
				31,966.25			
2023/09/000120	03/17/2023	API	31,966.25	VND 032151	VCH		
				WVCorp WV COUNT FY23 2ND QTR	WORKERS COMP LIAB		87734
001401 422602		UNEMPLOYMENT INSURANCE					
			20,000.00				
			20,000.00			19,302.67	3.5%
			697.33				
				0.00			
001401 423000		CONTRACTED SERVICES					
			3,000.00				
			3,000.00			1,695.76	43.5%
			1,304.24				
				186.32			
2023/09/000087	03/13/2023	API	186.32	VND 033001	VCH		
				XEROX CORPORATI	JANUARY 2023 COPIER MAINT		87717
001401 423900		INSURANCE PREMIUM RETIREE					
			85,000.00				
			85,000.00			13,904.00	83.6%
			71,096.00				
				8,008.00			
2023/09/000083	03/01/2023	API	8,008.00	VND 027078	VCH		
				RETIREE HLTH BE	RETIREE HEALTH PREMIUMS FOR MA		87700
001401 434100		MATERIALS AND SUPPLIES					
			1,000.00				
			6,000.00			-2,985.20	149.8%
			8,985.20				
				0.00			
001401 449999		PCARD UNALLOCATED TRANSACTIONS					
			0.00				
			0.00			16.99	100.0%
			-16.99				
				0.00			

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

JOURNAL DETAIL 2023 9 TO 2023 9

ACCOUNTS FOR: 001	GENERAL FUND							
ORIGINAL	APPROP	REVISED	BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
001401 456700	4,800.00	4,800.00	CONTR/TRSFR OTHR GOV UNIT	4,800.00	0.00	0.00	0.00	100.0%
001401 456708	14,231.00	14,231.00	IN-KIND RENT-FARMLAND PROT 8D	10,673.28	1,185.92	0.00	3,557.72	75.0%
2023/09/000002	03/31/2023	GEN	1,185.92	REF INKIND		INKIND RENT JCFP		
001401 456800	500.00	500.00	CONTRIBUTION/ TRANSFER OTHER	0.00	0.00	0.00	500.00	.0%
001401 456800 G2011	150,010.00	150,010.00	CONTRIBUTION/ TRANSFER OTHER	112,507.50	0.00	0.00	37,502.50	75.0%
TOTAL COUNTY COMMISSION	1,850,873.00	1,919,750.00		1,366,638.94	160,992.77	37,125.00	515,986.06	73.1%
TOTAL GENERAL FUND	1,850,873.00	1,919,750.00		1,366,638.94	160,992.77	37,125.00	515,986.06	73.1%
TOTAL EXPENSES	1,850,873.00	1,919,750.00		1,366,638.94	160,992.77	37,125.00	515,986.06	

# JEFFERSON COUNTY, WV - PRODUCTION



## YEAR-TO-DATE BUDGET REPORT

FOR 2023 09

JOURNAL DETAIL 2023 9 TO 2023 9

ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
GRAND TOTAL						
1,850,873.00	1,919,750.00	1,366,638.94	160,992.77	37,125.00	515,986.06	73.1%

\*\* END OF REPORT - Generated by Vivian Fields \*\*

YEAR-TO-DATE BUDGET REPORT

REPORT OPTIONS

Sequence 1	Field #	Total	Page Break	Year/Period: 2023/ 9
Sequence 2	1	Y	Y	Print revenue as credit: Y
Sequence 3	9	Y	N	Print totals only: N
Sequence 4	0	N	N	Suppress zero bal accts: Y
	0	N	N	Print full GL account: N

Report title: YEAR-TO-DATE BUDGET REPORT  
 Double space: N  
 Roll projects to object: N  
 Carry forward code: 1  
 Print journal detail: Y  
 From Yr/Per: 2023/ 9  
 To Yr/Per: 2023/ 9  
 Print Full or Short description: F  
 Print MTD Version: Y  
 Print Revenues-version headings: N  
 Format type: 1  
 Print revenue budgets as zero: N  
 Include Fund Balance: N  
 Include requisition amount: N  
 Multiyear view: D  
 Amounts/totals exceed 999 million dollars: N  
 Include budget entries: Y  
 Incl encumb/liq entries: Y  
 Sort by JE # or PO #: J  
 Detail format option: 1

Find Criteria	
Field Name	Field value
Org	001401
Object	
Project	
Rollup code	
Account type	
Account status	

Believe in one God, do we

Satan almighty

The uncreator of heaven and soil

And the invisible and the visible

And in his son, begotten of father

By whom all things will be unmade

Who for man and his damnation

Incarnated, rise up from hell

From sitteth on the left hand of his father

From thence he shall come to judge

Out of one substance with Satan

Whose kingdom shall haveth no end

Hear our Satan prayer

Our anti-Nicene creed

Hear our Satan prayer

For the coming of seed

Unholy ghost

Overlord and taker of life

nema



COURTESY PHOTO

## PRAYER AND A SILENT PROTEST

Charles Town resident Marc Petitpierré, who has been a vocal and severe opponent of the Jefferson County Commission's recent 3-2 vote to open its regular public meetings with a minister's prayer, stands in silent protest, fist in the air, of the policy during a commission meeting last Thursday. The meeting was the first time a prayer was offered since the policy was adopted Feb. 16 after a few discussions.

