



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

COMMISSIONER

Jack Hefestay

COMMISSIONER

Cara Keys

COMMISSIONER

Mike Mood

COMMISSIONER

Steve Stolipher

AGENDA

JEFFERSON COUNTY COMMISSION

FIRST QUARTERLY SESSION – JANUARY- MARCH 2025

THURSDAY, February 20, 2025

6:00 p.m.

County Commission Meeting Room

located at the Old Charles Town Library

200 E. Washington Street, Charles Town, WV

Zoom Broadcast (live):

<https://us06web.zoom.us/j/88562993842?pwd=38h1Ac2e7r5K4SpnyZAx8nfaR1LBZG.1>

Meeting ID: 885 6299 3842

Passcode: 972137

If you are attending virtually and would like to speak during the public comment period, please use the “raise hand” icon.

I. Call to Order

II. Prayer – Moment of silence

III. Pledge of Allegiance

IV. Pledge of Allegiance to the West Virginia Flag

I pledge allegiance to the flag of West Virginia, which serves as a constant reminder that ‘Mountaineers Are Always Free,’ which stands as a symbol of her majestic mountains, fertile forests, rich veins of coal, and the pride of her people.

V. Consent Agenda

1. Approval of Minutes
 - a. February 4, 2025 BORE Meeting Minutes DRAFT
 - b. February 6, 2025 Regular Meeting Minutes DRAFT
 - c. February 6, 2025 BORE Meeting Minutes DRAFT
 - d. February 11, 2025 BORE Meeting Minutes DRAFT

2. Approval of Accounts Payable:
 - a. February 13, 2025
 - b. February 20, 2025

3. Approval of Manual Checks:

- a. February 14, 2025
- b. February 21, 2025

4. Approval of Payroll:

- a. February 14, 2025

5. Approval of Requisitions

- a. February 20, 2025

VI. Announcements

Please note:

- Draft minutes are included in the meeting packet. Draft meeting minutes are often also available separately online. See both here:
<https://www.jeffersoncountywv.org/find-it-fast/agendas-minutes-and-webcasts>
- Jefferson County Commission spending syncs with West Virginia Checkbook (<https://www.wvcheckbook.gov/>) daily. A complete list of publicly available information, and tutorials on using the site, are available online.

Report if there are changes in the agenda if applicable.

VII. Public Comment

To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the back of the room. To participate virtually, please “raise your hand” on the Zoom control panel. Please submit comments via email to info@jeffersoncountywv.org. Your name and any written comments submitted for the record will be included in the minutes.

VIII. Regular Agenda- It is expected that all items will include discussion and possible action

New Businesses

1. 6:10 pm Cara Keys, commissioner
 - 1.1 Girl Scouts: an essential part of Jefferson County’s youth program (Keys)

2. 6:25 pm Potomac-Appalachian Transmission Highline (PATH)
 - 2.1 Panel: Delegate Daniel Linville, chairman West Virginia House Environment, Infrastructure, and Technology Committee; Mary Gee, Robin Huyett Thomas, and Keryn Newman (private citizens)

3. 7:00 pm David Tabb, citizen
3.1 Removal of sanctions- David Tabb
4. 7:20 pm David Bound, chief financial officer
4.1 Request for budget adjustments to response spending outside of approved spending limits
 - 4.1.1 Special prosecutor in the criminal cases State v. Tricia Jackson, State v. Jennifer Krouse - \$289.44
 - 4.1.2 Insurance claim to represent defendants Tricia Jackson and Jennifer Krouse during their removal proceedings- \$43,000.54
4.2 Request for funding account clarification- Shepherdstown Tower project
5. 7:45 pm Steve Allen, director of the Jefferson County Office of Homeland Security and Emergency Management
 - 5.1. 2023 Emergency Management Performance Grant (EMPG) application and request for payment
 5. 2. Dissolution of the Homeland Security Emergency Management Steering Committee and the creation of the Emergency Service Council
 - 5.3. Request for repayment from the State of West Virginia for additional invoice from the 2023 Hazard Mitigation Plan grant
6. 8:00 pm Jennifer Myers, director of the Jefferson County Parks and Recreation Commission
 - 6.1. Presentation of the Jefferson County Parks and Recreation Commission 2024 Annual Report
7. 8:20 pm Jessica James, chief human resources officer
 - 7.1. Approval of hire- GIS analyst, Jefferson County Department of IT/ GIS and Addressing Office
 - 7.2. Approval of hire- Zoning Administrator, Jefferson County Department of Engineering, Planning, and Zoning
 - 7.3 Approval of salary adjustment- Custodian, Jefferson County Department of Fleet and Facilities
 - 7.4 Approval to reallocate funding fund other departments to fund a Deputy Director of Information Technology, Jefferson County Department of Information Technology
 - 7.5. Approval to solicit for a Deputy Director of Information Technology- Jefferson County Department of Information Technology
8. 8:40 pm Cara Keys, commissioner
 - 12.1. Update of water study and funding options
9. 9:00 pm Laura Kuhn, director of Fleet and Facilities

- 13.1. Underground Injection Control Permit- Approval of president's signature on certification document
10. 9:05 pm Mike Mood, commissioner
14.1. Update on the status of a letter of supporting/ authorizing volunteer fire companies to bill for service
11. 9:15 pm Nathan Cochran, Prosecuting Attorney's Office
15.1. Report by counsel on CC-19-2021-C-33.
15.2. Review and discussion of Intergovernmental Agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department and the Corporation of Bolivar for Public Safety Services and Intergovernmental Agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department, and the Corporation of Bolivar for Tax Collection Services.
12. 9:30 pm Edwina Benites-LM, County Administrator
16.1. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for County office space and/ or courthouse space.

Old Business

13. 10:00 pm Status review or presentation of options regarding the obscenity ordinance by legal counsel

CORRESPONDENCE AND INFORMATION

1. Dale Considine public comment – with attachment
2. Edward Chapman public comment – with attachment
3. Elizabeth Cardiel public comment – with attachment
4. Haley Schmid public comment – with attachment
5. Loudoun County Board of Supervisors notice of hearing – with attachment
6. Harpers Ferry PSD meeting minutes – with attachment
7. Nicholas Potts public comment – with attachment
8. Taylor Hart public comment – with attachment

Minutes

Board of Review and Equalization

Jefferson County Commission

Tuesday, February 4, 2025

A hearing of the Jefferson County Commission seated as a Board of Equalization and Review was held on Tuesday, February 4, 2025, during the first quarterly session at 1:30 p.m. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; Steve Groh, Assistant Prosecuting Attorney; Jacki Shadle, County Clerk; June Bowers, Senior Tax Appraiser, and Lynn Dillow, Administrative Clerk. The archived meeting of the Tuesday, February 4, 2025 meeting is available on the Jefferson County Commission website.

Call to Order as a Board of Review and Equalization

The hearing was called to order at 1:31 p.m. by Commission President Pasha Majdi. As there were no citizens present to petition the board and hearing no objections, the meeting was recessed until the next scheduled meeting on Thursday, February 6, 2025 at 1:30 p.m.

Recessed

The commission recessed at 1:32 p.m.

Pasha Majdi, PRESIDENT

Respectfully submitted
Lynn Dillow
Jefferson County Commission
Administrative Clerk

Minutes

Jefferson County Commission

Thursday, February 6, 2025

A meeting of the Jefferson County Commission was held on Thursday, February 6, 2025, during the first quarterly session at 9:30 a.m. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys (virtual), and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; Nathan Cochran, Assistant Prosecuting Attorney; Jacki Shadle, County Clerk; and Lynn Dillow, Administrative Clerk. The archived meeting of the Thursday, February 6, 2025, meeting is available on the Jefferson County Commission website.

Prayer – Pastor Porky Jones of Shannondale Springs Chapel

Pledge of Allegiance

Pledge of allegiance to the West Virginia flag

APPROVAL OF MINUTES

Commissioner Majdi motioned to approve the:

1. January 14, 2025 Special Session meeting minutes DRAFT
2. January 16, 2025 Regular meeting minutes DRAFT
3. January 30, 2025 BORE meeting minutes DRAFT

The motion was approved unanimously.

APPROVAL OF PAYROLL

Commissioner Majdi motioned to approve the payroll for January 31, 2025, in the amount of \$ 473,397.07. The motion was approved unanimously.

APPROVAL OF REQUISITIONS

Commissioner Majdi motioned to approve the requisition for February 6, 2025, in the amount of \$ 23,000.00. The motion was approved unanimously.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER		VENDOR NAME	UNCLEARED
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91715		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY	23,175.00
91716		EPTA-EASTERN PANHANDLE TRANSIT AUTHORITY	25,000.00
91717		GUTTMAN OIL CO	4,054.26
91718		JASON MICKEY	1,186.06
91719		JEFFERSON CO CONVENTION AND VISITORS BUREAU	8,907.43
91720		JEFF CO PARKS & RECREATION COMMISSION	146,512.25
91721		JEFFERSON DAY REPORT CENTER	38,750.00
91722		KATHRYN KING	1,872.96
91723		KAYLIE GANOE	80.00
91724		OLD CHARLES TOWN LIBRARY	23,175.00
91725		RICE TIRES CO	145.66
91726		SHANNON BURLETT	2,271.50
91727		SHEPHERDSTOWN PUB LIBRARY	23,175.00
91728		SOUTH JEFFERSON PUBLIC LIBRARY	23,175.00
91729		THOMPSON GAS	543.64
91730		TOWN OF BOLIVAR	8,907.43
91731		UNIFIRST	150.39
91732		US BANK	96,128.43
91733		WRAP TECHNOLOGIES	14,131.50
91734		WV BUREAU OF EMPLOYMENT UNEMPLOYMENT COMP. DIV.	6,011.47
			447,352.98
91735	FG/009	ASTROPHYSICS, INC	20,825.00
91736	FG/009	BERKELEY CO SHERIFF'S OFFICE	1,647.37
91737	FG/009	CORPORATION OF SHEPHERDSTOWN	316.32
91738	FG/009	MARTINSBURG POLICE DEPARTMENT	171.24
91739	FG/009	RANSON POLICE DEPT	1,270.74
91740	AM/053	PAYMENTUS CORP	10.95
TOTAL			471,594.60

Commissioner Majdi motioned to approve the accounts payable for January 23, 2025 in the amount of \$ 471,594.60. The motion was approved unanimously.

CHECK NUMBER		VENDOR NAME	UNCLEARED
91742		ABOUT TIME RESTORATONS LLC	350.00
91743		ADKINS AUTOMOTIVE LLC	16,244.32
91744		AHA-ARTS & HUMANITIES ALLIANCE	1,044.95
91745		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	2,895.03
91746		AT&T	5,201.55
91747		AT&T BILL PAYMENT	1.33
91748		BOLAND TRANE SERVICES INC	125.00

91749		BUREAU OF CHILD SUPPORT	376.62
91750		CAPITAL ELECTRIC	570.11
91751		CITIZENS VOLUNTEER FIRE DEPARTMENT	3,400.00
91752		COLONIAL LIFE	143.52
91753		COMPTROLLER OF MARYLAND	1,460.88
91754		COX HOLLIDA YOUNG PLLC	8,357.50
91755		DEARBORN LIFE INSURANCE COMPANY	2,852.57
91756		DEBBIE LOWE	1,192.10
91757		DIGITAL DOCUMENT SOLUTIONS INC	953.21
91758		DONALD DUNN	44.75
91759		DOUGLAS H FLETCHER	236.00
91760		DR. TANIA GLENN & ASSOCIATES, PA	5,704.17
91761		EFTPS IRS TAXES	167,120.68
91762		EMPOWER RETIREMENT	6,847.31
91763		ESO SOLUTIONS INC.	4,602.55
91764		EXECUTIVE EMERGENCY LIGHTING LLC	357.50
91765		FEDEX	209.83
91766		FELLOWSHIP BIBLE CHURCH	200.00
91767		FIDELITY POWER SYSTEMS	5,735.00
91768		FIRST CITIZENS BANK & TRUST CO	2,230.47
91769		FISHER AUTO PARTS	82.45
91770		FRIENDSHIP VOLUNTEER FIRE DEPARTMENT	1,800.00
91771		GUTTMAN OIL CO	10,305.59
91772		HIGHMARK WV	56,499.31
91773		HIGHMARK WV	211,952.31
91774		INDEPENDENT VOLUNTEER FIRE DEPARTMENT	2,400.00
91775		IRON MOUNTAIN	197.15
91776		JAMES P HAYDEN	340.53
91777		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	1,547.32
91778		JEFFERSON CO CONVENTION AND VISITORS BUREAU	26,123.85
91779		JEFF CO PARKS & RECREATION COMMISSION	23,531.59
91780		JEFFERSON SECURITY BANK	4,023.00
91781		LANGUAGE LINE SERVICES	265.20
91782		MARNEY TREESE	650.00
91783		MCA, INC	4,439.67
91784		MCKESSON MEDICAL-SURGICAL GOVERNMENT SOLUTIONS LLC	5,375.47
91785		MILLENNIUM INSURANCE GROUP	900.00
91786		MINNICKS TOWING & RECOVERY	125.00
91787		NATIONAL VISION ADMIN.	586.46
91788		NATIONAL VISION ADMIN.	1,614.12
91789		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00

91790		OLD CHARLES TOWN LIBRARY	3,000.00
91791		EMS TECHNOLOGY SOLUTIONS, LLC	1,300.00
91792		PA SCDU	320.00
91793		PATRIOT FIRE AND SECURITY LLC	6,910.00
91794		PATTON BUILDING SERVICES, INC	11,999.00
91795		POTOMAC EDISON	43,181.12
91796		PPC LUBRICANTS LLC	275.95
91797		R.E. MICHEL CO. LLC	568.20
91798		RHONDA GREENHOLTZ	4,806.68
91799		RICE TIRES CO	1,001.59
91800		DR. ROBERT E. JONES III	1,000.00
91801		ROBERTS OXYGEN COMPANY, INC	105.25
91802		STATE TAX DEPARTMENT	250.00
91803		SUMMIT COMMUNITY BANK	348.79
91804		UNIFIRST	150.39
91805		W B MASON CO. INC	215.76
91806		WV ASSOCIATION OF CIRCUIT CLERK	300.00
91807		WV DEPUTY SHERIFF RETIREMENT SYSTEM	27,038.75
91808		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	125,950.44
91809		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	45,734.40
91810		WV STATE TAX DEPARTMENT	72,149.88
91811		WVPST-MARTINSBURG	951.00
91812		WVU WEST VIRGINIA UNIVERSITY	5,007.70
			944,845.87
91813	FG/009	SHERIFF OF JEFFERSON COUNTY	5,213.50
91814	BS/011	SHERIFF OF JEFFERSON COUNTY	8,592.44
91815	AM/053	SHERIFF OF JEFFERSON COUNTY	792.48
91816	AM/053	SHERIFF OF JEFFERSON COUNTY	1,861.73
TOTAL			961,306.02

Commissioner Majdi motioned to approve the accounts payable for January 30, 2025, in the amount of \$ 961,306.02. The motion was approved unanimously.

APPROVAL OF MANUAL CHECKS

			23-Jan-25		
		OTHER FUNDS			
Check #	Fund	Vendor			Amount
952	HD/008	US BANK			91.42
1218	AV/056	US BANK			1,037.80

382	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD		184,956.84
1910	CO/246	ALERT FIRE INSTALLATION		2,335.00
TOTAL				188,421.06

Commissioner Majdi motioned to approve the manual checks for January 23, 2025, in the amount of \$ 188,421.06. The motion was approved unanimously.

		30-Jan-25		
		OTHER FUNDS		
Check #	Fund	Vendor	Amount	
1219	AV/056	MILLER'S SUPPLIES AT WORK	9.82	
1220	AV/056	MONROE SYSTEMS FOR BUSINESS	126.14	
1221	AV/056	PRINT-O-STAT	199.50	
388	AR/207	MOTOROLA SOLUTIONS	238,927.50	
389	AR/207	SHERIFF OF JEFFERSON COUNTY	2,819.43	
TOTAL			242,082.39	

Commissioner Majdi motioned to approve the manual checks for January 30, 2025, in the amount of \$ 242,082.39. The motion was approved unanimously.

PUBLIC COMMENT:

Public comment was received by:

Christine Marshall

Jacquelyn Milliron

David Tabb

Alden Roth

Vickie O'Hara

PRESENTATIONS

1. Angie Banks- Assessor

Exoneration(s)

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Kenneth M. Fox	PP	Charles Town	104.65	301614
Kenneth M. Fox	PP	Charles Town	141.21	301572

Kenneth M. Fox	PP	Charles Town	114.39	301641
Kenneth M. Fox	PP	Charles Town	116.60	301654
William R. Wolfe	PP	Charles Town	231.08	304552
William R. Wolfe	PP	Charles Town	246.68	304366
William R. Wolfe	PP	Charles Town	247.86	304542

Commissioner Stolipher motioned to approve the exonerations as presented by Mrs. Banks. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

2. Lynn Dillow, Administrative Clerk - Human Resources

Years of Service Awards

- Elizabeth Maloney – 20 years
- Gregory Jones – 20 years
- Edward Hannon – 5 years
- Bessie Nelson – 5 years
- Catherine Baker – 1 year
- Staci Lentz – 1 year
- James West – 1 year

Outstanding Constituent Relations Award

- Nikki Painter, County Clerk’s Office

Exemplary Professionalism Award

- Tommy Van Vliet, Parks and Recreation Commission

3. Cory D.M. Roman, Jennifer Verdugo, Bob Anderson, Eastern Panhandle HOME Consortium Council

FY 2025 Home Investment Partnership Program public hearing and FY 2025 Resolution Adoption

Commissioner Stolipher motioned to approve a resolution of the Jefferson County commission authorizing participation in the Eastern Panhandle HOME Consortium of West Virginia for the period of July 1, 2025 to June 30, 2026. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

4. Commissioner Majdi, County Commission

Consideration of sportsplex and/or convention center

Panel 1: Krista Hoffman, Executive Director of the Jefferson County Development Authority; Jennifer Myers, Director of the Jefferson County Parks and Recreation; Andy Lang, Mayor of Bridgeport, WV

Panel 2: Isabella Jacot, student at Jefferson High School; Bryan Sutherland, President of the Jefferson County Little League, Kevin Corey, Director and Board Member of the Jefferson County Little League

Commissioner Stolipher motioned to approve the change of use of the \$20K grant match allocated to the JCDA in May of 2024. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to allocate an additional \$17,500 from the Coal Severance fund to be used for the sports complex study. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to require the results of the complex/center be presented to the commission in 2025. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

5. Jeffrey Polczynski, Director of Emergency Communications; Sam Bard, Motorola Solutions; Tom Reilly, IT Consultant

Update on the Jefferson County Next Generation 9-1-1 Elnet and Motorola NextGenCore Services project slated for go-live on February 12, 2025

The county commission was provided with an informational update on the Next Generation 9-1-1 Elnet and Motorola NextGenCore services that are scheduled to go-live on February 12, 2025.

Explain the newly created high school program titled "Emergency Communications or EmComm that will begin its inaugural instruction to seniors for Jefferson county schools in the 2025-2026 school year.

The county commission was provided with information regarding the newly created high school program that will be offered to high school seniors in Jefferson county schools next school year.

At approximately 1:15 p.m., Commissioner Stolipher motioned to recess and reconvene at 2:00 p.m. The motion was seconded by Commissioner Mood and approved unanimously.

Commissioner Majdi called the meeting to order back into regular session at 2:00 p.m.

6. Nikki Painter, Chief Deputy Clerk, County Clerk's Office

Petition to probate the Last Will and Testament of Thelma M. Kaetzel, in Solemn Form; in attendance were Telitha Jean Hanson, Susan Kay Waters and Stephen Dale Carper

Commissioner Hefestay motioned to convene as a Fiduciary Review Board. The motion was seconded by Commissioner Stolipher. The motion was approved unanimously.

Commissioner Stolipher motioned to admit the copy of the will into record. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to reconvene in regular session. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

7. Pasha Majdi, County Commission; Mark Kozar and Doug Moyer, United States Geological Survey; Mary Sell, Jefferson County Water Advisory Committee

Groundwater Study

The county commission was provided with data and statistics regarding a proposed water study from Mark Kozar and Doug Moyer from the United States Geological Survey.

Water Advisory Committee

Commissioner Stolipher motioned to reconstitute membership of a Water Advisory Committee to include (5) members as presented. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

8. Brant Lowe, private citizen

Request to vacate a section of unimproved right-of-way

Mr. Lowe presented information regarding his petition to vacate a section of unimproved right-of-way. No action was taken on this agenda item.

9. Jennifer Myers, Director, Jefferson County Parks & Recreation Commission

Presentation of draft concept plan for Moulton Park

Ms. Myers presented the county commission with a detailed plan for Moulton Park. No action was taken on this agenda item.

10. Roger Goodwin, Deputy County Administrator; Michelle Mason, Impact Fee Analyst

Annual Impact Fee Report

Commissioner Mood motioned to accept the calendar year 2024 Impact Fees Annual report for the Office of Impact Fees as presented, and to stay the annual inflationary adjustments to the impact fees. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

11. Thomas Hansen, Jefferson County Sheriff and Treasurer, Jesse Jones, Chief Bailiff

Court bailiff update

Sheriff Hansen and Chief Bailiff Jesse Jones provided the commission with a current update on the bailiff staffing issues.

Part-time bailiff hire

Commissioner Stolipher motioned to approve the hire of Michael Mahony as a part-time bailiff beginning February 10, 2025 at a rate of \$17.50 per hour. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

12. Jessica James, Chief Human Resources Officer

Approval of Hire – Firefighter/EMTI; Firefighter/Paramedic I; Firefighter/EMT II – ESA

Commissioner Stolipher motioned to approve the hire of Bobbi Keller for the position of full-time Firefighter/EMT I with the Jefferson County Emergency Services Agency at an hourly rate of \$20.65, effective February 10, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Amy Masser for the position of full-time Firefighter/Paramedic I with the Jefferson County Emergency Services Agency at an hourly rate of \$29.93 effective February 10, 2025. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the hire of Jesse Rupenthal for the position of Firefighter/EMT II with the Jefferson County Emergency Services Agency at an hourly rate of \$22.82 effective February 10, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Approval of Hire – GIS Analyst – Jefferson County

Commissioner Stolipher motioned to approve the transfer of Rhonda Greenholtz from full-time GIS Technician to a Grade V, full-time, 80-hour GIS Analyst with the Jefferson County Department of IT/GIS and Addressing Office, at a salary of \$54,000, effective February 7, 2025. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Discontinuation of current cleaning contract; approval to solicit three full-time, in-house custodial employees; approval of promotion to Deputy Director – Jefferson County Department of Fleet and Facilities Management

Commissioner Stolipher motioned to give notice and discontinue the current county cleaning contract, effective April 1, 2025 and transfer \$38,148 from contracted services to salary lines in 001424 to cover in-house custodial staff salaries for the remainder of FY25. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the request to advertise for three (3) full-time custodial team member positions within the Department of Fleet & Facilities at a Grade 2 with a salary of \$35,664 each effective April 1, 2025. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

Commissioner Stolipher motioned to approve the promotion of Leonard Thomas from the position of Maintenance Carpenter to the position of Deputy Director/Construction at a Grade 7 (full-time, 80-hour) with a salary of \$74,000, effective April 1, 2025. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

13. Commissioner Majdi, County Commission

Task force on Agri-Tourism Development

Commissioner Mood motioned to create a task force on agri-tourism development that would include two (2) representatives from the Agri-tourism sector, one from West Virginia Legislative Representative, one member of the Jefferson County Development Authority, and one citizen representative to be convened by the county administrator. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

14. Edwina Benites-LM, County Administrator

Follow up: Legislative priorities roundtable
Calendar Year 2025 Commission Priorities
Calendar Year 2025 Commission Priorities for the WV Legislature
Calendar Year 2025 Commission Priorities for the US Congress

Commissioner Mood motioned to approve the commission priorities as presented by

staff. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

15. David Bound, Chief Financial Officer

State and internal budget revision

Commissioner Stolipher motioned to approve the external and internal budget revisions as presented by staff. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

16. Edwina Benites-LM, County Administrator

Consider matters involving or affecting the construction, planning, purchase, sale or lease of property for county office space and/or courthouse space

Commissioner Stolipher motioned to enter into executive session at 5:20 p.m. The motion was seconded by Commissioner Mood. The motion was approved unanimously.

Commissioner Stolipher motioned to reconvene in regular session at 5:48 p.m. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

17. Old Business

Mike Sine, Jefferson County Emergency Services Agency

Conversion and reclassification of part-time-positions

At the January 16, 2025 regular commission meeting, Commissioner Mood motioned to table the agenda item until the next commission meeting to be held on February 6, 2026. The motion was seconded and passed unanimously.

During the commission meeting on February 6, 2026, Commissioner Mood motioned to remove the agenda item from a tabled status and reintroduce it to the floor. The motion was seconded by Commissioner Stolipher and approved unanimously.

Commissioner Stolipher motioned to approve the plan to RIF 34 part-time field positions within the ESA and convert the existing budgeted funding to create and hire up to 12 new permanent full-time positions. The motion was seconded by Commissioner Mood and approved unanimously.

Adjourn

Having no further business, Commissioner Stolipher motioned to adjourn the meeting. The Commission adjourned at 5:48 p.m.

Pasha Majdi, PRESIDENT

Respectfully submitted
Lynn Dillow
Jefferson County Commission Administrative Clerk

DRAFT

Jefferson County Commission

SIGN-IN SHEET TO SPEAK DURING PUBLIC COMMENT

Thursday, February 6, 2025

NAME (please print)	NAME OF GROUP REPRESENTED	JEFFERSON COUNTY RESIDENT?
Christine Marshall	self	Yes
Jacquelyn Millian	self	Yes
David TABB	me	Yes
Audrey	CITY OF BRIDGE	
Alden Roth	self	Yes
Jennifer Kirkland	EPIC	Yes
Vilici O'Hara	self	Yes

THE COMMISSION ALLOWS THREE (3) MINUTES FOR EACH PERSON WISHING TO MAKE PUBLIC COMMENT

Jefferson County Commission Meeting February 6, 2025 ---

--public comment offered by Jacquelyn Milliron

1. **FOIA** – This is to inform you that I have received no response from the Commission or staff as to a completion date.
2. **EMS** – I am requesting that this Commission restore the previously established EMS service in Bakerton or remove the EMS fee that the county charges me for those services. Charging me the same price living in an underserved emergency service area is stealing.
3. **Audit** – Please provide the public with the status of the audit that the Jefferson County Commission voted to perform. Will this county continue to increase real estate property taxes to pay for the hidden spending habits of this commission putting your own comfort over public safety?
4. **Custodial Cleaning Services:** Please provide a cost benefit analysis to taxpayers so they can compare the price of hiring contracted cleaning versus hiring three full time staff custodians at over \$35,000 per year which is more like over \$50,000 per year with added benefits and retirement. This full commission has touted the election of President Trump who has applied draino to big government. Fraud waste and abuse should not be tolerated by this government and all efforts should be geared toward financial efficiency. At least provide proof that beefing up government staff is economical.
5. **Geologic Water Study and Assessment**– please perform a proper geologic water study and full resource assessment of the water supply in Jefferson County. Also, please resolve to disallow any large scale water extraction agreements to take place until the county has the critical information of water supply in the community.
6. **Power line Map:** Please provide the citizens access to a paper map of the county's power grid lines overlaid on the county zoning map. Only interactive online is available.
7. **Subdivision Map:** Please provide the citizens with an update of the county subdivision map dated 2023 since there were over 1000 dwellings produced in the last year.
8. **December 4, 2024 Public Hearing Comment:** I have provided you with a copy of my December 4, 2024 public hearing comments for the draft 2045 Comprehensive Plan as they are nowhere to be found in the public record.

**Jefferson County Commission December 4, 2024 Public Hearing on the DRAFT
2045 Comprehensive Plan – offered by Jacquelyn Milliron**

There are several major problems with the DRAFT 2045 Comprehensive Plan

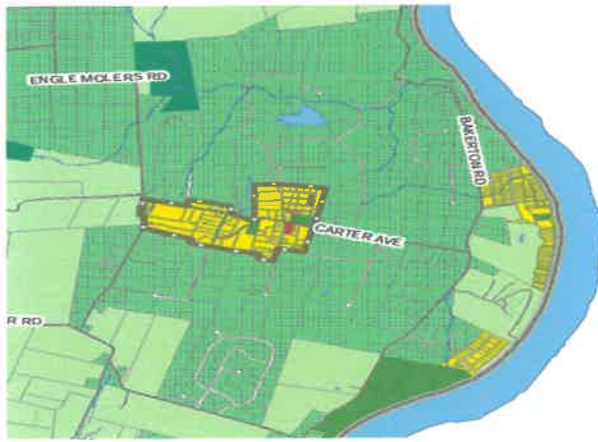
1. The Draft 2045 plan is not an update. It is a new plan with workarounds for the unchecked industrialization of Jefferson without the interference of intelligent planning. Instead of Wild and Wonderful, this plan fosters uglier and uglier incompatibility. This Commission has an opportunity, an obligation even, to revisit this plan and restore the values that were embedded in the old plan that made this county attractive and beautiful.
2. I am asking that the JCC create a real citizens' committee to review the Plan with you and make recommendations. I have not seen any code provisions for penalties on late comprehensive plan submittals or prohibitions to reasonably delay submittals.
3. Goal 1 seems to be a free pass to allow anything anywhere as long as boxes are checked. What you may not know is that the planning commission created different boxes to check that remain hidden within a Rewritten and Reorganized DRAFT Zoning Ordinance, initiated in 2019, that the public paid for but has not seen. Was the comprehensive plan crafted a certain way to lockstep with the concepts of the draft zoning ordinance that was not provided for public inspection? Zoning Ordinances must be consistent with the Comprehensive Plan. A diluted comprehensive plan and an undisclosed zoning ordinance from the government is a clear disadvantage to the public. The comprehensive plan should be the inspiration of the people not from a stacked commission hand-picking winners at the expense of losers.
4. It would be more dignified to please replace the Phrase "Key Players" (page 7) with "Key Organizations." At a minimum, Objective 1.4 and action item 1.4.1 need to be removed from the Draft 2045 Plan. This isn't a game of players or a free pass.
5. The 2045 Future Land Use Guide contains many extensive changes. One blatant change, is that dozens of "Large Lot residential" subdivisions designated in Envision 2035 throughout the county have been broken up into two future land use categories, Rural Residential and Rural/Agriculture denoted in the new guide as lime green and pale green, respectively. The county government appears to have reclassified under some unknown criteria, the future land use of private land in many cases without consulting the actual land owners. Arbitrarily reassigning future land use from residential to agriculture, especially within rural subdivisions, can affect property value and lead to unnecessary legal battles. How did certain land owners know and others didn't? In what universe is creating future land use swiss cheese in comprehensive planning, the pinnacle of achievement? This inconsistency should be evaluated and corrected. I have provided this commission with the following four examples as proof of my claim and concern.

EXAMPLES OF SWISS CHEESE LAND USE INCONSISTENCIES

A. Bakerton Area: went from large lot residential to swiss cheese

- a. Envision 2035 Area mostly Large Lot Residential (light green dot)
- b. 2045 Draft CP Area is now a mix of Rural/Agriculture (pale green) and Rural Residential (lime green). Did every land owner pick? What will be the implications of that change to the land owners?

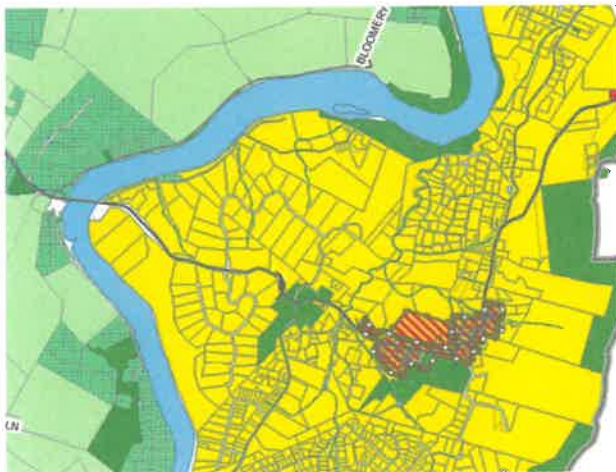
Envision 2035
Comprehensive Plan



Draft 2045
Comprehensive Plan



B. Mission Ridge Area: low density to complete rural residential



Land Use Classification

- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential

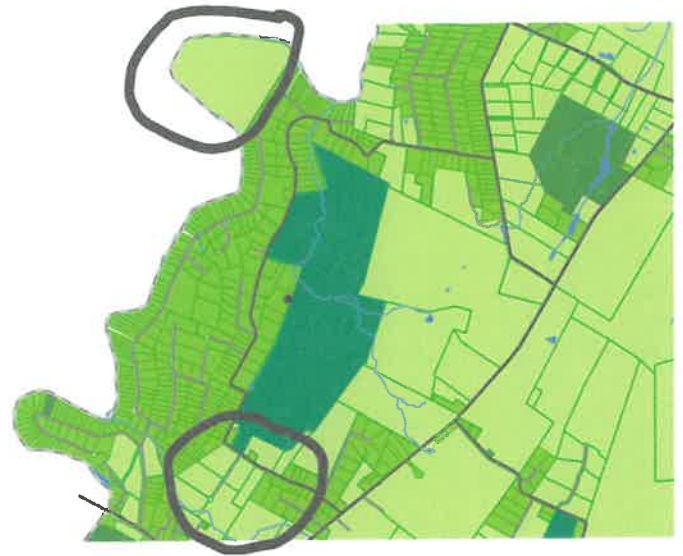
Future Land Use Classification

- Rural/Agricultural
- Future Urban Area
- Rural Residential
- Suburban Residential

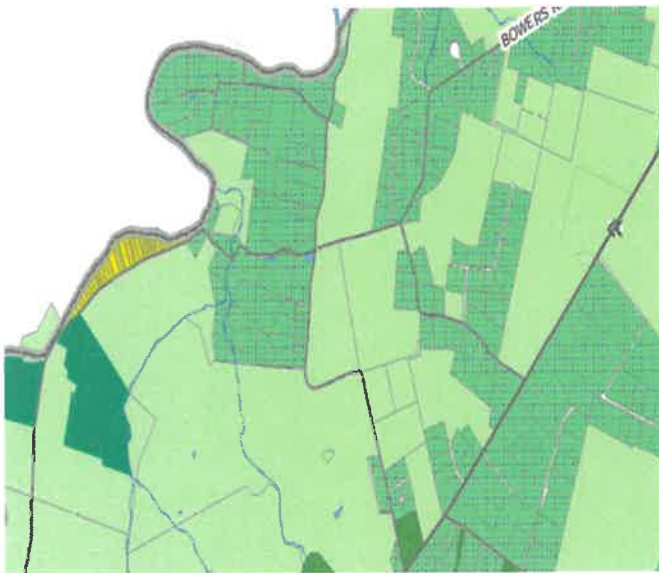
C. Wide Horizons Rd Area: from large lot residential to swiss cheese

Envision 2035
Comprehensive Plan

Draft 2045
Comprehensive Plan



D. Bowers Rd Area: went from large lot residential to swiss cheese



Future Land Use Classification

- Rural/Agricultural
- Future Urban Area
- Rural Residential
- Suburban Residential

Land Use Classification

- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential

See Copy

**Public Comment for Jefferson County Commission meeting for
February 6, 2025**

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

PUBLIC COMMENT –

Within the previous County Commission meeting, Majdi Chairman, did a rendition of Mr. Tabb's achievements. I am stilling waiting for the hard copy to be presented. A few of my fellow public comment associates had concerns of the delivery of such a statement during the public comment portion, that only the public is to speak. I would like to remind the general public of the accomplishment of this County Commission who still holds sanctions on Mr. Tabb, removing his Constitutional Right of Due Process to challenge the government, with the requirement of an attorney. Since this County Commission agrees that I have made substantial accomplishments to the community, I hereby request the County Commission to remove the sanctions that the previous Commissioners and court systems unconstitutionally placed on Mr. Tabb.

Presentation #3 – Sportsplex and or Convention Center

I was under the impression that all four candidates, now Commissioners, were no longer going to approve any more feasibility studies. The request is not clear of whether it is \$37,000 or a \$37,000 portion for the County Commission. There was some information dealing with the USDA to help fund such a study. The USDA doesn't do that. But what they can help with is water issues. I was under the impression that the YMCA was taking over the needs for this type of facility. Have the Commissioners considered using the American Public University building for such a use, since this facility is out of the jurisdiction to have a County Complex. I believe you should have public input before you have a feasibility study.

Presentation #7 – Groundwater Study

Now that we are on a water issue, have you thought about involving the USDA? I believe updating the information is all that would be needed since there have been several studies in the past. The information can be used to show the difference between projected info versus reality. A recalculation of the past studies doesn't require a reinvention of the wheel, only data collection is needed.

I have recently purchased a sonar devise, and have started my own data collection of water levels to include environmental conditions that I believe that I could do for a lot less than \$800,000 dollars.

