

Minutes

Jefferson County Commission

Thursday, August 3, 2023

A meeting of the Jefferson County Commission was held on Thursday, August 3, 2023 during the third quarterly session at 9:30 am. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, and Commissioners Tricia Jackson, Jennifer Krouse, and Jane Tabb. Also present were Makayla Zonfrilli, County Administrator, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, August 3, 2023 meeting is available on the Jefferson County Commission website.

PRAYER- Pastor Adam Johnson

PLEDGE OF ALLEGIANCE

APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the Payroll for August 4, 2023 in the amount of **\$323,950.30**. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the requisitions for August 3, 2023 in the amount of **\$52,139.44**. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK REGISTER				
July 27, 2023				
CHECK #		VENDOR NAME		AMOUNT
88286		AHA-ARTS & HUMANITIES ALLIANCE	\$	1,707.44
88287		ALBERT HOCKMAN	\$	22.60

88288		BOLAND TRANE SERVICES INC		\$ 1,809.75
88289		CAPITAL LIGHTING & SUPPLIES LLC		\$ 1,654.66
88290		COMPILED TECHNOLOGIES LLC		\$ 2,750.00
88291		ELIZABETH MALONEY		\$ 127.18
88293		G & TRIPLE T LLC		\$ 2,750.00
88294		GUTTMAN OIL CO		\$ 10,682.57
88295		HIRERIGHT		\$ 23.10
88296		JASON MICKEY		\$ 599.93
88297		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		\$ 2,528.29
88298		JEFFERSON CO CONVENTION AND VISITORS BUREAU		\$ 42,685.94
88299		JEFF CO PARKS & RECREATION COMMISSION		\$ 38,450.22
88300		KENT PARSONS FORD INC		\$ 907.58
88301		MATTHEW BENDER		\$ 1,564.24
88302		MATTHEW BENDER		\$ 125.43
88303		MILLENIUM INSURANCE GROUP		\$ 900.00
88304		NAPA AUTO PARTS		\$ 287.23
88305		NICOLE NOBREGA		\$ 1,191.42
88306		ATLANTIC SECURITY SYSTEMS, INC.		\$ 428.00
88307		RICE TIRES CO		\$ 268.41
88308		DR. ROBERT E. JONES III		\$ 1,000.00
88309		SPIRIT OF JEFFERSON		\$ 244.60
88311		US POSTAL SERVICE		\$ 20,000.00
88312		VICTOR C LUPIS III		\$ 3,487.11
88313		W B MASON CO. INC		\$ 115.78
88314		WV TREASURY		\$ 4,800.00
TOTAL				\$ 141,111.48

- **Motion by Mr. Stolipher to approve the Accounts Payable for July 27, 2023 in the amount of \$141,111.48. Motion seconded and unanimously approved.**

CHECK REGISTER			
August 3, 2023			
CHECK #		VENDOR NAME	AMOUNT
88316		ALICE N PAINTER	\$ 31.00
88317		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 2,305.10

88318		BERKELEY GLASS INC	\$	4,637.00
88319		BOLAND TRANE SERVICES INC	\$	1,131.28
88320		BUREAU OF CHILD SUPPORT	\$	439.85
88321		CAPITAL LIGHTING & SUPPLIES LLC	\$	765.16
88322		CASTO & HARRIS INC	\$	520.96
88323		COMPTROLLER OF MARYLAND	\$	1,054.14
88324		COX HOLLIDA YOUNG PLLC	\$	810.00
88325		EFTPS IRS TAXES	\$	109,863.53
88326		EMPOWER RETIREMENT	\$	6,665.83
88327		GUTTMAN OIL CO	\$	5,829.47
88328		JACQUELINE SHADLE	\$	31.00
88329		JEFFERSON CO EMERGENCY SERVICES AGENCY	\$	787,217.75
88330		JEFF CO AFRICAN AMERICAN	\$	65.00
88331		JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$	19.21
88332		JEFFERSON SECURITY BANK	\$	3,975.00
88333		JOYCE A. JOHNS	\$	4,300.00
88334		KATRINA CLARK	\$	31.00
88335		MAZZITTI & SULLIVAN EAP	\$	936.00
88336		NATIONAL VISION ADMIN.	\$	1,645.94
88337		NATIONWIDE RETIREMENT SOLUTIONS	\$	1,899.00
88338		OLD CHARLES TOWN LIBRARY	\$	1,500.00
88339		R.E. MICHEL CO. LLC	\$	756.77
88340		SHAUN PACETTI	\$	31.00
88341		SPECIALTY BUSINESS SUPPLIES	\$	1,708.20
88342		STATE TAX DEPARTMENT	\$	150.00
88343		THE HARTFORD	\$	2,368.55
88344		TOWN OF BOLIVAR	\$	19.21
88345		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$	23,593.52
88346		WV DIVISION OF LABOR	\$	90.00
88347		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	48,201.90
88348		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	166.49
88349	BS/011	SHERIFF OF JEFFERSON COUNTY	\$	8,684.80
88350	AM/053	SHERIFF OF JEFFERSON COUNTY	\$	1,796.74
				\$1,023,240.40

- **Motion by Mr. Stolipher to approve the Accounts Payable for August 3, 2023 in the amount of \$1,023,240.40. Motion seconded and unanimously approved.**