A few minutes earlier, Pastor Craig Bush of Grace Baptist Church in Kearneysville provided the opening prayer, asking God to give commissioners wisdom as they fulfill their public roles. "I pray that you give them wisdom and the ability to do their job and do it well—and bless their families," the pastor concluded. "In Jesus' name, amen."

*Spirit West March 8, 2023*

a bit of extra work for [911

it's going to be next year."

## **Public Comment for Jefferson County Commission meeting March 16, 2023**

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

### **PUBLIC COMMENT –**

I will repeat what I have stated at the closing of this public comment:

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

My prayers go out to the general public and those who travel through our 911 coverage of the county. Your life is in jeopardy; held solely by the decision of the current five Jefferson County Commissioner.

### **Finance Directors Report – Internal Budget Revision – transfer of FY23 funds from Professional Services to Travel in the amount of \$5,326.73.**

There is no real documents as to why or how this transfer should be allowed to occur. There is no transparency.

### **Request of JCESA in the amount of \$8,642.22**

I believe that this was already paid for in February. There is no documentation of where this expense is to be funded from. The public has not been informed of an ESA transition project outline and/or guidelines that are required to be followed.

### **Presentation #12 – Unfinished Business – MOU - Shepherd University Emergency Action Plan**

No documents. The public has the right to review the MOU (as a matter of public record). There is no description within the agenda, so therefore, you cannot take action.

### **NEW BUSINESS:**

### **Presentation #14 – Review of Agenda Policy and Procedures (SS)**

There are documents included within the agenda packet; but there is no clear statement of what is to be reviewed or acted upon. Since this presentation is to “only” be reviewed. No action can be taken.

### **CORRESPONDENCE and INFORMATION**

### **Letter from the West Virginia Public Service Commission – disbursement of wireless E-911 Subscriber Fees.**

This posting failed to alert the public of the actual disbursement amount. (\$332,291.63). It's appears that the County Commission is hiding this large (quarterly) revenue; without full disclosure of where the money is held and/or used. As a frequent user of a wireless device, I hereby request full disclosure.

*“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!

## MARCH 27, 2023 - FY 2024 BUDGET

<b>Revenue</b>		Grants - from whom to who? Only \$150,000.00 Previous Grant Receiptants were: Parks & Rec Sheriff Dept Court House Day Center Report JC Center for Aging Prosecuting Attorney Office Fire & Rescue (that's right the Ins Policy holders pay this in a surcharge transferred from the state)
<b>Rent</b>		of what and to whom?
<b>Ambulance Billing</b>		1.6m that's all, you claim the VFC was making millions, you already spent million in less than a year and you still don't have a funded department. Your business model is not looking good.
<b>Ambulance Fees</b>		Once you have a department you cant have ambulance fees! It wasn't legal anyways. The Public is required to vote on this type of fee.
<b>Interest Earned</b>	\$56,602.00	What are you getting interest from? How much and where and from what?
<b>Misc. Revenue</b>	\$10,000.00	Where is it coming from? Where is the sheriff's sale?
<b>Gain/Loss Fixed Assests FY22 (\$60,234.)</b>		The JCC just can take everything like the WVSC did with the couch.
<b>Transactions for other entities (\$120,000)</b>		Where is the 58m from FY22 to FY23 in Oct of 2022?
<b>General School Reimbursement FY23 264,000</b>		Now -0-. Are you going to charge the schools for Ambulance service?

## EXPENDITURES

<b>401 County Commission</b>	Getting a raise again! 9 to 10% every year (2.1M)
<b>456800 - Contributions to others</b>	If you don't list it, you can't give it!
<b>428 - Data Processing</b>	Big winner! Up 46%. \$400,000 to a mere \$1.3m
<b>715 - JCESA - Ambulance</b>	up 24% from 4.1M to 5.M. We know 5M came from ARPA last year where is the 5M coming from now? You only have 1.6M in revenue
<b>713 JCESA - Fire</b>	\$595,000. Where does this money go? I thought the JCESA was out of the fire business
<b>699 - Contingency (For Emergencies)</b>	is a big loser. Down 43% from \$444,000 to \$250,000.
<b>909- Historical Commission</b>	a bigger hit. Down 53% from \$44,445. to \$21,000. You don't want to keep track of history, so we can see how good our VFC were or to record who destoried the VFC in Jefferson County after 100 years.
<b>900 - Parks &amp; Recs</b>	got their 14% increase and did not report their income or grants
<b>Net Surplus</b>	FY22 - \$3,793,369 FY23 - \$1,063,321 FY24 - \$284,652

This current County Commission cannot save money. They just spend it on what they want. Not what the public needs to be safe.