With the County Commission, at least considering that there is a groundwater issue, I would highly encourage the County Commission to halt any projects and or permitting that are related to water issues.

Water Advisory Committee – Expired terms to be filled

There is a provision for a member(s) of the public to be included therefore, I am submitting my request to be considered.

The County Commission and the Jefferson County Development Authority are still out of compliance on a FIOA of the 3M/Water bottling plant that has yet to be completed.

Planning and Zoning Hearing Scheduled for 2/11/2025

I have attached my public comment for the Planning Commission hearing and you will see that this application has everything to do with water. I believe that this hearing should be postponed until

the Commission completes an updated water study under the guidelines of the USDA, WV DEP and the Fish and Wildlife/Wetlands provisions and protection.

All four of the newly elected County Commissioners promised no new or increase taxes. Good luck with that! It's not just Mr. Tabb who's watching now.

"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!

**Public Comment for Jefferson County Planning and Zoning
Meeting of February 11, 2025
Jefferson High School Auditorium @ 7:00pm**

Dear Planning and Zoning, JCDA, JCC, DNR, DEP, DOT, and CTUB,

***If you don't get this right, it's all on you as government permitting officials...
because once the protected wetlands are gone, they're gone forever.***

Now comes, David Tabb and makes the following public comments:

As a life long resident, tax payer, business owner, business permit applicant, conservationist, EPA-DEP, Public Service Commission, Pro Se litigator that promotes both State and U.S. Constitutional rights of Due Process that *"no one shall be deprived of life, liberty or property without due process of law"*. (Fifth and Fourteen Amendments) are also referred to as *"Due Process Clause"*; a legal obligation of all states.

I, David Tabb, appeal to the Jefferson County Planning and Zoning Commission to **DENY** the *"Sidewinder - Mountain Pure – Triad Group"*, CTUB and any other names that may have been used to submit an **INCOMPLETE** application presented to this Commission of the previous abandoned site *"3M/Kodak in historic Middleway, WV"*.

I have been entrusted, with the heritage of my family and the other lifelong Jefferson County residents, to protect our properties as one. I have been entrusted with the stewardship as a: *"theological belief that humans are responsible for the world, humanity and the gifts and resources that have been entrusted to us"*, of Jefferson County by its extensive life long residence that can be traced back to pre-revolutionary war.

The topics listed as requirements of application that are hereby INCOMPLETE:

Abandoned Industrial Site: has no grandfather clause and all previous permits are abandoned as well.

The only grandfathered rights are held by the general public as they have been accustomed.

Abandoned Industrial Site to include its toxicity (brownfield): With change of ownership and the change of use, the WV DEP is required to have studies that includes stormwater controls and possible remediation to require a possible cap cover that prevents any water to touch the entire toxic industrial site. A permit to include study of above and below ground water and any protected endangered species; both plants and wildlife to include their habitat.

Change of Use – Industrial Site – Department of Transportation: All of these topics need a new highway study and impact on existing roads and neighborhoods. Update all new industrial use requirements. Department of Transportation has yet to permit a new industrial site application/permit of the updated requirements (previous highway permit is invalid due to the abandonment of the previous industrial site); inadequate turning radius to accommodate 53' trailer and tractor (combo), to include the impact of heavy use within a historic registered town (Middleway) with narrow roads and the residents are not accustomed to the noise and vibration to their historic homes, which would violate a new application for an industrial highway and use permit.

Conditional use permit: access to surface water (not extraction wells), sewer, utilities, environmental, road and highway (if not in continuous use all previous permits have expired!). *Note: The 3M/Kodak facility never had an extraction well permit nor did they own the proposed extraction facility.*

False identification when applying for permits: CTUB allowed Sidewinder/Mountain Pure to submit permit application in CTUB's name to the Department of Highways and the Public Service Commission as an industrial extraction site that has not been approved as industrial nor does it have the required setbacks for the proposed extraction site. The well study completed by Thrasher used the wrong base to review water usage, not the karst guidelines.

Department of Transportation has only permitted a 6" line for a subdivision rural area (only as a subdivision affiliated as agriculture use) to follow Rt 51 to Old Middleway Road to East Street (East St has a 16' right of way) to Grace Street (East) (16' right of way to Queen St) Intersection of Queen St to Grace St (West). This permit can only be used for the subdivision not for an industrial site use. Furthermore, this permit requires a min of a 20' right of way to be approved. There are grave sites that have been identified within the right of way of East St, and have yet been addressed.

Department of Transportation for an industrial water use requires a different water line easement permit that the Department of Highway can't permit since the rural usage has an agriculture restriction.

Permit applicant making donations to community groups before receiving permits any one affiliated with any such groups that make the decision on any permit must recuse themselves from the permitting process such as: Middleway Volunteer Fire Company; The Boys and Girls Club; 4H; and the Jefferson County Fair Association.

Emergency Service and Public Safety appears to not have been addressed: Middleway VFC has failed to respond to safety application requirements. I have not seen any request or response to or from the Local Emergency Planning Committee.

The environmental impact - if you get this wrong: According to a Watershed Assessment of the WV DEP, dated Feb 10, 2022, Turkey Run Spring, the 5th largest spring in WV, is a rare marl wetland. This marl wetland covers “...52 acres and is comprised of a large mosaic of different vegetation...with multiple smaller springs...”. The main environmental concern is protecting the plants, wildlife, and the habitat that includes 5 different rock and soil tips. Turkey Run and Lake Louise is a delicate wetland and “...any introduction of pollutants, sediment or stormwater loading will degrade the wetland...” along with the habitats for over 30 rare plants, multiple protected animals such as the eastern cricket frog and the spotted turtle.

Note: All West Virginia wetlands fall under the jurisdiction of the Federal Clean Water Act of 1972 and the Food Security Act of 1985.

The public, in general, has requested a water study; to include whether there is a sufficient capacity of water to handle both the public capacity and the 1.7 to 2 million gallon per day consumption of now ground water extraction verses surface water use as listed previously under **Conditional Use Permit** (*now expired*); that has been abandoned for some 20 years.

Fish and Wildlife is working on scheduling a visit sometime this spring or early summer to update the protection of Turkey Run and Lake Louise wetland site.

In the last week, Mr. Tabb has purchased a sonar devise to measure the water levels. The data collection indicates GPS locations (ownership) to include elevations where water levels can be determined.

With all the statements above, I David Tabb, request that the Jefferson County Planning and Zoning committee to find the “Sidewinder - Mountain Pure – Triad Group” application as incomplete and deny such a request.

2/6/2025

January 17, 2025

Good Day County Commissioners and County Administrator,

Please accept my comments here for inclusion in the next agenda packet as public comment.

I have a good deal of concern regarding the process used by the Jefferson County Commission for appointing board members. Like the applicants during the interviews and filling of the vacant Mountain Party seat, a number of the applicants for the Planning Commission were not notified or had very short notice (1 hour) that they were on the agenda and scheduled for an interview. I would suggest that the Jefferson County Commission follow the written policy in which applicants are notified the Monday before the Thursday that interviews and appointments are made. Some improvement to that policy could be as follows:

A policy should include that the County Administrator (or approved staff) publicly announce the open period for applications. That period may be greater than, but not less than 20 business days to apply for an open publicly announced board/commission seat. The open application period should end 5 business days before the meeting in which the applicants are interviewed and appointed. The applicants must be notified by e-mail and phone call 5 business days before the interview date and before board appointments.

The selection method of commissioners could also be included in policy and some improvements could follow as such:

Appointments to seats should be done one at a time and for a specific seat. All applicants could be nominated. Votes for nominees should be written on paper and submitted confidentially. Staff would then read the votes and the person who made the vote identified. The nominee with the highest number of votes will win that appointment.

Current Jefferson County Commission Policy:

<https://www.jeffersoncountywv.org/home/showpublisheddocument/9275/635773957462430000>

Further, if County policy was not followed, are the two appointments to the Planning Commission void? Should the appointments be recalled then the process done over at the next available meeting; I think that would be appropriate.

Thank you for listening to my concerns.

Christine Marshall

Jefferson County Policies and Procedures number 901 – Appointment to County Boards, Committees and Commissions, Advertising Process, item 4 states – “The Commission Staff will notify applicants on Monday prior to the Thursday of the date and times of the interviews.”

In the recent appointments to the Planning Commission this procedure was not followed. Several applicants were not notified of the interviews until within hours of the meeting.

This undermines the process of having fair, open, and due consideration for citizen appointments to county boards, and may have the effect of depressing the desire of citizens to apply for an serve on county boards.

Due process is a foundation of American government and should be respected.

I propose that the recent appointments to the Planning Commission be immediately vacated and the correct process followed per Policy #901.

Composite Analysis



Legend

- | | |
|------------------------------|-----------------------------|
| Proposed bird blind areas | Proposed wildlife meadow |
| Launches | Potential development areas |
| Proposed trailhead areas | Existing roads |
| Proposed accessible trails | Proposed roads |
| Proposed intermediate trails | Entrances |

* Proposed Singletrack trails in Red

Dear County Commissioners,

I'm very excited about the possibilities of Moulton Park, and I think the Master Plan has a ton of good ideas, but I don't want good to be the enemy of great at this park.

The current Master Plan falls short when it comes to providing multi-use trails with trail runners and mountain bikers in mind.

Trail runners and mountain bikers have a lot in common, primarily that we love weaving, singletrack trails through forested plots of land. When I look at the plans for Moulton Park, I see a couple of big portions of forested land that mostly seem untouched.

I assume that these slopes were deemed "too steep" for building trails similar to those already in the plan. If you were to ask trail runners and mountain bikers like myself, we actually like it when trails include steep and challenging sections. Over the weekend I was running on a trail in Virginia that had a 60% grade at one point, and I loved it! These steeper slopes of Moulton Park would be perfect for some winding trails full of switchbacks.

If the designers are concerned about space and steep grades, I encourage them to look at Poor House Farm in Berkeley County. They pack in four miles of great singletrack mountain biking into a steep plot of land covering roughly 60 acres. I know this isn't apples to apples, but I do think more trails can be designed in the steep, forested sections of Moulton Park, and you wouldn't even have to cut a single tree. My amateur calculations show that there are currently around 30 acres of forest land inside of the Passive Recreation Boundary, and the plan intends to keep this area forested. Compared to Poor House Farm, this forest area at Moulton Park could squeeze in another two miles of singletrack trail that targets the trail running and mountain bike community. I've included some suggested trails, drawn in red, on the map below. These would be designed with mountain bikers in mind and could also connect to the multi-use trails already drawn into the plan.

Jefferson County desperately needs more miles of public, multi-use, singletrack trails. Our county and city parks don't offer any public trails designed for mountain biking and we are therefore missing a great opportunity to serve our local community and invite residents of other counties and states here to recreate and spend their money. Berkeley and Morgan County both have parks with trails specifically designed for mountain bikers, as do many of our neighboring counties in Maryland and Virginia. Moulton Park is the perfect place to put these mountain bike trails in our county. I hope you don't miss the opportunity, and if you need someone from the community to help fill this gap, I know a guy.

Alden Roth

Charles Town, WV

Vice President, Charles Town Board of Parks and Recreation

Minutes

Board of Review and Equalization

Jefferson County Commission

Thursday, February 6, 2025

A hearing of the Jefferson County Commission seated as a Board of Equalization and Review was held on Thursday, February 6, 2025, during the first quarterly session at 1:30 p.m. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; Steve Groh, Assistant Prosecuting Attorney; Jacki Shadle, County Clerk; June Bowers, Senior Tax Appraiser; Angie Banks, Assessor; and Lynn Dillow, Administrative Clerk. The archived meeting of the Thursday, February 6, 2025 meeting is available on the Jefferson County Commission website.

Call to Order as a Board of Review and Equalization

The hearing was called to order at 1:38 p.m. by Commission President Pasha Majdi. As there were no citizens present to petition the board and hearing no objections, the meeting was recessed until the next scheduled meeting on Tuesday, February 11, 2025 at 1:30 p.m.

Recessed

The commission recessed at 1:39 p.m.

Pasha Majdi, PRESIDENT

Respectfully submitted
Lynn Dillow
Jefferson County Commission
Administrative Clerk

Minutes

Board of Review and Equalization

Jefferson County Commission

Tuesday, February 11, 2025

A hearing of the Jefferson County Commission seated as a Board of Review and Equalization was held on Tuesday, February 11, 2025, during the first quarterly session at 1:30 p.m. The meeting was held via Zoom and in-person. Present were President Pasha Majdi (virtual), Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; Steve Groh, Assistant Prosecuting Attorney; Jacki Shadle, County Clerk; June Bowers, Senior Tax Appraiser; Angie Banks, Assessor; and Lynn Dillow, Administrative Clerk. The archived meeting of the Tuesday, February 11, 2025 meeting is available on the Jefferson County Commission website.

Call to Order as a Board of Review and Equalization

The hearing was called to order at 1:30 p.m. by Commission Vice President Mike Mood. As there were no citizens present to petition the board and hearing no objections, the meeting was recessed until the next scheduled meeting on Thursday, February 13, 2025 at 1:30 p.m.

Recessed

The commission recessed at 1:31 p.m.

Mike Mood, Vice PRESIDENT

Respectfully submitted
Lynn Dillow
Jefferson County Commission
Administrative Clerk

PURCHASE ORDERS TO BE APPROVED

February 20, 2025

DEPARTMENT	PURCHASE ORDER NO.	AMOUNT	VENDOR	DESCRIPTION
SHERIFF'S LAW ENFORCEMENT	25075	\$ 24,848.00	Markl Supply Co.	tactical equipment
	25081	\$ 142,964.00	Enterprise FM Trust	JCSO leased vehicles for FY25
COMMUNICATIONS	25078	\$ 39,642.35	Motorola Solutions	CAD maintenance
	25077	\$ 5,304.00	Informer Systems, LLC	annual maintenance agreement
IT/GIS	25080	\$ 55,066.00	Dell Marketing LP	50 Optiplex PCs
GRAND TOTAL		\$ 267,824.35		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Cara Keys and Angelina Gray

Department or Organization: Girl Scouts (GSUSA) Jefferson County Service Unit 15-08

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **February 20, 2025**

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

Date Requested – 2nd Choice:

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

Girl Scouts: an essential part of Jefferson County's youth programs.

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

Girl Scouts is the largest leadership organization for girls, and it is an essential part of Jefferson County's youth programs. Girl Scouts range in age from Kindergarten through 12th grade, and girls at every level have contributed service projects in our county. These projects include, but are not limited to, picnic tables at public parks, bat boxes, dog waste removal system, building storage sheds and creating recreation plans for non profit daycares, park clean up initiatives, and so much more. Support and encouragement are needed for girls to initiate and complete projects as they sell Girl Scout cookies once a year within the county.

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*):

We request that once a year in March to celebrate the Girl Scouts' birthday, the Jefferson County Commission will recognize and honor Girl Scouts' service contributions with a pin and recognition ceremony.

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

If not attached, explain:

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

Contact information: Angelina Gray

Email address: gstroop15099@gmail.com

Phone Number: 240-413-3294

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



How Girl Scouting Benefits Girls



A Compilation of Findings from the Girl Scout Research Institute



The Girl Scout Research Institute is a vital extension of Girl Scouts of the USA’s commitment to addressing the complex and ever-changing needs of girls.

How Girl Scouting Benefits Girls is a collection of recent GSRI research findings addressing the benefits that Girl Scouts gain through program participation, including the Girl Scout Leadership Experience (GSLE), the Girl Scout Cookie Program, STEM initiatives, outdoor experiences, the BFF (“Be a Friend First”) series, and more. It also explores issues related to satisfaction, retention, and long-term impact.



Long-Term Benefits of Girl Scouting

- Girl Scout alumnae display positive life outcomes to a greater degree than women who were not Girl Scouts. These outcomes pertain to sense of self, community service, civic engagement, education, and income. And this is the case for all Girl Scout alumnae, across age groups/generations, social classes, and races, and regardless of engagement in other extracurricular activities.

Source: *Girl Scouting Works: The Alumnae Impact Study* (2012)



The Girl Scout Leadership Experience (GSLE)

Girls experience the GSLE by participating in the three Girl Scout processes (girl-led, cooperative learning, learning by doing) and by engaging with the National Leadership Journeys.

- Girl Scouts who have higher-quality GSLE experiences (that is, those who experience the Girl Scout processes and use a Journey) **are more likely to develop leadership skills** (GSLE outcomes) than those who have fewer such experiences (81% vs. 37%).
- Girls who experience the GSLE (fewer than 1 in 4) report that they **have fun and are more satisfied** with Girl Scouting than those who do not.
- Girls who experience the GSLE **are more likely to remain in Girl Scouts**. The combination of Journeys *and* engagement in high-quality Girl Scout experiences boosts member retention at the age when girls are most likely to leave Girl Scouting. Girl Scout Juniors and Cadettes who experience *both* key components of the GSLE are more likely than others to report registering for the upcoming program year.



Sources: *What Works in Girl Scouting* retention study (2012);
Best Case Final Report (2013)



Girl Scouts and Perceptions of Leadership

- Girl Scouts **have more leadership experiences than other girls** and boys. More than three-quarters (78%) of Girl Scouts have had leadership experiences in out-of-school time activities, compared with 55% of a national sample of girls and 61% of boys.
- Girl Scouts **are more likely to consider themselves leaders compared to other girls** and boys: 64% of Girl Scouts consider themselves leaders compared to 44% of a national sample of girls and 52% of boys.
- Compared to a national sample of girls, Girl Scouts **are more likely to think of women leaders in a positive way** (creative, collaborative, inspirational), and are less likely to think of women leaders in a negative way (power-hungry, mean, selfish, arrogant). For example, 45% of Girl Scouts see women leaders as creative, compared with 35% of a national sample of girls.

Source: GSRI BanBossy youth poll (2014)

Perceived Benefits of Girl Scouting

- Across multiple studies, about one-third of Girl Scout Juniors and Cadettes “strongly agree” that **they have been a leader in more activities because of Girl Scouting**.
- Slightly more than half of Juniors “strongly agree” that Girl Scouts **has helped them recognize their strengths and the things they can do well, become a better team member, and get to know new people in their schools and communities**.
- **Girls of lower-socioeconomic status** (lower-SES girls)—that is, those with mothers who have less than a college education—**report greater benefits from Girl Scouting than do higher-SES girls**.



Girl Scouts have more leadership experiences than other girls and boys.

Satisfaction with Girl Scouting

- Overall, Girl Scouts are satisfied with their Girl Scouting experiences, though satisfaction is highest at the youngest levels.
- At every grade level, **Girl Scouts who are extremely satisfied** with their Girl Scouting experiences **are much more likely to report having re-registered** for the upcoming program year.
- High-quality GSLE experiences (processes and Journeys) deliver fun with purpose, creating extremely satisfied girl customers. However, too many girls do not have high-quality experiences.
- Girls who “agree a lot” that **Girl Scouts helped me grow as a person this year** are **nearly three times as likely to recommend Girl Scouts to their friends** as girls who feel they have grown less through Girl Scouting.
- Girls who participate in monthly outdoor experiences in Girl Scouts are significantly more likely to enjoy Girl Scouting and recommend it to their friends than those with less outdoor exposure.

Sources: *What Works in Girl Scouting* retention study (2012);

More Than S'mores: Growing Strong Girls & Courageous Leaders Through Girl Scout Outdoor Program (2014)

Take Action

Taking action is Girl Scouts' approach to making the world a better place.

- Girls who engage in **Take Action projects** (especially through the Bronze, Silver, and Gold Awards) report that these projects **helped prepare them to play an active role in their communities in the future.**
- Feeling empowered to take action is difficult for girls, but experiencing the GSLE can lead to significant growth in girls' leadership skills.
- **Participating in environmental service in Girl Scouts is one of the strongest predictors of girls' environmental stewardship** (see finding under The Outdoors on page 13). More than two-thirds of Girl Scouts volunteer for an environmental cause through Girl Scouts, and 8% do so every month.

Source: Service Learning Capacity Building Grant: 2009–2011; *More Than S'mores: Growing Strong Girls & Courageous Leaders Through Girl Scout Outdoor Program* (2014)

High-quality GSLE experiences deliver fun with purpose, creating extremely satisfied girl customers.

Financial Literacy (Cookie Program)

- **Participating in the Girl Scout Cookie Program helps girls develop five essential life skills.**¹ On average, 80% of girls achieved at least one of these skills. Significantly, more than half of girls (55%) achieved all five skills.
- Learning the five skills has a positive impact on girls' lives: girls who developed them were more likely than those who didn't to report that, while selling cookies, they learned new things that will help them in school and other areas of their lives (93% vs. 63%, respectively).
- **Participating in the Girl Scout Cookie Program helps girls build leadership skills:** a majority of Girl Scout "cookie entrepreneurs" achieved the following GSLE outcomes: positive values, practical life skills, critical thinking, healthy relationships, cooperation and team building, ability to resolve conflicts, and resourceful problem solving.
- High-quality process experiences can mean the difference between achieving and not achieving the five essential skills girls learn through the cookie program: girls who acted as leaders, engaged in hands-on learning experiences, and worked cooperatively as part of a team developed more of the five skills than girls who did not.



80% of Girl Scouts achieved at least one of the five essential life skills girls learn through the cookie program.

- Girls report that selling cookies is fun (96%), and learning by earning makes it even more fun: girls were more likely to report cookie selling was fun when they developed the five skills than when they did not (98% vs. 90%, respectively).

Source: *The Girl Scout Cookie Program: Teaching Essential Skills for a Lifetime* (2012)

1: The five essential skills girls learn through the cookie program are goal setting, money management, people skills, decision making, and business ethics.

Academic Success

- **Girl Scouts contributes to girls' academic success by helping them develop important leadership skills, such as resourceful problem solving and challenge seeking.**
- Girl Scouts contributes to girls' academic success as much as or more than their positive relationships with teachers and weekly participation in other out-of-school activities.
- **Learning to plan and solve problems in Girl Scouts may help compensate for some of the effects of lower socioeconomic status on girls' achievement.** Lower-SES girls reported significantly lower grades and perceived scholastic competence than their higher-SES peers. However, lower-SES girls who achieved the problem-solving outcome reported levels of scholastic competence on par with girls who had better-educated parents.
- **The GSLE helps girls learn *not* to avoid things that are hard for them, and this makes them better students.** Girls who are not challenge seekers—who tend to “avoid doing things that are hard for me”—are less likely to feel scholastically competent and academically engaged. Cooperative learning and girl-led experiences in Girl Scouts help girls become stronger challenge seekers.

Source: *Linking Leadership to Academic Success: The Girl Scout Difference* (2012)



Girl Scouts who have monthly outdoor experiences (40%)

- Are stronger problem solvers*
- Are better challenge seekers*
- Are more likely to recommend Girl Scouting to their friends*

The Outdoors

- Girls are having unique experiences through their outdoor participation. Ninety-seven percent of girls participated in at least one outdoor program in Girl Scouts during the school year, and nearly 40% participated on a monthly basis. **More than 70% of girls said they first tried an outdoor activity in Girl Scouts, and half said they could not have done one if not for Girl Scouts.**
- **Girl Scouts indicate a much higher level of engagement in environmental stewardship than girls at large in the U.S.** Girl Scouts were much more likely to take actions to protect the environment and have a personal experience in nature that made them appreciate it more, compared to non-Girl Scouts (from the Nature Conservancy's 2011 Youth Poll).
- Regular (monthly) outdoor exposure is a key driver of leadership. Girls reporting monthly outdoor experiences were stronger problem solvers and challenge seekers.
- Two-thirds of girls enjoy the outdoor activities they participate in through Girl Scouts. Girls report higher enjoyment when they have opportunities to improve skills and help other girls learn.
- **Girls with regular (monthly) outdoor exposure were more likely to recommend Girl Scouts to their friends than girls with less outdoor exposure.**
- Hispanic/Latina girls are significantly more likely than non-Hispanic girls to say that Girl Scouting has had an impact on their exercise habits and health, they first tried an outdoor activity in Girl Scouts, and they would not be able to do an outdoor activity if not for Girl Scouts.

Source: *More than S'Mores: Growing Strong Girls & Courageous Leaders through Girl Scout Outdoor Program* (2014)

Science, Technology, Engineering, and Math (STEM)

- Girls show an increased appreciation of and interest in studying STEM subjects after participating in Girl Scout STEM programs.
- **Girls learn specific STEM and leadership skills—such as perseverance in the face of challenging problems, the ability to build and design things, and the ability to think of different ways to solve a problem before deciding on a solution—through Girl Scout STEM programming.**
- Program participation has contributed to the development of a stronger sense of self among girls, greater confidence in their STEM abilities, and the formation of more positive STEM gender identities.
- **Girls recommend the Girl Scout STEM program to other girls!** The majority of girls who complete Girl Scout STEM programs would recommend them to their friends and plan to participate in the program next year.

Sources: Motorola final evaluation reports (2012, 2013), *Imagine Your STEM Future* final evaluation report (2012)

Bullying-Prevention Programming

BFF (or “Be A Friend First”) is an innovative bullying-prevention program based on Girl Scouts’ aMAZE! leadership curriculum for middle-school girls.

- After participating in the program, girls had a greater awareness of what constitutes bullying.
- Girls who participated in the BFF program gained a stronger sense of self and important leadership and relationship skills, such as the ability to resolve conflicts, educate others, and inspire them to act.

- Hispanic girls were more likely to see bullying as a “huge” problem prior to the start of BFF. By the end of the program, they demonstrated even more improvement than their non-Hispanic peers in their sense of self and their ability to resolve conflicts.
- While girls reported increases in their “friend first” or friendly, pro-social behavior, their relationally aggressive and bystander behavior remained unchanged. (This finding is consistent with other short-term prevention programs.)

Source: *A New Approach to Bullying-Prevention for Girls: Outcomes-Based Research Is In on Girl Scout Program* (2014)

Hispanic girls were more likely to see bullying as a “huge” problem prior to the start of BFF. By the end of the program, they demonstrated even more improvement than their non-Hispanic peers in their sense of self and their ability to resolve conflicts.

Girl Scout Research Institute

420 Fifth Avenue

New York, New York 10018

www.girlscouts.org/research

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Keryn Newman, Robin Huyett Thomas, Mary Gee**
Department or Organization: **Representing self**

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

Date Requested – 1st Choice: **February 20, 2025**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: **March 6, 2025**

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

PJM's transmission line projects in Jefferson County

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

The presentation will discuss PJM's transmission line projects which will go through Jefferson County. It will explain how the projects will take residents' land and homes with new right of way easements. It will also explain the actions the Jefferson County Commission can take to protect Jefferson County residents, and request the commission send PJM a letter of opposition.

Included for review are:

1. **An information packet for the commissioners, and**
2. **A prepared letter of opposition addressed to PJM Board of Managers.**

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: The Jefferson County Commission shall write a letter of opposition to the PJM Board of Managers.

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: Mary Gee
Email address: mgeeturtle@gmail.com
Phone Number: **304-433-4513**

PJM INTERCONNECTION ORDERS AND APPROVES NEW 500KV TRANSMISSION LINE FOR VIRGINIA'S DATA CENTERS



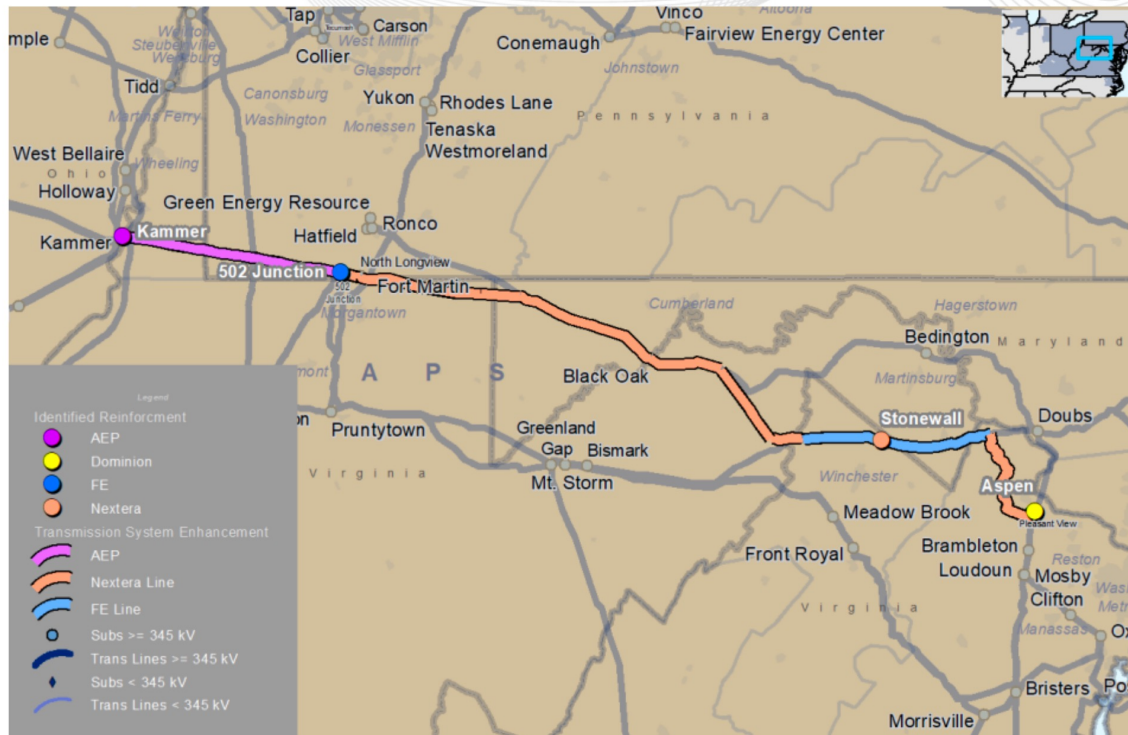
2022 RTEP Window 3

- **Window Opened; February 24th 2023**
 - PJM posted preliminary planning basecases on January 31st 2023
 - 60 Day Window – Closing April 25th 2023
- **Purpose:**
 - Address reliability needs in the Dominion and APS zones primarily associated with Data Center Load forecasts (up to 7,500 MWs by 2027-28)
 - Seeking robust and flexible solutions to address the reliability needs in those specific areas

PJM 'SOLVED' THIS DILEMMA WITH A NEW TRANSMISSION EXTENSION CORD FROM WEST VIRGINIA COAL-FIRED GENERATORS THAT WERE SLATED FOR RETIREMENT



2022W3 – Preferred Solutions: West Cluster By Designated Entity



NOTE: This map is only intended to illustrate the general electrical connectivity of the projects, and should not be relied upon for exact geographical substation locations or line routes.

In 2024, PJM Needed MORE Power for Virginia's Data Centers



Major Need Drivers Behind 2024 RTEP

Heavy transmission interface flows west to east driven by load increase in Dominion/East. PJM earlier identified need for additional west-east reinforcement is materializing earlier – higher forecasted load in MAAC/Dominion/APS.

- 10 GW and 15 GW of load increase for 2029 and 2032 respectively between the 2022 LF and 2024 LF
- The load growth is attributed primarily to data centers and some electrification/EV loads.

Proposed reinforcements through 2022 RTEP Window 3 and 2023 RTEP Windows 1 and 2 are performing well.

No major transmission upgrades identified east of DOM/APS.

In addition to regional transfer requirements, there are load pockets that need to be addressed in AEP, ATSI, Dominion, PECO, BGE and PPL transmission zones.

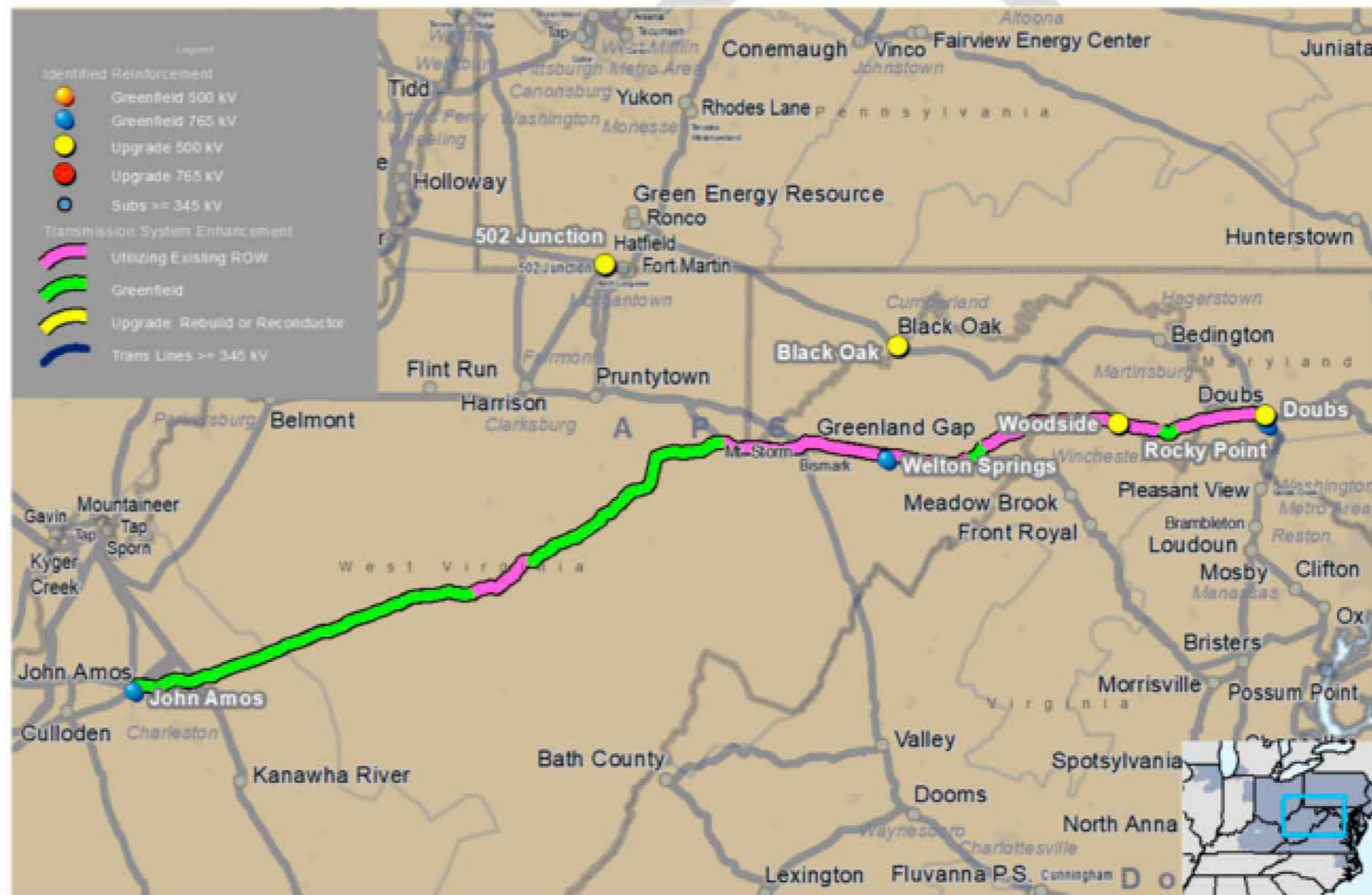
Primarily due to shift in generation flow as a result of overall system load increase and +2 GW of generation deactivations.

The eight-year RTEP (2032) scenarios mainly focus on right-sizing solutions.

- Long-lead transmission needs (capture long-lead items).
- Check/confirm impact of “forecast” generation on transmission needs identified in the five-year model.
- PJM will also be considering robustness of the solutions in view of the anticipated 2025 PJM Load Forecast.

PJM Solved This With Another New 765kV Transmission Line From West Virginia

Map 2. Proposal 708



NOTE: This map is only intended to illustrate the general electrical connectivity of the projects and should **not** be relied upon for exact geographical substation locations or line routes.

Date

The PJM Board of Managers
Mark Takahashi, Chairman and
Manu Asthana, PJM President and CEO
PJM Interconnection L.L.C.
2750 Monroe Boulevard
Audubon, Pennsylvania 19408

RE: New Transmission Lines Across Jefferson County, West Virginia

Dear Board of Managers,

It has come to our attention that PJM Interconnection has planned and approved two (2) new high-voltage transmission lines proposed to be routed across Jefferson County, West Virginia. The 500kV project approved in 2024, and the 765kV project approved in 2025, will greatly expand the current transmission line corridor that has existed for decades. The existing corridor is bordered by hundreds of homes and crosses through an area that has seen enormous growth in recent years, including a new solar farm and numerous residential subdivisions. Homes along the path will experience property devaluation and the residents will be exposed to enormous doses of electric and magnetic radiation emitted from the transmission lines. These homes would also be subject to condemnation and taking to make way for the expanded transmission easements needed for the new lines.

The new transmission lines simply pass through Jefferson County on their way to power Virginia's economic development, creating a destructive path through our community. Jefferson County and its citizens will receive no benefit from the new transmission lines, which are for the sole purpose of importing electricity to new data centers in Northern Virginia. Although the new lines are not necessary to serve consumers in Jefferson County, we have been assigned a significant portion of their combined \$3.5B cost. These costs will be passed on to Jefferson County citizens in their already rising electric bills.