APPROVAL OF MANUAL CHECKS

July 27, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
580	CS-002	Jefferson Co. Parks & Rec Comm		\$ 10,000.00
228	AR-207	Friendship Fire Company		\$ 1,800.00
1843	CO-246	P.J. Raco Consulting LLC		\$ 2,750.00
TOTAL				\$ 14,550.00

- **Motion by Mr. Stolipher to approve the Manual Checks for July 27, 2023, in the amount of \$14,550.00. Motion seconded and unanimously approved.**

July 28, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
1844	CO-246	Vibe Design Group		\$ 32,839.76
TOTAL				\$ 32,839.76

- **Motion by Mr. Stolipher to approve the Manual Checks for July 28, 2023, in the amount of \$32,839.76. Motion seconded and unanimously approved.**

August 3, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
581	CS/002	EASTERN PANHANDLE MENTAL HLTH		\$ 1,800.00
866	HD/008	SHERIFF OF JEFFERSON COUNTY		\$ 1,482.49
1088	AV/056	PRINT-O-STAT INC.		\$ 190.00
229	AR/207	AT & T MOBILITY - CC		\$ 734.24
230	AR/207	CITIZENS VOLUNTEER FIRE CO		\$ 3,400.00
231	AR/207	SHERIFF OF JEFFERSON COUNTY		\$ 13,450.32
232	AR/207	ST. ANDREWS MNT COMM CNTR PJT		\$ 2,500.00
1845	CO/246	TEK ADVISORS, LLC.		\$ 227,992.00
TOTAL			\$	251,549.05

- **Motion by Mr. Stolipher to approve the Manual Checks for August 3, 2023, in the amount of \$251,549.05. Motion seconded and unanimously approved.**

PUBLIC COMMENT: Jacquelyn Milliron, David Tabb.

PRESENTATIONS

1. Angie Banks- Assessor- Requested exonerations

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Miya Brown	PP	KT	\$232. 32	309270

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 309270 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Randy & Sawahana Cox	PP	MD	\$151.37	311425

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 311425 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Danny Daniels	PP	MD	\$149.97	311466

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 311466 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Debra Mariani	PP	HFD	\$151.00	307830

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 307830 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Gary & Kelly Musgrove	PP	HFD	\$46.60	307992

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 307992 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Omar Shabnam	PP	RC	\$68.64	313979

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 313979 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Charles & Stephanie Oswald	PP	KD	\$540.67	310378

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 310378 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Vel Anne Schlachter	PP	KD	\$90.05	310593

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 310593 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Stephen & Stephanie Waldron	PP	CTC	\$208.58	306182

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 306182 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Joseph & Carolyn Wrobleski	PP	HFD	\$352.26	308762

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 308762 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Arthur Yates	PP	CTC	\$800.90	306275

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 306275 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Jefferson Utilities Inc	Land	MD	\$763.55	22215

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 22215 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Douglass A Cobb	Land	ST	\$488.80	27411

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 27411 as presented by Ms. Banks. Motion seconded and unanimously approved.**

2. Tom Hansen-Sheriff- Requested

a. Approval of payment of Commission check for FY23

- **Motion by Mr. Stolipher to approve the payment of commission check to the sheriff in the amount of \$15,000. Motion seconded and unanimously approved.**

b. Approve ESAC report, authorize digital signature and acknowledgments

- **Motion by Mr. Stolipher to approve the digital signature for the Commission President on the FY24 ESAC report and certify that the Sheriff's Office budget has not been supplanted as a result of receiving equitable sharing funds and the agreement to abide by the policies and procedures set forth in the Guide. Motion seconded and unanimously approved.**

c. Approval to create a second full-time process server, sitter, transport office

- **Motion by Mr. Stolipher to approve the creation of a second full-time process server and approve the transfer of Bailiff Darryl Wimer to fill this 40 hour position at a rate of \$18.08/hour. Motion seconded and unanimously approved.**

d. Adjust pay grade scale and minimum pay benchmark

It was an administrative error corrected administratively.

e. Animal control employee changes

- **Motion by Mr. Stolipher to approve the change of Robert Smith from Animal Control Officer to Kennel Tech and the change of Zachary Holler from the role of Kennel Tech to Animal Control Officer. Motion seconded and unanimously approved.**

3. Edwina Benites- Director, Jefferson County Development Authority- Child Care Crisis Discussion.

PRESENTATION ONLY

4. Roger Goodwin-Chief County Engineer- Requested-

a. Partial bond release for Roderick Planes, LLC – Aspen Greens Subdivision, Phase IIB (File #20-1- SD).

- **Motion by Mr. Stolipher to approve partial release of Performance Bond No. 52431397 with United Fire & Casualty Company in the amount of \$2,360,734.88 for Roderick Planes, LLC- Aspen Greens Subdivision, Phase IIB (File #20-1-SD). Motion seconded and unanimously approved.**

b. Approval of employment offer to fill position of Land Development Inspector in the Department of Engineering, Planning and Zoning.

- **Motion by Mr. Stolipher to approve the offer of employment to William Smith at \$76,000 per year, with a start date of August 8, 2023 to provide for a replacement person for the position of Land Development Inspector in the Department of Engineering, Planning and Zoning. Motion seconded and unanimously approved.**

c. Approval of employment offer to fill position of Building Inspector in the Department of Engineering, Planning and Zoning.

