

REGULAR TERM:

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

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library meeting room thereof on Thursday, August 13, 2009 beginning at 9:30 o'clock a.m.

PRESENT: Dale Manuel; President;
James Surkamp, Patricia Noland, Lyn Widmyer
Frances B. Morgan; Commissioners

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Noland conducted the Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES

Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the meeting held on Thursday, August 6, 2009 and to approve the Minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Morgan, second by Manuel to approve the following Purchase Orders for the week of August 13, 2009 totaling \$114,896.01: 47323, 47324, 47526, 47077, 47530, 46783, 46784, 47471, 47474, 47602, 47630, 47528, 47171, 47172, 47173, 47272, 47253, 47524, 47525, 47527, 47351, 47409, 47410, 47529, 46668, 46669 and 47532. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE

Motion by Noland, second by Widmyer to approve the list of Accounts Payable for August 13, 2009 totaling \$132,461.61. Motion carried.

CK#	Dept	VENDOR	PO#	PO Amt	Amt wo PO	Ck Amount
059424	413	ALLEGHENY POWER		\$0.00	\$56.59	\$56.59
059425	424	AT&T/NJ		\$0.00	\$0.18	\$0.18
059426	424	USA MOBILITY WIRELESS,IN		\$0.00	\$89.16	\$89.16
059426	700	USA MOBILITY WIRELESS,IN		\$0.00	\$188.31	\$188.31
059426	712	USA MOBILITY WIRELESS,IN		\$0.00	\$400.92	\$400.92
059427	406	BERKELEY PRINTING/DESIGN	47080	\$275.00	\$0.00	\$275.00
059428	425	B-K OFFICE SUPPLY INC	47517	\$182.10	\$0.00	\$182.10
059429	424	MD BONDED APPLICATORS	47516	\$1,296.00	\$0.00	\$1,296.00
059430	424	BOLAND SERVICES	47288	\$166.00	\$0.00	\$166.00
059430	425	BOLAND SERVICES	45163	\$385.00	\$0.00	\$385.00
059430	425	BOLAND SERVICES	47288	\$427.00	\$0.00	\$427.00
059431	700	CREAMERS AUTO SERV	47518	\$40.45	\$0.00	\$40.45
059432	712	VERIZON CABS		\$0.00	\$380.00	\$380.00
059433	700	C.A.R.S	47519	\$531.93	\$0.00	\$531.93
059434	406	KONICA MINOLTA	47082	\$317.45	\$0.00	\$317.45
059435	424	DAYCON	47514	\$838.15	\$0.00	\$838.15
059436	412	FRONTIER		\$0.00	\$420.47	\$420.47
059436	415	FRONTIER		\$0.00	\$330.47	\$330.47

059436	424	FRONTIER		\$0.00	\$16,464.95	\$16,464.95
059436	712	FRONTIER		\$0.00	\$1,168.26	\$1,168.26
059437	415	GENERAL COUNTY FUND		\$0.00	\$33,700.96	\$33,700.96
059438	425	HALLTOWN PAPERBOARD	47451	\$35.00	\$0.00	\$35.00
059439	425	IDVILLE, INC	47601	\$277.46	\$0.00	\$277.46
059440	439	IKON OFFICE SOLUTIONS	47356	\$229.45	\$0.00	\$229.45
059441	ALLOC	JEFF CO HISTORIC		\$0.00	\$30,070.00	\$30,070.00
059442	439	JEFFERSON PUBLISH CO	47353	\$99.36	\$0.00	\$99.36
059442	451	JEFFERSON PUBLISH CO	47354	\$200.08	\$0.00	\$200.08
059443	712	THE JOURNAL		\$0.00	\$143.40	\$143.40
059444	413	JEFFERSON UTILITIES INC		\$0.00	\$20.12	\$20.12
059444	425	JEFFERSON UTILITIES INC		\$0.00	\$261.61	\$261.61
059445	712	LANGUAGE LINE SERV		\$0.00	\$97.94	\$97.94
059446	425	LDH ELECTRICAL	47515	\$137.50	\$0.00	\$137.50
059447	424	VERIZON BUSINESS		\$0.00	\$1,116.54	\$1,116.54
059448	401	FRANCES B. MORGAN		\$0.00	\$291.50	\$291.50
059449	402	PIFER OFFICE SUPPLY, INC	47318	\$27.25	\$0.00	\$27.25
059450	425	PENWELL'S CONCRETE	47508	\$7,650.00	\$0.00	\$7,650.00
059451	425	LANDMARK ELEVATOR	47286	\$240.00	\$0.00	\$240.00
059452	406	SHEP-TOWN CHRONICLE	47081	\$86.00	\$0.00	\$86.00
059453	404	SHERIFF OF JEFFERSON CO	46670	\$64.00	\$0.00	\$64.00
059454	401	LESLIE D SMITH		\$0.00	\$303.60	\$303.60
059455	401	SOFTWARE SYSTEMS, INC		\$0.00	\$872.50	\$872.50
059455	402	SOFTWARE SYSTEMS, INC		\$0.00	\$677.50	\$677.50
059455	403	SOFTWARE SYSTEMS, INC		\$0.00	\$592.00	\$592.00
059455	404	SOFTWARE SYSTEMS, INC		\$0.00	\$918.52	\$918.52
059456	405	SPECIALTY BUS SUPPLIES	47408	\$562.79	\$0.00	\$562.79
059457	425	SHEN VALLEY WATER		\$0.00	\$577.10	\$577.10
059458	424	HAGEMEYER	47274	\$869.76	\$0.00	\$869.76
059459	425	THYSSEN KRUPP ELEVATOR	47299	\$375.00	\$0.00	\$375.00
059460	402	UNITED SYS & SOFT		\$0.00	\$206.00	\$206.00
059460	403	UNITED SYS & SOFT		\$0.00	\$177.00	\$177.00
059461	424	US POSTAL SERVICE		\$0.00	\$20,000.00	\$20,000.00
059462	712	VALLEY TWO-WAY, INC	47131	\$991.28	\$0.00	\$991.28
059463	716	VALLEY PET CEMETERY		\$0.00	\$382.00	\$382.00
059464	GRANT	PAM HOLSTEIN-WALLACE		\$0.00	\$6,250.00	\$6,250.00
Totals				\$16,304.01	\$116,157.60	\$132,461.61