We believe that the proposed route could take a more direct path to Loudoun County, instead of making a diversion through Jefferson County for the sole purpose of paralleling existing transmission lines. We do not agree that paralleling the existing transmission corridor through Jefferson County is less destructive than a new, direct route to the data centers. Attempting to parallel existing corridors that have been tightly surrounded by new development is extremely detrimental to Jefferson County's citizens and our own economic development.

We hereby state our opposition to the routing of expensive, new transmission lines through Jefferson County for the financial benefit of Virginia's economic development, and to provide infrastructure necessary only for the expansion of some of the wealthiest companies on the planet, such as Google, Amazon, and Meta. Virginia could power its

own economic development by building new electric generators near their data centers, instead of inflicting both financial and physical damage to our county by building new high-voltage extension cords connecting them to generators hundreds of miles away.

We hereby request that PJM Interconnection make a visit to Jefferson County to tour the existing transmission corridor and make a public presentation regarding these new transmission projects.

Sincerely,

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: David Tabb

Department or Organization:

Estimation of amount of time needed for appointment: 15 mins

Date Requested – 1st Choice: **2-20-2025**

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

Date Requested – 2nd Choice: 3-6-2025

Subject (*Wording to be placed on agenda*): **Requesting this County Commission to remove the sanctions that the previous Commissioners and Courts unconstitutionally placed on Mr. Tabb.**

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

- ✦ **Over the past several County Commission Meetings, the Commission has made note to the accomplishments and benefits of Mr. Tabb's public comments to address the county's residents' needs and provided guidance to assist the county and the public.**

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 this County Commission to require the County Prosecuting Attorney to file a request to resend the previous order of sanctions (December 2016 affirmed by the WV Supreme Court in March 2018) against Mr. Tabb. Civil Action # 16-AA-2.

Cc: Document filed May 11, 2016, in support that the previous Commission and Circuit Court failed to properly address.

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: David Tabb 107 Tabb Lane Harpers Ferry, WV 25425 304-725-0423 SSSI27@yahoo.com

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

David Tabb 2/6/25

rcvd: 2/6 @ 2:53pm by J. Jame.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

DAVID TABB, ET AL
Petitioner

vs.

CIVIL ACTION NO.: 16-AA-2

JEFFERSON COUNTY COMMISSION, ET AL
Respondents

**PETITIONERS RESPONSE TO RESPONDENTS MOTION FOR SANCTIONS AND
COURTS RULE 22 SCHEDULING ORDER**

Petitioner in this *Response* will address each of the (5) five sections of Respondents *Motion for Sanctions* and the subsections contained in each of the (5) five sections. Petitioner will set forth in this *Response* both the facts alleged by Respondents and the legal premises' with which he disagrees that are set forth in Respondents motion.

Prior to setting forth the portions of Respondents motion with which he disagrees, Petitioner believes it is important to set forth the primary flaw which he believes exists in Respondents legal premise, based not on what is argued and relied on by Respondent but instead what is omitted and absent from Respondents motion. Petitioner believes that the primary flaw in Respondents motion is the failure to acknowledge or cite to the Court *Article III Section 17 of the West Virginia Constitution*; the cases from the West Virginia Supreme Court discussing *Article III Section 17 of the West Virginia Constitution* as it applies to pro se litigants; and the standard to be applied by Circuit Courts as discussed in the decisions of the West Virginia Supreme Court as to when a Circuit Court may abrogate and override a litigants state constitutional right to act pro se in a civil matter. Petitioner believes, as he will set forth in his

specific challenge to the legal arguments relied upon by Respondent for sanctions against Petitioner the arguments and request for sanctions are both disingenuous and pure sophistry.

I. RESPONSE TO I-A: SUMMARY OF PROCEDURAL HISTORY IN THIS CASE

Petitioner submits that Respondent is both incorrect and inaccurate with his repeated assertion that Petitioner refused or declined to present evidence to Respondents when he appeared before the Respondents at the Board of Review and Equalization Hearing, hereinafter BORE. Petitioner acknowledges that he declined to present oral arguments and elected not to call witnesses at said hearing following the (3) three Commissioners who decided the matter against Petitioner declining to recuse themselves, but submits that prior to the commencement of the hearing and at the hearing itself he provided voluminous documents i.e. evidence for the Commissioners to consider in deciding this matter without the necessity of oral argument.

Petitioner likens what occurred at the BORE hearing to the same waiver by a party of their right to oral argument in the West Virginia Supreme Court pursuant to *Rule 18(a)* of the *Rules of Appellate Procedure* and the presentation of evidence or proposed orders in Circuit Courts every day without accompanying oral argument.

II. RESPONSE TO I-B: SUMMARY OF THIS MOTION FOR SANCTIONS

Dealing first with paragraph 1, Petitioner submits that what is described as “meritless litigation and motions for recusal” is clearly an inaccurate false description of the litigation brought and engaged in by Petitioner in that Petitioner

has been involved in the following litigation which he believes belies the description of meritless to wit:

1. *Shenandoah Sales & Service, Inc. v. Assessor of Jefferson County.*, 228 W.Va.

762, 764-765, 724 S.E.2d 733, 735-36 (2012)

2. *David C. Tabb v. Frontier Communications of West Virginia and West Virginia*

Public Service Commission, Case 15-0324 and *David C. Tabb v. The Jefferson*

County Commission and West Virginia Public Service Commission, Case No. 15-

0323 which changed a *Rule of Appellate Procedure* which had apparently been

overlooked when the rules were promulgated in 2010.

3. The Case known as the "Flag Case" West Virginia Supreme Court *Case No. 15-*

11-55 which is pending in the West Virginia Supreme Court.

Dealing next with the final portion of paragraph 1 and paragraph 2, alleging that Petitioner improperly without basis moves to recuse and disqualify Judges, County Commissioners, and attorneys, Petitioner refers this Court to Justice Benjamins *Order* disqualifying your honor in *Civil Action No. 13-C-432*, see attached Exhibit A; your Honor recusing yourself in *Civil Action No. 15-AA-4* (BORE appeal currently being handled by Judge Lorensen); counsel Cochran being asked to recuse himself in a case where it is believed in good faith by Petitioner that counsel Cochran would be acting in violation of *Rule 3.7* of the *Rules of Professional Responsibility* if he continued to act as both counsel and a witness in the matter; the decision in *Rissler v. Jefferson County Board of Zoning Appeals* 225 W.Va 346, 693 S.E.2d 321 (2010)

which decision provides support for Petitioners motion to recuse the respondents especially after he twice sought to have them incarcerated for contempt of court.

Dealing next with paragraph 3, Petitioner has attached hereto portions of the transcript of the proceedings when the Respondents were required to appear in the Circuit Court of Hardy County by *Order* of Judge Frye on September 24, 2015, at which time attorney Cochran attempted to offer into evidence documents he described as evidence of Petitioners “modus operandi” and Judge Frye refused to consider said evidence finding it irrelevant to any legal issue in the “Flag Case” and/or whether the Respondents were guilty of contempt of Court (see attached Exhibit B, TR pp. 19-21).

III. RESPONSE TO II: LEGAL STANDARD-RULE APPLIES TO PRO SE LITIGANTS

It is your Petitioners contention that Respondent has cited to the Court an incorrect i.e. the wrong legal standard to support his request that pursuant to *Rule 11* of the *West Virginia Rules of Civil Procedure* the Circuit Court may do as then Judge Maynard attempted to do in *Blair v. Maynard* 324 S.E.2d 391, 174 W.Va. 247 (1984), require pro se litigant Blair to retain an attorney to assist her before she could again appear in his court.

As your Petitioner set forth in his opening paragraph to the Court, Respondents’ counsel failed to discuss *Article 3 Section 17* of the *West Virginia Constitution* which guarantees the right of self-representation in civil proceedings and which right is a fundamental right not to be arbitrarily or unreasonably denied see *Blair v. Maynard*, *supra*, as well as *State v. Egnor* 423 S.E.2d 624, 188 W.Va. 221 (1992); *Cottrill v.*

Cottrill 631 S.E.2d 609 (2006); Washington v. Washington 654 S.E.2d 110 (2007); Gordon G., III and Nicholas G. 602 S.E.2d 476, 216 W.Va. 33 (2004); and Board of Zoning Appeals v. Tkacz 234 W.Va. 201, 764 S.E.2d 532 (2014). Petitioner further submits that from these decisions the Supreme Court has made clear that a pro se litigant's right to appear in a Circuit Court in West Virginia in a civil proceeding can only be denied if evidence demonstrates a clear intention to obstruct the administration of justice.

Petitioner submits that not only because Respondent failed to cite to the Court the correct legal standard discussed in *Blair, supra*, when seeking to deny to a pro se litigant the right to appear in Circuit Courts, but also because Respondents relied only on Federal cases to support this argument, Respondents arguments are pure sophistry. Petitioner says that to rely upon Federal case law as authority to support his position is pure sophistry because as discussed in *Blair, supra*, there is no constitutional right to appear in Federal Court pro se in a civil case, see *Blair, supra*, at page 394-395. Petitioner reiterates this is a state constitutional right extended to West Virginia citizens to appear pro se in Circuit Courts pursuant to *Article 3 Section 17 of the West Virginia Constitution*.

As will be discussed more fully in this *Response* it is Petitioners contention that sanctions imposed by a Circuit Court pursuant to *Rules 11(c)(2) of the West Virginia Rules of Civil Procedure* may only include *Monetary Sanctions* as set forth in *Rule 11*. Petitioner also submits that the standard cited by counsel for Respondent that he must prove to permit the Court to impose *Rule 11 Sanctions* against Petitioner are

totally different than the standard the Court must apply in overriding a litigants right to appear pro se in a Circuit Court. Asking the Court to find that Petitioners actions are merely frivolous, wanton or vexatious is a far different standard than action by a litigant which is intended to obstruct the administration of justice as discussed in Davis v. Wallace 565 S.E.2d 386, 211 W.Va. 264 (2002) and Conis v. Showalter, Showalter, Simmons and Simmons and Conis v. Walters Williams Showalter, Showalter, Simmons, Simmons, Swimberghe No. 14-0555, 14-0532 (2015).

Regarding Respondents relying upon Rahmi v. Sovereign Bank, N.A., No. 3:12-CV-87, 2013 WL 1975657, at *3 (N.D.W. Va. May 13, 2013) as support for the argument that the *Rule 11* legal standard is the correct standard to apply Petitioner would reiterate that not only does Judge Groh neither rely on the *West Virginia State Constitution* nor grant the sanction requested by *Sovereign Bank* but schedules a hearing, not merely entering of an order, to decide whether litigant *Rahmi* should have sanctions imposed against him.

IV. RESPONSE TO III: WHY THIS CASE IS FRIVOLOUS

Petitioner submits as discussed above, even if the Court finds a violation *Rule 11* of the *West Virginia Rules of Civil Procedure* this is not a sufficient basis to grant the relief requested by Respondents. Petitioner says that even if this is the correct standard the facts do not support Respondents assertion that Petitioners actions are frivolous based on any of the reasons set forth in subsections A, B, and C. Petitioner trusts that this Court will treat what is described by Respondent as a "...partial list of

examples” in the same manner as did Judge Frye in Moorfield, (see TR page 19-21 hearing of September 24, 2015 attached hereto).

Petitioner says that if however this Court is inclined to consider any of the (18) eighteen exhibits as somehow being relevant evidence, it is Petitioners contention that before the Court should weigh and consider any of Respondents assertions as credible evidence the Court would need to review and examine each of the enumerated files beginning with those from 2009 until the present case in their entirety to determine the accuracy and correctness of each assertion made by Mr. Cochran.

Regarding Respondents paragraph 3-B asserting that the issues raised by Petitioner in this case are the same and previously have been rejected is only partially correct. Petitioner submits that the issues have been raised in some or all of Petitioners prior BORE proceedings but never before have the substantive issues in this case been decided on their merits. In each case, including *Civil Action No. 15-AA-4* still pending before Judge Lorensen, as in this case the Court has avoided deciding the substantive issues, instead dismissing the cases on purely technical procedural grounds which action of the Court violates the decisions of the West Virginia Supreme Court in *Cottrill, supra*, and *Washington v. Washington, supra*. Petitioner says in both cases the Supreme Court held that Courts should protect the rights of pro se litigants so that their cases are fully and fairly heard and not dismissed due to a pro se litigant’s failure to fully comply with technical procedural rules causing no prejudice to the opposing party. The best example of why

Respondents assertion in paragraph III-B is disingenuous is the still pending BORE Appeal, *Civil Action 15-AA-4* before Judge Lorenson. In that case Respondents have successfully kept from consideration by the Circuit Court for (14) fourteen months, the still unresolved substantive issues in the case due to arguments that the failure to include a cover sheet when the case was filed and Petitioner, not the Circuit Clerk mailing the *Petition for Appeal* to the Respondents, precludes the Circuit Court from deciding substantive issues, all of which substantive issues are based on facts that demonstrate the actions of the Assessor were not in compliance with settled law.

Regarding Respondents paragraph III-C Petitioner says he has thoroughly set forth in the previous paragraph as well as in his response to I-A why paragraph III-C is belied by the facts.

V. RESPONSE TO IV: WHY THE COURT SHOULD PROCLUDE TABB FROM FILING FUTURE LITIGATION WITHOUT LEAVE OF COURT OR ATTORNEY APPROVAL

In response to Section IV-A Petitioner believes he has thoroughly and completely responded to this section by his response to Respondents II and Respondents III-A which said responses/argument are set forth in Arguments III above.

Petitioner submits that nothing contained in Respondents IV-A is new, different, or at variance with the argument set forth in Respondents II and III-A thus no additional response from Petitioner is necessary beyond those already set forth in argument III.

Regarding IV-B it is Petitioners contention this is the most disingenuous if not ludicrous argument asserted by Respondents to support its claim for relief. In addition to the strong likelihood and potential for inaccuracy regarding the

statements attributed to Petitioner, Respondents counsel failed to cite (1) one case from any Court in the United States to support his argument that out of Court statements would support *Rule 11 Monetary Sanctions* to be imposed against your Petitioner.

Regarding paragraph IV-C and the discussion of Federal cases therein, Petitioner reiterates his argument III above and points out to the Court and Counsel for Respondent that the relief sought and sometimes granted in Federal Court, as discussed in the cases cited in IV-C, are irrelevant to the issue before the Court because there is no Federal constitutional right entitling litigants to appear pro se in Federal Court; and as pointed out in Petitioners argument III counsel for Respondent has meticulously avoided citing West Virginia Supreme Court cases regarding either *Rule 11 Sanctions* or a litigants right pursuant to *Article 3 Section 17* of the *West Virginia Constitution* to appear pro se in civil cases in the Circuit Courts of West Virginia.

VI. RESPONSE TO V: CONCLUSION

Petitioner submits that based on the arguments contained herein the relief prayed for by Respondents should be denied, but if the Court is not inclined at this stage of the matter to follow what Petitioner believes is the law and deny the Respondents the relief prayed for this Court should to wit: schedule a show cause hearing on whether or not Petitioner should be subject those sanctions permitted pursuant to *Rule 11* of the *West Virginia Rules of Civil Procedure*; and further follow the decision of the West Virginia Supreme Court of Appeals in *Dillon v. Egnor, supra*,

wherein the Court stated that Circuit Courts should not impose upon pro se layman litigants the duty of preparing complicated Court orders. Petitioner believes the Supreme Courts language in *Egnor, supra*, justifies Petitioners request that this Court modify its April 26, 2016 *Rule 22 Scheduling Order* by deleting the language requiring Petitioners to prepare a *Proposed Order* in this matter. (As an additional reason to support this request Petitioner notes counsel for Respondent was ordered to do so "immediately" but Petitioner has not received a copy of Respondents *Proposed Order* as of the date of the filing of this Response).

A handwritten signature in blue ink, appearing to read "David C. Tabb", is written over a horizontal line.

David C. Tabb, pro se

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

DAVID TABB, ET AL
Petitioner

vs.

CIVIL ACTION NO.: 16-AA-2

JEFFERSON COUNTY COMMISSION, ET AL
Respondents

CERTIFICATE OF SERVICE

I, David C. Tabb, pro se, do hereby certify that on this 11th day of May, 2016, I have served a true copy of the foregoing *Petitioners Response to Respondents Motion for Sanctions and Courts Rule 22 Scheduling Order*, upon the following in the manner set forth at the address below:

Jefferson County Prosecuting Attorney's Office
Nathan Cochran, Esq. Civil Division
124 E. East Washington Street, 2nd Floor
Charles Town, WV 25414

Hand Delivery

Jefferson County Court House
The Honorable Judge David Sanders
100 East Washington Street
Charles Town, WV 25414

Hand Delivery

The Jefferson County Circuit Clerks Office
Ms. Laura E. Storm, Clerk
Jefferson County Old Jail Annex
119 North George Street, Suite 100
P O Box 1234
Charles Town, WV 25414

Hand Delivery



David C. Tabb

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: David Bound

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: **Feb 20, 2025**

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

Date Requested – 2nd Choice:

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

Request for budget adjustments to response spending outside of approved spending limits

Special prosecutor in the criminal cases State v. Tricia Jackson, State v. Jennifer Krouse

- \$289.44

Insurance claim to represent defendants Tricia Jackson and Jennifer Krouse during their removal proceedings

- \$43,000.54

Request for funding account clarification- Shepherdstown Tower project

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

Jefferson County has incurred \$43,289.98 in expenses for the civil representation and the travel of the appointed special prosecutor from Grant County in the criminal prosecution of Tricia Jackson and Jennifer Krouse.

On July 20, 2023, the Commission approved up to \$1.5 million to build an emergency communications tower in the area of the Shepherdstown Fire Department. The meeting and the meeting minutes did not reflect the account from which the \$1.5 million was to be drawn

Is this a funding request? Yes

If so, how much? \$43,289.98

Provide exact financial impact/request: Payment from Coal Severance and Capital Outlay account.

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

Motion to approve the payment of the invoices as presented and motion to approve the transfer of \$43,289.98 from Coal Severance.

Motion to clarify the funding to complete the Shepherdstown Tower project.

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**



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT
Pasha Majdi

COMMISSIONER
Jack Hefestay

COMMISSIONER
Cara Keys

COMMISSIONER
Steve Stolipher

COMMISSIONER
Mike Mood

To: Commissioner Pasha Majdi
Commissioner Jack Hefestay
Commissioner Cara Keys
Commissioner Steve Stolipher
Commissioner Mike Mood

From: David Bound

Date: February 20, 2025, Commission meeting

Re: Budget adjustments regarding Jackson and Krouse

Jefferson County has incurred \$43,289.98 in expenses for the civil representation and the travel of the appointed special prosecutor from Grant County in the criminal prosecution of Tricia Jackson and Jennifer Krouse in the following two bills:

1. Civil Representation. The County Commission's risk pool (similar to insurance) covered the cost of representing Tricia Jackson and Jennifer Krouse both in their hearings in Jefferson County and their petition to appeal the lower court's ruling to the Supreme Court.

The Commission's contract for coverage provides for the defense of a commissioner in civil proceedings for removal from office regardless of the outcome.

Total cost of representation:	\$61,001.07
Deductible:	\$25,000.00
<u>Half of \$36,001.07 (remaining balance)</u>	<u>\$18,000.54</u>
Jefferson County contract obligation	\$43,000.54

2. Criminal prosecution: The criminal prosecution of Tricia Jackson and Jennifer Krouse was outsourced the Grant County Prosecuting Attorney. As a result, the Jefferson County Commission must pay for the travel expenses incurred on this and one other case.

Grant County travel expenses	<u>\$ 289.44</u>
------------------------------	------------------

Total of both invoices: \$43,289.98

Unencumbered Coal Severance balance: \$148,115.00

Suggested motion: Motion to approve the payment of the invoices as presented and motion to approve the transfer of \$43,289.98 from Coal Severance.

February 14, 2025

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

Re: West Virginia Communities Risk Pool
Member: Jefferson County Commission
Claim Number: WV0192023022553
Date of Claim: 11/16/23
Regarding: Matthew Harvey

To all concerned:

We received the Petition for Removal from Office of Tricia Jackson and Jennifer Krouse, filed by Matthew Harvey. WVcorp agreed to defend Tricia Jackson and Jennifer Krouse under the Public Officials Liability coverage contract issued to the Jefferson County Commission.

We call your attention to the following language found in the coverage contract:

Section V – Public Officials Liability

C. Exclusions

This coverage does not apply to any **Claim** as follows:

4. Non-Monetary Damages

Seeking relief, or redress, in any form other than money **Damages** including injunctive relief or equitable relief, or quasi-judicial or administrative orders; for purposes of this exclusion, a **Claim** for attorneys' fees, costs or expenses shall not be construed as a **Claim** for money damages;

However, **WV Endorsement 01** found under **Section V – Public Officials Liability** reads as follows:

SUPPLEMENTAL PAYMENTS

In consideration of the payment of the applicable contribution, it is hereby understood and agreed that this Contract, subject to its terms and conditions, is extended to include the following:

Subject to the Limit of Liability for each Suit and the Aggregate Limit of Liability for all Suits as specified below, the **Fund** agrees to pay on behalf of the **Member** or **Covered Person** all **Cost of Defense** in excess of the deductible and as follows:

any Suit for non-monetary relief brought to remove an elected official from office pursuant to West Virginia Statute §6-6-7.

Coverage under this Endorsement is subject to a \$25,000 deductible per occurrence. The limit of the **Fund's** liability for such costs and fees shall not exceed \$100,000.00 per Suit and \$100,000.00 in the aggregate for the **Fund** year. Once the deductible, as set forth above, has been met, the remaining costs are split evenly between the **Member** and the **Fund** up to \$100,000.00, the per **occurrence** limit.

This additional coverage is for the payment of costs associated with the defense of the suit only and does not cover the costs of any settlement, judgment or any other payment on behalf of the **Member** or other **Covered Person**. Any settlement, judgment or other payment shall be borne completely by the **Member** or other **Covered Person**.

As you know, Traci Wiley of MacCorkle Lavender PLLC was hired to defend this matter, which has now concluded. Should you have any questions, comments or concerns, please contact the undersigned.

Very truly yours,

Kelly Alexander

Kelly Alexander
P&C Litigation Specialist

WVcorp 1819 Electric Rd, Ste C. Roanoke, VA. 24018	Invoice Date: 01/24/25
Name of Insured: Jefferson County Commission	Please remit to: WVCORP 1819 Electric Rd, Ste C. Roanoke, VA. 24018
CORRECTED Public Officials Liability Invoice Deductible	Policy Number WV-JE-019-24-POL Effective Date 07/01/23 Expiration Date 07/01/24

Claim Number	Transaction / Date of Loss	Amount
WV0192023022553	11/16/23	\$43,000.54
Kelly Alexander	Total Amount Due Upon Receipt	\$43,000.54

Premiums are due as of the Transaction Effective Date or upon receipt of this invoice. THANK YOU FOR YOUR CONTINUED SUPPORT
cc: Accounting



OFFICE OF THE
PROSECUTING ATTORNEY
GRANT COUNTY
5 HIGHLAND AVENUE
PETERSBURG WV 26847

JOHN G. OURS
Prosecuting Attorney
BRADLEY D. GOLDIZEN
Assistant Prosecuting Attorney

Tel: (304) 257-2323
Fax: (304) 257-4434
e-mail: grantcopa@gmail.com

January 17, 2025

Matthew L. Harvey
Prosecuting Attorney
120 S. Georgia St.
Charles Town, WV 25414

Re: State vs. Jackson, Krouse, & Cox

Dear Matt:

Below I have indicated my trips from Petersburg to Charles Town as a Special Prosecutor in the three identified cases. The trip from my office is from Petersburg to Moorefield, to Wardensville, to Winchester, up 81 to the exit and then to Charles Town. I checked the odometer on my last trip, and determined that is 108 miles, one way, or 216 miles round trip. I had eight trips with the three Defendants. I am asking you to have your Commission reimburse me the amount indicated.

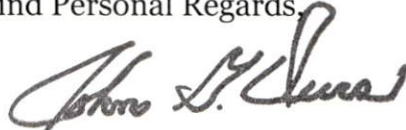
State vs. Cox	11/01/23
23-M19M-01855	12/01/23
	03/04/24
	05/20/24
	06/28/24
	12/13/24
State vs. Jackson	07/11/24
24-M19M-00110	12/31/24
State vs. Krouse	
24-M19M-00411	
8 x 216 = 1728 at 67¢/mile =	\$1,157.76

I am sure you have heard, but Mr. Cox received a not guilty verdict. He did a pretty good job when he took the stand of convincing the Jury that all he was interested in doing was making sure that the Deputy's hiring was, in all respects, legal and proper. I thought

I did a good job trying the case. The Sheriff, before the verdict, told me I had done a good job, and he was happy. Maybe that has changed since the verdict.

I hope you had a Merry Christmas, and will have a great New Year.

Kind Personal Regards.

A handwritten signature in cursive script, appearing to read "John G. Ours".

John G. Ours
Special Prosecutor

IN THE MAGISTRATE COURT OF JEFFERSON COUNTY, WEST VIRGINIA

Case ID: 24-M19M-00410 (MB)

State of West Virginia

v.

Tricia Elizabeth Jackson

SSN: [REDACTED] DOB: [REDACTED]

DL Number: DL State:

CRIMINAL JUDGMENT ORDER

Judgment of No Contest Plea/Nolo Contendere for 1 count of 61-5-28: Failure to perform official duties. Violation date on or about 9/21/23 - 11/16/23.

Assessed amounts for charge listed above are Fine: \$50.00 Costs and Fees: \$181.48 Restitution: \$0.00

Total Case balance of \$231.48 due by 04/30/2025.

Hereby ORDERED and ADJUDGED on this the 1 day of November, 2024.

MB
Michelle Barnes, Magistrate

NOTICE: Failure to pay in full all costs, fines, fees, forfeitures, restitution or penalties within timeframes provided herein may result in the withholding of your West Virginia personal income tax refund pursuant to W.Va. Code §50-3-2c. Additionally, a judgment lien may be placed against property you own or your account may be submitted to a state approved collection agency under the authority of W. VA. Code §62-4-17.

Citations Only: By Telephone _____ In Person _____
(Initials) (Initials)

CERTIFICATION BY CLERK (For Court Use Only)

I _____, hereby certify the above is a true and correct record of the Judgment in this proceeding filed in my office.

Given under my hand on the _____ day of _____, 20____.

Seal

Magistrate Court Clerk

Walk-In Plea Form Case

Citation Number(s): 24-M19M-00410

I, Tricia Jackson having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):

not guilty, guilty, or no contest of the charge of:

61-5-28 : Failure to Perform Official Duties

as set forth on the face of this summons.

Fine: \$ 50.00 and costs of \$ 181.48

Signed: Tricia Jackson

Magistrate: M. White

MCTWALK Rev. 08/2011 Docket Code(s): MNCTP

Dated: 11/1/2024

Walk-In Plea Form

Citation Number(s):

I, _____ having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):

not guilty, guilty, or no contest of the charge of:

as set forth on the face of this summons.

Fine: \$ _____ and costs of \$ _____

Signed: _____

Magistrate: _____

MCTWALK Rev. 08/2011 Docket Code(s): MNCTP

Dated: _____

Walk-In Plea Form

Citation Number(s):

I, _____ having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):

not guilty, guilty, or no contest of the charge of:

as set forth on the face of this summons.

Fine: \$ _____ and costs of \$ _____

Signed: _____

Magistrate: _____

MCTWALK Rev. 08/2011 Docket Code(s): MNCTP

Dated: _____

Walk-In Plea Form

Citation Number(s):

I, _____ having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):

not guilty, guilty, or no contest of the charge of:

as set forth on the face of this summons.

Fine: \$ _____ and costs of \$ _____

Signed: _____

Magistrate: _____

MCTWALK Rev. 08/2011 Docket Code(s): MNCTP

Dated: _____

IN THE MAGISTRATE COURT OF JEFFERSON COUNTY, WEST VIRGINIA

Case ID: 24-M19M-00411 (MB)

State of West Virginia

v.

Jennifer Anne Krouse

SSN: [REDACTED] DOB: [REDACTED]

DL Number: DL State:

CRIMINAL JUDGMENT ORDER

Judgment of No Contest Plea/Nolo Contendere for 1 count of 61-5-28: Failure to perform official duties. Violation date on or about 9/21/23 - 11/16/23.

Assessed amounts for charge listed above are Fine: \$50.00 Costs and Fees: \$181.48 Restitution: \$0.00

Total Case balance of \$231.48 due by 04/30/2025.

Hereby ORDERED and ADJUDGED on this the 1 day of March, 2024.

Michelle Barnes, Magistrate

NOTICE: Failure to pay in full all costs, fines, fees, forfeitures, restitution or penalties within timeframes provided herein may result in the withholding of your West Virginia personal income tax refund pursuant to W.Va. Code §50-3-2c. Additionally, a judgment lien may be placed against property you own or your account may be submitted to a state approved collection agency under the authority of W. VA. Code §62-4-17.

Citations Only: By Telephone (Initials) In Person (Initials)

CERTIFICATION BY CLERK (For Court Use Only)

I, _____, hereby certify the above is a true and correct record of the Judgment in this proceeding filed in my office.

Given under my hand on the _____ day of _____, 20_____.

Seal

Magistrate Court Clerk

Walk-In Plea Form

Citation Number(s): 24-m19m-00411

I, Jennifer Krouse having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):
 not guilty, guilty, or no contest of the charge of: Failure To Perform Official Duties 301-5-28

as set forth on the face of this summons. Fine: \$ 100.50 and costs of \$ 181.48
 Signed: Jennifer Krouse Magistrate: Barnes - Michelle Barnes
 MCTWALK Rev. 08/2011 Docket Code(s): MNCTP Dated: 11/1/24

Walk-In Plea Form

Citation Number(s): _____

I, _____ having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):
 not guilty, guilty, or no contest of the charge of: _____

as set forth on the face of this summons. Fine: \$ _____ and costs of \$ _____
 Signed: _____ Magistrate: _____
 MCTWALK Rev. 08/2011 Docket Code(s): MNCTP Dated: _____

Walk-In Plea Form

Citation Number(s): _____

I, _____ having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):
 not guilty, guilty, or no contest of the charge of: _____

as set forth on the face of this summons. Fine: \$ _____ and costs of \$ _____
 Signed: _____ Magistrate: _____
 MCTWALK Rev. 08/2011 Docket Code(s): MNCTP Dated: _____

Walk-In Plea Form

Citation Number(s): _____

I, _____ having been advised of my constitutional rights and the penalties for this offense, hereby waive the issuance of a warrant and enter a plea of (select one):
 not guilty, guilty, or no contest of the charge of: _____

as set forth on the face of this summons. Fine: \$ _____ and costs of \$ _____
 Signed: _____ Magistrate: _____
 MCTWALK Rev. 08/2011 Docket Code(s): MNCTP Dated: _____

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

FILED
October 31, 2024

released at 3:00 p.m.
C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

September 2024 Term

No. 24-387

TRICIA JACKSON and JENNIFER KROUSE,
Respondents Below, Petitioners,

v.

MATTHEW L. HARVEY,
Petitioner Below, Respondent.

Appeal from the Circuit Court of Jefferson County
The Honorable Joseph K. Reeder, Judge;
the Honorable Perri Jo DeChristopher, Judge;
and the Honorable Jason Wharton, Judge.
Case No. 2023-P-174

AFFIRMED

Filed: October 31, 2024

Traci L. Wiley, Esq.
MacCorkle Lavender PLLC
Charleston, West Virginia

Counsel for Petitioners

Matthew L. Harvey, Esq.
Jefferson County Prosecutor's Office
Charles Town, West Virginia

Counsel for Respondent

JUSTICE WALKER delivered the Opinion of the Court.

CHIEF JUSTICE ARMSTEAD concurs and reserves the right to file a concurring opinion.

SYLLABUS BY THE COURT

1. “In reviewing challenges to the findings and conclusions of the circuit court made after a bench trial, a two-pronged deferential standard of review is applied. The final order and the ultimate disposition are reviewed under an abuse of discretion standard, and the circuit court’s underlying factual findings are reviewed under a clearly erroneous standard. Questions of law are subject to a *de novo* review.” Syllabus Point 1, *Public Citizen, Inc. v. First National Bank in Fairmont*, 198 W. Va. 329, 480 S.E.2d 538 (1996).

2. “It is a settled principle of statutory construction that courts presume the Legislature drafts and passes statutes with full knowledge of existing law.” Syllabus Point 1, *Duff v. Kanawha County. Commission*, ___ W. Va. ___, 905 S.E.2d 528, 2024 WL 1715130 (2024).3. Under West Virginia Code § 6-6-7(h) (2016), the Supreme Court of Appeals of West Virginia exercises appellate jurisdiction over a final order entered under subsection (g) of West Virginia Code § 6-6-7, removing or refusing to remove from office any of those persons listed in subsection (a) of that statute.

4. “Public officers of a county may be removed from office for official misconduct, malfeasance in office, incompetence, neglect of duty, or gross immorality. Removal of such officers is a drastic remedy, however, and statutory provisions prescribing the grounds for removal are strictly construed.” Syllabus Point 1, *Kemp v. Boyd*, 166 W. Va. 471, 275 S.E.2d 297 (1981).

5. “‘To warrant removal of an official pursuant to Code, 1931, § 6-6-7, clear and convincing evidence must be adduced to meet the statutory requirement of satisfactory proof.’ Syl. pt. 3, *In the Matter of Boso*, 160 W.Va. 38, 231 S.E.2d 715, (1977); Syl. pt. 9, *Evans v. Hutchinson*, 158 W.Va. 359, 214 S.E.2d 453 (1975).” Syllabus Point 2, *Kemp v. Boyd*, 166 W. Va. 471, 275 S.E.2d 297 (1981).

6. “‘It is well settled as a general rule that the question of continuance is in the sound discretion of the trial court, which will not be reviewed by the appellate court, except in case it clearly appears that such discretion has been abused.’ Syl. Pt. 1, *Levy v. Scottish Union & National Ins. Co.*, 58 W.Va. 546, 52 S.E. 449 (1905).” Syllabus Point 2, *Nutter v. Maynard*, 183 W. Va. 247, 395 S.E.2d 491 (1990).

7. “‘Whether there has been an abuse of discretion in denying a continuance must be decided on a case-by-case basis in light of the factual circumstances presented, particularly the reasons for the continuance that were presented to the trial court at the time the request was denied.’ Syllabus Point 3, *State v. Bush*, 163 W.Va. 168, 255 S.E.2d 539 (1979).” Syllabus Point 4, *West Virginia Department of Health & Human Resources Employees Federal Credit Union v. Tennant*, 215 W. Va. 387, 599 S.E.2d 810(2004).

WALKER, Justice:

Petitioners Tricia Jackson and Jennifer Krouse were members of the Jefferson County Commission. In 2023, a commission seat became vacant, and the Commission set about appointing a replacement under West Virginia Code § 3-10-7 (2018). Ms. Jackson and Ms. Krouse voiced a series of concerns about the appointment process, and so refused to attend Commission meetings in the fall of 2023. In doing so, Ms. Jackson and Ms. Krouse denied the Commission a quorum and impeded County business, including the release of a sizeable development bond. In November, Respondent Matthew Harvey, Jefferson County Prosecuting Attorney, petitioned for removal of Ms. Jackson and Ms. Krouse from the Commission under West Virginia Code § 6-6-7 (2016). In May 2024, a special court composed of three circuit court judges found that Ms. Jackson and Ms. Krouse engaged in official misconduct or neglect of their duties and ordered their removal from office. Ms. Jackson and Ms. Krouse appeal that order. After reviewing the three-judge court’s detailed, forty-seven-page order, we find no error meriting reversal and affirm the order removing Ms. Jackson and Ms. Krouse from office.¹

I. FACTUAL AND PROCEDURAL BACKGROUND

Ms. Jackson and Ms. Krouse took office as Commissioners of the Jefferson County Commission on January 1, 2021, and January 1, 2023, respectively. Another

¹ On August 7, 2024, this Court summarily affirmed the removal order “based on the nature of the matter at issue,” and “[g]iven the need for accelerated consideration and resolution of the issues presented” by Petitioners, “with a detailed opinion to follow in due course.” This is that detailed opinion.

member of the five-member Commission, Claire Ath, resigned in May 2023, leaving a vacancy to be filled under West Virginia Code § 3-10-7 (2018).² In June 2023, the Commission voted on two candidates to fill the vacancy; the vote split two (Ms. Jackson and Ms. Krouse) to two (Commission President Steve Stolipher and Commissioner Jane Tabb). The Jefferson County Republican Executive Committee (JREC) then presented the Commission with three candidates, as required under West Virginia Code § 3-10-7.