- **Motion by Mr. Stolipher to approve the offer of employment to Terry Weldon at \$47,250 per year, with a start date of August 21, 2023 for the Department of Engineering, Planning and Zoning-Office of Permits & Inspections and to raise building Inspector Ryan Mose’s salary to \$50,250 per year. Motion seconded and unanimously approved.**
5. Alex Beaulieu-Deputy Director-Office of Planning & Zoning- Requested for a partial refund of the Conditional Use Permit and Variance fees for Carl Epstein/ Tree Nexus.
- **Motion by Mr. Stolipher to approve the partial refund in the amount of \$386.05 for the Conditional Use Permit and Variance fees for Carl Epstein/ Tree Nexus. Motion seconded and unanimously approved.**
6. Luke Seigfried-County Planner-Requested
- **Motion by Mr. Stolipher to approve the schedule of a Joint Session with the Jefferson County Planning Commission on October 5, 2023 at 1:30pm for discussion and possible action related to the draft goals and Objectives for the 2045 Comprehensive Plan Update. Motion seconded and unanimously approved.**
7. Karen Olden/ Nikki Painter-Probate Office-Requested - Review and Consideration for Signature of Motion for Entry of Rule to show cause why Respondent William H. Judy, III should not be held in contempt and Order Granting Rule to show cause why respondent William H. Judy, III should not be held in contempt in re: Estate of Richard Walter Accurso, Deceased and Estate of Ellen Sherry Hoffman, Deceased

Motion by Mr. Stolipher to convene as a Fiduciary Review Board. Motion Seconded and unanimously approved.

Removal executor of the Estate of Richard Walter Accurso

- **Motion by Ms. Jackson to order the Respondent to appear before the County Commission *in person* on the 7th day of September 2023 at 9:30 a.m to: 1) demonstrate full compliance with its March 30, 2023 Order; 2) demonstrate full compliance with all requests set forth in the Petitioner's April 11, 2023 letter-notice; and 3) show cause why he should not be held in contempt and fined \$50 per day for each day he has failed to comply, and continues to fail to comply, with the County Commission’s March 30, 2023 Order and the Petitioner’s April 11, 2023 letter notice. Motion seconded and unanimously approved.**

Removal executor of the Estate of Ellen Sherry Hoffman

- **Motion by Ms. Jackson to order the Respondent to appear before the County Commission *in person* on the 7th day of September 2023 at 9:30 a.m to: 1) demonstrate full compliance with its March 30, 2023 Order; 2) demonstrate full compliance with all requests set forth in the Petitioner's April 11, 2023 letter-notice; and 3) show cause why he should not be held in contempt and fined \$50 per day for each day he has failed to comply, and continues to fail to comply, with the County Commission's March 30, 2023 Order and the Petitioner's April 11, 2023 letter notice. Motion seconded and unanimously approved.**

Documentation Attached

Motion by Ms. Jackson to adjourn as a Fiduciary Board and reconvene in regular session.

- **Motion by Mr. Stolipher to close out the 3 estates as presented. Motion seconded and unanimously approved.**

8. Interviews & Appointments to the following :

→ Jefferson County Building Commission- Three (3) Five-year terms ending July 27,2028

*Addie Crawford

→ Jefferson County Park and Recreation Commission- Three (3) Five-year terms ending June 30, 2028

*Debra Lee Allen

*Bryan Derrickson

*Zach Holland

→ South Jefferson Library Committee- One (1) five year term ending June 30, 2028

*Nick DiGennaro

→ Jefferson County Board of Health- One (1) five year term ending June 30, 2028

*Ann Smith

→ Jefferson County Development Authority- One (1) unexpired term ending April 7, 2024

*Mary Katherine Robinson

→ Jefferson County Community Corrections Boards- Three (3) year at-large terms ending July 3, 2026

*Aidan Boyer

*Kristen Vogel

*Noelle Ward

→ Jefferson County Deputy Sheriff Civil Service Service Commission- One unexpired term ending September 29, 2025

MOVED TO AUG. 17TH COMMISSION MEETING

→ Hagerstown-Eastern Panhandled Metropolitan Organization Council- One (1) two year term.

*Elizabeth Ricketts

9. Mike Sine-Director Emergency Services Agency- Requested-

a. Approval of Hire- 4 Part Time employees

-Motion by Mr. Stolipher to approve the hire of Patrick O'Meara to be hired as a part-time FF/Paramedic I @ \$25.00/hr effective 8/13/2023. Upon

completion of the introductory period and meeting the requirements of AP1060 he will receive a promotion to FF/Paramedic II with a new pay rate of \$25.63/hr. Motion seconded and unanimously approved.

- Motion by Mr. Stolipher to approve the hire of Shiela Williams to be hired as a part-time FF/Paramedic I @ \$25.00/hr effective 8/13/2023. Upon completion of the introductory period and meeting the requirements of AP1060 she will receive a promotion to FF/Paramedic II with a new pay rate of \$25.63/hr. Motion seconded and unanimously approved.

- Motion by Mr. Stolipher to approve the hire of Cheyenne Edwards to be hired as a part-time FF/EMT I @ \$19.67/hr effective 8/13/2023. Upon completion of the introductory period and meeting the requirements of AP1060 she will receive a promotion to FF/EMT II with a new pay rate of \$20.16/hr. Motion seconded and unanimously approved.