**Where did the JCC hide the rent you pay for the Charles Town Library?**

## Capital Outlay

The bigger winner is:

**Disaster Recovery Dual In Infrastructure systems** \$300,000. for Downtown and Bardane campus FOR WHAT?

The majority of the 2M for Capital Outlay is for maintenance with a 10.5M still on the books (Wish List)

## Coal Severance Fund

**401** \$25,000 County Commission already have 9% increase for 1.9 to 2.1M

**440** \$41,704 Planning/Engineering FY22 & FY23 -0- what is this for?

**908** \$100,000 Community Center: is this Parks & Rec? Already getting \$956,538 plus grants. Still have not reported any fees from the public.

**998** \$10,000 Parks & Recs: How many different accounts does Parks & Rec have?

**Levy Rate:** Should be less! The Assessments went up by 20% to 30%. The Levy Rate should go down, not go up! So, when are you going to have a public hearing on just the Levy?

There is not enough information for any one to make a final decision on the Jefferson County Budget

Again, what is the County holding in cash or bonds or other securities?

Where is the list of property and its condition to know what is needed and/or expenses.

In closing, The JCC had a 58M transfer from Oct of 2022. Where is this listed?

A total list of assets is required to be able to perform a budget. Where is that list?

## Jessica Carroll

---

**From:** Art Hill <ajljachill@gmail.com>  
**Sent:** Saturday, April 1, 2023 7:41 AM  
**To:** JCCInfo  
**Subject:** Free dump day

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

Why would the first "cut" be the free dump day to the people of Jefferson county? With all the drugs and violence going on. We can't even keep the trash picked up now?! I pick up trash throughout Jefferson county for people less fortunate. I used the free dump day for these people. I can not afford to clean up anymore. Gas is outrageous and Jefferson county is going downhill... That's all, thanks 🍷

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 20, 2023, or as soon thereafter as the Commission may decide:

**Jefferson County Development Authority Board of Directors:**

- one (1) three-year term for Citizen Representative ending April 5, 2026.

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

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



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 20, 2023, or as soon thereafter as the Commission may decide:

**HOME Consortium Council -two (2) three-year terms ending June 30, 2026**

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

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

## **EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA**

The Eastern Panhandle HOME Consortium of West Virginia was formed in 2006 to enable the Cities and Counties of the Eastern Panhandle to receive HOME Investment Partnership Program funds from the U.S. Department of Housing and Urban Development. HOME funds are used to provide affordable housing opportunities for low income households. The HOME Consortium receives approximately \$489,000 per year. The primary use of HOME funds has been to provide the Homebuyer Assistance Program providing interest-free, deferred payment loans for downpayment and closing costs to low-income first-time homebuyers. To date 333 households have been assisted.

The members are the City of Martinsburg, Berkeley County, Jefferson County and Morgan County and their municipalities. The City of Martinsburg is the lead member and responsible for program administration and grant management. The HOME Consortium has three (3) representatives from each primary member and there is one at-large member. The Council meets quarterly in the month in May, August, November and February.

The HOME Consortium Council oversees the program and provides guidance on the use of funds. The primary duties and responsibilities of the Consortium Council are as follows:

1. Define an overall strategy and programs based on the needs of the Consortium members.
2. Establish priorities for the use of HOME funds.
3. Approve the allocation and distribution of funds among the Consortium members.
4. Approve the annual consolidated Action Plan in regard to the use of HOME funds.
5. Provide advice on the eligibility and feasibility of specific project activities.
6. Ensure that any required matching funds are provided by the Members or from the non-federal funds portion of HOME assisted projects.
7. Review and approve any amendments to the Cooperation Agreement.
8. Review and approve documentation submitted by non-profit organizations for designation as a local Community Housing Development Organization (CHDO). Monitor and recertify annually any CHDO's.
9. Adopt and assure compliance with affirmative marketing policies and procedures.
10. Provide guidance and direction in promoting and affirmatively furthering fair housing in the Eastern Panhandle.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 20, 2023, or as soon thereafter as the Commission may decide:

**Telamon Community Action Board of Directors:**

- one (1) three-year term ending March 2026

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

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

# TELAMON COMMUNITY ACTION BOARD

## STATEMENT OF BYLAWS

### ARTICLE I: NAME AND PURPOSE

**Section A. Name.** The name of the organization shall be Telamon Community Action Board, hereinafter called the "Board", a West Virginia partner of Telamon Corporation, hereinafter called "Telamon"

**Section B. Purpose.** The purpose of the Board is to oversee, on behalf of Telamon, the provision of services directed to improve self-sufficiency and economic stability for low-income individuals, families and communities in West Virginia, especially those in Berkeley and Jefferson Counties. The Board will carry out its business consistent with Chapter 3 1E of the West Virginia Nonprofit Board Act, in that it shall operate exclusively for charitable and educational purposes and in a manner consistent with the West Virginia Code and Section 501 (c) (3) or successor provisions of the Internal Revenue Code of the United States. Both the Board and Telamon will act to uphold the provisions of the Memorandum of Agreement between Telamon and the West Virginia Governor's Office of Economic Opportunity.