The Commission was to vote on those candidates at its August 17, 2023 meeting. But during the meeting, Ms. Krouse objected to one candidate—Mr. Keith Lowry. Ms. Krouse told the Commissioners that Mr. Lowry was not eligible for the vacancy because he had a conflict of interest and represented that she had an opinion from the West Virginia Ethics Commission to that effect. Ms. Jackson and Ms. Krouse threatened to leave the meeting if Commission President Stolipher continued the selection process. During the meeting, Ms. Krouse posted to her Facebook page that the candidates nominated by JREC were not “true conservatives,” one “was disqualified under WV §61-10-15 due to ethical considerations regarding his employment,” and the selection process could not proceed until JREC nominated someone else. Later, it was learned that the “ethics opinion” relied upon by Ms. Krouse was not a formal ethics opinion, but an email

² The Legislature made substantial amendments to West Virginia Code § 3-10-7 in 2024, effective January 1, 2025.

from Kimberly B. Weber, Executive Director of the West Virginia Ethics Commission.³ Mr. Lowry later obtained an ethics opinion regarding the putative conflict of interest, in which the Ethics Commission set forth conditions under which Mr. Lowry might lawfully serve on the Jefferson County Commission.

The selection of a replacement Commissioner was placed on the Thursday, September 21, 2023 agenda.⁴ Neither Ms. Jackson nor Ms. Krouse attended that meeting.⁵ Posts made to their Facebook pages demonstrate that they did not attend the meeting in order to deny the Commission a quorum due to what Ms. Krouse deemed “abuses of

³ Ms. Weber advised that West Virginia Code § 61-10-15 (“Pecuniary interest of county and district officers, teachers and school officials in contracts; exceptions; offering or giving compensation; penalties”) (2022) “would most likely prohibit” Mr. Lowry’s appointment or require that he “leave his job with the non profit because the county makes significant appropriations to the non profit.” Ms. Weber went on to advise that “[w]hether the appropriation is significant enough is a question of fact,” and that “an Advisory Opinion may be necessary.”

The email was not shared with the other commissioners before the August 17 meeting, despite having been received at 3:24 p.m. on August 15. And, Ms. Krouse did not provide a copy of Ms. Weber’s email to Nathan Cochran, Assistant Prosecuting Attorney, after the August 17 meeting, despite her assurance that she would do so.

⁴ September 21, 2023 was the third Thursday of the month.

⁵ Commission President Stolipher rescheduled the meeting for September 28 (the fourth Thursday of September), with the approval of Commissioner Tabb. A dispute then arose between Commission President Stolipher and Ms. Krouse as to whether the September 28 meeting was a properly scheduled, special meeting under County policy. As noted below, the three-judge court did not consider the “issue of the process utilized to schedule the special sessions during [Ms. Jackson and Ms. Krouse’s] absence from meetings” because “[t]he issue is not relevant with the knowledge that [Ms. Jackson and Ms. Krouse] did not attend regular sessions, properly noticed and scheduled.”

authority” by Commission President Stolipher.⁶ The “protest” by Ms. Jackson and Ms. Krouse continued throughout October and November 30, 2023, denying the Commission a quorum, and blocking votes on certain items of County business.⁷

While Ms. Jackson and Ms. Krouse were originally focused on Mr. Lowry’s potential ethics problem, they later raised concerns about the JREC selection process and the perceived lack of fit between the five-member Jefferson County Commission and the replacement selection process set out in § 3-10-7 (2018). The Jefferson County Prosecuting Attorney’s office⁸ sought advice from the West Virginia Secretary of State regarding the replacement process set forth in West Virginia Code § 3-10-7. On October

⁶ Coincident with the scheduled start of the meeting, Ms. Jackson posted to Facebook that she and her “colleague Commissioner Jennifer Krouse” were taking the “drastic step of not attending the scheduled County Commission meeting, which denied the meeting a quorum,” and that they were doing so “in protest of Commissioner Stolipher’s actions and abuse of his position as president.” Also coincident to the meeting’s scheduled start, Ms. Krouse posted to Facebook that she “should be at The Jefferson County Commission meeting,” but that “due to President Stolipher’s repeated abuses of authority, [she had] decided (along with Commissioner Jackson) to deny a quorum this evening.” Later, Ms. Krouse posted to Facebook that she was “willing to attend [Commission] meetings again AS LONG AS THEIR AGENDA DOESN’T INCLUDING FILLING THE VACANCY ON THE COMMISSION.”

⁷ The Commission attempted to meet on October 5, 2023 (first Thursday); October 12, 2023 (second Thursday); October 19, 2023 (third Thursday); November 2, 2023 (first Thursday); and November 16, 2023 (third Thursday).

⁸ See W. Va. Code § 7-4-1(a) (2022) (“The prosecuting attorney shall also attend to civil suits in the county in which the state or any department, commission, or board thereof, is interested, and to advise, attend to, bring, prosecute, or defend, as the case may be, all matters, actions, suits, and proceedings in which such county or any county board of education is interested.”).

4, 2023, Donald M. Kersey, III, General Counsel, Deputy Secretary of State, formally advised that under § 3-10-7,

the county commission's duty to fill a vacancy within thirty days of a vacancy is mandatory. The law grants the commission a reprieve from that duty when the vacancy cannot be filled by shifting the authority to nominate individuals for consideration to the county executive committee. Once that list of nominees is submitted, the county commission has the duty to select an appointee from that list of nominees within fifteen days, regardless of the process that the executive committee followed when creating the list of nominees.

Therefore, once the list is submitted, however it was created and even if it is contrary to the specific party's internal procedures, the law does not grant the county commission authority to consider such extrinsic matters. If there is a dispute over that executive committee's process for creating the list of nominees, the law is plain: such acts of the political party "may be reviewable by the courts," not the county commission.

Mr. Kersey also opined that if the Commission did not fulfill its duty to appoint a fifth commissioner under West Virginia Code § 3-10-7, it risked litigation and its members risked removal under West Virginia Code § 6-6-7. Mr. Kersey's opinion was forwarded to Commission President Stolipher, Commissioner Tabb, Ms. Jackson, and Ms. Krouse on October 6, 2023.

One week later, Ms. Jackson informed Mr. Kersey that JREC's selection process was "the subject of a court case" and inquired whether it would "be proper for the Commission to await the outcome of that pending litigation before proceeding with the selection process?" Mr. Kersey advised Ms. Jackson (informally) that the Commission must still proceed with the selection process. Ms. Jackson also posed three questions to

Mr. Kersey, two of which related to a “fail[-]safe” process (the parties’ term) provided under § 3-10-7. Under that statute, the fail-safe process is triggered “[i]f the county commission fails to make the appointment [from the list supplied by the county executive committee] within” “15 days from the date on which the list is received,” and entails a strike process, proceeding from most tenured commissioner to the least.⁹ Ms. Jackson questioned whether the process could work in the present circumstances, since two Commissioners (Ms. Krouse and Commission President Stolipher) were equally tenured, and whether the Commission may need to seek a court ruling.

Mr. Kersey responded that West Virginia Code § 3-10-7 imposes a duty upon the Commission to appoint a new commissioner and that “it’s clear that the appointment must be from the list of three names submitted by the executive committee at this point” Mr. Kersey also advised that while the “failsafe does not likely apply,” that “a version of the failsafe could be followed . . . by the second-most tenured commissioners cooperating and deciding together which of the two remaining nominees should be stricken from the list” Mr. Kersey detailed that process for Ms. Jackson in an October 20, 2023 email; explained that “[t]he law is clear that disagreement is not an available option;” and informed Ms. Jackson that it was his belief that “the commission bears the burden of figuring out how to get to an agreement.”

⁹ W. Va. Code § 3-10-7(b).

On October 31, 2024, Ms. Krouse emailed Respondent Matthew Harvey, Prosecuting Attorney of Jefferson County, “to request [his] assistance/guidance with the ongoing impasse regarding seating the temporary Commissioner from the Charles Town District.” Ms. Krouse explained that “[s]etting aside any political considerations with the seat, [her] main concern [was] that The Commission proceeds in a LEGAL fashion.” Ms. Krouse stated her belief that, considering the equal tenure shared by two commissioners, West Virginia Code § 3-10-7 (2018) did “not provide a path forward,” based upon “an opinion from the secretary of state’s office” and statements by Nathan Cochran, Assistant Prosecuting Attorney, earlier in the selection process.¹⁰ Ms. Krouse went on to state that, “[w]hen a law is unclear, the solution is to seek court guidance on how to proceed.” Ms. Krouse then wrote,

Speaking for myself, (I believe I speak for Commissioner Jackson as well) I would be delighted to attend the meeting THIS Thursday [November 2, 2023] if Commission President Stolipher would only agree to remove the vacancy from the Agenda. This would give us a chance to complete all outstanding county business as well as discuss *AS A COMMISSION* how we seek court guidance to ensure that we proceed in a proper *AND LEGAL* fashion.

¹⁰ In a June 2023 email , Mr. Kersey advised a representative of JREC that West Virginia Code § 3-10-7 “doesn’t contemplate 5-person county commissions. So either the commissioners will need to pick a person they can agree on, or they’re going to be left with a 4-person commission that reaches impasse when there’s a 2-2 vote split.” Mr. Kersey wrote that an assistant prosecuting attorney agreed that that was the case, “absent a statutory change” Mr. Kersey testified during the removal hearing that it was “fair” to say that his “opinion matured or evolved through the – through the process[.]”

Mr. Harvey responded by forwarding the legal advice he had received from the Secretary of State's office. He also advised that "the commission cannot take official action as a body unless there is a meeting and a vote. That means any commission initiated court intervention would have to be after a meeting, discussion, and vote."

Again, throughout the fall of 2023, Ms. Jackson and Ms. Krouse refused to attend Commission meetings. This denied the Commission a quorum, which prevented the Commission from addressing routine County business, including probate matters, personal property tax exonerations, a grant application, and personnel issues. The Commission's inability to act during that time threatened internet and radio service at the County 9-1-1 center as well as the continuity of maintenance and support services for the public safety radio services. Importantly, the lack of quorum in the fall of 2023 prevented the County Commission from considering the release of a \$1,098,789.00 development bond for a subdivision. In response, the developer petitioned the Circuit Court of Jefferson County for mandamus relief to force the Commission to consider releasing the bond. The circuit court conducted a hearing on November 30, 2023,¹¹ then ordered the County Commission to "consider release of the Bond as set forth in the agenda and other all other properly noticed agenda items" at a Commission meeting later that day.¹² Ultimately, when the

¹¹ Ms. Jackson and Ms. Krouse were called to testify at the hearing. They asserted their Fifth Amendment privilege against self-incrimination.

¹² In that order, the circuit court also "ADJUDGED that two members of the Jefferson County Commission have, by denying the Commission a quorum, deliberately and knowingly refused to exercise a clear legal duty to attend and conduct meetings of the

Commission met as ordered on November 30, 2023, Commission President Stolipher and Ms. Krouse (the second-most tenured Commissioners) voted to strike the same candidate, the process put forth by Mr. Kersey weeks earlier.

On November 11, 2023, Mr. Harvey petitioned for the removal of Ms. Jackson and Ms. Krouse from their offices. Mr. Harvey alleged that Ms. Jackson and Ms. Krouse willfully refused to perform their duty to attend Commission meetings in September, October, and November; to appoint a commissioner to fill a recently vacated seat; and to attend to County business. Mr. Harvey alleged that Ms. Jackson and Ms. Krouse's behavior amounted to neglect of duty, official misconduct, or incompetence as defined in West Virginia Code § 6-6-1 (2018), warranting their removal from office. Also in early November 2023, Mr. Harvey initiated a criminal investigation of Ms. Jackson and Ms. Krouse. That same month, a special prosecutor was appointed to helm the criminal investigation.

On December 28, 2023, Chief Justice Elizabeth D. Walker appointed the Hon. Joseph K. Reeder, Judge; the Hon. Perri Jo DeChristopher, Judge; and the Hon. Jason Wharton, Judge, to preside over the removal proceedings, as required under West Virginia

Jefferson County Commission and to consider release of the Bond” The circuit court also ordered the parties to brief the matter of attorneys’ fees. The County Commission eventually paid the developer’s legal fees incurred in prosecuting the mandamus action, \$17,937.75.

Code § 6-6-7(g).¹³ A removal hearing date was set for late March 2024. On March 8, 2024, criminal complaints were filed against Ms. Jackson and Ms. Krouse and arrest warrants were issued for both. The complaints charged Ms. Jackson and Ms. Krouse with failure to perform official duties under West Virginia Code §§ 61-5-28 (1923),¹⁴ 3-10-7, 11-3-27 (2000),¹⁵ and conspiracy under West Virginia Code § 61-10-31 (1971). Ms. Jackson and Ms. Krouse were arrested on March 11, 2024, then released on bail. On March 13, Ms. Jackson and Ms. Krouse moved the court to continue the removal hearing to allow them time to retain a criminal attorney and to coordinate their strategy for the upcoming removal hearing with their defense in the criminal matter. The court denied the motion to continue on March 14, 2024. Ms. Jackson and Ms. Krouse moved the court to reconsider that decision on March 15. The court denied that motion the same day.

The court conducted the removal hearing on March 26 and 27, 2024. At the hearing, Mr. Harvey presented the testimony of Commissioner Tabb; Commission President Stolipher; Mr. Kersey; County officials; and County employees. Ms. Jackson

¹³ For the reader’s ease, we refer to this three-judge court simply as “the court” throughout the remainder of this Opinion.

¹⁴ *See* W. Va. Code § 61-5-28 (1923) (“Any person holding any office or appointment in this State, who shall wilfully fail or refuse to perform any duty required of him by law, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, if no other punishment be prescribed by law therefor, be fined not exceeding one hundred dollars.”).

¹⁵ *See* W. Va. Code § 11-3-27 (2000) (“Any taxpayer . . . claiming to be aggrieved by any entry in the property books of the county . . . may . . . apply for relief to the county commission of the county in which such books are made out . . .”).

and Ms. Krouse were also called to testify; however, as they faced prosecution related to the events at issue in the removal action, they asserted the Fifth Amendment privilege and refused to answer questions, just as they had during the hearing conducted as part of the earlier mandamus proceeding before the Circuit Court of Jefferson County. Ms. Jackson and Ms. Krouse presented the testimony of Marshall Wilson, then a gubernatorial candidate representing the Constitution Party; Mark Everhart, a volunteer political consultant; and Robert Aitchison, a retired attorney. Mr. Harvey introduced more than one hundred exhibits. Ms. Jackson and Ms. Krouse introduced seven.

The court ordered the removal of Ms. Jackson and Ms. Krouse from their offices as Commissioners of the Jefferson County Commission on May 1, 2024. In the forty-seven-page order, the court found that “the allegations of the Removal Petition of either misconduct and/or neglect of duty [had] been proven by clear and convincing evidence and [were] sufficient to warrant the removal” of Ms. Jackson and Ms. Krouse from office. The court made an inference adverse to Ms. Jackson and Ms. Krouse based upon their invocation of the Fifth Amendment privilege against self-incrimination during the removal hearing. Ms. Jackson and Ms. Krouse now appeal the removal order and the orders denying their motion to continue and motion for reconsideration.

II. STANDARDS OF REVIEW

This Court applies a two-prong standard of review when a case is tried to the circuit court, as we explained in Syllabus Point 1 of *Public Citizen, Inc. v. First National Bank in Fairmont*:

[i]n reviewing challenges to the findings and conclusions of the circuit court made after a bench trial, a two-pronged deferential standard of review is applied. The final order and the ultimate disposition are reviewed under an abuse of discretion standard, and the circuit court’s underlying factual findings are reviewed under a clearly erroneous standard. Questions of law are subject to a *de novo* review.^[16]

And as discussed in more detail below, Ms. Jackson and Ms. Krouse’s appeal presents this Court the opportunity to consider its jurisdiction over removal orders entered under West Virginia Code § 6-6-7 following passage of the West Virginia Appellate Reorganization Act of 2021. Regarding jurisdictional questions, we have stated that:

“[i]t is well established that the issue of subject matter jurisdiction can be raised at any time, even *sua sponte* by this Court.” *State ex rel. Universal Underwriters Ins. Co. v. Wilson*, 239 W. Va. 338, 345, 801 S.E.2d 216, 223 (2017). “Whether a court has subject matter jurisdiction over an issue is a question of law[.]” *Snider v. Snider*, 209 W. Va. 771, 777, 551 S.E.2d 693, 699 (2001). Because “jurisdictional issues are questions of law, our review is *de novo*.” *Wilson*, 239 W. Va. at 343, 801

¹⁶ Syl. Pt. 1, *Pub. Citizen, Inc. v. First Nat’l Bank in Fairmont*, 198 W. Va. 329, 480 S.E.2d 538 (1996).

S.E.2d at 221 (citing Syl. Pt. 1, *Chrystal R.M. v. Charlie A.L.*, 194 W.Va. 138, 459 S.E.2d 415 (1995)).^[17]

III. ANALYSIS

Ms. Jackson and Ms. Krouse first argue that the court erred when it found that Mr. Harvey offered evidence sufficient to merit their removal from office under West Virginia Code § 6-6-7. They also argue that the court erred when it drew an adverse inference from their decisions to assert the Fifth Amendment privilege during the removal hearing. Finally, Ms. Jackson and Ms. Krouse argue that the court erred when it denied their motion to continue the removal hearing and, later, their motion to reconsider. We will address those arguments in due course. But, as noted above, we first address this Court’s jurisdiction over Ms. Jackson and Ms. Krouse’s appeal.

A. *Jurisdiction*

The court entered the May 1, 2024, order removing Ms. Jackson and Ms. Krouse from their offices as members of the Jefferson County Commission under West Virginia Code § 6-6-7. That statute sets forth the process for the removal of various public officers, including county commissioners. Broadly, a county prosecutor may commence proceedings to remove a county officer from office by serving charges of “official misconduct, neglect of duty, incompetence or for any of the causes or on any of the grounds

¹⁷ *M.H. v. C.H.*, 242 W. Va. 307, 311–12, 835 S.E.2d 171, 175–6 (2019) (internal note omitted).

provided by any other statute,” “upon the circuit court in whose jurisdiction the officer serves”¹⁸ “If the court finds that the resolution or petition is sufficient under the standards for removal set forth [in § 6-6-7] to proceed to a hearing before a three-judge court, the court shall forward a copy of the resolution or petition to the Supreme Court of Appeals.”¹⁹ The Chief Justice of the Supreme Court of Appeals then,

designate[s] and appoint[s] three circuit judges within the state, not more than one of whom shall be from the same circuit in which the resolution or petition was filed and, in the order of such appointment, shall require that the three-judge court designate the date, time and place for the hearing of the resolution or petition forthwith.

Such three-judge court shall, without a jury, hear the charges, any motions filed by either party and all evidence offered in support thereof or in opposition thereto, and upon satisfactory proof of the charges by clear and convincing evidence, shall remove any such officer from office Any final order either removing or refusing to remove any such person from office shall contain such findings of fact and conclusions of law as the three-judge court shall deem sufficient to support its decision of all issues presented to it in the matter.^[20]

Under subsection (h) of § 6-6-7,

[a]n appeal from an order of such three-judge court removing or refusing to remove any person from office pursuant to this section *may be taken to the Supreme Court of Appeals* within thirty days from the date of entry of the order from which the appeal is taken. *The Supreme Court of Appeals shall consider*

¹⁸ W. Va. Code § 6-6-7(a) and (d).

¹⁹ *Id.* § 6-6-7(g).

²⁰ *Id.*

and decide the appeal upon the original papers and documents, without requiring the same to be printed and shall enforce its findings by proper writ.^[21]

In 2021, the Legislature enacted the West Virginia Appellate Reorganization Act of 2021, and created the West Virginia Intermediate Court of Appeals.²² In West Virginia Code § 51-11-4, the Legislature granted the Intermediate Court “appellate jurisdiction over . . . [f]inal judgments or orders of a circuit court in all civil cases . . . entered after June 30, 2022,”²³ among other types of final judgment or orders. The Legislature also specified in West Virginia Code § 51-11-4 matters over which the Intermediate Court does not have appellate jurisdiction; for example, judgments or orders in juvenile proceedings, proceedings of the Lawyer Disciplinary Board, and proceedings in which certain types of extraordinary relief is sought.²⁴

Having reviewed West Virginia Code § 51-11-4 with care, we do not see that it addresses appellate jurisdiction over an order like the one at issue here—that is, a final order of removal under West Virginia Code § 6-6-7. “It is a settled principle of statutory construction that courts presume the Legislature drafts and passes statutes with full

²¹ *Id.* § 6-6-7(h) (emphasis added).

²² *Id.* § 51-11-3(b).

²³ *Id.* § 51-11-4(b)(1).

²⁴ *Id.* § 51-11-4(d)(2), (5), and (10).

knowledge of existing law.”²⁵ So, we must presume that, in allotting appellate jurisdiction as it did in West Virginia Code § 51-11-4 and omitting any reference to appeals from final judgments or orders entered under West Virginia Code § 6-6-7, the Legislature intended not to disturb the appellate process specified in the latter statute.²⁶ For that reason, we now hold that under West Virginia Code § 6-6-7(h) (2016), the Supreme Court of Appeals of West Virginia exercises appellate jurisdiction over a final order entered under subsection (g) of West Virginia Code § 6-6-7, removing or refusing to remove from office any of those persons listed in subsection (a) of that statute. Applying that holding, we conclude that subsection (h) of West Virginia Code § 6-6-7 provides this Court with appellate jurisdiction over the court’s May 1, 2024 order, removing Ms. Jackson and Ms. Krouse from their county offices.

B. Sufficiency of the Evidence

We now turn to Ms. Jackson and Ms. Krouse’s first assignment of error: that “[t]he three-judge panel erred in finding that [Mr. Harvey] had met his burden of proof and ordering that [they] be removed from office.” Before assessing their arguments in support of that alleged error, we briefly review the pertinent law.

²⁵ Syl. Pt. 1, *Duff v. Kanawha County. Commission*, ___ W. Va. ___, 905 S.E.2d 528, 2024 WL 1715130 (2024)..

²⁶ Syl. Pt. 1, *Smith v. State Workmen’s Comp. Comm’r*, 159 W. Va. 108, 219 S.E.2d 361 (1975) (“The primary object in construing a statute is to ascertain and give effect to the intent of the Legislature.”).

Again, West Virginia Code § 6-6-7(a) provides that, “[a]ny person holding any county . . . office . . . the term or tenure of which office is fixed by law . . . may be removed from such office . . . for official misconduct, neglect of duty, incompetence or for any of the causes or on any of the grounds provided by any other statute.” Similarly, this Court has held that,

[p]ublic officers of a county may be removed from office for official misconduct, malfeasance in office, incompetence, neglect of duty, or gross immorality. Removal of such officers is a drastic remedy, however, and statutory provisions prescribing the grounds for removal are strictly construed.^[27]

West Virginia Code § 6-6-1(a) defines “official misconduct” as “conviction of a felony during the officer’s present term of office or any willful unlawful behavior by a public officer in the course of his or her performance of the duties of the public office.” Subsection (b) of that statute defines “neglect of duty” as “the knowing refusal or willful failure of a public officer to perform an essential act or duty of the office required by law.”

Recognizing that removal from office under West Virginia Code § 6-6-7 is a “drastic remedy,” this Court has held that,

“[t]o warrant removal of an official pursuant to Code, 1931, § 6-6-7, clear and convincing evidence must be adduced to meet the statutory requirement of satisfactory proof.” Syl. pt. 3, *In the Matter of Boso*, 160 W.Va. 38, 231 S.E.2d 715,

²⁷ Syl. Pt. 1, *Kemp v. Boyd*, 166 W. Va. 471, 275 S.E.2d 297 (1981).

(1977); Syl. pt. 9, *Evans v. Hutchinson*, 158 W.Va. 359, 214 S.E.2d 453 (1975).^[28]

According to Ms. Jackson and Ms. Krouse, Mr. Harvey did not offer satisfactory proof that they either engaged in official misconduct or neglect of duty because they were not convicted of a felony during their term in office and because the statutes cited in the petition for removal do not apply to them or “otherwise do not address any [of their] conduct . . . in the performance of their duties as County Commissioners.” Ms. Jackson and Ms. Krouse contend that no evidence was introduced that they violated an essential duty of their office—attendance at meetings of the Jefferson County Commission. Ms. Jackson and Ms. Krouse assert that they could not have violated any mandate under West Virginia Code § 3-10-7 to appoint a replacement commissioner because that statute is “vague and ambiguous” and “legally impossible to comply with”²⁹

²⁸ Syl. Pt. 2, *id.*

²⁹ Ms. Jackson and Ms. Krouse also assert that Mr. Harvey did not offer evidence to support allegations in the petition related to West Virginia Code §§ 3-9-23, 11-3-21, or 61-5-28. Those statutes relate to the imposition of criminal penalties for, among others, offenses under Chapter 3 of the West Virginia Code (“Elections”) and dereliction of a duty required by Chapter 11 (“Taxation”) of the West Virginia Code. It is not necessary to address those assertions, given that we do not reverse the court’s findings that Ms. Jackson and Ms. Krouse engaged in official misconduct or neglect of duty by willfully failing to attend regularly scheduled Commission meetings and refusing to comply with the duty imposed by § 3-10-7 to appoint a fifth commissioner. Those findings alone support the court’s conclusion that removal of Ms. Jackson and Ms. Krouse from their positions on the Commission was warranted.

Mr. Harvey responds—and we concur—that sufficient evidence was offered to the court to support the court’s finding that Ms. Jackson and Ms. Krouse engaged in official misconduct or neglect of duty, as those terms are defined in West Virginia Code § 6-6-1, when they refused to attend regular commission meetings and to appoint a fifth commissioner in the fall of 2023.

Mr. Harvey offered the court undisputed evidence that the Jefferson County Commission had voted in January 2021 to schedule regular meetings on the first and third Thursdays of each month. He presented the court with undisputed evidence that Ms. Jackson and Ms. Krouse did not attend regularly scheduled Commission meetings in September, October, and November 2023; that their refusals to attend denied the Commission a quorum; and that without a quorum, the Commission was unable to act on pressing County business. For example, it is undisputed that because Ms. Jackson and Ms. Krouse refused to attend regularly scheduled Commission meetings in the fall of 2023, the Commission was unable to vote to release a \$1,098,789.00 development bond. That, in turn, resulted in legal action against the Commission, an order mandating it to meet and to conduct business, and an eventual payment of \$17,937.75 in attorneys’ fees to the aggrieved developer.

Mr. Harvey also offered the court evidence demonstrating that Ms. Jackson and Ms. Krouse’s refusal or failure to attend regularly scheduled Commission meetings during the fall of 2023 was knowing and willful. For example, at the time the September

21, 2023 Commission meeting was scheduled to commence, Ms. Jackson posted to Facebook that she was taking the “drastic step of not attending the scheduled County Commission meeting . . . in protest” Also coincident to the meeting’s scheduled start, Ms. Krouse posted to Facebook that she “should be at The Jefferson County Commission meeting” but had “decided (along with Commissioner Jackson) to deny a quorum [that] evening.” Based on that and similar evidence submitted to the court, this Court will not disturb the court’s finding that Ms. Jackson and Ms. Krouse willfully and intentionally refused to attend regularly scheduled Commission meetings in the fall of 2023.³⁰

It does not appear that either Ms. Jackson or Ms. Krouse disagrees that attendance at county commission hearings is an essential duty of the office of county commissioner—only that the meetings they did not attend were not meetings that “counted.” According to Ms. Jackson and Ms. Krouse, they were not legally obligated to attend Commission meetings in the fall of 2023 because they were either special meetings *not* scheduled by a quorum of the Commission or because a county commission is obligated to meet only four times per year under West Virginia Code § 7-1-2 and “there was no legal authority introduced by [Mr. Harvey] to support that the” regular meeting schedule voted on by the Commission “superseded W.Va. Code § 7-1-2.” Like the court, we decline to

³⁰ Again, we note that the Circuit Court of Jefferson County adjudged in November 2023 “that two members of the Jefferson County Commission have, by denying the Commission a quorum, deliberately and knowingly refused to exercise a clear legal duty to attend and conduct meetings of the Jefferson County Commission and to consider release of the Bond”

address Ms. Jackson and Ms. Krouse’s argument regarding the setting of special meetings.³¹

As to their alternative argument, Ms. Jackson and Ms. Krouse are correct that West Virginia Code § 7-1-2 mandates that county commissions “shall hold four regular sessions in each year at the courthouse thereof, at such times as may be fixed upon and entered of record by the court.”³² But we disagree with Ms. Jackson and Ms. Krouse’s view of that four-meeting requirement. In *State ex rel. Conley v. Thompson*,³³ this Court concluded that action taken during one of *twelve*, regularly scheduled meetings of the Logan County Commission sufficed to appoint a justice of the peace—even though the West Virginia Constitution and statute required county commissions to meet only *four* times per year.³⁴ In rejecting an argument parallel to Ms. Jackson and Ms. Krouse’s in *Thompson*, we explained that,

[w]hether, under the constitution, the court can appoint more than four regular terms has never been judicially determined,

³¹ The court expressly declined “to address the issue of the process utilized to schedule the special sessions during [Ms. Jackson and Ms. Krouse’s] absence from meetings.” We concur that that issue is not germane to the fact that Ms. Jackson and Ms. Krouse willfully refused to attend regularly scheduled Commission meetings or to fulfill their duty under West Virginia Code § 3-10-7.

³² This statute follows section 9, Article IX of the West Virginia Constitution: The county commission “shall hold four regular sessions in each year, and at such times as may be fixed and entered of record by the said commission. Provisions may be made by law for holding special sessions of said commissions.”

³³ *State ex rel. Conley v. Thompson*, 100 W. Va. 253, 130 S.E. 456 (1925).

³⁴ *Id.* at 262, 130 S.E. at 460.

but as there is no limitation upon the number of special terms that may be held, we do not see upon what reason more than four regular terms may not be advisable and proper, unless prohibited or limited by the organic law. . . . Provisions of the constitution and statutes concerning the times and places of holding courts should be construed liberally. 1 Wells on the Jurisdiction of Courts, sec. 302. But limiting county courts to four regular terms, where regular terms have been provided for monthly, and held as provided, which four of the twelve are to be regarded as regular terms? Are all to be regarded unlawful? If not, which are to be treated as unlawful, and which are the lawful ones?

The record certified here shows that the action of the court appointing relator was taken at a regular term, and this, prima facie at least, ought to suffice.^[35]

We do not understand Ms. Jackson and Ms. Krouse to dispute that the Commission approved by proper vote in 2021 a regular schedule of meetings on the first and third Thursdays of each month; rather, we understand their argument to be that they were not obligated to attend any Commission meetings beyond the four meetings required under the West Virginia Constitution and West Virginia Code § 7-1-2. But that is the exact argument that failed in *Thompson*, where we saw no “reason more than four regular terms may not be advisable and proper” and found action taken by a county commission at a meeting that may (or may not) have been one of the four meetings mandated by West Virginia Code § 7-1-2 to be prima facie effective. Further, in *Thompson*, we noticed the practical problem presented by Ms. Jackson and Ms. Krouse’s argument:

³⁵ *Id.*; see also 45 W. Va. Op. Att’y Gen. 63 (1952) (concluding “that there is nothing in the constitution or statutes which prevents a county court from legally being in session every day in the year, if necessary, except Sundays and holidays”).

But limiting county courts to four regular terms, where regular terms have been provided for monthly, and held as provided, which four of the twelve are to be regarded as regular terms? Are all to be regarded unlawful? If not, which are to be treated as unlawful, and which are the lawful ones?^[36]

In sum, we do not accept Ms. Jackson and Ms. Krouse’s argument that they were not obligated to attend regularly scheduled Commission meetings in the fall of 2023 because (1) Ms. Jackson and Ms. Krouse have not presented authority in contradiction of *Thompson*, and (2) Ms. Jackson and Ms. Krouse were indisputably aware of the regular meeting schedule and the impact of their absence from those meetings. For those reasons, we decline to disturb the court’s ultimate finding of official misconduct or neglect of duty.

As stated above, the court also found that Ms. Jackson and Ms. Krouse engaged in neglect of duty or official misconduct when they refused to appoint a fifth commissioner under West Virginia Code § 3-10-7 (2018). West Virginia Code § 3-10-7(a) provides that “[a]ny vacancy in the office of county commissioner or clerk of county commission *shall be filled by appointment of the county commission.*”³⁷ The commission has thirty days to do so; if it does not, then the county executive committee of the party of the preceding officeholder “shall submit a list of three legally qualified persons to fill the

³⁶ *Thompson*, 100 W. Va. at 262, 130 S.E. at 460.

³⁷ Emphasis added.

vacancy.”³⁸ The remaining commissioners must then appoint a candidate from that list to fill the vacancy within fifteen days; if they cannot do that,

[t]hen the county commissioner with the longest tenure shall eliminate one name from the submitted list, followed by the county commissioner with the second-longest tenure then eliminating one name from the submitted list. The name remaining after those two names have been eliminated shall be deemed to be appointed by the county commission to fill the vacancy.

Again, Mr. Harvey presented evidence that Ms. Jackson and Ms. Krouse refused to perform the duty imposed by West Virginia Code § 3-10-7 to appoint a replacement commissioner. Mr. Harvey presented evidence of Ms. Jackson and Ms. Krouse’s repeated refusals to attend a Commission meeting so long as the appointment of a fifth commissioner appeared on the meeting agenda. Mr. Harvey presented evidence that Ms. Jackson and Ms. Krouse were advised multiple times of the duty to appoint under West Virginia Code § 3-10-7 yet continued to refuse to meet and vote on the matter. Mr. Harvey presented evidence that Ms. Jackson and Ms. Krouse were advised as to how the Commission might proceed under West Virginia Code § 3-10-7(b), despite the equal tenure of Ms. Krouse and Commissioner Stolipher, but they continued to refuse to meet and vote on the matter. And Mr. Harvey presented evidence that Ms. Jackson and Ms. Krouse only voted on the appointment of the fifth commissioner after the Circuit Court of Jefferson

³⁸ W. Va. Code § 3-10-7(b) (2018).

County ordered the Commission to meet on November 30, 2023, and “consider release of the Bond as set forth in the agenda and other all other properly noticed agenda items”

True, Ms. Jackson and Ms. Krouse expressed reservations about various aspects of the appointment process throughout the fall of 2023—the qualifications of a candidate proposed by JREC, the process by which JREC had settled upon the list of candidates proposed to the Commission, and the Commission’s putative inability to follow the fail-safe procedure laid out in West Virginia Code § 3-10-7. Regardless, we do not see in these circumstances that those concerns negate the mandate set forth in West Virginia Code § 3-10-7(a): “[a]ny vacancy in the office of county commissioner or clerk of county commission *shall be filled by appointment of the county commission.*”³⁹ And, while Ms. Krouse advocated for the Commission to seek court guidance as to how the Commission might comply with West Virginia Code § 3-10-7, she was advised that the Commission could not do that without a quorum and a vote. Yet even then, Ms. Krouse refused to attend a Commission meeting until ordered to do so by the Circuit Court of Jefferson County. For all those reasons, we do not agree with Ms. Jackson and Ms. Krouse that the court erroneously found that they had engaged in official misconduct or neglect of duty.⁴⁰

³⁹ Emphasis added.

⁴⁰ We see no error in the court’s conclusion that Ms. Jackson and Ms. Krouse’s refusal to attend Commission meetings the fall of 2023 or to appoint a fifth Commission member “is neglect of duty or official misconduct sufficient, *standing alone*, to remove [Ms. Jackson and Ms. Krouse] from office.” (Emphasis added).

C. Adverse Inference

Ms. Jackson and Ms. Krouse also argue for the reversal of the removal order because the court drew an adverse inference due to their invocation of the Fifth Amendment privilege when questioned at the evidentiary hearing. Ms. Jackson and Ms. Krouse argue that the court erred in taking the adverse inference because removal proceedings are unique and may result in “the single most undemocratic drastic remedy available” Mr. Harvey responds that Ms. Jackson and Ms. Krouse failed to preserve this argument for appellate review, and that the court’s action was lawful.

We concur that Ms. Jackson and Ms. Krouse did not preserve this issue for appellate review. Ms. Jackson and Ms. Krouse’s counsel did not object when the court stated the possibility that an adverse inference might be drawn from Ms. Jackson and Ms. Krouse’s assertion of the Fifth Amendment privilege.⁴¹ Also, during closing arguments, Ms. Jackson and Ms. Krouse’s counsel stated that, “it is true that the [c]ourt can make a negative inference about the questions asked of [Ms. Jackson and Ms. Krouse] by

⁴¹ After counsel told the court that Ms. Jackson and Ms. Krouse planned to assert the Fifth Amendment privilege when called to testify, the court stated that it was,

aware that [Ms. Jackson and Ms. Krouse] do have the constitutional right to assert their Fifth Amendment privileges in this matter; however, given the fact that this is a civil proceeding and not a criminal proceeding, I think under the law, the Court can draw a negative inference as a result of their asserting that privilege for purposes of this proceeding.

Ms. Jackson and Ms. Krouse’s counsel responded, “Yes, understood, your honor.”

Prosecutor Harvey while they were on the stand because they asserted their Fifth Amendment rights against self-incrimination.” Considering those statements, we agree with Mr. Harvey that Ms. Jackson and Ms. Krouse have not preserved this error for appellate review and so we decline to address it.