- Motion by Mr. Stolipher to approve the hire of James Mood to be hired as a part-time FF/EMT I @ \$19.67/hr effective 8/13/2023. Upon completion of the introductory period and meeting the requirements of AP1060 he will receive a promotion to FF/EMT II with a new pay rate of \$20.16/hr. Motion seconded and unanimously approved. Motion seconded and unanimously approved.

b. ARPA Request- New Ambulance Invoice

- **Motion by Mr. Stolipher to approve the invoice Atlantic Emergency Solutions in the amount of \$286,804.00 for payment for the contracted build of a new ambulance originally signed by Citizens Fire Company and acquired by the Commission during the EMS Transition purchases of VFD equipment. This invoice will be paid out of ARPA funding dedicated to the EMS Transition. Motion seconded and unanimously approved.**

c. Update on MOU with VFDs and possible presentation for Commission approval

d. Continued discussion on EMS standbys - JC Fair and JC Schools w/ attached plan and statement from Shepherdstown Fire Department.

- **Motion by Mr. Stolipher to accept the plan as presented for the EMS Standby for the JC Fair and JC Schools as presented. Motion seconded and unanimously approved.**

e. Information only call statistic 2nd/3rd weeks of July

10. Nathan Cochran- Prosecuting Attorney's Office-

.a Report by counsel on opioid case and consideration of recent developments in the a 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. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103, 2022-C-14 and 2023-C-112, WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and WV Intermediate Court of Appeals No. to be assigned (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

c. Report and recommendation regarding record and Petition for Confirmation of Removal of Civil Service Commissioner.

Documentation Attached

d. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.

e Discussion of wage issue regarding Deputy Sheriffs.

f. Presentation and discussion of the Memorandum of Understanding for Recovery Closet.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on items 10b. Motion seconded and unanimously approved.**

- **Motion by Ms. Jackson to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**

**Please note that Commissioner Steve Stolipher recused himself from the discussion of item 10b.*

- **Motion by Mr. Stolipher to accept the MOU for the Recovery Closet on the condition that the power gets turned back on in the building. Motion seconded and unanimously approved.**

Documentation Attached

COUNTY ADMINISTRATOR REPORT

- Discussion and request to approve the budget revision and adoption of the resolution for the State Auditor's Office, via role call vote, for a Budget Transfer for FY23/24 to reconcile the Coal Severance Account.

Motion by Mr. Stolipher to approve the budget revision and adoption of the resolution of the State Auditor's Office via role call vote, for a Budget Transfer for FY23/24 to reconcile the Coal Severance Account. Motion seconded and unanimously approved.

- Discussion and potential approval to move forward to create a Tyler Munis Administrator Position

It was the consensus of the Commission that the County Administrator provide a full job description for the role and present at the next Commission meeting.

- Discussion and potential approval of FY23-24 Budget Transfer.
- **Motion by Mr. Stolipher to approve the FY23-24 Budget Transfer as presented. Motion seconded and unanimously approved.**

a. Adjourn

The Commission adjourned at 12:56 pm a motion by Ms. Jackson. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

Issues with the Civil Service Commission:

- Since the current Civil Service Commission took office, they have attempted to make several changes to existing policies that have been working for as long as Sheriff Hansen has been working at the JCSO. Some of these changes are:
 - a. Attempting to add an "Oral Board" requirement during the hiring process. After numerous individuals including the Sheriff, members of the DSA, and the Prosecuting Attorney argued that this would delay hiring, would be subjective, and Chapter 7 does not prescribe to this type of testing, the CSC did not include this requirement.
 - b. In the past, the promotion policy only required two years of evaluations averaged to go towards a promotional score. The CSC changed that to ALL evaluations for the deputy (in their current rank) seeking promotion. This created issues as previous Sheriffs had different point totals for evaluations, deputies seeking promotion were being evaluated on different time periods, etc. After a unanimous vote by the DSA against using all evaluations, the CSC removed this requirement and put it back to only two years.
 - c. In the past, the promotion policy included points for years of service in the previous rank and also total time at the Sheriff's Office. You would receive 1 point for every year of service at the JCSO and 1 point for every year you held your current rank. For example if a Corporal worked 10 years at the JCSO and held the rank of Corporal for 5 years, he or she would receive 15 points for the experience portion of the promotional score when they test for Sergeant. The CSC removed all points for time in rank even after the DSA and Sheriff disagreed with this decision. Our reasoning is that we believe the more time you have in rank equates to being better prepared for the next rank and those years of experience should be accounted for in the final promotional score.
- All of these changes delayed the promotion of Cpl. Wilhelm as they made changes and adopted their policy even though the previous policy worked fine and has been used for years without issue.
- The promotion calculations include a test score, prior experience (1 point per year), and the average of your past two years of evaluations. In the past, the CSC would proctor a promotion test and post the scores... the Sheriff or his staff would plug in the other two variables and present the calculations to the CSC to confirm the scores. The CSC would certify the results and the top person would be promoted.
 - a. This CSC refuses to post the test scores or provide them to the Sheriff or his staff. The process has been (for the past 4 promotions) that a member of the CSC and their administrative assistant come to the JCSO, review the hire dates, reviews the evaluation scores, and does their own calculations. They then post the final scores.

- b. The Sheriff has repeatedly asked for his staff to do the calculations with the CSC as a means to confirm the final numbers and for checks and balances. The CSC would not allow the Sheriff or his staff to confirm the numbers.