**Section C. General Powers.** The property, business and affairs of the Board shall be overseen by Telamon in accordance with these bylaws and the purposes of the Board.

**Section D. Location.** The principal location of the Board shall be located in Martinsburg, West Virginia, and the Board may designate other locations in Jefferson or Berkley Counties where, from time to time, it may desire to conduct its business.

**Section E. Dissolution.** On dissolution, no director or officer of the Board, or any private individual shall be entitled to share in the distribution of the assets of the Board, but such assets shall be donated, transferred, delivered, and conveyed by the Governing Board to one or more organizations conducting similar activities that qualify under Section 501 (c) (3) of the Internal Revenue Code and Chapter 105, Section 125 and 138 of the General Statutes of West Virginia, subject to compliance with Federal statutes.

**Section F. Seal.** The Board's seal shall be circular in form and have inscribed thereon, the words: "TELAMON COMMUNITY ACTION BOARD" and the word "Seal"

## ARTICLE II: MEMBERSHIP

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**Section A: Composition.** The Board shall have at least 9 members, dully elected or appointed as follows:

1. A minimum of one-third of the members shall represent low-income residents of Jefferson and Berkley Counties, nominate members of the community and elect to represent all recipient populations in the service area through an established democratic process.

In accordance with CSBG regulations, the following process will be used to recruit and elect low-income representatives to the Telamon Community Actions Board. Annually in October, an ad will be placed in local publications, to solicit support for identifying new board members to potentially serve as low-income individuals. Following the closing date for nominations, a ballot will be prepared, and an election date will be set. This date will be advertised inclusive of the day, times and polling places. The low-income representative selected during the election will be brought before the Board for approval at the March annual meeting.

2. A minimum of one-third of the members shall be elected officials, or appointees thereof, who represent jurisdictions or other public bodies in Jefferson and Berkley Counties
3. A minimum of one-third of the members shall be nominated from Jefferson and Berkley private sector business, education, religious, human services, or other enterprises in the community at large.
4. Any group, organization or agency in West Virginia which desires to be represented on the Board may file a written petition requesting the same. The petition shall include the nature and purpose of the entity, the size of its membership, and shall be signed by an officer of the entlty.

**Section B. Terms of Office.** Board members shall serve terms of three years, which may be extended by reelection or reappointment as applicable. Initial terms will be distributed so that approximately one-third of member terms will expire each year, on the day of the Board's annual meeting.

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**Section C. Vacancies.** A vacancy occurring on the Board shall be filled for the unexpired term of the departed member, subject to the representation category, and the individual filling the vacancy shall be eligible for additional terms, subject to nomination and election as provided in Article I, Section B. of these Bylaws.

**Section D. Removal.** A board member may be removed from the member roster for cause, including absence from three consecutive meetings, by majority vote of the committee of the whole.

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**Section E. Voting.** Each voting member of the Board shall have one vote. Voting by proxy shall be prohibited.

**Section F. Quorum.** Fifty-one percent (51%) of the seated Board membership shall constitute a quorum to do business and a majority vote shall be necessary to affect action except as otherwise provided in these Bylaws.

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### ARTICLE III: DUTIES AND RESPONSIBILITIES

**Section A.** The Board will oversee the implementation of funding source and Telamon policies, exercise oversight of fiscal and program management, be involved on the planning program direction and method of administration, and monitor compliance with federal, state or other laws (including regulation). These duties shall include:

1. Acknowledgement of current body of policies put into place by the Telamon Corporation Governing Board for selection, evaluation, discipline, benefits, and determination of compensation for employees and provide local advice and input on the adoption or amendments to current policies in the future.
2. Adoption of rules and regulations for conduct of Board business, including a code of ethics, a conflict-of-interest policy and methodology for resolving complaints from residents of the service community.
3. Adoption or approval of resolutions, corrective action plans or other submissions which may, from time to time, be required by the Governor's Office of Economic Opportunity
4. Interaction, as necessary, with community program grantor review or audits.
5. Support of best practices of human resource administration, program operations and internal fiscal controls: and
6. Observation always in the conduct of Board activities, the standard of care and best interest of the Board.

**Section B.** The Board shall exercise an assistive role in the evaluation, discipline or employment of the principal West Virginia program administrator as necessary.

## ARTICLE IV: OFFICERS AND DUTIES

**Section A. Officers.** The officers of the Board shall Chair, the Vice Chair, the Treasurer, and the Secretary, who shall be elected by the Board from among its members at the Board's annual meeting. The Governance Committee shall present a slate of officers selected from the Board's membership. However, the right to make nominations from the floor shall not be denied.

**Section B. Terms.** All officers shall enter upon their official duties upon their election and shall office for a term of two (2) years or until their successors be duly elected and qualified. Officers are eligible for re-election. Members may serve no more than two (2) consecutive terms in the same office. If an officer is not reelected to the Board, his/her term of office will cease, and an election will fill the vacancy.