D. Motion to Continue

Finally, Ms. Jackson and Ms. Krouse argue that the court erroneously denied their March 13, 2023 Motion to Continue the evidentiary hearing, scheduled for March 26. Recall that Ms. Jackson and Ms. Krouse sought to continue the evidentiary hearing because, on March 8, 2023, criminal complaints were filed against them, stemming from the circumstances underlying the removal proceeding. Ms. Jackson and Ms. Krouse argued to the court that a continuance was necessary to allow them to retain a criminal defense attorney, coordinate their defenses in the removal and criminal proceedings, and assess whether they would need to assert the Fifth Amendment privilege during the evidentiary hearing on the removal petition. The court summarily denied Ms. Jackson and Ms. Krouse’s motion and the motion to reconsider they filed shortly after.

Ms. Jackson and Ms. Krouse’s arguments on appeal largely mirror those they asserted in support of their motion to the court. Mr. Harvey responds that Ms. Jackson and Ms. Krouse had known about potential criminal charges since November 2023. Mr. Harvey also argues that removal proceedings under West Virginia Code § 6-6-7 are to be completed expeditiously, and that Ms. Jackson and Ms. Krouse’s position (facing legal

action in the civil and criminal contexts and the attendant decision whether to exercise the Fifth Amendment privilege) is not unique.

This Court has held that,

“[i]t is well settled as a general rule that the question of continuance is in the sound discretion of the trial court, which will not be reviewed by the appellate court, except in case it clearly appears that such discretion has been abused.” Syl. Pt. 1, *Levy v. Scottish Union & National Ins. Co.*, 58 W.Va. 546, 52 S.E. 449 (1905).^[42]

Further,

“[w]hether there has been an abuse of discretion in denying a continuance must be decided on a case-by-case basis in light of the factual circumstances presented, particularly the reasons for the continuance that were presented to the trial court at the time the request was denied.” Syllabus Point 3, *State v. Bush*, 163 W.Va. 168, 255 S.E.2d 539 (1979).^[43]

We see no abuse of discretion by the court in denying Ms. Jackson and Ms. Krouse’s motion to continue the evidentiary hearing. Ms. Jackson and Ms. Krouse had been aware of a criminal investigation since November 2023. That circumstance belies Ms. Jackson and Ms. Krouse’s assertion that a continuance was necessary to allow them to secure criminal counsel when charges were filed roughly four months later in March 2024.

⁴² Syl. Pt. 2, *Nutter v. Maynard*, 183 W. Va. 247, 395 S.E.2d 491 (1990).

⁴³ Syl. Pt. 4, *W. Va. Dep’t of Health & Hum. Res. Emps. Fed. Credit Union v. Tennant*, 215 W. Va. 387, 599 S.E.2d 810 (2004).

In addition, Ms. Jackson and Ms. Krouse were aware of the potential interaction of civil and criminal proceedings, too; both women asserted the Fifth Amendment privilege when called to testify before the Circuit Court of Jefferson County in the mandamus action related to the unreleased development bond in November 2023. Given those circumstances, we do not see that the court abused its discretion in denying Ms. Jackson and Ms. Krouse's motion to continue the removal hearing.

IV. CONCLUSION

For the reasons stated above, we affirm the May 1, 2024 order of the Circuit Court of Jefferson County removing Ms. Jackson and Ms. Krouse from office under West Virginia Code § 6-6-7.

AFFIRMED



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Mike Mood

To: Commissioner Pasha Majdi
Commissioner Jack Hefestay
Commissioner Cara Keys
Commissioner Steve Stolipher
Commissioner Mike Mood

From: David Bound

Date: February 20, 2025, Commission meeting

Re: Budget clarification- Shepherdstown Tower

On July 20, 2023, the Commission approved up to \$1.5 million to build an emergency communications tower in the area of the Shepherdstown Fire Department. The meeting and the meeting minutes do not reflect the account from which the \$1.5 million was to be drawn.

On July 14, 2022, the Commission approved \$600,000 for this same purpose through American Rescue Plan Act funding.

In discussions with staff, it has been determined that the total cost of the project is \$1.5 million. An additional \$900,000 is needed to complete this project, and so staff is seeking direction on from which account the remaining balance of \$900,000 should be drawn.

Unencumbered balance in Capital Outlay- Equipment 246994- 445900: \$902,500.00¹

Suggested motion: Motion to clarify the July 20, 2023, expenditure approval to state that \$900,000 is approved for the emergency communications tower project in the area of Shepherdstown Fire Department with funds to be allocated out of Capital Outlay- Equipment 246994- 445900.

¹ Please note, Capital Outlay contains many sub accounts and a substantial portion of Capital Outlay funds are encumbered for the potential purchase of 393 N. Lawrence Street, Charles Town.

July 20, 2023

- b. Captain/Operations Commander Promotion
 - o **Motion by Mr. Stolipher to approve the promotion of John Lyons to Captain/Operations Commander with an hourly rate of \$36.15 and an effective date of July 23, 2023. Motion seconded and unanimously approved.**
- c. Lieutenant Promotion
 - o **Motion by Mr. Stolipher to approve the promotion of Ryan Lesko to Lieutenant with an hourly rate of \$30.65 and an effective date of July 23, 2023. Motion seconded and unanimously approved.**

11. Russell Burgess- Director-IT Requested

- d. Hourly adjustment for part-time employee-
 - o **Motion by Mr. Stolipher to approve the hourly adjustment for Tyler Amick from \$12.00 per hour to \$18.00 effective July 20, 2023. Motion seconded and unanimously approved.**
- e. Public Safety/Emergency Communications in Shepherdstown.
 - o **Motion by Mr. Stolipher to approve the funding up to \$1.5 million dollars to build an emergency communications tower in the area of the Shepherdstown Fire Department. Jefferson County Commission hereby waives all Jefferson County fees related to the project. Project Management and allocation of funding to be controlled by the Jefferson County Information Technology Department. Motion seconded and unanimously approved.**

12. 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; 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

AGENDA REQUEST FORM
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: 30 minutes

Date Requested – 1st Choice: **February 20, 2025**

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

Date Requested – 2nd Choice:

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

1. **2023 Emergency Management Performance Grant (EMPG) Application and request for payment**
2. **Dissolution of HSEM Steering Committee and creation of Emergency Service Council as required by WV State Code**
3. **Request for repayment from State of WV for additional invoice from the 2023 Hazard Mitigation Plan Grant**

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

1. **The 2023 Emergency Management Performance Grant pays a portion of the of the Homeland Security and Emergency Management staff's salaries each year. The amount for FFY 2023 is \$63,700.**
2. **The current purpose of the Steering Committee is to function as the Emergency Services Council. While State Code does not mandate a Steering Committee, it does require a 5-member Emergency Services Council specified in the WV State Code 15-5-8 Local organization for emergency services. Developing/creating the Emergency Services Council for Homeland Security and Emergency Management would bring it into compliance with WV State Code.**
3. **An additional 2023 Hazard Mitigation Plan invoice was received from the contractor after the initial request for payment was submitted to the State of WV. This amount was paid out of the 2024 county budget funds line item 4230 (Contracted Services). The grant will pay for this and the \$4,560 can be placed back into our professional services budget for updating our emergency operations plan as originally intended.**

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*):

1. **I move to approve the application for the 2023 Emergency Management Performance Grant and associated request for payment**
2. **I move to dissolve the HSEM Steering Committee and create the Jefferson County Emergency Services Council per WV State Code 15-5-8.**
3. **I move to approve the request for payment and submit the document to the state of WV for \$4,560 under the 2023 Hazard Mitigation Grant.**

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

If not attached, explain:

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

Contact information:

Applicant Information EMPG FY 2023

Please use the Name and Address as it is listed on WVOasis

Sub-Recipient Name: Jefferson County Commission

Type of Agency: County

Address: P.O. Box 250

City, State, Zip: Charles Town, WV 25414

Phone: 304-728-3284

WV EMD Region: Region 3

Project Director: Stephen Allen

Address: 28 Industrial Blvd., Suite 101

City, State, Zip: Kearneysville, WV 25430

Phone: 304-728-3290

Email: sallen@jeffersoncountywv.org

Project Director and Fiscal Officer **CAN NOT** be the same person.

Fiscal Officer: David Bound

Position Title: Chief Financial Officer

Address: P.O. Box 250

City, State, Zip: Charles Town, WV 25414

Phone: 304-728-5613

Email: dbound@jeffersoncountywv.org

FEIN: 55-6000333

UEI: QQHBF74FRN61

WV Oasis Number: 211969

Project Narrative

Project Title:

FY23 EMPG

In this box, give a brief overview of the agency structure, EOC capability, and activities supported by the EMPG funding

Jefferson County employs a Full-Time Director, a Full-Time Deputy Director/Planner/Program Manager, and a Full -Time Administrative Assistant/Public Information Officer/Volunteer Coordinator (3 Full Time positions). All staff has successfully passed a background investigation, has been sworn in, per state code 5-15-5. We have internet access, email support, and actively participate in the state's electronic emergency management information system by submitting any training requirement, weekly situation reports. In addition we use it during training, exercises, and actual events. We have a designated and equipped emergency operations center and we update our emergency management contact information regularly and provide that information to the State EOC.

Overview:

Please describe the source of your organization's funding to comply with the 50/50 match requirement

The Jefferson County Commission will support the 2021 Emergency Management Performance Grant by providing funding from the General County budget for all expenses for the continued operation of the Office of Homeland Security and Emergency Management.

Match:

EMPG Compliance

Planning	Your organization's EOP must be reviewed and/or updated within 2 years to be compliant
Organization Payroll	ALL PERSONNEL paid in part or in full MUST be deployable and work towards completing a Position Task Book for NQS to receive salary reimbursement
Organization	Send invoices seperated and not in one lumped together PDF. Ensure your scans are clear
Equipment	Refer to the FEMA AEL for allowable equipment for EMPG
Training	Ensure all training certificates have been sent to Nicholas.E.Rhodes@wv.gov
Exercise	After Action Reports and Improvement Plans should be submitted to EMDTE@WV.GOV

National Qualification System

If you have questions about NQS please reach out to Kyle.C.Pajarito@wv.gov or Nicholas.e.rhodes@wv.gov
Follow this link to the WVEMD webpage for more information on NQS <https://emd.wv.gov/Preparedness/Training/exercise/Pages/NQS.aspx>

Overall Goal of NQS

To enhance the state's preparedness by ensuring emergency management personnel in West Virginia are held to the same standards for training and qualifications, thus increasing interoperability between all jurisdictions.

Required Training

All EMPG-funded personnel must complete Required Training.

Required training: IS-100, IS-120, IS-200, IS-230, IS-235, IS-240, IS-241, IS-242, IS-244, IS-700, IS-800

These trainings can be found at <https://training.fema.gov/is/>

The National Emergency Management Basic Academy can be done in lieu of the "Professional Development Series.

E/L-0101, E/L-0102, E/L-0103, E/L-0105, E/L-0146

All EMPG-funded, "deployable" personnel must complete a Position Task Book (PTB).

ALL PERSONNEL paid in part or in full MUST be deployable and work towards completing a Position Task Book for NQS to receive salary reimbursement

PTB completion results in an issuance of Credentials

Any non-EMPG-funded personnel are encouraged to complete a PTB.

Two methods for PTB completion:

Recognition of Prior Learning (RPL) A process that evaluates an individual's learning through training and experience to determine that individual has already performed the required competencies of an emergency response position.

Standard Wherein personnel selects a PTB and utilizes participation in and documentation from future incidents to sign off on PTB tasks. Personnel will cooperate with an assigned *PTB Evaluator*.

Following the WVEMD QRB's approval of your RPL application or completed PTB, you will be issued a Credentials Card.

NQS Procedures

Let WVEMD manage all NQS administration for your agency or your agency creates its own Local NQS Procedures.

Remember: "Local NQS Procedures must be approved by the WVEMD QRB by the **end of December 2024.**"

Starting CY2025, local NQS implementation will be in Phase 2, meaning local agencies with EMPG-funded personnel must complete the following Phase 1 requirements by the **end of December 2024:**

Identify "Deployable" personnel

Determine if they're adopting WVEMD's NQS procedures for Standard PTB Completion, or if they're creating their own. If the latter, Local NQS Procedures must also be approved by the WVEMD QRB by the **end of December 2024.**

Qualification Review Board

Lonnie Bryson (WVEMD, Chief of Preparedness & Response)

Brent Burger (WVEMD, State Training Officer)

Kyle Pajarito (WVEMD, State NQS Coordinator)

John Hoffman (WVEMC Representative)

Ad Hoc Member (Could be an Area Liaison or person with specialized skill sets)

Planning

Your organization's EOP must be reviewed or updated within 2 years to be compliant *

List the date * of the last update/review of your jurisdictions Emergency Operations Plan		WVEMD Use Only
EOP Annexes that were Updated	Justification/Explanation of Changes	Approved Amount
		N/A
		N/A
		N/A
		N/A
		N/A
		N/A
Activity	Justification/Explanation	Approved Amount
Totals	\$0	\$0

Organization - Payroll

ALL PERSONNEL paid in part or in full **MUST** be deployable and work towards completing a Position Task Book for NQS to receive salary reimbursement

Has this person been identified as deployable?

Name

Position Title

Total Salary/Benefits

WVEMD Use Only

Approved Amount

Yes	Stephen S. Allen	Director	\$104,500	
Yes	Dick W. Myers	Deputy Director	\$70,353	
Yes	Jennifer Walters	AA, PIO	\$8,725	
			The Jefferson County Commission will	
TOTALS:			\$183,579	\$0

Jefferson County Clerk's Office

Jacki Shadle, County Clerk

Nikki Painter
Heather Day
Michael Carden
Katrina Clark
Amanda Kempf
Kaelyn Hoffman



Joseph Burwell
Karen Olden
Tina Branson
Shari Carr
Kelly Campbell

11/6/2024

West Virginia Department of Homeland Security
And Emergency Management
1900 Kanawha Blvd. East
Building 1, Room EB80
Charleston, WV 25305

Dear Madam or Sir,

Enclosed you will find the information required for Jefferson County actual wages/benefits for 2023 Calendar Year in order to receive reimbursement from the Emergency Management Planning Grant.

Stephen Allen – Director January 1 – December 31, 2023

Gross Salary \$80,932.81 Total Benefits \$23,567.49 Total Salary and Benefits \$104,500.30

Dick Myers – Program Manager January 1 – December 31, 2023

Gross Salary \$59,858.01 Total Benefits \$10,494.96 Total Salary and Benefits \$70,352.97

Jennifer Walters – Admin. Asst January 1 – December 31, 2023

Gross Salary \$6,114.80 Total Benefits \$2,610.64 Total Salary and Benefits \$8,725.44

If further information is required, please contact me.

Sincerely,

Shari Carr
Deputy Clerk Payroll
Jefferson County Clerk's Office
(304) 728-3914
scarr@jeffersoncountywv.org

Jefferson County Emergency Services
January 1, 2023 - December 31, 2023 - Actual

Employee Name:

Stephen Allen - Director

Gross Salary	80,932.81
Total Benefits	23,567.49

OASDI - 6.20%	4,922.99
HI - 1.45%	1,151.34
Medical EE	9,598.05
Dental/Vision	337.44
Life Insurance	152.40
Ret - 9%	7,283.87
Wrkr Comp	121.40
Total Benefits	<u>23,567.49</u>

Dick Myers - Program Manager

Gross Salary	59,858.01
Total Benefits	10,494.96

OASDI - 6.20%	3,665.14
HI - 1.45%	857.17
Medical -No Coverage	0.00
Dental/Vision	343.20
Life Insurance	152.40
Ret - 9%	5,387.26
Wrkr Comp	89.79
Total Benefits	<u>10,494.96</u>

Jennifer Walters - Admin. Asst

Gross Salary	6,114.80
Total Benefits	2,610.64

OASDI - 6.20%	366.81
HI - 1.45%	85.79
Medical -EE	1,590.64
Dental/Vision	54.28
Life Insurance	25.40
Ret - 9%	478.55
Wrkr Comp	9.17
Total Benefits	<u>2,610.64</u>

Summary:		OASDI - 6.20%	8,954.94
Gross Wages	\$ 146,905.62	HI - 1.45%	2,094.30
Total Benefits	\$ 36,673.09	Health Insurance	11,188.69
		Dental/Vision	734.92
Grand Total Wages & Benefits	\$ 183,578.71	Life Insurance	330.20
		Retirement - 10.0%	13,149.68
		Wrkr Comp	220.36
		Total Benefits	36,673.09

EMP NO	EMPLOYEE NAME	DEPARTMENT	TYPE	ADVICE DATE	PERIOD ENDING	ADVICE NO
3281	JENNIFER M WALTERS	HOMELAND SECURITY (711)	BI-WKLY	02/17/2023	02/11/2023	130853

EARNINGS	RATE	DAYS/HRS	CURRENT	YTD	DEDUCTIONS	CURRENT	YTD	EMPLR	EMPLR YTD
SALARY	\$0.00	36.00	\$683.64	\$3,798.00	FICA	\$93.47	\$366.81	\$93.47	\$366.81
ADMN W/PAY	\$0.00	4.00	\$75.96	\$75.96	MEDICARE	\$21.86	\$85.79	\$21.86	\$85.79
VAC PAYOUT	\$0.00	42.00	\$797.60	\$797.60	HEALTH	\$48.00	\$192.00	\$397.66	\$1,590.64
VAC	\$0.00	0.00	\$0.00	\$151.92	DENTAL	\$1.26	\$5.04	\$10.47	\$41.88
SICK	\$0.00	0.00	\$0.00	\$607.68	VISION	\$0.38	\$1.52	\$3.10	\$12.40
HOLIDAY	\$0.00	0.00	\$0.00	\$683.64	457B \$ PRE E	\$25.00	\$100.00	\$0.00	\$0.00
					FED TAX	\$161.92	\$359.29	\$0.00	\$0.00
					WV TAX	\$52.55	\$198.92	\$0.00	\$0.00
					WVPERSII	\$45.58	\$319.03	\$68.36	\$478.55
					LIFE INS	\$0.00	\$0.00	\$0.00	\$25.40
					OPT LIFE	\$16.50	\$66.00	\$0.00	\$0.00
					457R \$ POSTE	\$10.00	\$40.00	\$0.00	\$0.00

DEPOSITS

WELLS FARGO BANK \$1,080.68

W4	MULTIPLE JOBS	DEPENDENTS	OTHER INCOME	DEDUCTIONS
Federal	N	\$0.00	\$0.00	\$0.00

LEAVE	BEGINNING	EARNED	USED	BALANCE	YTD EARNED	YTD USED
VACATION	32.0000	10.0000	42.0000	0.0000	50.0000	50.0000
SICK	4.0000	12.0000	0.0000	16.0000	60.0000	44.0000

WITHHOLDING ALLOWANCES			
FILING STATUS	EXEMPTIONS	EXTRA AMOUNT	
Federal	S	0	\$0.00
State	S	1	\$0.00

ADVICE TOTALS		
TYPE	CURRENT	YTD
Taxable Pay	\$1,436.98	\$5,497.21
Gross Pay	\$1,557.20	\$6,114.80
Deductions	\$476.52	\$1,734.40
Net Pay	\$1,080.68	\$4,380.40



Jefferson County Commission
 P.O. Box 250
 124 E. Washington St
 Charles Town, WV 25414

Advice Date: 02/17/2023
 Advice Number: 130853

*** One Thousand And Eighty Dollars And Sixty-Eight Cents ***

\$1,080.68

Pay To: 711 JENNIFER M WALTERS
 The: 216 ENGLISH STREET
 Order Of: MARTINSBURG, WV 25401

**DIRECT DEPOSIT
 NON-NEGOTIABLE**

EMP NO	EMPLOYEE NAME	DEPARTMENT	TYPE	ADVICE DATE	PERIOD ENDING	ADVICE NO
1155	STEPHEN S ALLEN	HOMELAND SECURITY (711)	BI-WKLY	12/22/2023	12/16/2023	135526

EARNINGS	RATE	DAYS/HRS	CURRENT	YTD	DEDUCTIONS	CURRENT	YTD	EMPLR	EMPLR YTD
SICK	\$0.00	-100.00	(\$3,993.38)	\$2,175.45	FICA	\$194.12	\$4,922.99	\$194.12	\$4,922.99
HOLIDAY	\$0.00	-20.00	(\$798.68)	\$4,183.56	MEDICARE	\$45.39	\$1,151.34	\$45.39	\$1,151.34
FMLA HOL	\$0.00	20.00	\$798.68	\$798.68	HEALTH	\$48.00	\$1,152.00	\$401.83	\$9,598.05
FMLA SICK	\$0.00	180.00	\$7,188.08	\$7,188.08	DENTAL	\$12.89	\$309.36	\$11.45	\$263.04
SALARY	\$0.00	0.00	\$0.00	\$60,380.16	VISION	\$2.85	\$68.40	\$3.10	\$74.40
VAC	\$0.00	0.00	\$0.00	\$6,206.88	FED TAX	\$273.54	\$6,883.32	\$0.00	\$0.00
					WV TAX	\$119.44	\$3,228.36	\$0.00	\$0.00
					WVPERSI	\$143.76	\$3,642.01	\$287.52	\$7,283.87
					LIFE INS	\$0.00	\$0.00	\$0.00	\$152.40

DEPOSITS

CITY NATIONAL BANK OF WEST VIRGINIA \$2,354.71

LEAVE	BEGINNING	EARNED	USED	BALANCE	YTD EARNED	YTD USED
VACATION	167.0000	0.0000	0.0000	167.0000	72.0000	64.0000
SICK	740.5000	0.0000	80.0000	660.5000	72.0000	204.0000

WITHHOLDING ALLOWANCES			
FILING STATUS	EXEMPTIONS	EXTRA AMOUNT	
Federal	M	2	\$40.00
State	M	2	\$0.00

ADVICE TOTALS		
TYPE	CURRENT	YTD
Taxable Pay	\$2,987.20	\$75,761.04
Gross Pay	\$3,194.70	\$80,932.81
Deductions	\$839.99	\$21,357.78
Net Pay	\$2,354.71	\$59,575.03



Jefferson County Commission
 P.O. Box 250
 124 E Washington St
 Charles Town, WV 25414

Advice Date 12/22/2023
 Advice Number 135526

*** Two Thousand Three Hundred And Fifty-Four Dollars And Seventy-One Cents ***

\$2,354.71

Pay To 711
 The STEPHEN S ALLEN
 Order Of 279 BOTANY DRIVE
 MARTINSBURG, WV 25404

**DIRECT DEPOSIT
 NON-NEGOTIABLE**

EMP NO	EMPLOYEE NAME	DEPARTMENT	TYPE	ADVICE DATE	PERIOD ENDING	ADVICE NO
3186	DICK W MYERS	HOMELAND SECURITY (711)	BI-WKLY	12/22/2023	12/16/2023	135527

EARNINGS	RATE	DAYS/HRS	CURRENT	YTD	DEDUCTIONS	CURRENT	YTD	EMPLR	EMPLR YTD
SALARY	\$0.00	80.00	\$2,469.10	\$53,501.84	FICA	\$151.16	\$3,665.14	\$151.16	\$3,665.14
VAC	\$0.00	0.00	\$0.00	\$2,206.19	MEDICARE	\$35.35	\$857.17	\$35.35	\$857.17
SICK	\$0.00	0.00	\$0.00	\$462.83	DENTAL	\$24.55	\$589.20	\$11.93	\$268.80
HOLIDAY	\$0.00	0.00	\$0.00	\$3,687.15	VISION	\$6.40	\$153.60	\$3.10	\$74.40
					457B \$ PRE E	\$100.00	\$2,600.00	\$0.00	\$0.00
					FED TAX	\$195.63	\$4,596.66	\$0.00	\$0.00
					WV TAX	\$90.17	\$2,259.43	\$0.00	\$0.00
					WVPERSI	\$111.11	\$2,693.56	\$222.22	\$5,387.26
					LIFE INS	\$0.00	\$0.00	\$0.00	\$152.40
					OPT LIFE	\$42.50	\$1,020.00	\$0.00	\$0.00
					OPT LIFE-SP	\$21.25	\$510.00	\$0.00	\$0.00
					OPT LIFE-CH	\$0.51	\$12.24	\$0.00	\$0.00

DEPOSITS

TRUIST/BB&T \$1,690.47

W4	MULTIPLE JOBS	DEPENDENTS	OTHER INCOME	DEDUCTIONS
Federal	N	\$0.00	\$0.00	\$0.00

LEAVE	BEGINNING	EARNED	USED	BALANCE	YTD EARNED	YTD USED
VACATION	178.0000	0.0000	0.0000	178.0000	60.0000	40.0000
SICK	276.0000	0.0000	0.0000	276.0000	72.0000	8.0000

WITHHOLDING ALLOWANCES			
FILING STATUS	EXEMPTIONS	EXTRA AMOUNT	
Federal	S	0	\$25.00
State	S	0	\$10.00

ADVICE TOTALS		
TYPE	CURRENT	YTD
Taxable Pay	\$2,227.04	\$53,821.65
Gross Pay	\$2,469.10	\$59,858.01
Deductions	\$778.63	\$18,957.00
Net Pay	\$1,690.47	\$40,901.01



Jefferson County Commission
 P.O. Box 250
 124 E Washington St
 Charles Town, WV 25414

Advice Date: 12/22/2023
 Advice Number: 135527

*** One Thousand Six Hundred And Ninety Dollars And Forty-Seven Cents ***

\$1,690.47

Pay To
 The
 Order Of
 711
 DICK W MYERS
 7 JOURNEY LANE
 BERKELEY SPRINGS, WV 25411

**DIRECT DEPOSIT
 NON-NEGOTIABLE**

Conditions and Assurances

This program is conditioned upon and subject to compliance with the following Conditions and Assurances. By attaching a signature to the **Award Document** of this grant application, the applicant certifies and assures that it will comply with the following Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the Homeland Security State Administrative Agency (HS SAA), as further clarified in the Policies and Procedures Manual for this program; U.S. Department of Homeland Security guidance; and all other relevant Federal/State regulations, policies, and guidelines. These Conditions and Assurances apply to all federal and agency funds expended for purposes associated with this project. All correspondence to the HS SAA, which is required and/or occurs as a result or action of any of the following Conditions and Assurances, or as a result of the administration of any HS SAA grant program, should be addressed to:

**WV Emergency Management Division
Homeland Security State Administrative Agency
1700 MacCorkle Ave SE, 6th Floor, Charleston, WV 25314**

1 Laws of West Virginia:

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the HS SAA.

2 Legal Authority:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3 Relationship:

The relationship of the sub-grantee to the HS SAA shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the HS SAA for any obligation or expense without the express prior written approval from the HS SAA.

4 Operational Within 90 Days:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to HS SAA explaining the delay in implementation. Upon receipt of the 90-day letter, HS SAA may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

5 Civil Rights Compliance:

Sub-grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

6 Written Approval of Changes:

The sub-grantee must obtain prior written approval from HS SAA for all project changes (programmatic, fiscal, or otherwise).

7 Press Release:

Release of information pertaining to this sub-grant must include the following information:

1. Grant amount.
2. State involvement (WV Emergency Management Division); and
3. Federal involvement (U.S. Dept. of Homeland Security).

8 Compliance with Federal Rules and Regulations:

Sub-grantee will comply with Title 2, Part 200 of the Code of Federal Regulations (*Super Circular*). The Super Circular supersedes Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133.

9 Program Accountability – Federal Audit Requirement – Super Circular:

If an audit must be conducted pursuant to the Super Circular, a copy of the audit shall be submitted to HSSAA as well as to the Federal clearinghouse.

The Federal clearinghouse address is as follows:

Federal Audit Clearinghouse Bureau of the Census
1201 E.10th Street
Jeffersonville, IN 47132

10 Program Accountability - State Audit Requirement

Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by HS SM are appropriated by the WV Legislature; therefore, all funds disbursed are considered state funds. The HS SAA will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9L13L05, the requirements set forth in §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub-grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the HS SM a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or sub-grant closes. The Report shall be written by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or sub-grant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or sub-grant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code, then the grantee or sub-grantee shall file with HS SM a sworn statement of expenditures made under the grant or sub-grant.

The Sub-grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of noncompliance with this section of the West Virginia Code, as amended.

11 Access to Records, Equipment, Training, & Exercises:

The HS SM, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, equipment, training, and/or exercises related to the sub-grant and to relevant books and records of contractors.

12 Conflict of Interest:

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any private/public benefit to that individual or that individual's immediate family.

13 National and State Evaluation Efforts:

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

14 Political Activity:

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

15 Obligation of Project Funds

Funds may not, without prior written approval from the HS SAA, be obligated prior to the effective start date or subsequent to the termination date of the project period. All invoices must be dated within the approved sub-grant period.

16 Elements of a Viable Continuity Capability

The Continuity Plan is the roadmap for the implementation and management of the Continuity Program. The National Continuity Policy: Federal Continuity Directive 1 and Federal Continuity Directive 2 outline the following ten (10) overarching continuity requirements: Essential Functions, Orders of Succession, Delegations of Authority, Continuity Facilities, Continuity Communications, Vital Records Management, Human Capital, Tests-Training-Exercises, Devolution of Control & Direction, and Reconstitution. It is utilizing sub-grant funding for the development of a Continuity Plan, the Plan must address each of these ten. *(101 elements in order to be eligible to be reimbursed [or approved allowable costs].*

17 Use of Funds

Funds awarded through the HS SAA may be expended ONLY for the purposes and activities specifically covered by the sub-grantee's approved project description and budget. Any change in the project or the budget must receive PRIOR approval from HS SAA.

18 Release of Information

All records, papers and other documents kept by recipients of grant funds are required to be made available to the HS SAA. These records and other documents submitted to the HS SAA and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552. The HS SAA recognizes that some information submitted in the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office and may likely fall within one or more of the available exemptions under the Act

Sub-grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the HS SAA regarding concerns or questions about the release of potentially sensitive information under state and local laws.

19 Allowable and Unallowable Costs

Allowable costs incurred under this grant shall be determined in accordance with the Super Circular.

20 non-supplanting

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds.

21 Matching Contribution

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount, and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

22 Project Income

All income earned by the sub-grantee because of the conduct of this project must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount, and the timing of all project income. There is no waiver provision for the project income requirement.

23 Consultant Fees

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the HS SAA.

24 Purchasing

When making purchases relevant to the sub-grant, the sub-grantee will abide by applicable State and local laws and the organizations own purchasing procedures.

25 Reports

Each sub-grantee shall submit reports as deemed reasonably necessary by the HS SAA for monitoring, stewardship, and evaluation of programmatic and fiscal responsibilities.

26 Environmental & Historical Preservation (EHP):

The sub-grantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

27 Suspension of Funding:

HS SAA may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program.
- Failure to submit reports.
- Filing a false certification in this application or in another report or document; or, Other just cause.

28 Sanctions for Noncompliance:

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the HS SAA may impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies.
- Cancellation, termination, or suspension of the contract, in whole or in part; or, Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

29 Immigration and Naturalization Verification:

The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

30 Use of Grant Funds to Enact Laws:

Sub-grantee understands and agrees that shall not use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government.

31 Property Accountability:

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished with it, or made available through a sub-grant by the HS SAA. This obligation continues if the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the HS SAA. Sub-grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the HS SAA. The HS SAA reserves the right to inspect and review any equipment purchased with this sub-grant.

32 Communications Equipment:

With respect to communications initiatives and equipment, the sub-grantee agrees to the following: Communications equipment shall be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Statewide Interoperable Radio Network. Per WV Code §15-14-4, all communications equipment requests must be reviewed and approved by the Statewide Interoperability Coordinator. www.sirn.wv.gov

33 Equipment

Sub-grantees purchasing equipment with grant funds shall adhere to the established bidding procedures for their respective Organization. All equipment shall have a primary function of being used for homeland security purposes and be available statewide (if practical) for use during emergencies and training/exercise events.

34 Marking of Equipment and Publications:

Sub-grantee shall ensure that, when practicable, any equipment purchased, and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WV EMD."

35 Patents and/or Copyrights and Rights in Data:

Sub-grantee acknowledges that the HS SAA, and subsequently the U.S. Department of Homeland Security; reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. The sub-grantee shall consult with the HS SAA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

36 Time Extensions:

Time extensions are allowable; however, the HS SAA will review and approve extension requests on a case-by-case basis only if the extension is warranted. Lack of planning by the sub-grantee is not a justified reason for an extension.

37 Equal Employment Opportunity Plan:

Each sub-grantee certifies that it has been executed and has on file an Equal Employment Opportunity Plan.

38 Veterans Preference:

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. HS SAA defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

39 Submission/Release of Proposed Publications:

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the HS SAA twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security and the WV Emergency Management Division. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the State of West Virginia."

40 Purchase of American-made Equipment/Products:

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act, as well as the desire of HS SAA that to the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American made.

41 Personnel Training:

The HS SAA reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant-funded equipment shall be provided, upon request within 10 business days.

42 Accounting Requirements:

The sub-grantee shall record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording shall separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income shall be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, shall be retained and be available for audit purposes.

43 Financial Guide:

Sub-grantee shall comply with all requirements as set forth in the Financial Guide which governs this program.

44 Davis-Bacon and Related Acts:

Subgrantee agrees to comply with the Davis-Bacon and Related Acts, which applies to contractors and subcontractors performing on federally funded or assisted contracts more than \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act prevailing wage provisions applies to the "Related Acts," under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. For prime contracts more than \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA- covered contracts. For more information, check the following US Department of Labor website link. <https://www.dol.gov/whd/govcontracts/dbra.htm>

45 Contractor Planning Requirements:

All subgrants utilizing a contractor will submit copies of agendas, notes/minutes, and sign-in sheets for meetings between subgrantee and contractor(s). Subgrantees MUST include a list of planned and completed meeting dates. These documents MUST be submitted with monthly progress reports. Copies of all final work products (i.e. plans, SOPs/SOGs, exercise documentation) must be submitted prior to the final request for reimbursement.

By signing below, I certify that I understand and agree to comply with the Conditions herein required by the regulations of the U.S. Department of Homeland Security, FEMA, and the State of West Virginia.

Signature:

State of West Virginia Division of Emergency Management

Hazard Mitigation Grant Program Agreement

Name of sub-recipient:

Unique Entity Identifier (UEI):

County:

Name of Sub-recipient's Agent:

Complete Mailing Address:

Telephone Number:

Project Application Name and Number:

I. PURPOSE:

- a. This document shall constitute the Hazard Mitigation Grant Program (HMGP) Agreement for assistance between the State of West Virginia and the listed sub-recipient. This document, and all the terms and conditions contained herein, shall apply to the HMGP, Catalog of Federal Domestic Assistance (CFDA) number 97.039.

II. FEDERAL FUND AWARD:

a. Grant Award:

- i. The Division of Emergency Management (WVEMD) agrees to award Federal funds to the sub-recipient to provide exclusive funding for eligible costs incurred within the approved Scope of Work (SOW) for the project and which are allowable as defined in 2 C.F.R. Part 206, and 2 C.F.R. Part 225 and West Virginia Code, Chapter 12, Article 3A, Chapter 15 Article 5, Chapter 21 Article SA et seq. The approved SOW is part of the application for funding and is incorporated herein. It is further agreed that if additional funding is necessary due to a change in the SOW that has been approved by FEMA and WVEMD, the award may be increased with a letter signed by the sub-recipient, the WVEMD Director and/or the Governor's Authorized Representative (GAR). WVEMD and the sub-recipient agree

that should the federal grant SOW be changed by FEMA; the aforementioned change shall be deemed changed without the need to amend this grant agreement.

- ii. The amount of this grant is \$000,000.00. The grant amount represents the total Federal share and the Non-Federal Share of the cost of the project.
- iii. Based upon the provisions of this agreement, the funding for this grant is 00% Federal funding.
- iv. The total estimated cost of the mitigation project is:
 1. Federal contribution of 00% is: \$000,000.00
 2. Local contribution of 00% is: \$000,000.00
 3. State contribution of 00% is: \$000,000.00
 4. 100% federally funded sub-recipient management costs are granted up to:
- v. This agreement will be in effect for the period of through Date one through Date. WVEMD and the sub-recipient agree that should the Federal grant period be extended by FEMA; the grant period shall be deemed extended without the need to amend this grant agreement.
- vi. The sub-recipient agrees that the Non-Federal Share will be utilized in direct support of the approved Project.
- vii. The sub-recipient agrees that in consideration of the receipt of the Federal funds in this grant agreement, it will comply with all the terms, conditions, requirements, and limitations set forth.
- viii. The sub-recipient's elected officials and governing body have been informed of the terms and conditions of this agreement, which apply to the receipt of Federal and potentially State funds.
- ix. The sub-recipient's agent has the legal authority to apply for Hazard Mitigation assistance on behalf of the sub-recipient and is authorized to execute all required forms on behalf of the sub-recipient.
- x. The sub-recipient has the legal authority to accept Hazard Mitigation assistance and shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving Federal mitigation funds.
- xi. The sub-recipient agrees to use the Hazard Mitigation assistance funds solely for the purposes for which the funds are approved and provided by the Federal government and potentially the State.