- c. It was determined that the CSC did not complete the calculations correctly and provided higher points for time in service for everyone that was involved in the past 4 promotions. Once it was determined that they did a miscalculation, the scores were calculated correctly and two members were incorrectly placed to the top of the list. One member was already promoted to Lieutenant and the other was listed as number 1 on the Sergeant's promotion list. The CSC had to rescind the Sergeant's list and demote the LT back to Sergeant. This caused two members to be humiliated, cause morale problems among the rank and file, and create liability issues for Jefferson County.

- The current Civil Service Commission has looked to address issues from the past to include Rules and Regulations which were in need of update. However, the current Civil Service Commission has sought to expand and influence long standing policies of the Jefferson County Sheriff's Office that have worked and without incident or error during previous Sheriff's.
 - Attempting to add an oral interview/board requirement in the hiring process. The Sheriff, members of the JCSO and Prosecuting Attorney for Jefferson County all voiced strong dissent against this addition pointing out it would delay hiring, be subjective and Chapter 7 of the WV State Code does not prescribe this type of testing. The CSC did not include this requirement for new hires
 - In the past, the promotion policy only required two years of evaluations averaged to go towards the promotional score. The CSC changed the requirement to ALL evaluations for the deputy (in their current rank) seeking promotion. This created issues as previous Sheriff's had different point totals for evaluations and under one Sheriff, no evaluations were completed. After a unanimous vote by the DSA against using all evaluations, the CSC removed this requirement and put it back to only two years.
 - There was a vacancy in the position of Cpl. due to a retirement in April of 2022. Due to the delays and changes in the promotion policy, a new Corporal was not promoted until February of 2023. *WITHOUT IN TOTAL DELAYED OTHER PROMOTIONS*
- The promotion calculations include a test score, prior experience (1 point per year) and the average of the two most recent evaluations. In the past, the CSC would proctor the promotional test as required by code and post the scores in a public place upon receipt as required by State Code. The Sheriff and or his staff would plug in the two remaining variables (time in service and two year average evaluation score) and then present the scores to the CSC for certification. The CSC would certify the results and provide a list to the Sheriff with the top person being promoted. *AFFECTING THE SYSTEM & PROMOTION*
 - The CSC has refused to post the test scores or provide them to the Sheriff or his staff. The process has been for the past 4 promotions that a member of the CSC and their administrative assistant to come to the JCSO, review the hire dates, review the averaged evaluation scores and complete their own calculations. They then posted the final scores.
 - The CSC has reached out individual deputies in order to obtain information removing the Sheriff and or his Staff for providing the information. This letter was sent to the individuals on November 1st, 2023. The Sheriff and command staff sent a reply letter to the CSC on November 3rd, 2023 expressing frustration and division within the department. The Sheriff has repeatedly asked for his Staff to be allowed to do the calculations with the CSC as a means to confirm the final numbers in a check and balance system. The CSC would not allow the Sheriff or his staff to confirm any scores. *PREVENT THE REP*

- On November 17th, 2022, The Sheriff sent a FOIA to the Clerks Office for the scores as they should have been posted in a public place upon receipt of the scores from the WV Division of Personnel.
- It was determined over the last four promotions, the calculations completed by the CSC were incorrect as the CSC provided higher points for time in service for all involved in the promotional tests. Once the error was discovered, the scores were calculated correctly and two members who were at the top of the promotion list previously were found to not be at the top of the list. One member affected had already been publicly promoted and sworn in as a Lieutenant and the other promotion was to be a future Sergeant. The CSC had to rescind the Sergeant's list and demote the Lieutenant back to the rank of Sergeant. This caused two members to be humiliated, created morale problems between the rank and file and created liability issues for Jefferson County.

On February 6th, 2023 the CSC sent a list of one eligible hire candidate to the JCSO from previous exams. This list of one was later certified by the CSC on May 11th, 2023. This deputy was approved the by County Commission and started in June of 2023.

The JCSO had a promising candidate apply for the position of Deputy Sheriff in mid-May of 2023. The CSC denied holding a test because the Sheriff had exhausted the previous eligibility list with the reason being they had to submit a list of 3. However they had just submitted and certified a list of one just a few days prior (see correspondence).

Deborah Lowe

Contradictory Responses

From: Deborah Lowe
Sent: Wednesday, May 10, 2023 4:05 PM
To: JCDSCSC
Cc: Thomas Hansen; Victor Lupis; Matt Armel
Subject: Official Request
Attachments: Request to conduct testing.pdf

Attached is a request to conduct testing prior to the July test date.

If you have any questions, please let me know.

Sincerely,

Debbie Lowe
Executive Assistant
Jefferson County Sheriff's Office



Office of Sheriff and Treasurer of Jefferson County

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

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

May 10, 2023

Jefferson County Deputy Sheriff's Civil Service Commission

VIA EMAIL

jedsesc@jeffersoncountywv.org

Re: Testing

Commissioners:

While we had viable candidates to work with, the Sheriff's Office and the Deputy Sheriff's Association had requested that the Civil Service Commission slow their testing speed in order to give us a chance to work through the candidates in front of us. As you are aware, there are currently no viable candidates on our list. Furthermore, no one appeared for the most recent testing.