### **Section C. Duties:**

- 1. Chair.** The Chair shall (1) preside over all meetings of the Board; (2) call special meetings of the Board, (3) perform all acts and duties usually performed by the presiding officer, and (4) sign all papers of the Board. The Chair shall perform such other duties as may be prescribed by the Board
- 2. Vice Chair.** In the absence, or disability of the Chair, the Vice Chair shall perform the duties of the Chair, provided, however, that in the case of death, resignation or permanent disability of the Chair, the Board may declare the office vacant, and a successor shall be elected by the Board.
- 3. Treasurer.** The Treasurer shall see that the periodic reports on the finances of the Board and West Virginia program operation are made to the Board, and that annual audits are reviewed by the Board.
- 4. Secretary.** The Secretary shall see that a complete record of all meetings of the Board is kept and shall have a general charge and supervision of the books and records of the Board. The Secretary shall maintain the roster of Board members' attendance and shall see that notice of all meetings minutes are conveyed to Telamon. If both the Chair and Vice Chair are unable to perform their duties or both positions are vacant, the Secretary shall assume the responsibilities of the Chair

## ARTICLE V: COMMITTEES

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**Section A. Selection.** Assignments of *Ad Hoc* committees may be made following an official Board action to do so, and they may be composed of any number of members. Standing committees assignments may be reviewed at each annual meeting for the purpose

**Section B. Duties.** Standing committees of the Board are Executive, Governance, Finance Audit/Planning and Operations.

1. Executive and Governance: Board officers as well as standing committee chairs comprise the Committee. The Committee shall meet when necessary to conduct the Board's business when a committee of the whole cannot be convened, and present its actions, if any, at the next meeting of the Board. Such meetings may take place telephonically or assisted by interactive technology as appropriate. The Committee is chaired by the Board Chair.

The Committee also establishes and oversees the process that brings low-income residents to the Board service, recommends potential public and private sector persons for Board service, works to fill vacancies when they arise, and coordinated periodic reviews of Board Articles and Bylaws.

2. Finance, Audit/Planning and Operations: Committee receives and reviews for recommendation to the committee of the whole, program proposals, external review reports and others as may be required on programs progress prepared for submission to funding sources or the Board, including reports of progress made with respect to required program improvement plans, and makes appropriate recommendations regarding complaints or concerns by members of the community

## Article VI: MEETINGS

**Section A. Annual Meeting.** The annual meeting of the Board shall be held in the month of March. A full report of Telamon's West Virginia programs will be made and elections of members and officers, as applicable, will be held. Following the meeting, an annual report will be made to the Telamon Governing Board

**Section B. Regular Meetings.** Beginning with January, Bi-monthly meetings of the committee of the whole will be held at locations chosen by the Board. Such meetings will be open to the public.

**Section C. Special Meetings.** Special meetings of the Board may be called by the Chair and shall be called by the Chair at the request of the Executive Committee or a majority of the members of the Board. At any special meeting, only such business for which the meeting was called to consider shall be discussed or acted upon.

**Section D. Notice of Meetings.** Notice of regular or special meetings of the Telamon Community Action Board shall be sent to each member at least ten (10) days prior to the time set for such meetings. Such notices may be transmitted electronically, pursuant to a method or methods prescribed by the Board. Board members unable to attend meetings should contact the Chair or the office of the West Virginia State Director.

## **ARTICLE VII: ORDER OF BUSINESS**

**Section A. Regular Meetings.** The standard order of business will be:

1. Call to order
2. Roll call of members and designation of quorum
3. Approval of previous meeting minutes
4. Committee reports
5. Executive Session (if requested)
6. Unfinished business
7. New business
8. Adjournment

**Section B: Annual Meetings.** Each annual meeting will include, in order:

1. Election of members
2. Election of officers
3. Annual report of programs

**Section C. Order of business.** *Roberts Rules of Order* will serve as a guide for conduct of business, unless stated otherwise in these Bylaws

## **ARTICLE IX: AMENDMENTS**

Subject to ratification by the Telamon Governing Board, these Bylaws may be amended at any scheduled meeting of the committee of the whole, by a two thirds (2/3) majority of the votes cast



**Jennie Shriner**  
Director of Community Programs  
67 Aikens Center  
Martinsburg, WV 25404  
304.263.0916  
[www.telamon.org](http://www.telamon.org)

*Empowering Individuals, Improving Communities*

Thank you for your interest in joining our Telamon Community Action Board. Telamon's mission is to provide educational services that lead to better jobs, better lives, and better communities.

Below you'll find background information on Telamon Corporation and the services we provide to the community. In addition, a list of the duties and responsibilities that are expected of all board members.

Telamon Corporation is part of a Tripartite Board, since 1968 local community action agencies have been required to have tripartite governing boards to gain and retain designation as eligible entities and to receive CSBG funding.

Effective tripartite boards reflect and promote the unique anti-poverty leadership, action, and mobilization responsibilities assigned by law to community action agencies. Boards are responsible for assuring that agencies continue to assess and respond to causes and conditions of poverty in their community, achieve anticipated family and community outcomes, and remain administratively and fiscally sound.