- xii. The sub-recipient agrees to comply with all approved work items within the time limits that are established by the GAR or Alternate GAR, the Hazard Mitigation Office, or the Federal government.
 - xiii. The sub-recipient shall participate in the development of and shall coordinate and monitor the implementation of the local mitigation measures and shall regulate and control development within hazardous areas according to local, State and Federal laws, and regulations.
 - xiv. The sub-recipient agrees to establish internal personnel safeguards which will prohibit employees from using their positions for a purpose that creates, or gives the appearance of creating, a desire for private gain for themselves or for others, particularly those persons who have a family, business, or other tie to the employee.
 - xv. The sub-recipient certifies that the funds requested through the execution of this grant agreement does not and will not duplicate any financial assistance or cost reimbursement received for the same disaster cost or loss under any other program or from insurance or any other source.
- b. Federal Funding Accountability and Transparency Act (FFATA)
- i. The sub-recipient agrees to comply with the FFATA as described below.
 - ii. Registration and Identification Information
 - 1. The sub-recipient must maintain current registration with SAM.gov (www.sam.gov) at all times during which there is an active Federal award. A Unique Entity Identifier (UEI) will be assigned during registration with SAM.gov. WVEMD will use the FFATA sub-award reporting system (www.fsr.gov) to report sub-award information utilizing the UEI for the sub-recipient.
 - 2. The sub-recipient must provide the assigned UEI to WVEMD along with this signed agreement.
 - 3. The sub-recipient will provide WVEMD the primary location of performance under the award, including the city, State, and zip code+4. If performance is to occur in multiple locations, then the sub-recipient must list the location where most of the grant award will be expended.
 - 4. WVEMD will not process this grant until this information is provided.

iii. Compensation of Officers

1. The sub-recipient must provide WVEMD the names and total compensation of the five most highly compensated officer of the entity IF-
 - a. The entity in the preceding fiscal year received 80% or more of its annual gross revenues from Federal award; AND \$25,000,000 or more in annual gross revenues from Federal awards AND; the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. If the sub-recipient does not meet the conditions listed above, then it must specifically affirm that the requirements of this clause are inapplicable.
 - b. WVEMD will not process this grant until the information is received.

III. Funds and Project Management

- a. The sub-recipient certifies that the grant funds will be expended according to the purposes in this agreement.
 - i. The sub-recipient agrees to submit, prior to any disbursement of grant funds by WVEMD to the sub-recipient, a project cost itemization and payment timeline which shall include, but is not limited to, all anticipated project costs, contractor payment requirements, project progression phase schedule (if applicable) and approximate project payment due date(s). The sub-recipient and WVEMD agree that once WVEMD reviews and authorizes the payment timeline, it will be incorporated herein as part and parcel of this agreement. Thereafter, WVEMD will disburse a percentage of Federal funds to the sub-recipient for project payment(s) in accordance with the project payment timeline. Each phase of the project must be completed and accounted for before WVEMD releases Federal grant funds to the sub-recipient for the next project phase.
 - ii. The sub-recipient is aware and certifies that early recognition of project impediments by the sub-recipient and the sub-recipient's agent will assist all parties in meeting the approved Period of Performance (POP) and SOW requirements.
 - iii. It is expected that good project management will be demonstrated by the sub-recipient throughout the lifetime of the project. Good project

management activities will culminate in the final project's closeout as identified in the approved timeline and SOW; failure to do so will jeopardize your jurisdictions future participation in additional Hazard Mitigation Assistance (HMA) grants.

- iv. The project closeout will be in accordance with the original project schedule and State and Federal requirements governing the HMGP as conditioned under this agreement. Any potential delays to project completion within the original POP WILL be discussed with your WVEMD Project Officer as soon as possible to keep your project on track to a successful conclusion. Any delays or concerns will be annotated in the required FEMA Quarterly Progress Report (QPR).
 - v. The sub-recipient agrees that SOW changes must be requested in writing and must have prior approval from WVEMD AND FEMA before any deviation is authorized. Failure to receive approval may subject the sub-recipient to loss of funding and may cause termination of the project. SOW changes must be submitted in writing on official letterhead and sent to WVEMD for consideration.
 - vi. The sub-recipient agrees to submit time extension requests to WVEMD on official letterhead no later than ninety (90) days prior to the Period of Performance (POP) deadline. Requests shall not be automatically granted, and project managers need to stay, if at all possible, within the original POP timeframe. All work should stop at the POP, until extension is approved or denied. If work continues and extension is denied, the sub-recipient agrees that costs incurred after the POP may not be reimbursable.
- b. Sub-recipient Management Costs
- i. Sub-recipient Management Costs will be capped at 5% of the total HMGP award (includes both the Federal and Non-Federal Share of the HMGP award).
 - ii. The sub-recipient will request the 5% management cost available in a separate section of the State's HMGP application.
 - iii. If the sub-recipient declines the 5% management cost, the sub-recipient will document that decision in the sub-recipient management cost section of the State's HMGP application or in an official letter to the State within 30 days after the approval of the project.
 - iv. WVEMD and the sub-recipients will reconcile the management costs on a quarterly basis with documentation being provided from the sub-recipient with submission of QPR's.

- v. After the review of the 3rd QPR each year, WVEMD will send a notification letter to the sub-recipient regarding the use of their available management costs. This letter will include:
 1. The amount of sub-recipient management costs expended.
 2. The amount of sub-recipient management costs remaining.
 3. The timeframe for expending remaining funds.

- vi. For sub-recipients requesting management costs after the approval of the project: WVEMD will send an official letter along with details of the management cost policy via mail and/or email to each sub-recipient with instructions regarding the process required to accept the use of management costs. The process will include:
 1. The sub-recipient sending an official letter stating the denial or acceptance of management costs.

 2. Once accepted, WVEMD will work with the sub-recipients to update the budget and submit the changes to FEMA.

 3. WVEMD will await approval from FEMA and then forward approval documentation to the sub-recipient upon receipt from FEMA.

 4. For sub-recipients using the 5% management costs, WVEMD will provide instructions on how to properly submit QPR's and the required supporting documentation.

 5. All documentation regarding approval or denial of management costs will be filed in a designated disaster folder.

- c. For Advances ONLY:
 - i. The sub-recipient agrees to submit a monthly reconciliation report to WVEMD by the tenth (10th) working day of each month during and until the conclusion of the performance period of this grant. This monthly reconciliation report shall be comprised of the following required information:
 1. An account balance and any interest earned from account stated in subsection G below; and

 2. Monitoring report to include project progress and project cost breakdown to date.

 - ii. The sub-recipient agrees that if they fail to submit the required monthly reconciliation report to WVEMD within the correct time period, WVEMD may withhold any further disbursement of grant funds to the sub-recipient until the report is submitted and deemed complete by WVEMD.

- d. For all advances and reimbursements:
 - i. The sub-recipient agrees to submit (in a format provided by WVEMD) QPR's to WVEMD quarterly by or before January 15th, April 15th, July 15th, and October 15th of each year to document the progress achieved towards completing the project. Failure to submit QPR's may temporarily pause any funding until the QPR is completed and submitted.
- e. Failure to complete the project:
 - i. The sub-recipient agrees that if they fail to complete the project, or if less than the full amount of the grant funds is needed to carry out the project, or if the sub-recipient does not expend grant funds in accordance with the agreement and payment timeline, or if the sub-recipient uses the grant funds for any unauthorized activities, the sub-recipient shall, upon request of WVEMD, (1) repay to WVEMD grant funds that, as determined by WVEMD, are unused, improperly used, or exceed the amount of the total project activities and (2) pay to WVEMD interest or other income or accumulations earned on such grant funds from the date the sub-recipient received the funds. The amount of interest or other earnings on the funds that shall be repaid will be anticipated accrued interest earnings.
- f. Accounting:
 - i. The sub-recipient agrees to establish and maintain a proper accounting system in accordance with generally accepting accounting principles to record expenditures.
- g. FDIC/FSLIC:
 - i. The sub-recipient agrees that all funds received shall be deposited and maintained in a bank or financial institution insured by the FDIC or FSLIC in an interest-bearing account and will be used solely for the purposes listed in this agreement. Income earned and expended shall be recorded and reported as part of the closeout documentation. Upon receipt of advance payment funds from WVEMD, the funds must be promptly deposited into a separate interest-bearing account in a bank or other financial institution insured by the FDIC or FSLIC. Payments generated on behalf of the sub-recipient must be directly drawn from this interest-bearing account.
- h. Interest:
 - i. In accordance with 2 C.F.R. Part 200.305, interest bearing accounts are highly encouraged by WVEMD. The sub-recipient agrees that any interest earned on funds deposited in an account in excess of \$500.00 per year shall be returned to WVEMD by check and endorsed to the State of West Virginia. Such return, if applicable, shall be submitted to WVEMD at least quarterly for that interest earnings in excess of \$500.00 per year. Failure to return such interest may result in recapture of funds by WVEMD and

withholding of further disbursements of grant funds to the sub-recipient until reconciliation occurs.

- i. Non-compliance:
 - i. The sub-recipient agrees that noncompliance with the conditions of this agreement shall be grounds for the recapture of funds provided to the sub-recipient. If the sub-recipient fails to refund the monies, the State, in addition to any rights or remedies it may have at law or in equity, reserves the right to offset the amount due against any existing or future sums of money owed the sub-recipient by any State agency or department.
- IV. Audits, Payments, and Paperwork Requirements
- a. The sub-recipient acknowledges that all funds received are subject to audit by Federal or State agencies. The Sub-recipient agrees to comply with the Single Audit Act Amendments, 31 U.S.C. § 7501 et seq., as promulgated by 2 C.F.R. Part 200, "Audits of States, Local Governments and Nonprofit Organizations", and any amendments to these regulations or circular.
 - b. The sub-recipient agrees to comply with the audit requirements as set forth in the Audit Clause. The State reserves the right for Federal and State agencies to perform additional audits or program reviews.
 - c. The sub-recipient agrees to give Federal and State agencies, as designated by the GAR access to, and the right to examine, all records and documents that are related to the HMGP grant.
 - d. The sub-recipient agrees to submit all periodic program and financial reports that are required by the State to the appropriate State agency. Failure to provide the required reports will result in suspension of grant funds until the required reports are provided and approved by WVEMD.
 - e. The sub-recipient agrees to comply with the FFATA requirements.
 - f. The sub-recipient agrees that it will not enter into any contract for which payment to the contractor is contingent upon receipt of Federal or State funds.
 - g. It is the responsibility of the sub-recipient to ensure that the information contained in the State's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.
 - h. The sub-recipient certifies that all costs claimed under this application are for actual costs incurred by the sub-recipient in the performance of authorized work as defined in the eligibility criteria established by FEMA.
 - i. The sub-recipient agrees to return to the State, within ten (10) business days of written request by the GAR, all funds advanced which are not supported by audit

or other Federal or State review of documentation maintained by the sub-recipient. IF THE SUB-RECIPIENT FAILS TO REFUND THE MONIES, THE STATE RESERVES THE RIGHT TO OFFSET THE AMOUNT DUE AGAINST ANY EXISTING OR FUTURE SUMS OF MONEY OWED THE SUB-RECIPIENT BY ANY STATE AGENCY OR DEPARTMENT.

- j. In accordance with 2 C.F.R. Part 225, any expenditure charged to this grant may not be included as a cost to any other Federal award.
 - k. The sub-recipient agrees to retain all cost-supporting records and documentation for a period of three years from the date of submission of the final expenditure report for project close out.
- V. Compliance with Federal and State requirements:
- a. National Flood Insurance Program (NFIP):
 - i. The sub-recipient agrees to maintain good standing with the NFIP and comply with local regulations pertaining to the NFIP; and agrees to bring into NFIP compliance all structures identified through Community Assistance Visits (CAV's) to the maximum extent possible. Failure to enforce NFIP requirements for all development in identified flood hazard areas will result in the sub-recipient repaying the Federal and State funds related to the project.
 - ii. The sub-recipient agrees to comply with the flood insurance purchase requirements of the Flood Disaster Protection Act, 42 U.S.C. Part 4001 et seq.
 - iii. The sub-recipient shall comply with 2 C.F.R. Part 200.317 through 200.326 in all procurements, including the contract provisions found in it.
 - iv. The sub-recipient shall comply, as applicable, with provisions of Federal laws and regulations pertaining to labor standards and the State of West Virginia Prevailing Wages laws and regulations.
 - b. Environmental
 - i. The sub-recipient agrees to comply with the requirements of the Clean Water Act, as amended, 33 U.S.C. Parts 1251 - 1387.
 - ii. The sub-recipient agrees to comply with the requirements of the Clean Air Act, as amended, 42 U.S.C. Parts 7401 - 7642.
 - iii. The sub-recipient agrees to comply with the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. Part 6901 et seq.

- iv. The sub-recipient agrees to comply with the requirements of the Endangered Species Act, as amended, 7 U.S.C. Part 136 et seq., 16 U.S.C. Parts 1531-1544 and 16 U.S.C. Part 460 et seq.
 - v. The sub-recipient agrees to comply with the requirements of the Federal Emergency Management Agency's disaster assistance regulations contained in 44 C.F.R. Part 206.
 - vi. Failure to comply with any environmental condition or requirement will result in the sub-recipient reimbursing WVEMD any Federal and/or State funds expended on the property where environmental non-compliance has occurred.
 - vii. WVEMD has the right to recapture funds upon closeout and the Federal de-obligation of a project.
- c. Political Activities Exclusion:
- i. The sub-recipient agrees to comply with those provisions of the Hatch Act, which limit the political activities of public employees.
 - ii. The sub-recipient certifies that it will not use any Federal funds for lobbying and will disclose the use of Non-Federal funds for lobbying by filing any documentation and/or forms that are required by either the Federal government or the State.
- d. Drug-Free Workplace Act:
- i. The sub-recipient agrees to comply with provisions of the Drug-Free Workplace Act.
- e. Historical Preservation
- i. The sub-recipient agrees to comply with the requirements of the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. Parts 4321-4335, and the regulations contained in 44 C.F.R. Part 10, as well as other Federal and State environmental laws and regulations in the implementation of the project. WVEMD will provide the sub-recipient with a signed copy of the Record of Environmental Considerations (REC) with supporting letters and documentation once FEMA approves the project. The REC will identify any special conditions placed on the project that may impact demolition activities, the elevation of any structures, underground storage tanks, cutting of trees or removal of fences or vegetation, as well as the disposal of any materials in approved dump sites and other activities as needed.
 - ii. The sub-recipient agrees to comply with the requirements of the National Historic Preservation Act, 16 U.S.C. Part 470 et seq., and the applicable regulations found at 36 C.F.R. Part 800 and 44 C.F.R. Part 208.

- VI. Compliance with State Requirements
- a. The sub-recipient shall comply with all applicable State and local ordinances, laws, regulations, building codes and standards applicable to this Project.
 - b. The sub-recipient agrees to comply with the State's Standard Contract Terms and Conditions.
 - c. The sub-recipient agrees to comply with all applicable Federal, State, and local procurement laws, regulations or directives.
 - d. The sub-recipient agrees that it will not enter into any cost plus-percentage-of-cost contracts for the completion of any disaster restoration or repair work projects.
 - e. The sub-recipient agrees that it will not enter into any contract with any party that has been debarred or suspended from either contracting with or participating in any Federal or State assistance programs.
 - f. The sub-recipient agrees to comply with the State's Right-to-Know Law provisions.
 - g. The sub-recipient agrees to provide to the State the primary location of performance under the award, including the city, State, and zip or zip+4. If performance is to occur in multiple locations, then the sub-recipient must list the location where the most amount of the grant award is to be expended pursuant to this grant agreement.
 - h. The sub-recipient agrees to provide this information to the State along with the sub-recipient's return of the signed grant agreement. The State will not process this grant until such time that the sub-recipient provides this information.
 - i. If the sub-recipient does not meet the conditions listed above, then they must specifically affirm to the State that the requirements of this clause are inapplicable to the sub-recipient. The sub-recipient must provide information responding to this question along with the sub-recipient's return of the signed agreement. The State will not process this grant until such time that the sub-recipient provides such information responding to this question.
- VII. Deed Restriction (44 C.F.R. Part 80.19)
- a. The sub-recipient agrees to comply with FEMA's Deed Restrictions and record same about deed conveyances of any property acquired, accepted, or from which structures are removed.
 - b. Model deed restriction language that supports 44 C.F.R. Part 80 requirements can be obtained by reaching out to your WVEMD Project Officer. Applications

requesting HMA to acquire properties for open space purposes must include a copy of the deed restriction language proposed to meet these requirements. The deed conveying the property to the locality must reference and incorporate FEMA's Exhibit A (or equivalent name). ANY VARIATION from the model deed restriction can ONLY be made with prior approval from FEMA's Office of Chief Counsel. Such requests should be made to FEMA through WVEMD. Exhibit A shall be attached to the deed when recorded.

- c. FEMA, its representatives, and those assigned including the State shall have the right to enter upon the property, at reasonable times and with reasonable notice, for the purpose of inspecting the property to ensure compliance with the terms of this part, the property conveyance, and the grant award.
- d. Three years from the original date of final project closeout and every three years thereafter, the sub-recipient, in coordination with any current successor in interest, shall submit through the State to FEMA a report certifying that the sub-recipient has inspected the property within the month preceding the report, and that the Property continues to be maintained consistently with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.
- e. The sub-recipient, the State, FEMA, and their respective representatives, successors and assignees, are responsible for taking measures to bring the property back into compliance if the property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award.

VIII. Hold Harmless

- a. The sub-recipient agrees to hold the State harmless from any and all claims, demands, lawsuits or other causes of action based upon or arising out of any activities performed by its employees, agents, representatives or independent contractors and subcontractors that involve HMGP projects and work-related activities.

IX. Enforcement Provisions (44 C.F.R. 13.43)

- a. In addition to enforcement actions stated in this agreement, WVEMD may take other enforcement actions available to the awarding agency, as appropriate in the circumstances, if the sub-recipient fails to comply with the terms of the award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere.
- b. In taking an enforcement action, WVEMD will provide an opportunity for a hearing, appeal, or other administrative proceeding to which WVEMD or the sub-recipient is entitled under any statute or regulation applicable to the action involved.
- c. Costs resulting from obligations incurred by the sub-recipient during a suspension or after termination of an award are not allowable unless WVEMD expressly

authorizes them in the notice of suspension or termination. Other costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

- i. The costs result from obligations which were properly incurred before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are not cancelable; and,
- ii. The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes place.

X. Closeout (44 C.F.R. Part 13.50)

- a. The sub-recipient will notify WVEMD as soon as the project has been completed and will provide a Final QPR and financial report within 30 days.
- b. The closeout of the grant does not affect the right of WVEMD to disallow costs and recover funds based on a later audit or other review, the obligation to return any funds due as a result of later refunds, corrections, or other transactions, records retention as required in 44 C.F.R. Part 13.42, Property management requirements in 44 C.F.R. Parts 13.31 and 13.32, and audit requirements in 44 C.F.R. Part 13.26.
- c. Any funds not returned within a reasonable period of time after requested, may result in an administrative offset against other requests for assistance, withholding advance payments otherwise due, and other action permitted by law.

XI. Amendments

- a. This agreement shall not be modified, amended, altered, or changed except by written amendment executed by the parties hereto.
- b. It is further agreed that if additional funding becomes available, the Federal award may be increased with a letter signed by the sub-recipient, the WVEMD Director and/or Deputy Director.

XII. Termination

- a. WVEMD may terminate this agreement in whole or in part at any time before the POP:
 - i. Whenever it is determined that the terms and conditions of the agreement have not been met. Prompt notification in writing of the termination, with effective date, will be made by WVEMD. Payment or recoveries by WVEMD shall be in accordance with the legal rights and obligations of the parties.
 - ii. In the event that anticipated Federal funds are not obtained or continued at a sufficient level.

- iii. At the discretion of WVEMD upon written notification to the sub-recipient with effective termination date. Payment or recoveries by WVEMD shall be in accordance with the legal rights and obligations of the parties.

IN WITNESS WHEREOF, the Division of Emergency Management and sub-recipient, acting through their duly authorized officers, have caused these presents to be executed on the day and year of the last signature below.

Sub-recipient:

Printed Name: _____

Signature: _____

Title: _____

Date: _____

Recipient (State):

Printed Name: _____

Signature: _____

Title: _____

Date: _____

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

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1660-0001). **NOTE: Do not send your completed form to this address.**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

1. LOBBYING

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

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

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

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

Standard Form-LLL "Disclosure of Lobbying Activities" attached
(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

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

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

A. The applicant certifies that it and its principals:

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

(b) Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

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

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

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

**3. DRUG-FREE WORKPLACE
(GRANTEE OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.815 and 17.620-

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

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

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

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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

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

- (1) Abide by the term of the statement; and
- (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring on the workplace no later than five calendar days after such convictions;



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

Jefferson County Commissioners:

Pasha Majdi, President

Mike Mood, Vice President

Steve Stollpher

Jack Hefestay

Cara Keys

**Jefferson County Homeland Security and
Emergency Management Steering Committee:**

**John Sherwood, Chair, Chamber of Commerce
Representative**

**Ed Smith, Vice Chair, Fire and Rescue
Representative**

Donald Grubb, Health Representative

Vacant, Mass Care Representative

**Jessie Hott, Non-Governmental
Organization Representative**

**Mason Carter, Jefferson County Department of
Engineering Representative**

**Jeffrey A. Polczynski, ENP, Jefferson County
Emergency Communications Center
Representative**

Jane Tabb, County Commission Representative

Kelly Parsons, Private Industry Representative

**Thomas Hansen, Sheriff, Law Enforcement
Representative**

Thomas Butcher, Utilities Representative

**Vacant, Jefferson County
Development Authority Representative**

**Sanford "Sandy" Green, Region 3 Homeland
Security Area Liaison**

**Holly Frye, Shepherd University Service
Learning Program Education Representative**

Staff:

**Stephen S. Allen
Director
304-728-3296-Office
304-279-8233-Mobile
sallen@jeffersoncountywv.org**

**Dick W. Myers
Deputy Director/Planner/Program Manager
304-728-3329-Office
304-839-0325-Mobile
dmyers@jeffersoncountywv.org**

**Stephen S. Rivera
Public Affairs Coordinator
304-724-8914-Office
304-288-0808-Mobile
srivera@jeffersoncountywv.org**

Fax: 304-728-3320

January 28, 2025

Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

Dear Commissioners:

At the special meeting of the Jefferson County Office of Homeland Security and Emergency Management Steering Committee on December 19th, 2024, a motion by the body passed to propose the dissolution of the steering committee.

The current purpose of the Steering Committee is to function as the Emergency Services Council. While state code does not mandate a Steering Committee, it does require a five-member Emergency Services Council. Developing an Emergency Services Council and dissolving the Steering Committee would enhance efficiency.

Thank you for your consideration and continued support!

Sincerely,

John Sherwood
Chair

Enclosures



Jefferson County Office of Homeland Security & Emergency Management
Steering Committee
December 19, 2024
Minutes

The Jefferson County Office of Homeland Security and Emergency Management (JCOHSEM) Steering Committee met at the Jefferson County EOC on Thursday, December 19, 2024 at 0200 hours. Those present were Holly Frye, Shepherd University; John Sherwood, Jefferson County Chamber of Commerce; Sheriff Thomas Hansen, Jefferson Co. Sheriff's Office; Dick Myers, JC OHSEM; Steve Allen, JC OHSEM; Stephen Rivera, JC OSHEM; Ed Smith, City of Charles Town; Thomas Butcher, First Energy; Jeff Polczynski, JCECC; Kelly Parsons, DeHaven & Associates; Donald Grub, Jefferson Medical Center; Jesse Hott, American Red Cross.

Mr. Sherwood, Chair, called the meeting to order at 1403 hours.

I. Unfinished Business

1. No unfinished business.

II. New Business

1. Mr. Sherwood led a discussion on the reorganization of the Steering Committee. Mr. Allen added that under state code it is not a requirement to have a Steering Committee, however, it is a requirement to have an Emergency Services Council composed of 5 members appointed by the executive officers or the governing body. The Steering Committee is currently serving as the Emergency Services Council. Mr. Allen discussed the possibilities of reorganization to improve efficiency.
2. Mr. Polczynski asked the group if there is currently an Emergency Services Council. Mr. Allen stated that the Steering Committee is currently serving as the Emergency Services Council. Mr. Polczynski and Mr. Sherwood added that the Steering Committee is not necessary if an Emergency Services Council is created.
3. A motion was made by Mr. Polczynski and second by Sheriff Hansen to dissolve the Steering Committee. During the discussion, Mrs. Frye asked that if the Steering Committee is disbanded what other ways she can stay connected. Mr. Allen and Sheriff Hansen recommend that Mrs. Frye attend the LEPC meetings. After the discussion the motion was approved by the committee to dissolve the Steering Committee. Mr. Butcher abstained from voting.
 - a. Mr. Allen suggested developing a formal letter to the County Commission recommending the dissolution of the Steering Committee. Mrs. Frye proposed including in the letter that the primary reason for dissolving is to enhance efficiency.

4. Mr. Allen began a discussion on developing an Emergency Services Council. Mr. Butcher added that there needs to be political diversity amongst the five members to meet state code. Mr. Myers suggested that the Steering Committee create a list of potential candidates for the County Commission to consider. Mr. Myers added that when selecting candidates to recommend their discipline should be a key consideration.

III. Member Sharing Time

No Member sharing at this time.

IV. Adjourn

1. Mr. Sherwood adjourned the meeting at 1442 hours.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Myers

Department or Organization: Jefferson County Parks & Recreation Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **February 20, 2025**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Presentation of Jefferson County Parks & Recreation Commission 2024 Annual Report**

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

 Presentation of information regarding parks, programs, projects, funding, etc. in 2024.

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*):

No motion needed.

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

If not attached, explain: Report is in draft form, will forward the final version prior to the meeting.

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

Contact information: Jennifer Myers

Email address: jmyers@jcprc.org

Phone Number: 304-728-3207

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Jessica James, CHRO/assistant deputy administrator**

Department or Organization: **Jefferson County Commission**

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

Date Requested – 1st Choice: **February 20, 2025**

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

Date Requested – 2nd Choice:

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

- 1. Approval of Hire – GIS Analyst - Jefferson County Department of IT/GIS and Addressing Office**
- 2. Approval of Hire – Zoning Administrator – Jefferson County Department of Engineering, Planning, and Zoning**
- 3. Approval of Salary Adjustment – Jefferson County Department of Fleet and Facilities**
- 4. Approval to reallocate funding from other departments to fund a Deputy Director of Information Technology – Jefferson County Department of Information Technology**
- 5. Approval to solicit for a Deputy Director of Information Technology – Jefferson County Department of Information Technology**

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

1. Staff has identified a candidate for the position of GIS Analyst within the Jefferson County Department of IT/GIS and Addressing Office and is requesting to hire for the Grade 5, full-time, 80-hour position.
2. Staff has identified a candidate for the position of Zoning Administrator within the Jefferson County Department of Engineering, Planning, and Zoning and is requesting to hire for the Grade 7, full-time, 80-hour position.
3. When drafting the February 6 request to terminate the external cleaning contract and hire three additional in-house custodial staff members, it was discovered that a current custodial employee needed a minor salary adjustment of \$1,014 to be in line with the salary to be advertised for incoming custodial staff.
4. Please see fiscal note for details.
5. Upon approval of the reallocation of funding for the position of deputy director within the Jefferson County Department of Information Technology, staff is requesting approval to solicit for the position for three weeks on recruiting platforms currently utilized by the County, including the County website, Indeed, LinkedIn, GenerationWV, Handshake, constituent e-mail alerts, and more.

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):

Dept. of IT/GIS and Addressing Office Request

- I move to approve the hire of Rachel Pierce as a full-time GIS Technician to a Grade V, full-time, 80-hour GIS Analyst with the Jefferson County Department of IT/GIS and Addressing Office, at a salary of \$52,636.30, effective Monday, February 24, 2025.

Department of Engineering, Planning, and Zoning Request

- I move to approve the hire of _____ as a Grade VII, full-time, 80-hour Zoning Administrator with a salary of \$84,994, and an accrual rate of 12 hours per month, effective Monday, March 10, 2025.

Department of Fleet and Facilities Management Requests

- I move to approve the minor salary adjustment for Lucas Cannady, full-time custodial team member positions within the Department of Fleet & Facilities Management, at a Grade 2 with a salary of \$35,664 each, effective April 1, 2025.

Department of Information Technology/GIS Addressing Office

- I move to approve the reallocation of funding for the position of deputy director within the Jefferson County Department of Information Technology.
- I move to approve the solicitation of the position of deputy director for the Jefferson County Department of Information Technology, as presented.

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: Jessica James

Email address: jjames@jeffersoncountywv.org

Phone Number: 304-728-3282

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



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 **Fax:** (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Pasha Majdi

COMMISSIONER

Jack Hefestay

COMMISSIONER

Cara Keys

COMMISSIONER

Steve Stolipher

COMMISSIONER

Mike Mood

To: Commissioner Pasha Majdi
Commissioner Jack Hefestay
Commissioner Cara Keys
Commissioner Steve Stolipher
Commissioner Mike Mood

From: David Bound

Date: February 20, 2025

Re: Fiscal Note: Approval of Hire – GIS Analyst - Jefferson County Department of IT/GIS and Addressing Office

There is a request to approve the hire of a GIS Analyst for the Jefferson County IT and GIS Addressing Office

• Amount budgeted for the GIS tech and GIS analyst Positions in FY25	\$109,305.00
• GIS Analyst hire (2/7/2025)	\$54,000.00
• <u>New hire:</u>	<u>\$52,636.30</u>
Cost savings	\$ 2,668.70



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Cara Keys

COMMISSIONER
Steve Stolipher

COMMISSIONER
Mike Mood

To: Commissioner Pasha Majdi
Commissioner Jack Hefestay
Commissioner Cara Keys
Commissioner Steve Stolipher
Commissioner Mike Mood

From: David Bound

Date: February 20, 2025

Re: Fiscal Note: Approval of Hire – Zoning Administrator – Jefferson County
Department of Engineering, Planning, and Zoning

There is a request to approve the hire of a Zoning Administrator – Jefferson County Department of Engineering, Planning, and Zoning.

New hire:	\$84,994.00
<u>Amount budgeted for this position in FY 25:</u>	<u>\$83,000.00</u>
Total difference	\$1,994.00

Although this amount is more than the amount budgeted for the position in FY25, \$84,994 is consistent with the grade and step of the work experience of employee to be hired- 12.5 years of experience as a zoning administrator, grade 7.

The county planner retired making \$8,042.63 above the maximum for the pay scale, grade 7. \$1,994 of the amount budgeted for the county planner will be used for the hire of the zoning administrator.



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COMMISSIONER

Jack Hefestay

COMMISSIONER

Cara Keys

COMMISSIONER

Steve Stolipher

COMMISSIONER

Mike Mood

To: Commissioner Pasha Majdi
Commissioner Jack Hefestay
Commissioner Cara Keys
Commissioner Steve Stolipher
Commissioner Mike Mood

From: David Bound

Date: February 20, 2025

Re: Fiscal Note: Increase Maintenance salary to current starting salary for the new Grade II in-house custodians.

I suggest approving the \$1,014 increase to L. Cannady's salary which will be absorbed in Maintenance's Salary and Wage FY25 budgeted line item which is currently 1% below budget.



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COMMISSIONER
Steve Stolipher

COMMISSIONER
Mike Mood

To: Commissioner Pasha Majdi
Commissioner Jack Hefestay
Commissioner Cara Keys
Commissioner Steve Stolipher
Commissioner Mike Mood

From: David Bound

Date: February 20, 2025

Re: Fiscal Note: Approval of to reallocate funding from other departments to fund a Deputy Director of Information Technology – Jefferson County Department of Information Technology

Approval of to solicit for a Deputy Director of Information Technology – Jefferson County Department of Information Technology

There is a request to approve the reallocation of funds from other departments to fund a Deputy Director of Information Technology – Jefferson County Department of Information Technology

Budget sources:

- County Commission (401), salaries and benefits \$16,000
- Jefferson County Development Authority (431), salaries and benefits \$37,000
- Reduction in contracted services through IT (428) \$22,000

Total \$75,000

Should the Commission approve a motion to move the above amounts, \$75,000 would be available for a deputy director at IT. It is recommended that the \$22,000 reduction in IT contracted services not be approved until FY26.

Suggested motion: motion to move \$16,000 from 401 salaries and benefits and \$37,000 from 431 salaries and benefits to 428 for salaries and benefits. And, to require that contracted services for IT (428) be reduced by \$22,000 in FY26 to accommodate a deputy director in IT at \$75,000.

Jefferson County Government
FY2024-2025 Annual Salaries Effective 7/1/2024

(Paid Bi-weekly Based on Hours Worked per Period)

5% COLA, No Merit FY25

Revised 06-06-2024

New Grade	Bi-Wkly Hrs	Annual Minimum (expected)	Annual Maximum (expected)	New Range	Per Hour Minimum	Per Hour Maximum	% Between Grades
1	70	25,084	40,134	60.0%	13.7824	22.0518	
	80	28,667	45,868	60.0%	13.7824	22.0518	
2	70	31,206	49,929	60.0%	17.1460	27.4335	24.4%
	80	35,664	57,062	60.0%	17.1460	27.4335	24.4%
4	70	37,327	59,724	60.0%	20.5095	32.8153	8.9%
	80	42,660	68,256	60.0%	20.5095	32.8153	8.9%
5	70	43,448	69,517	60.0%	23.8725	38.1961	16.4%
	80	49,655	79,448	60.0%	23.8725	38.1961	16.4%
6	70	50,316	80,506	60.0%	27.6461	44.2338	15.8%
	80	57,504	92,006	60.0%	27.6461	44.2338	15.8%
7	70	54,087	86,539	60.0%	29.7181	47.5490	7.5%
	80	61,814	98,902	60.0%	29.7181	47.5490	7.5%
8	80	80,179	128,286	60.0%	38.5476	61.6762	29.7%
9	80	92,424	147,879	60.0%	44.4347	71.0957	15.3%
10	80	116,909	187,055	60.0%	56.2064	89.9304	26.5%

Jefferson County Government

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	80	28,667	45,868	60.0%	13.7824	22.0518	
2	70	31,206	49,929	60.0%	17.1460	27.4335	24.4%
	80	35,664	57,062	60.0%	17.1460	27.4335	24.4%
4	70	37,327	59,724	60.0%	20.5095	32.8153	8.9%
	80	42,660	68,256	60.0%	20.5095	32.8153	8.9%
5	70	43,448	69,517	60.0%	23.8725	38.1961	16.4%
	80	49,655	79,448	60.0%	23.8725	38.1961	16.4%
6	70	50,316	80,506	60.0%	27.6461	44.2338	15.8%
	80	57,504	92,006	60.0%	27.6461	44.2338	15.8%
7	70	54,087	86,539	60.0%	29.7181	47.5490	7.5%
	80	61,814	98,902	60.0%	29.7181	47.5490	7.5%
8	80	80,179	128,286	60.0%	38.5476	61.6762	29.7%
9	80	92,424	147,879	60.0%	44.4347	71.0957	15.3%
10	80	116,909	187,055	60.0%	56.2064	89.9304	26.5%

Jefferson County Sheriff's Deputies

	Uncertified	Certified					
DEPUTY	53,550	55,125				25.7452	26.5024
		80	61,582	92,374	50.0%	29.6069	44.4104
CORPORAL		80	67,741	101,611	50.0%	32.5676	48.8514
SERGEANT		80	74,515	111,772	50.0%	35.8244	53.7366
LIEUTENANT		80	81,221	121,832	50.0%	39.0486	58.5729
CAPTAIN		80	87,719	131,578	50.0%	42.1725	63.2587
CHIEF DEPUTY		80	94,736	142,104	50.0%	45.5463	68.3194

Jefferson County Government

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Revised 06-06-2024

New Grade	Bi-Wkly Hrs	Annual Minimum (expected)	Annual Maximum (expected)	New Range	Per Hour Minimum	Per Hour Maximum	% Between Grades
Jefferson County Emergency Services							
FF/EMT I	84	45,107	54,395	20.6%	20.6535	24.9060	
FF/EMT II	84	46,235	58,981	27.6%	21.1698	27.0060	2.5%
FF/EMT III	84	47,391	60,449	27.6%	21.6991	27.6780	2.5%
TECHNICIAN	84	48,576	61,962	27.6%	22.2416	28.3710	2.5%
FF/AEMT I	84	49,790	58,844	18.2%	22.7976	26.9430	2.5%
FF/AEMT II	84	51,035	63,797	25.0%	23.3675	29.2110	2.5%
FF/AEMT III	84	52,311	65,402	25.0%	23.9517	29.9460	2.5%
TECNICIAN-AEMT	84	53,618	67,030	25.0%	24.5505	30.6915	2.5%
FF/P I	84	57,330	69,140	20.6%	26.2500	31.6575	6.9%
FF/PP II	84	58,763	74,965	27.6%	26.9063	34.3245	2.5%
FF/P III	84	60,232	76,822	27.5%	27.5789	35.1750	2.5%
FF/P IV	84	61,738	78,748	27.6%	28.2684	36.0570	2.5%
Lieutenant	84	64,825	82,693	27.6%	29.6818	37.8630	5.0%
Captain (EMT)	84	68,066	86,821	27.6%	31.1659	39.7530	5.0%
Captain (AEMT)	84	71,470	91,155	27.5%	32.7242	41.7375	5.0%
Captain (Param)	84	75,043	95,718	27.6%	34.3604	43.8270	5.0%
Director	80	91,051	116,145	27.6%	43.7745	55.8390	27.4%

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Cara Keys

Department or Organization: **County Commission**
Estimation of amount of time needed for appointment: **15 mins**
Date Requested – 1st Choice: **February 20, 2025**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: N/A

Subject (*Wording to be placed on agenda*):
Update of Water Study and funding options

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

- ✚ I would like to discuss in more detail our options for the proposed water study.
 - Would this be deemed a legislative priority and seek funding from the state?
 - Would we like to put an RFP on other options for a comprehensive ground water assessment?
 - Timeline discussion

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*):

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

If not attached, explain: Jefferson County population has nearly doubled since the last comprehensive water study was conducted in 1991. The majority of water used in the county is supplied via groundwater, and after multiple periods of drought, we do not have a reasonable understanding of how much water is available. The 1991 study focused on geohydrology, water availability, and water quality of Jefferson County WV. A new study should be considered to revisit these areas covered in 1991 to ensure that the underground water supply is understood as our county grows.