We have both received an application from a strong candidate, who is applying to other agencies. Members of the Sheriff's Office staff spent a great deal of time visiting with him when he dropped off his application. They expressed their concern to me that waiting until July to test could potentially cause us to miss out on this excellent applicant. Therefore, we are requesting a testing be held as soon as practical to test this and any other eligible applicant.

If you have any questions, please let me know.

Sincerely,


Thomas H Hansen
Sheriff of Jefferson County

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

May 18, 2023

via EMAIL
Sheriff Thomas Hansen
thansen@jcsdww.com
Jefferson County Sheriff's Department
102 Industrial Blvd
Kearneysville, WV 25430

RE: Additional Testing Request

Dear Sheriff Hansen:

The Commission reviewed your request to hold additional testing for an applicant during its May 17, 2023 monthly meeting. Your request to perform applicant testing as soon as practical serves no purpose. You have exhausted the certified list to zero applicants. We can not provide you a list until we have at least three certified candidates to appear on it. Testing one applicant to create a list of one does not satisfy the State Code requirement of three minimum.

If the previous list wasn't entirely exhausted, then additional or special testing could have been practical, and your request would have been granted. Then provided this single candidate passed the examinations and other requirements, he/she could have been added to an existing list satisfying State Code requirements and quickly considered by you for an appointment.

Furthermore, the July test date is in jeopardy of being cancelled if the Commission does not receive more interested applicants. The Commission will be holding a workshop to discuss viable options for recruitment.

If you have questions or comments, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Cox", is written over a horizontal line.

Steve Cox
President, JCDSCSC

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

February 6, 2023

via EMAIL
Sheriff Tom Hansen
thansen@jcsdww.com
Jefferson County Sheriff's Department
102 Industrial Blvd
Keameysville, WV 25430

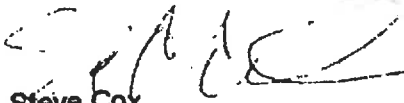
RE: Eligibility List – 1 Candidate

Based on the recent volunteer requests from Jarrett Day and Matthew Maturo to be removed from the eligibility list and the sheriff's request to remove Gregory Keiter, Ramses Coly and Bryce Richardson from the eligibility list, JCDSCSC is providing the following name of the only person with a passing score at preceding competitive examinations held within the past three (3) years are as follows:

Name	Written Exam Score
Moreland, Brent Michael	60

If you have any questions or comments, please reach out to us.

Respectfully,


Steve Cox
President, JCDSCSC

SC:bfm

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

May 11, 2023

via EMAIL
Sheriff Thomas Hansen
thansen@jcsdvw.com
Jefferson County Sheriff's Department
102 Industrial Blvd
Kearneysville, WV 25430

RE: Approval and Certification of New Hire

On Tuesday, February 21, 2023, the Jefferson County Deputy Sheriffs Civil Service Commission (JCDCSC) received a new hire recommendation from Sheriff Hansen for:

BRENT MORELAND

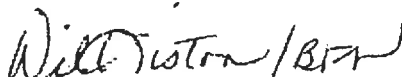
This applicant has successfully passed the written exam, background investigation, and poses no disqualifications as may be cited in JCDCSC Rules and Regulations or West Virginia State Codes. Therefore, this new hire is APPROVED and CERTIFIED as eligible to be hired for the position of Deputy Sheriff.

This approval and certification will be filed and kept within the JCDCSC files.

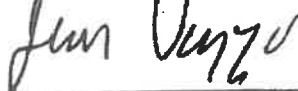
If you have any questions or comments, please reach out to us.

Respectfully,


Steve Cox
President, JCDCSC


Will Liston
Vice President, JCDCSC

Jean Vezzosi
Commissioner, JCDCSC



Address: 100 East Washington Street, PO Box 208, Charles Town WV 25414
Phone: 304.728.3340 Email: JCDCSC@jeffersoncountywv.org Web Site: www.jeffersoncountywv.org

Deputy Communications

Jefferson County Deputy Sheriffs Civil Service Commission

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



Jacki Shadle, County Clerk
Bessie Nelson, Administrative Support

ESTABLISHED 1971

September 1, 2022

via EMAIL
Sheriff Thomas Hansen
Steve Hotz, President, Jefferson County Deputy Sheriff Association
All Civil Service Personnel

RE: Promotional Testing

We incorrectly communicated the following in an email dated July 28, 2022 to deputies who are eligible for Corporal Promotion:

"For those of you who took this written exam on March 22, 2021, you have the option of keep the score from that test or take the exam again. If you choose to take the exam again, the score from the August 31st exam will be your new score. You do not have the option of choosing the higher of the two scores."

The JCDSCSC has reviewed our rules and regulations that were amended August 17, 2022, WV State Code § 7-14-1, Appointments and Promotions of Deputy Sheriffs and our legal advisor. We have determined that permitting written examination scores from previous promotional processes is not addressed in our rules and regulations or WV State Code.

We will formally address this topic in the near future with an update to the rules and regulations. As for the current Corporal Promotional process, we will not permit previous scores to be used and we ask those who were expecting to use previous scores, please contact Ms. Bessie Nelson to schedule a convenient date and time prior to September 15, 2022. The JCDSCSC will do our best to accommodate your schedules.

If you have any questions or comments, please reach out to us.