Board members shall serve terms of three years, which may be extended by reelection or reappointment as applicable. Initial terms will be distributed so that approximately one-third of member terms will expire each year, on the day of the Board's annual meeting.

**Regular Meetings:** Beginning with January, Bi-monthly meetings of the committee of the whole will be held at locations chosen by the Board. Such meetings will be open to the public. The annual meeting of the Board shall be held in the month of March. A full report of Telamon's West Virginia programs will be made and elections of members and officers, as applicable, will be held. Following the meeting, an annual report will be made to the Telamon Governing Board.

The Board will oversee the implementation of funding source and Telamon policies, exercise oversight of fiscal and program management, be involved on the planning program direction and method of administration, and monitor compliance with federal, state or other laws (including regulation). These duties shall include:

1. Acknowledgement of current body of policies put into place by the Telamon Corporation Governing Board for selection, evaluation, discipline, benefits, and determination of compensation for employees and provide local advise and input on the adoption or amendments to current policies in the future.
2. Adoption of rules and regulations for conduct of Board business, including a code of ethics, a conflict of interest policy and methodology for resolving complaints from residents of the service community.
3. Adoption or approval of resolutions, corrective action plans or other submissions which may, from time to time, be required by the Governor's Office of Economic Opportunity
4. Interaction, as necessary, with community program grantor review or audits.
5. Support of best practices of human resource administration, program operations and internal fiscal controls:

6. Observation at all times in the conduct of Board activities, the standard of care and best interest of the Board.

The Board shall exercise an assistive role in the evaluation, discipline, or employment of the principle West Virginia program administrator as necessary.

Please review all attached documents and links before completing and submitting your board member application.

Attached you will find copies of the following:

- Mission Statement and Core Values
- Annual Report
- Description of services in our WV offices

Links to website and Facebook page:

- <https://www.telamon.org/>
- <https://www.facebook.com/TelamonWV>

Let us know if you have any questions.

Kind regards,

*Jennie Shriner*



**Jennie Shriner, MBA, AFC®**

Director of Community Programs  
Telamon Corporation

O: 304.263.0916

M: 304.268.1396

F: 304.263.5091



# Telamon Corporation

## Transition Resources Corporation

### *Our Mission*

is to provide educational services that lead to better jobs, better lives, and better communities.

#### Purpose

EMPOWERING INDIVIDUALS,  
IMPROVING COMMUNITIES

#### Belief

- We believe that **BETTER EDUCATION** leads to **BETTER JOBS**
- **BETTER JOBS** lead to **BETTER LIVES** which create **BETTER COMMUNITIES**
- **BETTER COMMUNITIES** supply **BETTER EDUCATION**
- And the cycle of **CONTINUOUS IMPROVEMENT** from individuals to communities continues

#### Core Values

- My **WORD** means something
- I act as an **OWNER** of this corporation
- I embrace **CONTINUOUS IMPROVEMENT**
- I am **OPEN TO LEARNING** from anyone, anywhere
- I communicate with **RESPECT AND TRANSPARENCY**



[www.telamon.org](http://www.telamon.org)  
[www.transitionresources.org](http://www.transitionresources.org)



# Telamon Corporation WEST VIRGINIA

**Our mission is to provide educational services that lead to better jobs, better lives, and better communities.**

## Housing Programs:

**Victory House:** Provides transitional housing for homeless male Veterans to assist them in preparing for transitioning to permanent affordable housing in the community. Intensive case management assists participating in establishing goals geared to achieving self-sufficiency, including achieving residential stability, increasing their skill levels and/or income and obtaining greater self-determination. Supportive services are available to assist with transportation, medical costs, training, and other items necessary for achieving their goals.

**Permanent Supportive Housing Programs:** Programs are designed to assist chronically homeless individuals and their families in working towards securing permanent residence in the Eastern Panhandle. These programs are opened following the "Housing First" model, meaning they are accepted into housing with no pre-conditions such as having income or sobriety and then offered services to assist them in the issues causing their chronic homelessness. Participants are offered intensive case management accompanied by supportive services that assist them in connecting to needed community resources and in improving life skills that will help them become self-sufficient, with the goal of transitioning from homelessness to permanent housing.

Reliable Permanent Supportive Housing Program (Berkeley & Jefferson Counties)

Hearthstone Permanent Supportive Housing (Berkeley County)

Potomac Highlands Permanent Supportive Housing (Grant, Hampshire, Hardy, Mineral & Pendleton Counties)

**STEPS II:** This program provides two low-income families with housing in the Martinsburg area. The rent is based on their income and can never exceed 30% of said income. The program is designed to assist residents who are not yet ready to live completely on their own, and continues to assist with budget and credit counseling and development of life skills that lead to self-sufficiency.