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

Contact information: Cara Keys

Email address: ckkeys@jeffersoncountywv.org

Phone Number: 240-367-5152

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Laura Kuhn

Department or Organization: Fleet & Facilities Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **2/20/2024**

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

Date Requested – 2nd Choice:

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

Underground Injection Control Permit – Approval of President’s Signature on Certification Document

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

Due to an inspection by the West Virginia Department of Environmental Protection (DEP), I appeared before the Commission to request approval to submit a Groundwater Protection Plan (GPP) and Underground Injection Control (UIC) Septic Tank Permit application to the DEP at the July 11, 2024 meeting. After approval, the GPP and UIC permit application were submitted to the DEP. Both documents have been approved by the DEP and I am now asking for the Commission’s approval for the President to sign the Certification Document, which is required to be returned to the DEP to finalize the permit.

Is this a funding request? Y/N NO –

There is an annual permit fee of \$140, which can be covered from the Fleet & Facilities Budget

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 President’s signature on the UIC Permit Certification Document for the West Virginia Department of Environmental Protection.

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: Laura Kuhn

Email address: LKuhn@jeffersoncountywv.org

Phone Number: 304-728-3355

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0495 Fax (304) 926-0463

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 24, 2025

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

Re: Underground Injection Control (UIC) Permit
1572-24-037 – Jefferson County
Commission
Jefferson County

Dear Permittee:

Please find enclosed your Issued Class 5 Underground Injection Control (UIC) Permit.

After careful review of the permit, please read and sign the Certification Document and return it to me within 30 days of receipt of this permit, signifying that you are aware of all terms and conditions. Failure to return the signed Certification Document will automatically suspend this permit.

Failure to comply with all terms and conditions of this permit can result in penalties including, but not limited to, substantial fines and/or cessation of the permitted activities.

If you have questions concerning this matter, please contact Judy Lupson at (304) 926-0499 ext. 43807 or by email at judy.k.lupson@wv.gov.

Sincerely,

A handwritten signature in blue ink that reads 'Y. Patel'.

Yogesh Patel, P.E.
Engineer Chief - Permitting

Underground Injection Control Permit

CERTIFICATION DOCUMENT

West Virginia Department of Environmental Protection
Division of Water and Waste Management

Permit Id: 1572-24-037

Permit Name: JEFFERSON COUNTY COMMISSION

In accordance with Part II, Section D.3, Reporting and Notification Requirements, I hereby certify that I have read and am personally familiar with all the terms and conditions of this permit.

I understand that the underground injection of any waste streams other than those provided for in this Permit is strictly prohibited. I understand that failure to pay the Annual Permit Fee or any other associated fees required by West Virginia Code, Chapter 22, Articles 11 and 12 shall be cause for revocation of this Permit. I understand that any changes to the conditions, criteria, or design standards outlined in Part II, Section B, as Construction Requirements, of this permit is prohibited. I further understand that reporting is required, and noncompliance with the terms of this permit will be cause for revocation of the permit and subject me to significant penalties including the possibility of fines and imprisonment.

Signature

Name and Title (Type or Print)

Date

UNDERGROUND INJECTION CONTROL PERMIT

For

JEFFERSON COUNTY COMMISSION

Number 1572-24-037

NEW

UNDERGROUND INJECTION CONTROL
AUTHORIZATION TO OPERATE A UIC CLASS 5 W11 INJECTION WELL
PERMIT NUMBER 1572-24-037

In compliance with provisions of the West Virginia Code, Chapter 22, Article 11, Section 8, and Legislative Rules, Title 47, Series 13, Sections 12 & 14,

PERMITTEE

JEFFERSON COUNTY COMMISSION
124 E WASHINGTON ST
CHARLES TOWN, WV 25414

FINANCIAL RESPONSIBLE PARTY

JEFFERSON COUNTY COMMISSION
124 E WASHINGTON ST
CHARLES TOWN, WV 25414

is authorized by this permit to inject sanitary waste to a UIC Class 5 W11 subsurface distribution system.

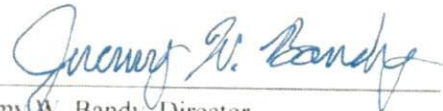
FACILITY: Jefferson County Animal Control, 161 Poor Farm Rd, Kearneysville, WV 25430

Any other waste streams, other than those provided in this permit are strictly prohibited. Any changes to the conditions, criteria and design standards outlined in Part II: Section B, Construction Requirements of this permit is prohibited.

Failure to pay the annual permit fee or any fees required by the West Virginia Code, Chapter 22, Articles 11 or 12, shall be cause for revocation of this permit. The annual permit fee of \$124.88 and a groundwater fee of \$15.00 (total \$139.88) are due upon receipt of the invoice which will be generated in December of each year. The permittee is responsible for providing an accurate, up to date billing address for ensuring receipt of the invoice. The permittee shall submit an annual report to the Director, summarizing the activities required by this permit. The report shall be submitted no later than January 31 every year.

Non-compliance with the terms of this permit shall be cause for revocation of Certification under the terms of Chapter 22, Article 12, and revocation of the permit under Chapter 22, Article 11 of the West Virginia Code.

This permit shall become effective on February 24, 2025. This permit and its authorization to inject shall remain in effect until midnight January 23, 2030, provided all terms of the permit are met.



Jeremy W. Bandy, Director
Division of Water and Waste Management
Department of Environmental Protection

PART I

A. RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this permit by which you are aggrieved to the State Environmental Quality Board by filing a NOTICE OF APPEAL on the form prescribed by such Board for this purpose, with the Board, in accordance with the provisions of Chapter 22 Article 11, Section 21 of the code of West Virginia within thirty (30) days after the date of receipt of the permit.

B. EFFECT OF PERMIT

The permittee is allowed to engage in underground injection in accordance with the conditions of this permit based on an approved permit application. The underground injection activity authorized by this permit shall not allow the movement of fluid containing any contaminant into any subsurface area other than that which is specified, described, and shown on maps included in the application and may not cause a violation of any primary drinking water regulation or any health-based limit promulgated under 40 CFR Chapter 1, Part 141, amended June 1991, of the Code of Federal Regulations, or of any water quality standard promulgated by the Division of Water and Waste Management. Any underground injection activity not authorized in this permit, or otherwise authorized by permit, is prohibited. Issuance of this permit does not convey property or mineral rights of any sort or any exclusive privilege, nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of local law or regulations. Compliance with terms of this permit does not constitute a defense to any action brought under Part C and the imminent and substantial endangerment provisions in Part D of the Safe Drinking Water Act (SDWA) or any other common or statutory law for any breach of any other applicable legal duty.

C. PERMIT ACTIONS

This permit can be modified, revoked, or terminated for cause as specified in Chapter 22, Article 11 (hereafter §22-11) and Chapter 22 Article 12 (hereafter §22-12) of the West Virginia Code and Legislative Rule, Title 47, Series 13 (hereafter 47CSR13). Also, the permit is subject to minor modifications for cause as specified in §22-11. The filing of a request on the part of the permittee for a permit modification, revocation and re-issuance, or termination, or the notification of planned changes, or anticipated noncompliance on the part of the permittee shall not stay the applicability or enforceability of any permit condition.

D. SEVERABILITY

The provisions of this permit are severable, and if any condition of this permit or the application of any provision of this permit to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of other provisions of the permit and the remainder of this permit shall not be affected thereby.

E. GENERAL REQUIREMENTS

1. Duty To Comply - The permittee shall comply with all applicable UIC Program rules and conditions of this permit, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance constitutes a violation of §22-11, and is grounds for enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application. Copies of UIC Program rules (§22-11 and 47CSR13) may be obtained from the West Virginia Secretary of State's Office at <http://www.wvsos.com/csr/verify.asp?TitleSeries=47-13>. Permit noncompliance may also constitute a violation of Chapter 22, Article 12.

2. Need to Halt or Reduce Activity Not a Defense - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Duty to Mitigate - The permittee shall take all reasonable steps to minimize or correct any adverse impact on health of persons or the environment resulting from noncompliance with this permit.

4. Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related equipment which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance include operator staffing and training, and laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of a back-up or auxiliary facility or similar system only when necessary to achieve compliance with the conditions of this permit.

5. Duty to Provide Information - The permittee shall furnish the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit. If the permittee becomes aware of any incomplete or incorrect information in the permit application or subsequent reports, the permittee shall promptly submit information addressing these deficiencies to the Director.

6. Inspection and Entry - The permittee shall allow the Director, or an authorized representative, or a representative of the US EPA upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under conditions of this permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.

- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit.
- d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by §22-11, any substances or parameters at any location.

7. Penalties-- Any person who violates a permit requirement is subject to civil penalties, criminal penalties, fines and other enforcement actions authorized under §22-11 or §22-12 of the West Virginia Code.

8. Transfer of Permits - This permit is not transferable to any person unless approval is given by the Director and the requirements of §22-11 and 47CSR13 are satisfied. The Director may require modification or revocation of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

9. Signatory Requirements- Only a duly authorized person may sign documents and reports associated with this permit.

- a. All reports required by this permit and other information requested by the Director shall be signed as follows:
 - 1) For a corporation, by a responsible corporate officer of at least the level of vice president.
 - 2) For a partnership or sole proprietorship, by a general partner or the proprietor, or
 - 3) For a municipality, State, Federal, or other public agency, by either a principal executive or a ranking elected official.
- b. A duly authorized representative of the official designated in paragraph (a) above may sign only if:
 - 1) The authorization is made in writing by a person described in paragraph (a) above, and
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, and,
 - 3) The written authorization is submitted to, and approved by, the Director.
- c. If authorization under paragraph (b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph (b) of this section must be submitted to the Director prior to, or together with, any reports, information or applications to be signed by an authorized representative.

- d. Any person signing a document under paragraph (b) of this section shall make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information to be true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

10. Confidentiality of Information - In accordance with §22-11, Section 9, the Director and the DWWM shall protect any information (other than effluent data) contained in such permit application form, or other records, reports, or plans as confidential upon a showing by any person or entity that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person or entity.

11. Reapplication - If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must submit a complete application for a new permit, along with the appropriate permit application fees, at least 180 days before this permit expires.

PART II

A. RECORD RETENTION

1. Required Records - The permittee shall retain records of all information required by this permit for a period of at least three (3) years from the date of sample, measurement, report, or application, as set forth in 47 CSR 13 14.12.j.2.

All environmental measurements required by the Permit, including, but not limited to, measurements of pressure, temperature, mechanical integrity, and chemical analyses shall be done in accordance with state guidance on quality assurance. All analysis must be performed by a West Virginia certified laboratory.

2. Disposal of Records - The Permittee shall retain records in accordance with 47 CSR 13 14.12.j.2.

B. CONSTRUCTION REQUIREMENTS

1. Construction Requirements

- a. The subsurface injection system or distribution system shall be constructed and will be maintained as described in this permit. Any additions, modifications or alterations to the system must be communicated to the Director thirty (30) days prior to the specific action taken.
- b. Roof downspouts, foundation drains, area drains, storm sewers, combined sewers or appurtenances thereto, or any sewer or device carrying or discharging storm water, surface water, groundwater or cooling water or any other injectate not authorized by this permit shall not be connected to this system.
- c. The sites of the initial and/or reserve drain fields shall not be covered by asphalt or concrete or subject to vehicular traffic or any activity, which would adversely affect the integrity of the system. These sites shall be maintained so that they are free from encroachments by accessory buildings and additions to the main building.
- d. Barriers shall be installed to prevent vehicular traffic from crossing the disposal system.
- e. Trees and shrubs shall not be planted within ten (10) feet of the perimeter of the disposal area, but may be planted on fill extensions. All trees and shrubs shall be located to prevent root intrusion into the disposal area and other components of the system.

2. Injection Formation - The distribution system will be constructed and will be operated to facilitate placement of injection fluids into the injection horizon (regolith).

3. Injection Fluids - The permittee shall inject only effluents which have been described in the permit and authorized by the Director and which have been treated as prescribed in this permit.

a. The fluid to be injected underground is the effluent from a subsurface distribution system used only for the treatment of sanitary wastes.

b. The permittee shall not inject any gasoline, benzene, naphtha, fuel oil, antifreeze, organic solvents, other flammable or explosive liquids, solids, or gases, or any other types of wastes except for those wastes expressly authorized by this permit.

c. The permittee shall not inject any hazardous or toxic substances, such as drop-in sanitizers or deodorizers containing dichlorobenzene, etc., or any other fluid that may be harmful to human health.

4. Injection System Closure and Financial Responsibility - The permittee will maintain adequate financial resources to properly close, plug, and abandon the underground injection well or distribution system at the end of its useful life in accordance with the permit, any additional requirements set forth in this permit, and all applicable state, local, or federal laws. Proper abandonment procedures must be adhered to in order to eliminate the potential for the well or distribution system to act as a conduit for contaminants, which may endanger Underground Sources of Drinking Water (USDW's).

C. MONITORING REQUIREMENTS -

1. Sampling and Methods - Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the fluid or sludge to be analyzed and the procedure for analysis of the sample shall be in accordance with the following accepted test procedures.

A laboratory certified by the DWWM must analyze all samples. You may obtain a copy of the state certified laboratories by contacting the Quality Assurance Program at 304-926-0495 or can be downloaded at the website address: www.dep.wv.gov. The laboratories can sample and test or provide sampling and preservation instructions at your request.

2. Monitoring Reporting - The permittee shall submit the results of all sludge and visual/olfactory monitoring data annually, or upon request of the Director. Discharge Monitoring Reports (DMR) for specified parameters listed shall be submitted by the 25th day of the following month.

3. Monitoring Requirements -

a. The discharge system shall be monitored monthly through visual and olfactory inspection to ensure the system is operating properly. If the odor of sewage is detected, or there is septage on the surface of the drainfield, it must be reported immediately to the Director.

b. The permittee shall keep a monthly log of the inspections on forms provided with this permit which shall denote the time and date when inspections of the system were made, an indication as to whether any problems in operations were observed, and the name of the person making the inspection.

c. The sewage tank shall be measured at least once each year to determine the depth of the sludge. If the sludge occupies 33% (1/3) of the volume of the tank as measured from the bottom of the tank to the bottom of the outlet, the tank must be pumped by a certified septage hauler/pumper. In no circumstance shall the sewage tank(s) be in use longer than five years without being pumped.

d. The monthly inspection log and the yearly sludge measurement must be reported to the Director on the yearly report as outlined in this permit.

e. Any facility that prepares food must utilize a grease trap within their subsurface distribution system and shall inspect the grease trap monthly to ensure that it is working properly. The grease trap shall be maintained by cleaning the trap and removing all excess grease and solids semi-annually.

IMPORTANT: Decomposing wastes in the septic tanks produce toxic gases, which can overcome a human in a matter of minutes. When working on a septic tank be sure the area is well ventilated and that someone is standing nearby for safety reasons.

D. REPORTING AND NOTIFICATION REQUIREMENTS

1. Reports - Copies of all reports and notifications required by this permit shall be signed and certified in accordance with the requirements of this permit and shall be submitted in a manner the Director approves. Use the following address unless notified otherwise:

Department of Environmental Protection
UIC Program
Division of Water and Waste Management
601 57th Street SE
Charleston, West Virginia 25304-2345

2. Annual Report - The permittee shall submit an annual report to the Director, summarizing the results of injection well or distribution system operation and monitoring required by this permit. The annual report shall be submitted no later than January 31 of the following year. Special monitoring and reporting requirements may be required.

3. Certification Document - Within thirty (30) days of receipt of this permit, the permittee shall report to the Director that he or she has read and is personally familiar with all terms and conditions of this permit.

4. Commencing Injection - The operator of a new injection well or distribution system may not commence injection until construction is complete, and:

a. The permittee has demonstrated to the Director that the injection well or distribution system has been constructed as authorized in this permit; or

b. The Director or authorized representative has inspected or otherwise reviewed the new injection well or distribution system and finds it is in compliance with the conditions of the permit; or

c. If the permittee has not received notice from the Director of his or her intent to inspect the injection well or distribution system within thirty (30) days of the receipt of this permit, then the inspection required in Section D paragraph 4(b) of this permit, is waived and the permittee may commence injection.

5. Emergency and Noncompliance Reporting -

a. The following shall be orally reported immediately, when the permittee becomes aware of the circumstances, to the Director of the DWWM, in accordance with 47CSR13, Section 14.06.d and 14.12.1.6. by using the Department of Environmental Protection's Emergency Notification Number: 1-800-642-3074 (This is the spill line required by law).

- 1) Any monitoring or other information, which indicates that any contaminant may cause an endangerment to a USDW.

- 2) Any noncompliance with a permit condition, or malfunction of the injection system which may cause fluid migration into an unauthorized formation.
- 3) Any non-compliance that may endanger public health or the environment.
- 4) Any discharge which may pollute the surface waters of the state.

b. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, including the nature and volume of the waste if applicable, and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent re-occurrence of the noncompliance.

6. Anticipated Noncompliance - The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

7. Other Noncompliance - The permittee shall report all other instances of noncompliance not reported at the time monitoring reports are submitted.

8. Planned Changes - The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility and apply for a modification permit.

E. CLOSURE REQUIREMENTS

The permittee shall notify the Director at least forty-five (45) days prior to the closure of the injection well or distribution system by submitting the Pre-Closure Notification form.

When a municipal or public service district sewage collection system becomes available for a home, business, or lot, the WVDEP would like to make all permittees aware of WV Code §8-18-22 regarding connection to the collection system.

WV Code §8-18-22. Connection to sewers; board of health; penalty

Regardless of whether a lot or parcel is within any municipality's geographical limits, the owner or owners of any lot or parcel of land abutting on any street, alley, public way or easement on which a municipal sewer is now located or may hereafter be constructed and laid (whether constructed and laid under the provisions of this article or any other provisions of law) upon which lot or parcel of land any business or residence building is now located or may hereafter be erected, not connected with a public sewer, may be required and compelled by the municipality or by the board of health to connect any such building with such sewer. Notice so to connect shall be given by the municipality or by the board of health to the owner and to the lessee or occupant of such building. The owner or owners shall connect to the municipal sewer within thirty days after notice to connect has been sent by the municipality. Regardless of whether the owner or owners connect to such sewer, the municipality may bill the owner or owners of the lot or parcel and the owner or owners shall pay the municipality's charge based on the actual water consumption on the lot or parcel. If the lot or parcel is not metered, the municipality's charge shall be based on the municipality's good faith estimate of the consumption on the lot or parcel.

This permit condition and the WVDEP are not to be construed as the enforcement mechanism for these requirements. Failure of the permittee to comply with the requirements above are not to be construed as a violation of this permit.

Upon closure of a facility, or upon connection to a municipal or public service district sewage collection system, proper abandonment procedures as per West Virginia Division of Health and Human Resources Legislative Rule 64-9-3.6, and the Closure Section of this permit, shall be followed within 90 days of connection or closure.

Construction Requirements

Injection Point No.	Latitude	Longitude
001	39° 20' 08.9000"	77° 54' 32.4000"

Construction requirements for 001

This is a septic tank and leachfield system, permit # ST-19-8182-227 RH. This permit authorizes the injection of sanitary waste co-mingled with wash water from an animal shelter.

SEPTIC TANK INFORMATION: Material: concrete

Liquid capacity: 1000 ft

Length: 7.5 ft., Width 3.5 ft, Depth 4.5 ft

Distance to nearest Dwelling: > 10 ft

Nearest Water Supply: > 50 ft, Private or Public - Private

Nearest Property Line: > 10 ft

Soil Absorption System:

Type drain line material: Pipe and Gravel (plastic)

Trench Width: 36" - Trench Depth: 30"

Total absorption area in trench botto m: 900 sq. ft

Diameter of Drain line: 4", Type filter media: gravel

No of Drain Lines: 3, Length of each line 100, 100,100 ft

Depth filter media over drain line 2"

Distance of disposal field to nearest dwelling: >10 ft

nearest water supply: >100 ft; Public or private - Private; Nearest line: >10 ft

Monitoring Requirements**Monitoring requirements for 001**

Monthly visual and olfactory inspections of the effluent dispersal area and yearly measurements of the septic tank sludge are required and to be recorded on the monitoring form enclosed in this permit, as noted on pages 7 and 8 of this permit.

Compliance sampling shall be conducted twice a year for Lindane and Malathion by a DWWM certified laboratory.

Compliance point samples must be taken at the last accessible sampling point prior to waste fluids being released into the subsurface distribution system. A list of DWWM certified laboratories may be obtained by contacting the Quality Assurance Program at 304-926-0495 or the internet website: www.dep.wv.gov. The laboratories can sample and test or provide sampling and testing instructions at your request.

The Director reserves the right to require additional sampling of the effluent as a condition of this permit should any condition arise that would indicate system failure or potential contamination of groundwater.

Injection Point No.: 001 *
Latitude: 39° 20' 09"
Longitude: 77° 54' 32"

INJECTATE PARAMETER	PERMIT		SAMPLING FREQUENCY	SAMPLE TYPE
	LIMIT	UNITS		
39530 Malathion	0.8	mg/l	1/6 months	Grab
39782 Lindane	0.2	mg/l	1/6 months	Grab

* Sample must be taken at the last accessible sampling point prior to the waste fluids being released into the subsurface environment through a class 5 injection well.

Closure Requirements

Closure requirements for 001

The permittee shall notify the Director at least forty-five (45) days prior to the closure of the injection well(s) or distribution system by submitting the pre-closure notification form. Closure shall be completed in accordance with the following closure plan:

1. If the nature of business conducted at the facility so dictates, as determined by the DWWM that sampling of the tank's contents is not required, then all liquid and sludge must be removed from the septic tank by a certified septage hauler. The septage hauler's name, company name, certification number issued by the Health Department, and septage hauler's contractor license number must be provided on the closure affidavit.
2. The septic tank shall be removed from the ground, or the tank may remain in the ground, provided that the tank is completely filled with inert clean fill material (eg. sand, gravel, concrete). The area should be restored back to its original conditions/contour. If a representative of the Director is not available to witness the closure of the injection well(s) or subsurface distribution system, then the permittee is required to complete and return the enclosed notarized affidavit to the Director within thirty (30) days of closure.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Commissioner Mood

Department or Organization: JCC

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice:

If a specific date is needed, please provide reason for specific date: 2/20/2025

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Update on the status of a letter supporting/ authorizing Volunteer Fire Companies to bill for service**

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

- A request was made several months ago for a letter from the county to be able to bill for services provided. Many of the fire companies have had these in the past from the county but the billing company wants an updated one. These bills are passive billing for some service to the insurance companies of persons receiving some services which include structure fires, extrication from motor vehicle accidents, scene clean-up as well at other allowable services. There is no billing to the county for these services.

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*): The Jefferson County Commissions supports and approves the Volunteer Fire Companies/Departments located in Jefferson County, WV to bill insurance providers for approved services.

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



Name: **Nathan Cochran**

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **February 20, 2025**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Report by legal counsel**

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

- A. Report by counsel on CC-19-2021-C-33.**
- B. Review and discussion of Intergovernmental Agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department and the Corporation of Bolivar for Public Safety Services and Intergovernmental Agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department, and the Corporation of Bolivar for Tax Collection Services.**

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 **No** Internet/Wi Fi **No** Telephone for conference call **No**

Contact information: **Jaymee Houser**

Email address: **jhouser@jcpawv.org**

Phone Number: **304-728-3318**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Edwina Benites-LM

Department or Organization: Administration

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **02/20/2025**

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

Date Requested – 2nd Choice:

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

1. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property for County office space and/ or courthouse space.

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

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **JACK HEFESTAY**

Department or Organization: **JEFFERSON COUNTY COMMISSIONER**

Estimation of amount of time needed for appointment: **Ten Minutes** (More or less, LOL)

Date Requested – 1st Choice: **20 FEB 2025**

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

Date Requested – 2nd Choice: **06 MAR 2025**

Subject (*Wording to be placed on agenda*): **Status Review or Presentation of OPTIONS regarding the Obscenity Ordinance by Legal Counsel**

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

NOTE: This tasker was discussed at the 02 JAN 2025 JC Commission Meeting (and as I recall by a vote of 5-0) the JC Commission was promised by Legal Counsel as “OPTIONS” to be provided on the Obscenity Ordinance. The schedule discussed was targeted for the 06 FEB 2025 but was delayed by or due to the heavy volume of items already on that agenda. Hopefully we can be provided with options to help us decide next steps on this controversy.

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*):

Requesting a status/presentation, and that status/presentation will determine if a motion is to be made.

If legal counsel provides a new ordinance we may wish to vote or amend as needed.

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: **jhefestay@jeffersoncountywv.org**

Phone Number: **304-870-4882**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

JCCInfo

From: Dale Considine <considinedale@yahoo.com>
Sent: Tuesday, February 4, 2025 3:25 PM
To: Steve Stolipher; Kelvin Upson; Jane Tabb; Pasha Majdi; JCCInfo
Subject: Public Comment for the recommended draft of the Comprehensive Plan

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

Dear Commissioners,

Please accept my comment on the draft Comprehensive Plan presented to the County Commission on October 17, 2024. There are several significant issues with the current comprehensive plan that undermine the protections that the comprehensive plan and zoning are intended to provide to property owners.

- Please remove Goal 1 Objective 4. This objective is so broad it would reduce the protections that zoning provides to property owners. If the Objective were sufficiently narrowed it would be redundant with the other objectives of Goal 1.
- Please remove the second sentence of the first paragraph on page 18. "However, this should not infringe on the right of property owners to use and develop their land." This sentence prioritizes development rights over all other land rights, and thereby undermines Goal 1's intent to balance the rights of all property owner.
- Please return the Future Land Use Guide to its previous name of Future Land Use Map. The new name of "Guide" down plays the importance of this element of the comprehensive plan. Those seeking a zoning map amendment may take advantage of this confusion. It should be returned to its original name.

Thank you for considering these comments as you consider the new comprehensive plan.

Sincerely,

--

Dale Considine
considinedale@yahoo.com

JCCInfo

From: WebmastervJCC
Sent: Saturday, February 8, 2025 10:57 PM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 02/08/2025 10:57 PM
Response #: 3885
Submitter ID: 9921
IP address: 73.87.104.238
Time to complete: 21 min. , 53 sec.

Survey Details

Page 1

1. Name

Edward Chapman

2. Email

econsult028@aol.com

3. Questions or Concerns

24-6-SP Filing: Regarding information required by the planning commission for said project and location is of great concern that involves the historic town of Middleway, seems not to include a section on how the developer will mitigate the effects on centuries old homes that are very susceptible to damage to properties, during both the installation and operational phases.

I would expect that the requirements for filing would include a mitigation, remedial and financial damage award for said owners.

Is there such a requirement as all that is mentioned on the applicant's filing documents in notes on a drawing that they will meet with residents to discuss the project in greater detail.

i would like to hear this address at the February 11th meeting.

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

Yes

Thank you,
Jefferson County Commission, WV

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

JCCInfo

From: Elizabeth Cardiel <Betsy282@gmail.com>
Sent: Tuesday, February 4, 2025 2:27 PM
To: Steve Stolipher; Kelvin Upson; Jane Tabb; Pasha Majdi; JCCInfo
Subject: Public Comment for the recommended draft of the Comprehensive Plan

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

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Thank you for considering these comments as you consider the new comprehensive plan.

Sincerely,

--

Elizabeth Cardiel
Betsy282@gmail.com

agenda

From: Jessica James
Sent: Thursday, February 6, 2025 10:43 AM
To: agenda
Subject: FW: Public Comment for the recommended draft of the Comprehensive Plan

-----Original Message-----

From: Haley Schmid <haleyrichellehodes@gmail.com>
Sent: Tuesday, February 4, 2025 9:17 AM
To: Steve Stolipher <sstolipher@jeffersoncountywv.org>; Kelvin Upson <kupson@jeffersoncountywv.org>; Jane Tabb <jtabb@jeffersoncountywv.org>; Pasha Majdi <pmajdi@jeffersoncountywv.org>; JCCInfo <info@jeffersoncountywv.org>
Subject: Public Comment for the recommended draft of the Comprehensive Plan

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

Dear Commissioners,

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Thank you for considering these comments as you consider the new comprehensive plan.

Sincerely,
Haley Schmid

--
Haley Schmid
haleyrichellehodes@gmail.com

January 28, 2025

Edwina Benites, County Administrator
Jefferson County
P.O. Box 250
Charles Town WV 25414

Dear Ms. Benites:

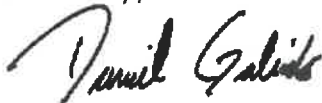
In accordance with Virginia Code § 15.2-2204(C), this letter provides you with written notice that the **Loudoun County Board of Supervisors** will hold a public hearing on a proposed Comprehensive Plan Amendment (CPAM-2024-0004) to amend the Loudoun County 2019 General Plan ("2019 GP") and the Loudoun County 2019 Countywide Transportation Plan ("2019 CTP"). The amendment under consideration would amend maps and policies pertaining to the Rural Historic Village Place Type. The public hearing will be held **on February 12, 2025, at 5:00 P.M.** in the Board of Supervisors Meeting Room, Loudoun County Government Center, 1 Harrison Street, S.E., Leesburg, Virginia.

CPAM-2024-0004 proposes to establish criteria to evaluate historic communities located within the Rural Policy Area for inclusion under the Rural Historic Village Place Type; update the list of Rural Historic Villages; establish definitions for the Rural Historic Village Place Type, rural historic communities, and legacy villages; and make corresponding updates to maps in both the 2019 GP and 2019 CTP. Classification of a historic community as the Rural Historic Village Place Type may allow for such historic community's protection by future amendment(s) to the Loudoun County Zoning Ordinance.

You may view the project file and provide comment online at <https://loudouncountyvaeg.tylerhost.net/prod/selfservice#/home>; search "CPAM-2024-0004." Staff reports and attachments will be made available online at <https://www.loudoun.gov/pc> within a week of the public hearing. Comments also may be mailed to the Loudoun County Board of Supervisors, c/o Loudoun County Department of Planning and Zoning, 1 Harrison St., S.E., P.O. Box 7000, Leesburg, Virginia, 20177-7000 (attention: Heidi Siebentritt):

Questions may be directed to Heidi Siebentritt at Heidi.Siebentritt@loudoun.gov (703-771-5115).

Sincerely,



Daniel Galindo,
Director, Planning and Zoning

cc: Public

January 22, 2025

Edwina Benites, County Administrator
Jefferson County
P.O. Box 250
Charles Town WV 25414

Dear Ms. Benites:

In accordance with Virginia Code § 15.2-2204(C), this letter provides you with written notice that the **Loudoun County Board of Supervisors** will hold a public hearing on a proposed Phase 1 of the Comprehensive Plan Amendment (CPAM-2024-0001) to amend the Loudoun County 2019 General Plan ("2019 GP") and a proposed Zoning Ordinance Amendment (ZOAM-2024-0001) to amend the Loudoun County Zoning Ordinance ("Zoning Ordinance"). The amendments under consideration would amend maps, policies, and zoning regulations pertaining to data centers. The public hearing will be held **on February 12, 2025, at 6:00 P.M.** in the Board of Supervisors Meeting Room, Loudoun County Government Center, 1 Harrison Street, S.E., Leesburg, Virginia.

The Board of Supervisors initiated CPAM-2024-0001, Phase 1 to amend the 2019 GP to establish data center as a Conditional Use in all Place Types where data centers are currently identified as a Core Use or as a Complementary Use. The specific Place Types affected are: Suburban Industrial/Mineral Extraction, Transition Light Industrial, Transition Industrial/Mineral Extraction, Leesburg Joint Land Management Area (JLMA) Industrial/Mineral Extraction, and Leesburg JLMA Employment Place Type.

The proposed amendments also replace the Urban Employment Place Type with the Urban Transit Center Place Type, and correct inconsistencies in the Place Type designation of some communities by updating the Urban Policy Areas Place Types map, Suburban Policy Area Place Types map and JLMA Place Types map.

ZOAM-2024-0001, Phase 1 proposes to amend Zoning Ordinance Table 3.02.05-1, to establish data center as a Special Exception (SPEX) use in the following zoning districts where they are currently permitted by-right: Industrial Park (IP), General Industry (GI), and Mineral Resource-Heavy Industry (MR-HI).

You may view the project file and provide comment online at loudoun.gov/landmarc; search "CPAM-2024-0001." Staff reports and attachments will be made available online at loudoun.gov/bosdocuments within 72 hours in advance of the hearing. Members of the public may also submit written comments by email sent to bos@loudoun.gov. Any written comments received prior to the public hearing will be distributed to Board members. Members of the public may also submit comments on land use items electronically at loudoun.gov/landapplications.

Questions may be directed to Abdul Jaffari at Abdul.Jaffari@loudoun.gov (703-771-5297).

Sincerely,

A handwritten signature in black ink that reads "Daniel Galindo". The signature is written in a cursive, flowing style.

Daniel Galindo,
Director, Planning and Zoning

Enclosures:

1. Proposed 2019 General Plan Text Amendment – Redline text
2. Proposed 2019 General Plan Place Type Map – Revised Place Type boundaries
3. Proposed Zoning Ordinance Text Amendments (ZOAM) – Redline text

cc: Public

new suburban-style office developments are no longer envisioned in these areas due to declining demand and concerns about the sustainability of single-use development patterns.

It is expected that mixed-use developments will be the most attractive environments for retail and office uses in the coming years. To provide alternative means of addressing office development and land uses along Route 7, Loudoun County Parkway, and Route 28, this Plan replaces the “Keynote Employment” planned land use designation with a number of designations. To continue to maximize the commercial development potential within the Route 28 corridor, the Suburban Employment and Suburban Mixed Use Place Type designations offer planned land uses that reflect the full economic potential of properties and provide employment settings that reflect the kind of environments sought by business users.

Changes in [cloud computing and cutting edge](#) technology over the past decades have contributed to the escalated development of data centers within the County. To date, there are approximately ~~seventeen~~ [ninety-one million](#) square feet of data center facilities completed, under construction, or planned. [The projected rise of Artificial Intelligence \(AI\), will prove to be significant to the growth of data centers.](#) Future demand for data centers will need

to be accommodated in places that have access to utilities, including electricity, water, and fiber. The supply of industrial and flex space is being outpaced by demand, resulting in low vacancy rates. As available greenfield sites in eastern Loudoun County become more limited, targeting key tracts of land for employment uses will be critical to ensure future economic growth.

The Suburban Employment and Suburban Industrial/Mineral Extraction Place Type designations provide guidance to develop a pattern of office, commercial, and industrial uses by allocating sufficient land for all employment in an amount which realistically anticipates market demands and provides the necessary services to support their development. While industrial and certain commercial uses are not typically an integral part of a mixed-use development, they offer employment opportunities to residents of the County and should be designed as independent developments that achieve the goal of creating thriving areas of commerce which are characterized by convenient access to transportation, an attractive appearance, and compatibility with adjacent land uses.

Overall, the County’s approach is to ensure that future development is complementary to the existing development pattern of the SPA while supporting the necessary flexibility in form and use that will be needed to create vibrant mixed-use environments and maintain the supporting



Community Character

Community character is the aggregate of features and traits that form the individual nature and uniqueness of a community. It includes the constructed and natural landmarks and surroundings that cause someone to identify with a particular place or community. This character is shaped by natural, cultural, societal, historic, and economic forces.



Suburban Industrial/Mineral Extraction



Suburban Industrial/Mineral Extraction areas consist of large manufacturing, contractor with outdoor storage, and other productive uses. Streets in this district are typically designed to accommodate freight ingress and egress. This Place Type also includes mineral extraction areas such as quarries and mines. Industrial and mineral extraction uses are incompatible with residential uses due to the prevalence of outdoor storage and the emissions of noise, odor, and vibrations. Buffers between these uses and residential uses are necessary to ensure compatibility and maintain commercial viability.

For secure employment campuses, deviations from the applicable base design standards may be considered on a case-by-case basis in order to accommodate security elements such as greater building setbacks, secured perimeters, or controlled site access.