Respectfully,


Steve Cox
President, JCDSCSC

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

November 1, 2022

via EMAIL

Darrell M Cox
Charles J Ellis
Matthew C Harper
Christian M Hockman
Joseph M Moffett
Kelsey J Stipanovic
William T Wilhelm

Dear Deputies:

Promotion to Corporal is subject to Part VII of the JCDSCSC Rules and Regulations. In order to complete the process, the JCDSCSC uses the following from Part VII.02 (c) (i) Fitness, (ii) Merit, (iii) Previous Service, and (iv) Experience.

- i. Fitness will be determined by a medical doctor after the competitive examinations are calculated for the top score.
- ii. Merit is determined by the written examination, which all deputies have completed as of 5 October. The scores have been placed into the spreadsheet for the final calculation of the competitive examination.
- iii. Previous Service, All annual performance evaluations received in your current rank shall be used in calculating the final score. These have not been received.
- iv. Experience (years, months, and days of service) points have been awarded and have been placed into the spreadsheet for the final calculation of the competitive examination.

The JCDSCSC completed tasks (ii) and (iv) on October 17, which coincides with a date you will see below. On September 19, a request was made to Sheriff Hansen and Debbie Lowe for the performance evaluation scores of the seven (7) eligible Deputies. On October 17, JCDSCSC received the final written examination scores from WV Department of Personnel and also made a second request to Sheriff Hansen and Debbie Lowe. As of the date of this communication we have not received those scores.

Address: 100 East Washington Street, PO Box 208, Charles Town WV 25414
Phone: 304.728.3340 Email: JCDSCSC@jeffersoncountywv.org Web Site: www.jeffersoncountywv.org

Deputies
Page 2
November 1, 2022


We can only furnish the results of the competitive examination once it is complete. As of now, our hands are tied pending the Sheriff's release of the performance evaluation scores. Deputy Performance Evaluations are permanent records required to be retained for employment and beyond. These scores should be easily obtained from those files.

The Commissioners have voiced our frustrations in this process, specifically the time it has taken to receive the required information, and as of recently, we have had communication from you, the Deputies, about the prolonged process. We have completed all that we can at this time.

We want you to know that we are paying attention, listening, and concerned about your fair employment practices being accomplished in a timely manner. We, the Civil Service Commissioners, will be moving forward with this Promotional Process to see it to the end as quickly as possible. We will also be looking for guidance to amend our rules and regulations to prevent this from happening in the future.

If you have any questions, please contact me.

Sincerely,


Stephen C. Cox III
President, JCDSCSC

cc: Steve Holtz, President, Jefferson County Deputies Association



Office of Sheriff and Treasurer of Jefferson County

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

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

November 2, 2022

Jefferson County Deputy Sheriff's Civil Service Commission
VIA Email
Steve Cox
Will Liston
Jean Vezzosi

Re: Promotions/contact with staff

Dear Civil Service Commissioners:


The recent decision to communicate directly with Deputies of the Jefferson County Sheriff's Office, excluding Command Staff, is very troubling. It served no purpose other than to create discourse between the Deputies and Command Staff.


Upon receipt of the request for evaluations scores instead of the average we used to provide, we immediately notified Ms. Nelson that we would need to consult with attorneys to ensure we were not violating our policy which states they are confidential by releasing the scores. We have had several conversations with them but to date have not received an official decision.

If you needed to state your displeasure, it should have been with members of Command Staff and not a letter emailed to our deputies. We have only received your requests for the information and no communications regarding your "frustrations in this process". In the future, we respectfully request to, at the very least, be included on any communications you feel the need to have with members of our staff.

Sincerely,


Thomas H. Hansen
Sheriff


Victor C. Lupis III
Chief Deputy


Robert S. Sell
Lieutenant


Steven M. Holz
Lieutenant

cc: Jefferson County Commission
Jacki Shadle

Deborah Lowe

From: Deborah Lowe
Sent: Thursday, November 3, 2022 8:06 AM
To: Will Liston; Steve Cox; Jean Vezzosi
Cc: 'jnissel@jeffersoncountywv.org'; Jacki Shadle
Subject: Promotions
Attachments: Cpl Promotions 2022.pdf

Attached is a letter from Command Staff.

Robert Sell

From: Kelsey Stipanovic
Sent: Thursday, July 20, 2023 11:45 AM
To: Robert Sell
Subject: Fw: Eval Scores

Lt., I think this is the one you are actually wanting.

Deputy Kelsey Stipanovic

Jefferson County Sheriff's Office
102 Industrial Blvd.
Kearneysville, West Virginia 25430
Office: (304) 728-3205 Ext. 2132
Headquarters: (304) 725-8484
Fax: (304) 728-3299
Email: kstipanovic@jcsdvw.com

From: Steve Cox
Sent: Thursday, November 17, 2022 8:48 AM
To: Kelsey Stipanovic
Cc: Will Liston; Jean Vezzosi (personal)
Subject: Eval Scores

Deputy Stipanovic

I am contacting you about your participation in the Corporal promotional process. Below is the average evaluation score we received from the Sheriff's Office yesterday, November 16, 2022. The Jefferson County Deputy Sheriff's Civil Service Commission's rules and regulations require us to tally all your evaluation scores using your current rank. We have no way of validating the score that was sent to us. We would like your cooperation in helping us verify this averaged evaluation score.