**Co-Occurring Transitional Living Program:** A 12-18 month program for individuals who are homeless or at risk for homelessness, and who have co-occurring mental health and substance abuse issues. Priority is given to those discharging from state psychiatric and diversion facilities. This is a goal-oriented program that emphasizes health care, education, job readiness training and employment stability and provides intensive case management geared towards recovery and self-sufficiency.

**Supportive Services for Veteran Families (SSVF):** A Veterans Administration program that helps very low income Veterans and their families who are homeless or imminently at risk of homelessness obtain or maintain permanent housing. The program offers short-term case management that may include assistance with rent, utilities, car repair, employment stability, housing and budget counseling and assistance in obtaining VA and other state and local benefits. Eligibility requirements: Head of household

or spouse must be a Veteran; income below 50% of the area median income, and A) residing in permanent housing, B) homeless and scheduled to move into permanent housing within 90 days, or C) having exited permanent housing within the previous 90 days to find housing that is more amenable to the very-low income Veteran family's needs and preferences.



**Transition in Place Program (TIP):** The Transition in Place Program provides a homeless Veteran individual/family with transitional housing for 6-12 months based on need. Supportive services will be provided including case management, transportation assistance, food assistance, money management and housing counseling, life skills and referrals to community resources as needed. Supportive services will be transitioned out over time and when the Veteran is able to sustain the unit on his own, he will be transitioned in place and take over the lease with the landlord.

### Housing Counseling Services

Telamon Corporation is a HUD approved Multi State Organization. Our Certified Housing Counselor provides one-on-one and group sessions on the following topics:

- **Budget & Credit Counseling:** Assists participating in preparing household budgets and credit histories in anticipation of a new home or maintaining their current housing.
- **Foreclosure Prevention:** Free foreclosure counseling to help homeowners avoid foreclosure.
- **Homebuyer Education Program (HBE):** Future homebuyers can participate in a Homebuyers Education Fast Track Class or one-on-one HBE sessions. The HBE class is geared to provide customers with information to assist them in moving towards homeownership and maintaining the property once it has been purchased. One-on-one Housing Counseling Sessions are provided to assist customers facing obstacles to homeownership that cannot be resolved in a few months.
- **Post-Purchase Counseling:** Understanding the ins and outs of major home repairs and planning for unseen expenses.
- **Rental Education:** Provides families and individuals with the tools necessary to be responsible renters and understand their tenant rights.
- **Homeless Counseling:** Assists homeless persons in overcoming the barriers that led to homelessness, such as managing finances, repairing credit, obtaining or increasing income, managing anger, and building interpersonal relations.
- **Banking Basics:** Provides education on the use of checking and savings accounts and how to choose a financial institution.

### Information & Referral

WV 211: 2-1-1 is an easy to remember telephone number that connects people with important community services, disaster information and volunteer opportunities. 2-1-1 brings together existing information and referral providers and crisis services into one coordinated system.

Regional Resource Connection (RRC): Provides service coordination for the individuals with emergency needs not met by DHHR programs. The RRC works with partner agencies to serve as a one-stop connection for individuals and families in need to ensure that eligibility information is collected only one time by DHHR and partner agencies, to ensure those who qualify access DHHR services before approaching limited community resources, and to capture data about unmet needs in the community.



**WORKFORCE &  
CAREER SERVICES**



**EARLY CHILDHOOD  
& FAMILY SUPPORT**



**HOUSING &  
FINANCIAL  
EMPOWERMENT**

*Our mission is to provide educational services that lead to better jobs, better lives, and better communities.*

**TELAMON CORPORATION BOARD**  
Application/Nomination Form

**NAME** \_\_\_\_\_  
Last First MI

**ADDRESS** \_\_\_\_\_ **COUNTY** \_\_\_\_\_

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP CODE** \_\_\_\_\_

**PHONE NUMBER:** HOME \_\_\_\_\_ WORK \_\_\_\_\_ Ext. \_\_\_\_\_  
CELL PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**E-MAIL ADDRESS** \_\_\_\_\_

**EMPLOYER** \_\_\_\_\_ **CURRENT OCCUPATION** \_\_\_\_\_

Describe your experience, areas of expertise, background or interests that will benefit the Telamon Boards's work and purpose:

Check the category that describes applicant/nominee:

- Low income individual residing in Berkeley or Jefferson County
- An official or member of business, industry, labor, religious, welfare, education, law enforcement, or other major group or interest in Berkeley or Jefferson county.
- Elected public official or their appointee.

Application/Nomination by: Self  \*Elected public official  Other   
\*REPRESENTING: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Public Comment for Jefferson County Commission meeting March 16, 2023

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

### **PUBLIC COMMENT –**

I will repeat what I have stated at the closing of this public comment:

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

My prayers go out to the general public and those who travel through our 911 coverage of the county. Your life is in jeopardy; held solely by the decision of the current five Jefferson County Commissioner.

### **Finance Directors Report – Internal Budget Revision – transfer of FY23 funds from Professional Services to Travel in the amount of \$5,326.73.**

There is no real documents as to why or how this transfer should be allowed to occur. There is no transparency.