Core Uses	Complementary Uses	Conditional Uses
<ul style="list-style-type: none"> • General and Heavy Manufacturing and Assembly • Warehousing • Contractor with Outdoor Storage • Data Centers • Fleet & Equipment Sales & Service • Research & Development • Outdoor Storage • Public Utilities • Quarry • Outdoor Manufacturing 	<ul style="list-style-type: none"> • Retail & Service Commercial • Flex Space • Light Production 	<ul style="list-style-type: none"> • Office • Public Facilities • Special Activities • Parks & Recreation • Data Centers
Preferred Mix of Uses		
<p>Possible Ranges:</p> <ul style="list-style-type: none"> • Res: 0% • Non-Res: Up to 100% • Public/Civic: 0%+ 	<p style="text-align: center; font-size: small;">Non-Residential 100%</p>	

DESIGN CHARACTERISTICS

Context

Primarily one-to-two-story buildings used for warehousing, ~~data centers~~, contractor services, or manufacturing.

Street Pattern:

Irregular

Block Length:

300-1,000 feet

Building Setback:

Deep, varying with use

Parking:

Surface

Design Amenities:

Sidewalks, street trees, shade trees

Retail and Service:

Employment Supportive-Limited to support the predominate use. Generally 5% of the gross FAR of the employment uses.

Open Space:

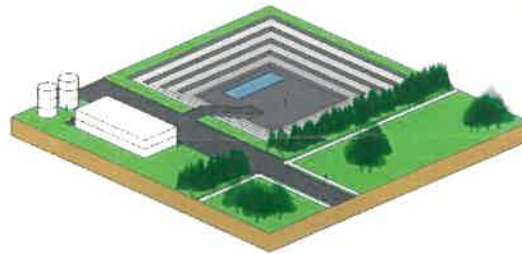
30% of the site-Recreational (sidewalks or trails), Community (outdoor seating area), and/or Natural, Environmental, and Heritage

Place Type Rendering

An oblique projection of development within a Place Type to showcase the qualitative characteristics of how buildings within the Place Type should interact to create activity.

Total FAR: Up to 0.6

Building Height: Up to 4 stories



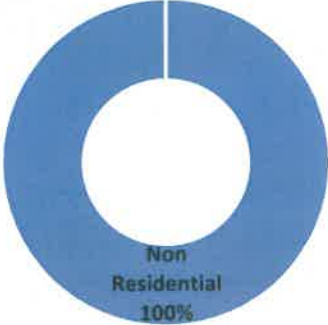
Transition

Transitions between Suburban Industrial/Mineral Extractive uses and other developments, in particular adjacent residential neighborhoods, are critically important to the viability of long-term industrial operations. Setbacks, buffering, and natural open space reduce impacts by blending the edges of Industrial/Mineral Extraction developments with surrounding developments, providing softer transitions than structural buffers. and loading areas are to be oriented away from and screened from streets and adjacent uses.

Transition Light Industrial



Transition Light Industrial areas provide opportunities for low-traffic industrial and employment uses. Predominant uses are **data-centers**, contractor establishments and small-scale assembly or production. Appropriate uses do not generate excessive noise or air pollution or require outdoor storage. Open space that creates effective visual buffers and environmental protection on the site will encompass the business. Trails and passive parks are also appropriate.

Core Uses	Complementary Uses	Conditional Uses
<ul style="list-style-type: none"> • Light Production • Data Centers • Flex Space • Contractor 	<ul style="list-style-type: none"> • Retail & Service Commercial (Ancillary retail) • Institutional 	<ul style="list-style-type: none"> • Civic, Cultural, & Community • Public Facilities • Special Activities • Parks & Recreation • <u>Data Centers</u>
Preferred Mix of Uses		
<div style="display: flex; align-items: center;"> <div style="flex: 1;"> <p>Possible Ranges:</p> <ul style="list-style-type: none"> • Res: 0% • Non-Res: Up to 100% • Public/Civic: 0%+ </div> <div style="flex: 1; text-align: center;">  <p>Non Residential 100%</p> </div> </div>		

DESIGN CHARACTERISTICS

Context

Industries and businesses within an environment dominated by open space of established forests or thickly vegetated buffers that screen such uses from roads and adjacent development.

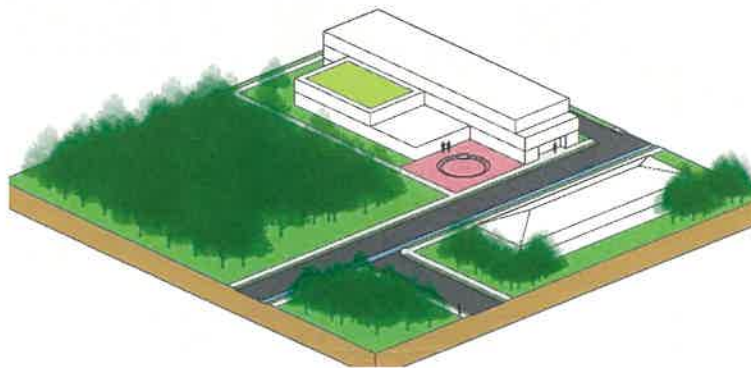
<p>Street Pattern: Rectilinear Grid, Irregular, Contour Forming</p> <p>Block Length: Varies</p> <p>Building Setback: Varies</p> <p>Parking: Surface</p> <p>Design Amenities: Sidewalks, street trees, shade trees, lighting, crosswalks, plazas, bike-racks</p> <p>Open Space: 50% of the site-Recreational (trails), Community (outdoor seating, plazas), and/or Natural, Environmental and Heritage</p>

Place Type Rendering

An oblique projection of development within a Place Type to showcase the qualitative characteristics of how buildings within the Place Type should interact to create activity.

Total Nonresidential FAR: Up to 0.6

Building Height: 1-3 stories



Transition

Building heights should step down appropriately to less intense residential uses and outdoor activities, noise generators separated from residential uses by buildings, berms and vegetation. Certain employment uses that may not be compatible with adjacent residential uses, such as data centers, should have transitional uses located in between. Transition Light Industrial projects will be visually screened from view of roads and separated from adjacent residential development and sensitive environmental and water supply reservoirs by large wooded buffers, berms, and distance.

Transition Industrial/Mineral Extraction



As a primary industry, mineral extraction should be supported and protected as long as the quarries remain productive. Predominant uses are quarries, large-scale public facilities, and complementary manufacturing operations. Such uses are generally incompatible with residential development and considerable screening and setbacks are necessary to protect their viability.

Core Uses	Complementary Uses	Conditional Uses
<ul style="list-style-type: none"> • General Manufacturing and Assembly • Data Centers • Research and Development • Outdoor Storage • Public Facilities • Quarry 	<ul style="list-style-type: none"> • Office • Outdoor Manufacturing • Retail & Service Commercial (Ancillary retail) 	<ul style="list-style-type: none"> • Special Activities • Parks & Recreation • Data Centers
Preferred Mix of Uses		



Possible Ranges:

- Res: 0%
- Non-Res: Up to 100%
- Public/Civic: 0%+

DESIGN CHARACTERISTICS

Context

Existing quarries and quarry-related industries and businesses surrounded by substantial open space.

Street Pattern:

Rectilinear Grid, Contour Forming

Block Length:

300-1,000 feet

Building Setback:

Deep

Parking:

Surface

Design Amenities:

Sidewalks, street trees, shade trees

Open Space:

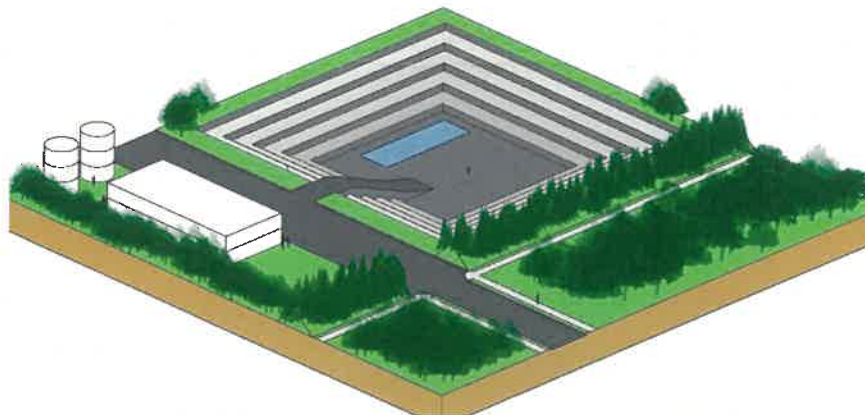
50% of the site-Natural, Environmental and Heritage

Place Type Rendering

An oblique projection of development within a Place Type to showcase the qualitative characteristics of how buildings within the Place Type should interact to create activity.

Total Nonresidential FAR: Up to 0.6

Building Height: 1-4 stories



Transition

Transitions between Industrial/Mineral Extractive uses and other developments, in particular adjacent residential neighborhoods, are critically important to the viability of

long-term industrial operations. Setbacks, buffering, and natural open space can reduce impacts by blending the edges of Industrial/Mineral Extraction developments with surrounding developments, providing softer transitions than structural buffers. Storage and loading areas are to be oriented away from and screened from streets and adjacent uses. Industry/Mineral Extraction projects should be separated from adjacent development and sensitive environmental and water supply reservoirs by wide, wooded buffers, berms, and distance.

Leesburg JLMA Employment



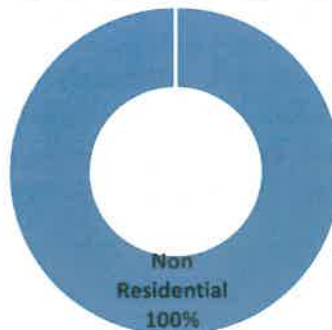
Leesburg JLMA Employment areas provide opportunities for a range of light and general industry uses similar to the existing pattern south of Route 7 and around the Leesburg Executive Airport. This Place Type accommodates flex space, manufacturing, warehousing, contractor services and other productive uses.

Core Uses	Complementary Uses	Conditional Uses
<ul style="list-style-type: none"> • Light Production • Research & Development • Warehousing • Contractor without Outdoor Storage • Fleet & Equipment Sales & Service • Flex Space 	<ul style="list-style-type: none"> • Office • Retail & Service Commercial • Data Centers 	<ul style="list-style-type: none"> • Institutional • Civic, Cultural, & Community • Public Facilities • Special Activities • Parks & Recreation • <u>Data Centers</u>

Preferred Mix of Uses

Possible Ranges:

- Res: 0%
- Non-Res: Up to 100%
- Public/Civic: 0%+



DESIGN CHARACTERISTICS

Context

Primarily separate one-to-two-story buildings used for industrial and employment uses.

Street Pattern:

Rectilinear Grid or Fragmented Parallel

Block Length:

300-1,000 feet

Building Setback:

Short to medium; greater if flex use

Parking:

Structured, on-street, accessory, or short-term

Design Amenities:

Sidewalks, street trees, shade trees, bike racks

Retail and Service:

Employment Supportive-Limited to support the predominate use. Generally 10% of the gross FAR of the employment uses.

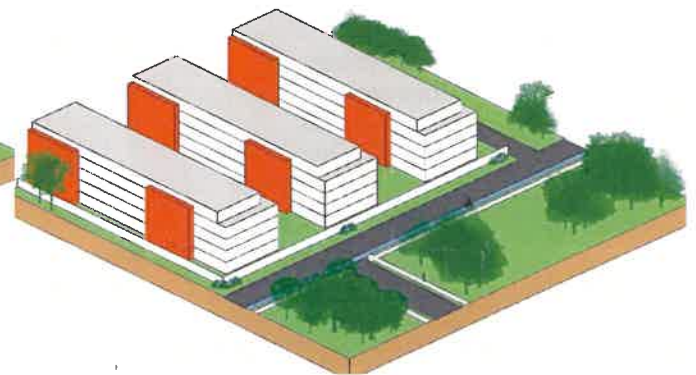
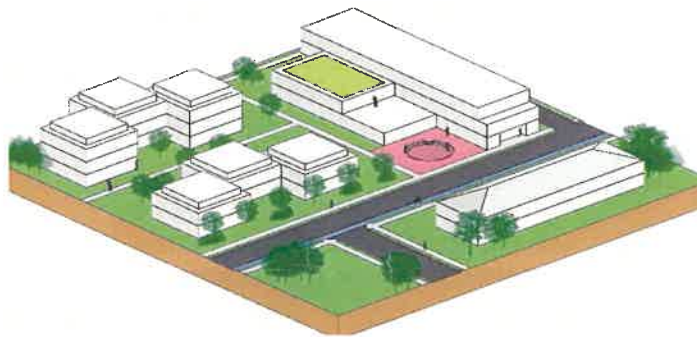
Open Space:

20% of the site- Recreational (sidewalks or trails), Community (outdoor seating area), and/or Natural, Environmental and Heritage

An oblique projection of development within a Place Type to showcase the qualitative characteristics of how buildings within the Place Type should interact to create activity.

Total Nonresidential FAR: Up to 1.0

Building Height: 1-4 stories



Transition

Extensive buffering including berming and, where appropriate, walls can separate and screen parking, loading, and other industrial activities from public roads and adjacent residential uses. Larger projects should situate lower intensity uses next to residential or other sensitive uses. Landscaping, lawns and retained natural areas will frame buildings and streets.

Leesburg JLMA Industrial/Mineral Extraction



Leesburg JLMA Industrial/Mineral Extraction areas consist of large manufacturing, warehousing, and other productive uses. Streets in this district are typically designed to accommodate freight ingress and egress. This Place Type also includes mineral extraction areas such as quarries and mines as well as associated uses such as asphalt plants and cement plants. Industrial and mineral extraction uses are incompatible with residential uses due to the prevalence of outdoor storage and the emissions of noise, odor, and vibrations. Buffers between these uses and residential uses are necessary to ensure compatibility and maintain commercial viability.

Core Uses	Complementary Uses	Conditional Uses
<ul style="list-style-type: none"> • General and Heavy Manufacturing and Assembly • Warehousing • Contractor with Outdoor Storage • Data Centers • Fleet & Equipment Sales & Service • Outdoor Storage • Public Utilities • Quarry 	<ul style="list-style-type: none"> • Retail & Service Commercial • Flex Space • Light Production • Research & Development 	<ul style="list-style-type: none"> • Office • Public Facilities • Special Activities • Parks & Recreation • Data Centers
Preferred Mix of Uses		

Possible Ranges:

- Res: 0%
- Non-Res: Up to 100%
- Public/Civic: 0%+



DESIGN CHARACTERISTICS

Context

Primarily one-to-two-story buildings used for warehousing, ~~data centers~~, contractor services, or manufacturing.

Street Pattern:

Rectilinear Grid, Contour Forming

Block Length:

300-1,000 feet

Building Setback:

Deep, varying with use

Parking:

Surface Lot

Design Amenities:

Sidewalks, street trees, shade trees

Retail and Service:

Employment Supportive-Limited to support the predominate use. Generally 5% of the gross FAR of the employment uses.

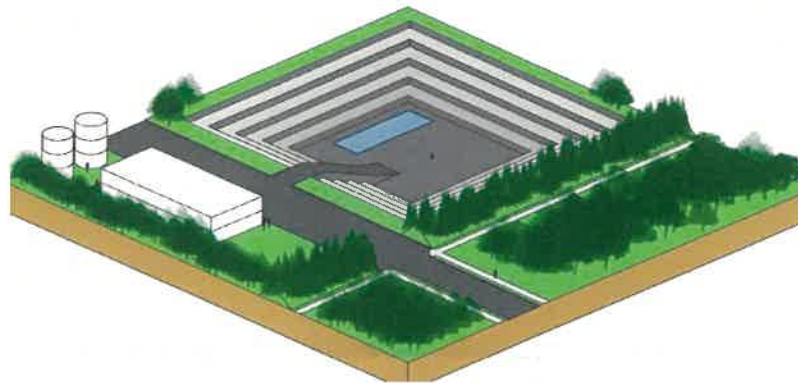
Open Space:

20% of the site- Recreational (sidewalks or trails), Community (outdoor seating area), and/or Natural, Environmental and Heritage

Place Type Rendering *An oblique projection of development within a Place Type to showcase the qualitative characteristics of how buildings within the Place Type should interact to create activity.*

Total Nonresidential FAR: Up to 1.0

Building Height: 1-4 stories

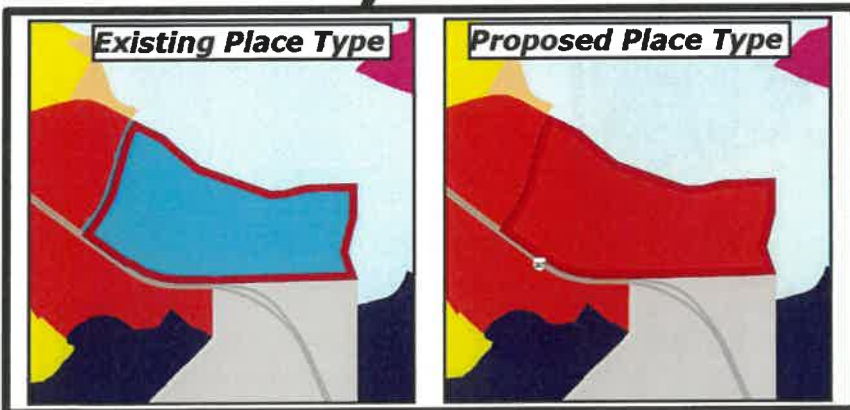
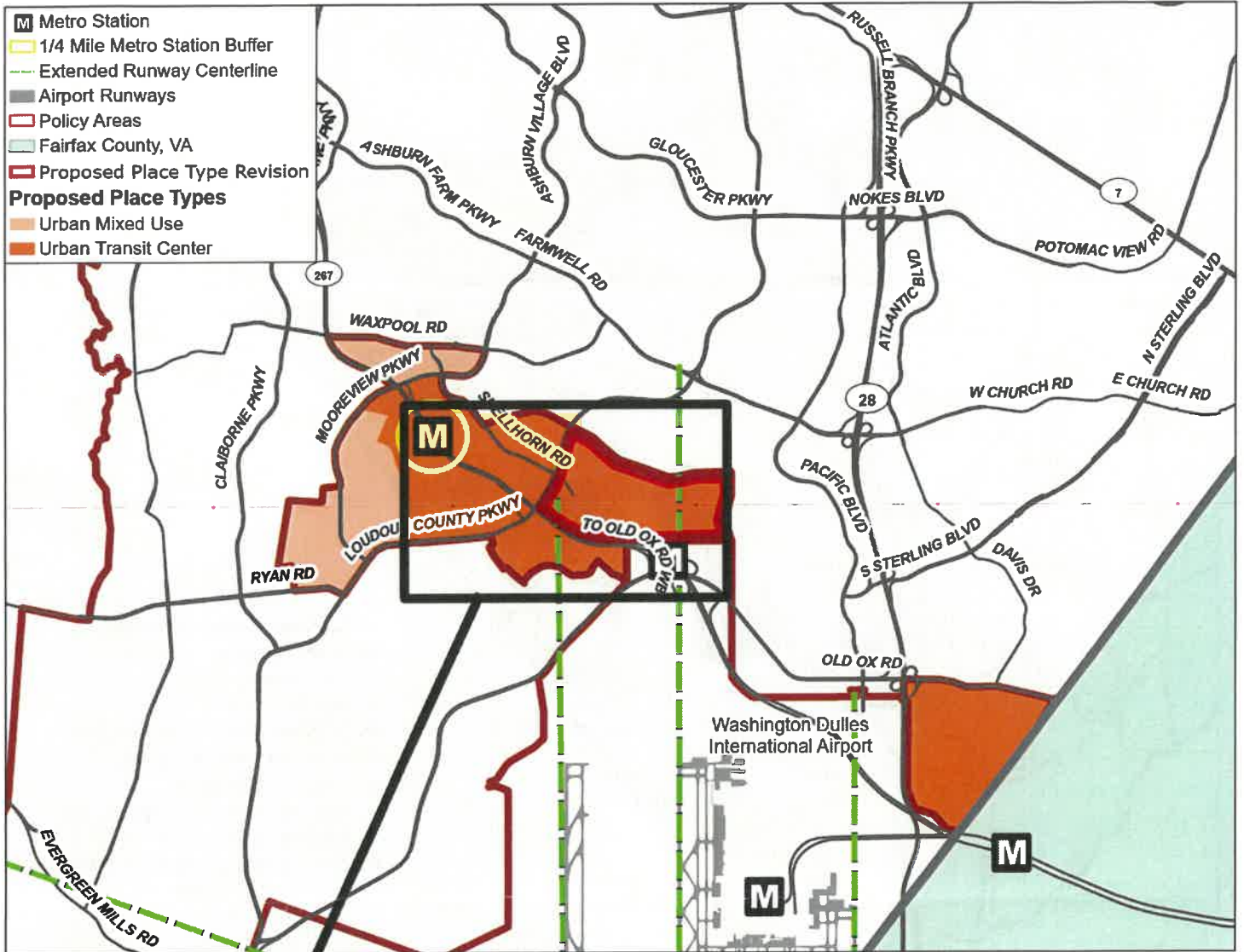


Transition

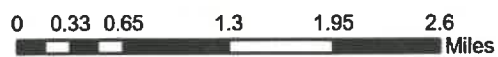
Transitions between Leesburg JLMA Industrial/Mineral Extractive uses and other developments, in particular adjacent residential neighborhoods, are critically important to the viability of long-term industrial operations. Extensive buffering, berming, and distance should separate and screen adjacent uses. Larger projects should situate lower intensity uses next to residential or other [noise](#) sensitive uses. Storage and loading areas are to be oriented away from and screened from streets and adjacent uses.

Proposed 2019 General Plan Place Type Map - Revised Place Type boundaries

Loudoun County
Proposed Urban Policy Areas
Place Types
 2019 General Plan



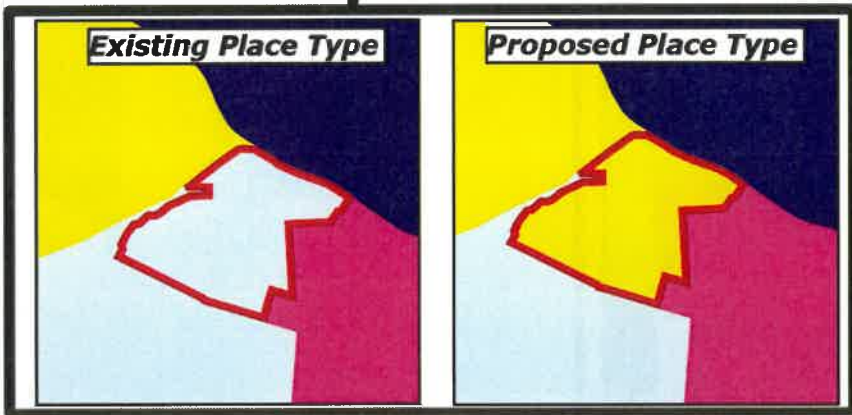
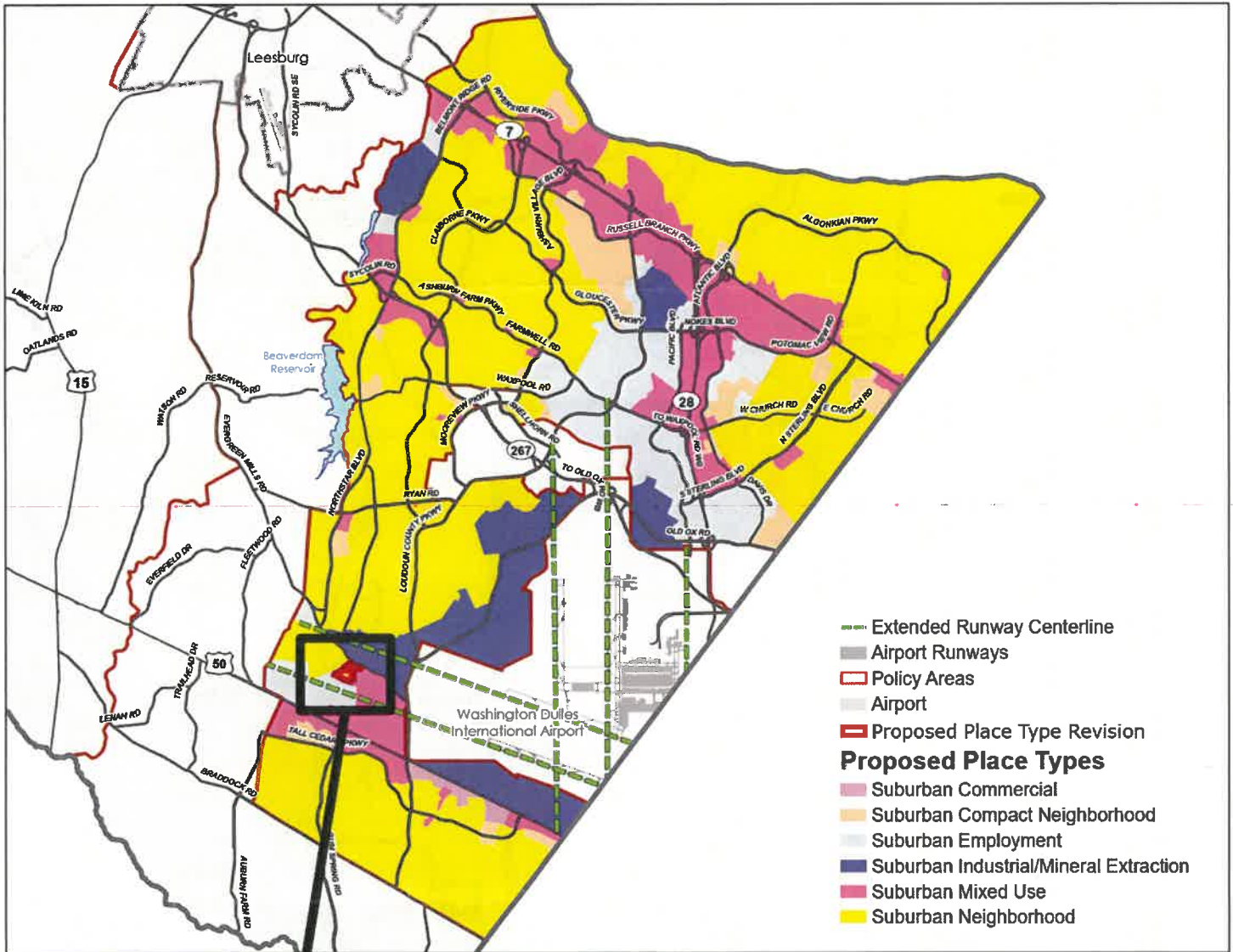
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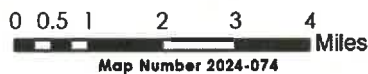
Map Number 2024-073

DRAFT

Loudoun County
Proposed Suburban Policy Area
Place Types
 2019 General Plan



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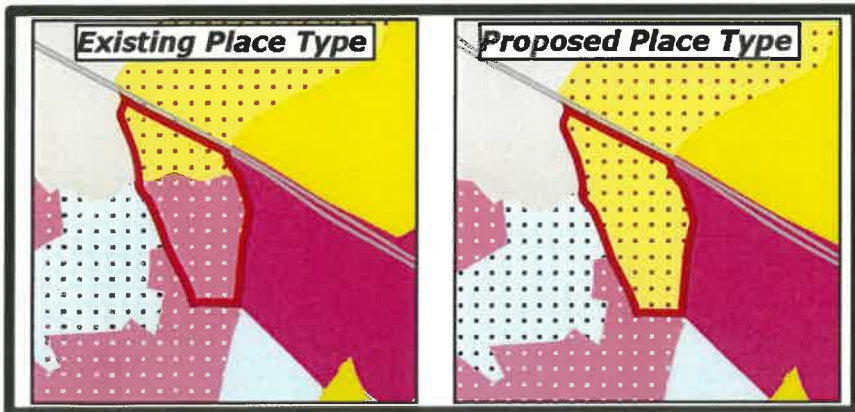
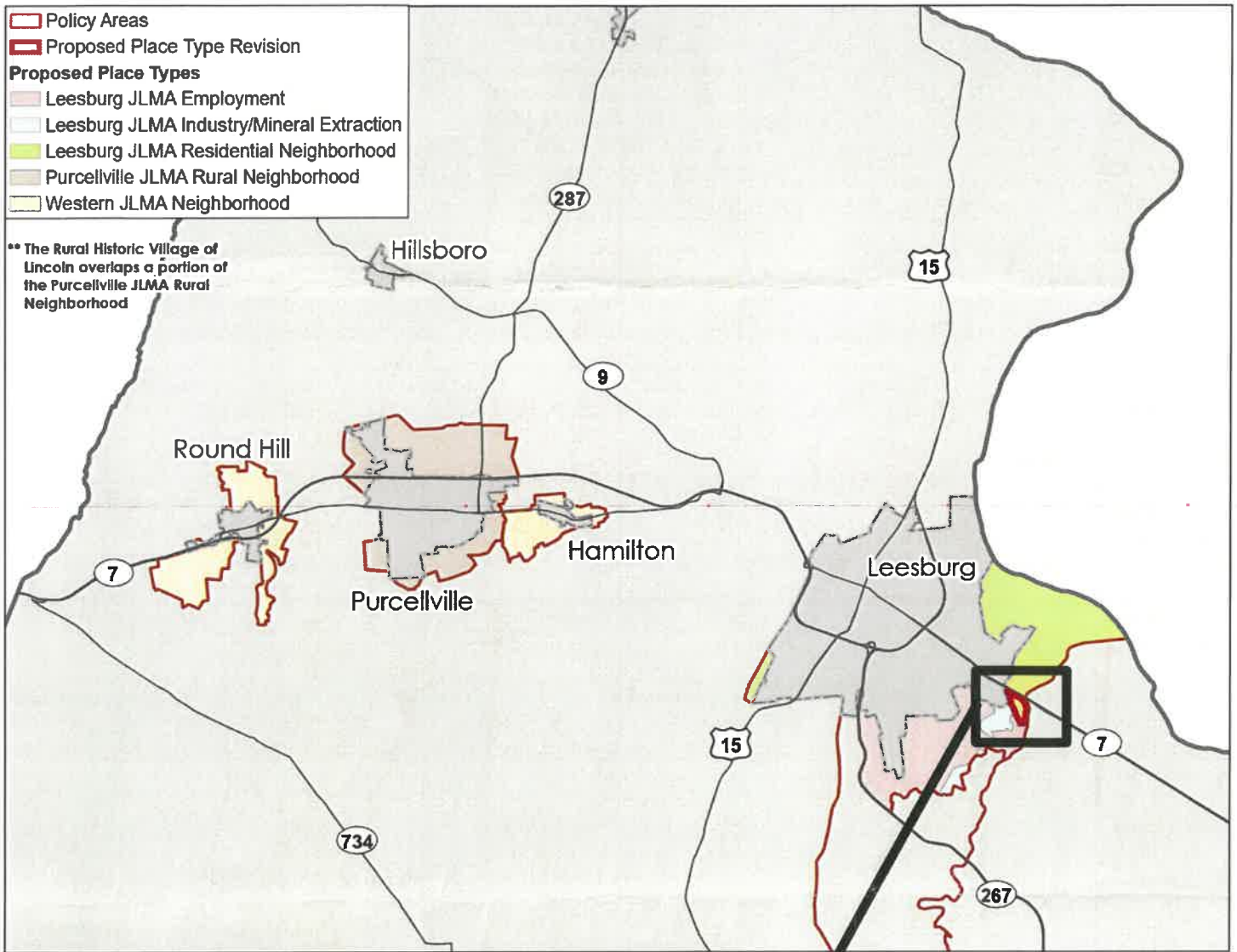


Map Number 2024-074

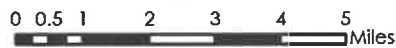
DRAFT

Proposed JLMA Place Types

2019 General Plan



Loudoun County IS NOT LIABLE for any use of or reliance upon this map or any information contained herein. While reasonable efforts have been made to obtain accurate data, the County makes no warranty, expressed or implied, as to its accuracy, completeness, or fitness for use of any purpose.



Map Number 2024-075

DRAFT

Proposed Zoning Ordinance Text Amendments (ZOAM) - Redline text

Table 3.02.05-1. Principal Use Table for Office and Industrial Zoning Districts <i>Note: P = Permitted S = Special Exception M = Minor Special Exception blank cell = Prohibited</i>					
	Use-Specific Standard	Office and Industrial ¹			
		OP	IP	GI	MR-HI
Industrial/Production					
Manufacturing and Employment					
Data Center	4.06.02	S	P <u>S</u>	P <u>S</u>	P <u>S</u>
TABLE NOTES:					
¹ See Section 2.06 for Office Park (OP), Industrial Park (IP), General Industry (GI), and Mineral Resource-Heavy Industrial (MR-HI) Zoning District regulations.					
² See Section 3.03 .D.					

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524
info@hfbpsd.com

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE DECEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON DECEMBER 12th, 2024.

The meeting was called to order at 7:36 a.m.

Those in attendance were:

Mike Lowrey-Secretary Term 6/30/2026
Helen Dettmer-Treasurer Term 6/30/2024

Eddy Tennant-Operations Supervisor

Meeting open to public comment:

Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve the November minutes, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the November revenue checking account financial statement, approved.

Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve the November security deposits account financial statement, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the November working capital reserve account, approved.

Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve the November capital replacement account, approved.

Discussion by Mr. Tennant unable to transfer from the Regular account to the Working Capital Reserve account this month.

Discussion on new leave policies in HFBPSD employee handbook and approval of updated handbook.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to Table discussion until next until the next board meeting, approved.

Discussion on progress with PSC 19A rate case.

Discussion on BCT loan agreement.

Motion by Ms. Dettmer, seconded by Mr. Lowrey to Table signing the agreement letter until the next board meeting when all are present, approved.

Discussion on COLA increases for operations staff.

Motion by Ms. Dettmer, seconded by Mr. Lowrey to Table discussion until the next board meeting when all are present, approved.

Motion by Ms. Dettmer, seconded by Mr. Lowrey for staff to have Christmas lunch, approved.

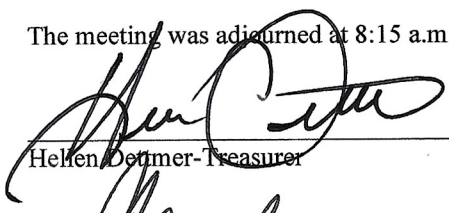
Discussion on Christmas bonus.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to go into executive session at 8:08 a.m.


Motion by Mr. Lowrey, seconded by Ms. Dettmer to leave executive session at 8:13 a.m.

Operations staff will receive the same bonus as last year.

The meeting was adjourned at 8:15 a.m.



Helen Dettmer-Treasurer



Mike Lowrey-Secretary

agenda

From: Jessica James
Sent: Monday, February 10, 2025 9:55 AM
To: agenda
Subject: FW: Jefferson County Commission, WV: Website Form Notification

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Saturday, February 8, 2025 5:25 PM
To: JCCInfo <info@jeffersoncountywv.org>
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 02/08/2025 5:24 PM
Response #: 3884
Submitter ID: 9920
IP address: 98.204.224.208
Time to complete: 0 min. , 59 sec.

Survey Details

Page 1

1. Name

Nicholas Potts

2. Email

potts.nicholas13@gmail.com

3. Questions or Concerns

Good Evening,

I am writing to you to speak out against the hastily and poorly planned Project 262 by PJM that will seriously affect the residents of Jefferson County. This is a 261 mile long 765kV transmission line project across West Virginia that has been put into motion without an understanding of the impact it will have on the populations of the areas that the line goes through. The maps that were used to have the project be approved are over fifteen years old from the first 'PATH' project. The areas of Jefferson County that were rural farmland and woods in 2010 are now developments where people have purchased homes to settle down, and this project would cause devastating disruption to their lives.

The project has not released any updated maps, or demonstrated that they have conducted any new surveys for the project. This project will potentially cause residents of Jefferson County to lose their homes through the process of eminent domain, and these are homes that you as the county commission office have approved to be built. These are your neighbors and

residents of Jefferson County that have uprooted their lives to move here, or are long-time residents, who will lose the use of their property or even their homes due to this project. I implore my local government to stand up and speak out against completing this project through such a densely populated area when there are other options to use.

Sincerely,
Nicholas Potts

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

Yes

Thank you,
Jefferson County Commission, WV

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

JCCInfo

From: WebmastervJCC
Sent: Sunday, February 9, 2025 6:37 PM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 02/09/2025 6:36 PM
Response #: 3889
Submitter ID: 9926
IP address: 104.28.79.150
Time to complete: 3 min. , 33 sec.

Survey Details

Page 1

1. Name

Taylor Hart

2. Email

hart.taylor.hart@gmail.com

3. Questions or Concerns

Hello, my mother lives in Michigan and her county recently lifted any bans on having chickens due to inflation and general prices of goods. While I understand chickens are already authorized county-wide, is there anything that can be done to override HOAs in this situation? Thank you for taking the time to read this and have a great rest of your day!

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

Yes

Thank you,
Jefferson County Commission, WV

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