67

Please add all of your evaluation scores; you should have one for every year of service. Then divide that number by the number of evaluations you've had and send that number to us. The Sheriff's Office can provide you with all of your scores if you need them. *Note* we are not asking for your individual scores or evaluations, just the average score using all of your evaluations.

Please provide your verification or response by the close of business on November 30, 2022, so we can move forward. It is crucial to the Commission that we represent you equally and fair. Please understand that all information you provide to us will be confidential.

Steve Cox
President

**Jefferson County
Deputy Sheriff's Civil Service Commission**

Deborah Lowe

FOIA - Test Scores

From: Deborah Lowe
Sent: Thursday, November 17, 2022 12:52 PM
To: Jacki Shadle
Cc: Thomas Hansen; Victor Lupis
Subject: FOIA
Attachments: Promotional Test Score FOIAs.pdf

Attached is a FOIA request from the Sheriff's Office for the promotional test scores.

If you have any questions, please let me know.

Debbie

FOIA was never answered
we requested to withdraw
after CSC moved fwd w/ process
in hindsight this was an
error.



Office of Sheriff and Treasurer of Jefferson County

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

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

November 10, 2022

Jefferson County Civil Service Commission
c/o Jacki Shadle, County Clerk
VIA EMAIL
jshadle@jeffersoncountywv.org

Re: FOIA Request

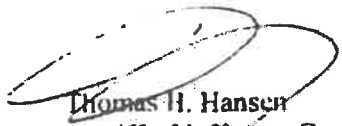
Dear Mrs. Shadle:

Pursuant to the West Virginia Freedom of Information Act, the Jefferson County Sheriff's Office is requesting the written examination test scores for all candidates who took the most recent test for corporal promotions. These scores are not subject to exemption (only questions, scoring keys and other examination data used to administer the exams §29B1-4(3)).

The Sheriff's Office reached out to the West Virginia Division of Personnel to obtain the scores. They advised that they should have been posted in a public place upon receipt, they have never experienced test scores being withheld before; however, they could not release them to us, we would have to request them from you.

If you have any questions or require clarification, please let me know.

Sincerely,


Thomas H. Hansen
Sheriff of Jefferson County

Deborah Lowe

From: Jacki Shadle
Sent: Monday, November 21, 2022 3:14 PM
To: Deborah Lowe
Cc: Thomas Hansen; JCDSCSC; Victor Lupis
Subject: FOIA

I am in receipt of your FOIA request dated November 10, 2022 but received by email on Thursday, November 17, 2022 regarding the promotional test scores . I am currently seeking legal advice regarding this matter. I anticipate to have an answer within thirty days and will respond to your request accordingly.

If you have any questions, please feel free to contact me.

Thanks,

Jacki Shadle

County Clerk
Jefferson County
100 East Washington Street
Charles Town, WV 25414
Ph: (304)728-3347
Fax: 304-728-1957
Please Visit Us Online: www.jeffersoncountywv.org

Deborah Lowe

From: Deborah Lowe
Sent: Thursday, February 16, 2023 2:24 PM
To: Jacki Shadle
Cc: Thomas Hansen
Subject: FOIA

Mrs. Shadle,

Please use this as official notice that the Sheriff is rescinding the FOIA request for the Cpl Promotional testing scores.

Should you need anything else, please let me know.

Sincerely,

Debbie Lowe
Executive Assistant to the Sheriff
Jefferson County Sheriff's Office

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

July 20, 2023

via EMAIL
Sheriff Tom Hansen
thansen@jcsdwy.com
Jefferson County Sheriff's Department
102 Industrial Blvd
Kearneysville, WV 25430

RE: Hiring of Thomas Duncan

Dear Sheriff Hansen:

On July 19, 2023, the Jefferson County Civil Service Commission (JCDCSC), at its monthly meeting, discussed the recent hiring of Deputy Thomas Duncan. As a result, the Commission President, Mr. Cox requested an examination be made of the Civil Service Commission's records/process relating to this hire, as none of the 3 commissioners could recall placing Mr. Duncan on a certified list for hire.

On July 20, 2023, after an examination of the JCDCSC's official records, it was determined that no civil service certification for Mr. Duncan, as an eligible applicant existed. Also, on July 20, 2023 at 11:27 AM, the JCDCSC received an email from Ms. Debbie Lowe, Executive Assistant to the Sheriff. In this email, with Sheriff Hansen copied, Ms. Lowe acknowledges that a step was missed in the hiring of Mr. Duncan. She goes on to say, "We respectfully request retroactive certification of his hire".

Section 7-14-6, Powers and duties of the commission; after careful review of the Civil Service records and the above referenced email, two of the JCDCSC Commissions believe there is sufficient cause to open an official investigation on the appointment of Mr. Duncan into the possible violation of WV Code 7-14-18 Offenses and penalties.

In addition, by way of this letter, the JCDCSC is requesting copies of all correspondence in the possession of Jefferson County Sheriff's Office regarding the recruitment and hiring of Mr. Duncan. This should include all letters, emails, text messages and notes from interviews with Mr. Duncan. We further request that Civil Service Commissioners be permitted to examine Mr. Duncan's background investigative package. This examination can be done within the Sheriff's complex.

If you have any questions or comments, please reach out to us.

Respectfully,


Steve Cox
President, JCDCSC

SC:bfm

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

Phone: 304.728.3340 Email: JCDCSC@jeffersoncountywv.org Web Site: www.jeffersoncountywv.org