### **Request of JCESA in the amount of \$8,642.22**

I believe that this was already paid for in February. There is no documentation of where this expense is to be funded from. The public has not been informed of an ESA transition project outline and/or guidelines that are required to be followed.

### **Presentation #12 – Unfinished Business – MOU - Shepherd University Emergency Action Plan**

No documents. The public has the right to review the MOU (as a matter of public record). There is no description within the agenda, so therefore, you cannot take action.

### **NEW BUSINESS:**

### **Presentation #14 – Review of Agenda Policy and Procedures (SS)**

There are documents included within the agenda packet; but there is no clear statement of what is to be reviewed or acted upon. Since this presentation is to “only” be reviewed. No action can be taken.

### **CORRESPONDENCE and INFORMATION**

### **Letter from the West Virginia Public Service Commission – disbursement of wireless E-911 Subscriber Fees.**

This posting failed to alert the public of the actual disbursement amount. (\$332,291.63). It's appears that the County Commission is hiding this large (quarterly) revenue; without full disclosure of where the money is held and/or used. As a frequent user of a wireless device, I hereby request full disclosure.

*“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!

## MARCH 27, 2023 - FY 2024 BUDGET

<b>Revenue</b>		Grants - from whom to who? Only \$150,000.00 Previous Grant Receiptants were: Parks & Rec Sheriff Dept Court House Day Center Report JC Center for Aging Prosecuting Attorney Office Fire & Rescue (that's right the Ins Policy holders pay this in a surcharge transferred from the state)
<b>Rent</b>		of what and to whom?
<b>Ambulance Billing</b>		1.6m that's all, you claim the VFC was making millions, you already spent million in less than a year and you still don't have a funded department. Your business model is not looking good.
<b>Ambulance Fees</b>		Once you have a department you cant have ambulance fees! It wasn't legal anyways. The Public is required to vote on this type of fee.
<b>Interest Earned</b>	<b>\$56,602.00</b>	What are you getting interest from? How much and where and from what?
<b>Misc. Revenue</b>	<b>\$10,000.00</b>	Where is it coming from? Where is the sheriff's sale?
<b>Gain/Loss Fixed Assests FY22 (\$60,234.)</b>		The JCC just can take everything like the WVSC did with the couch.
<b>Transactions for other entities (\$120,000)</b>		Where is the 58m from FY22 to FY23 in Oct of 2022?
<b>General School Reimbursement FY23 264,000</b>		Now -0-. Are you going to charge the schools for Ambulance service?

## EXPENDITURES

<b>401 County Commission</b>	Getting a raise again! 9 to 10% every year (2.1M)
<b>456800 - Contributions to others</b>	If you don't list it, you can't give it!
<b>428 - Data Processing</b>	Big winner! Up 46%. \$400,000 to a mere \$1.3m
<b>715 - JCESA - Ambulance</b>	up 24% from 4.1M to 5.M. We know 5M came from ARPA last year where is the 5M coming from now? You only have 1.6M in revenue
<b>713 JCESA - Fire</b>	\$595,000. Where does this money go? I thought the JCESA was out of the fire business
<b>699 - Contingency (For Emergencies)</b>	is a big loser. Down 43% from \$444,000 to \$250,000.
<b>909- Historial Commission</b>	a bigger hit. Down 53% from \$44,445. to \$21,000. You don't want to keep track of history, so we can see how good our VFC were or to record who destoried the VFC in Jefferson County after 100 years.
<b>900 - Parks &amp; Recs</b>	got their 14% increase and did not report their income or grants
<b>Net Surplus</b>	FY22 - \$3,793,369 FY23 - \$1,063,321 FY24 - \$284,652

This current County Commission cannot save money. They just spend it on what they want. Not what the public needs to be safe.

**Where did the JCC hide the rent you pay for the Charles Town Library?**

## Capital Outlay

The bigger winner is:

**Disaster Recovery Dual in Infrastructure systems** \$300,000. for Downtown and Bardane campus FOR WHAT?

The majority of the 2M for Capital Outlay is for maintenance with a 10.5M still on the books (Wish List)

## Coal Severance Fund

**401** \$25,000 County Commission already have 9% increase for 1.9 to 2.1M

**440** \$41,704 Planning/Engineering FY22 & FY23 -0- what is this for?

**908** \$100,000 Community Center: is this Parks & Rec? Already getting \$956,538 plus grants. Still have not reported any fees from the public.

**998** \$10,000 Parks & Recs: How many differnet accounts does Parks & Rec have?

**Levy Rate:** Should be less! The Assessments went up by 20% to 30%. The Levy Rate should go down, not go up! So, when are you going to have a public hearing on just the Levy?

There is not enough information for any one to make a final decision on the Jefferson County Budget

Again, what is the County holding in cash or bonds or other securities?

Where is the list of property and its condition to know what is needed and/or expenses.

In closing, The JCC had a 58M transfer from Oct of 2022. Where is this listed?

A total list of assest is required to be able to perform a budget. Where is that list?