IN RE: PUBLIC COMMENT

Ms. Paulette Sprinkle appeared before the Commission to formally invite the Commission to the open house at the Charles Town Visitors Center during the John Brown Sesquicentennial events and presented the Commission with the new Charles Town Visitors Center visitor's guide.

IN RE: DISCUSSION/POSSIBLE ACTION - USING THE POWERS GIVEN TO IT UNDER WV CODE 7-18, RESOLVE THAT THE JEFFERSON COUNTY COMMISSION WILL OFFER FUNDING FROM

COLLECTED HOTEL OCCUPANCY TAXES TO A SECOND, PROPERLY CONSTITUTED COUNTY CONVENTION AND VISITORS BUREAU, WITH FUNDING AVAILABLE BEGINNING JULY 1, 2011

Commissioner Surkamp agreed to table this matter for one week.

IN RE: EXONERATION

Upon recommendation from the Assessor, motion by Noland, second by Manuel to approve the following Exoneration because of erroneous assessment for the year 2009. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET NO
BB&T Equipment Finance Corp	Charles Town	Personal Property	\$64.32	300644

IN RE: BONDING AND ACTIVITY REPORT

Jennifer Brockman, Director of Planning appeared before the Commission for the weekly Planning Department activity report.

Ms. Brockman provided a reminder to the Commission of the upcoming Joint Session between the Jefferson County Commission and the Planning Commission on Monday, August 17, 2009 at 7:00 p.m.

Ms. Brockman reported on proposed agenda items for the Joint Session. Commission members discussed various topics they wish to discuss during the Special Session.

IN RE: LEGISLATIVE ISSUES

Commissioner Noland reported on the Governor's upcoming Special Session.

IN RE: REPORT OF FEDERAL STIMULUS FUNDS

Leslie D. Smith, County Administrator provided a status report on the pending JAG, COPS and Energy grants. Ms. Smith presented the Commission with an ARRA Stimulus Report outlining the status of all pending grant applications.

The Commission discussed the email received from Kirk Davis, Capital Projects Manager regarding the Broadband grant proposal with the Board of Education and APUS. The Commission requested Mr. Davis provide a status report next week.

Commissioner Morgan reported on her discussions with Roger Ethier, Water Advisory Committee member regarding pending water grants and requested a status update. Ms. Smith agreed to research the availability or status of any water grants.

IN RE: BUILDING COMMISSION INTERVIEWS

Eugene D. Pearson appeared before the Commission for an interview for an appointment to the Jefferson County Building Commission.

Leslie D. Smith, County Administrator reported on eligibility requirements for appointees.

Mr. Pearson reported on previous action taken by the Building Commission.

Motion by Surkamp to increase the number of Building Commission members from three members to five members.

Motion by Manuel to postpone the original motion by Commissioner Surkamp pending legal advice from counsel.

Commissioners Surkamp and Manuel withdrew their motions and agreed to table this matter for one week.

IN RE: APPOINTMENT TO THE BUILDING COMMISSION

This matter was discussed under agenda item, "Building Commission Interviews".

