

EMERGENCY SESSION:

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

At an Emergency Session of the County Commission of said County and State continued and held at the Old Charles Town Library Meeting Room thereof on Friday, October 31, 2008, beginning at 9:30 o'clock a.m.

PRESENT: Frances B. Morgan, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
Dale Manuel; Greg Corliss; Commissioners

In re: RULE TO SHOW CAUSE - ADMINISTRATIVE ORDER 08-AD-26

The Commission held an Emergency Session to discuss how the Commission wishes to handle the RULE TO SHOW CAUSE, Administrative Order 08-AD-26, as issued in the Circuit Court of Jefferson County, West Virginia on October 30, 2008, and to determine what representation the Commission wishes to have at said hearing.

Motion by Surkamp, second by R. Morgan to hire David Hammer, Attorney to handle this matter. Commissioner R. Morgan withdrew his 2nd. The motion was then seconded by Commissioner F. Morgan.

Motion by Manuel to table the current motion. Commissioner Manuel withdrew his motion to table.

Motion by Surkamp, second by F. Morgan to hire David Hammer as legal counsel to represent the Commission on this matter. Motion failed by a 2-3 vote. Commissioners Manuel, Corliss and R. Morgan voted no.

Motion by R. Morgan, second by Corliss to direct Stephanie Grove, Assistant Prosecuting Attorney to file an Order to place a Stay with the Circuit Court and to hold the motion that was voted on Thursday, October 30, 2008 regarding password access for one week.

Amended motion by Surkamp to table the motion that was made on Thursday, October 30, 2008 regarding password access but to grant password access to the IT Specialist for all servers and to exclude the AS/400. Commissioner Surkamp withdrew his amendment.

Motion by R. Morgan, second by Corliss to direct Stephanie Grove, Assistant Prosecuting Attorney to file a Stay with the Circuit Court and to hold the motion that was voted on Thursday, October 30, 2008 regarding password access for one week. Motion carried by a 3-2 vote. Commissioners F. Morgan and Surkamp voted no.

Motion by Corliss, second by Manuel to authorize the President of the Commission to sign the Order as amended. Motion passed by a 3-2 vote. Commissioners Surkamp and F. Morgan voted no.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY

IN RE COMPUTER PASSWORDS

ORDER

On the 30th day of October, 2008, at a regularly scheduled meeting of the County Commission of Jefferson County, the Commission voted to provide only IT specialist George Privitera with the passwords to the County's computer system – namely passwords for all network communication devices (i.e, switches, routers, RF links, etc) and servers (i.e., mail, data, and storage), to exclude the AS400 and all directly attached/supporting devices. The Commission further directed that this be accomplished by 5 PM on Monday, November 3, 2008.

Thereafter, President of the County Commission, Frances Morgan, called an emergency meeting of the County Commission to convene on Friday, October 31, 2008, at 4 PM for the purpose of discussing a Rule to Show Cause issued by the Chief Judge of the 23rd Judicial Circuit. Commissioner Frances Morgan, Commissioner Rusty Morgan, Commissioner Jim Surkamp, Commissioner Greg Corliss, and Commissioner Dale Manual all appeared in person. The Court Order directed the County Commission to show cause why the Court should not enter an order prohibiting enforcement of the October 30, 2008 directive. In addition, the Court indicated that it preferred to resolve the issue in a more informal manner, but the timeframe of the County Commission's motion did not permit such a resolution

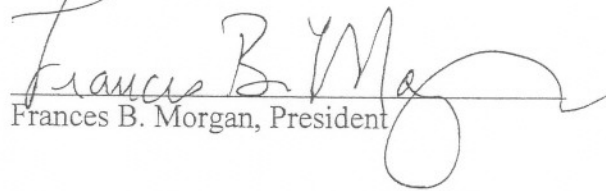
To provide such an opportunity for a less formal resolution, upon a motion by,

Rusty Morgan
3-2, seconded by Greg Corliss, the
Commission voted ~~unanimously~~ to put a hold on the motion of October 30, 2008 to provide the
County's IT Specialist with the passwords to the County's computer system and the

Commission does hereby ORDER that an administrative hold be placed on the same ^{for one week} ~~until such~~
~~time as the Commission votes to rescind the hold.~~

ENTERED this 31st day of October, 2008

County Commission of Jefferson County



Frances B. Morgan, President

Upon rising, the Commission recessed until Thursday morning next beginning at
9:30 o'clock a.m.

PRESIDENT