IN RE: ORGANIZATIONAL PLANNING

The Commission agreed to remove this item from the agenda until October 1, 2009.

IN RE: REQUEST FROM PROSECUTING ATTORNEY LORENZETTI - REQUEST FOR PARTIAL PAY EQUITY INCREASE

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to request a partial pay equity increase for his employees and reported on specifications of a proposal previously submitted for Commission review and consideration.

Mr. Lorenzetti requested consideration for an additional line item for the Fiscal Year 2011 budget to cover expenses for acquisition of outside legal counsel.

Mr. Lorenzetti reported on his discussions with Jennifer Maghan, County Clerk with regard to the recent lawsuit filed by Clerk Maghan.

The Commission discussed postponing a decision on Mr. Lorenzetti's request until countywide pay equity is addressed.

Mr. Lorenzetti reported on the Prosecuting Attorney's workforce and requested approval of a temporary receptionist.

Motion by Surkamp, second by Noland to enter into Executive Session in order to discuss personnel matters with Ralph Lorenzetti, Prosecuting Attorney. Motion carried.

Motion by Surkamp, second by Noland to return to Regular Session. Motion carried.

Motion by Morgan, second by Manuel to approve the hire of a temporary receptionist in the Prosecuting Attorney's Office for up to 60-days at a salary of \$20,000-\$22,000.00 yearly with no benefits. Motion carried.

Brandy Sims, Assistant Prosecuting Attorney was present to express her concerns with countywide pay equity and requested the Commission take prompt action to insure pay equity.

Stephanie Grove, Assistant Prosecuting Attorney was present to express her concerns with countywide pay equity and requested the Commission take prompt action to insure pay equity.

Commissioner Manuel reported on various actions taken by the Commission with respect to implementing the wage study done by Don Jacobs from Jacobs Consulting.

Commissioner Manuel withdrew his motion from the previous week: "Motion by Manuel, second by Noland that the 500,000 dollars placed in the salary and benefit account be utilized to fund the salary equity issue and further that the 48,000 dollars earlier removed from the county clerk's salary line in her budget be restored. The necessary additional monies to facilitate the motion (approximately 75,000 dollars) shall be allocated from the excess in this year's employee health insurance account" and discussed alternative solutions to insure salary equity with regard to insurance savings.

Motion by Manuel, second by Noland that the \$500,000.00 that was placed in the salary and benefits account be utilized to fund the salary equity proposal. Further, that any additional monies necessary to accomplish the proposal be allocated from the contingencies account.

Leslie D. Smith, County Administrator provided an excel comparison report of position and salary similarities in surrounding jurisdictions. Ms. Smith further discussed previous job descriptions approved by the Commission and the compensation and classification plan; the draft organizational plan and the previous study conducted by Jacobs Consulting.

Motion by Morgan, second by Widmyer to postpone action on the original motion in order to have adequate time to review and consider the material presented by Ms. Smith. Motion carried.

With consideration to Jennifer Maghan, County Clerk's request to reinstate \$48,000.00 to her salary line item, Commissioner Manuel withdrew his motion from the previous week: "Motion by Manuel, second by Noland that the 500,000 dollars placed in the salary and benefit account be utilized to fund the salary equity issue and further that the 48,000 dollars earlier removed from the county clerk's salary line in her budget be restored. The necessary additional monies to facilitate the motion (approximately 75,000 dollars) shall be allocated from the excess in this year's employee health insurance account" and introduced the following motion:

Motion by Manuel, second by Widmyer that the \$48,000.00 earlier removed from the County Clerk's salary line item in her budget be restored.

Commissioner Manuel requested clarification from either Jennifer Maghan or Mark Schiavone of the County Clerk's salary expenditures from fiscal year 2009.

Commissioner Morgan expressed concerns with Commissioner Manuel's motion with consideration to the lawsuit recently filed by the County Clerk.

The Commission agreed by consensus to postpone the vote on Commissioner Manuel's original motion pending legal recommendations.

The Commission took a 5-minute break at 11:10 a.m.

IN RE: COUNTY COMMISSION WORKSHOP - NO TOPICS SCHEDULED

The Commission agreed by consensus to further review and discuss the salary, compensation and classification materials previously presented by Leslie D. Smith, County Administrator during the afternoon workshop.

IN RE: REQUEST FROM PROSECUTING ATTORNEY LORENZETTI - REQUEST FOR PARTIAL PAY EQUITY INCREASE – CONTINUED

Amended motion by Morgan, second by Surkamp that Commissioner Manuel's motion include that no funds be allocated to support the County Clerk's recent lawsuit.

Commissioner Widmyer requested that the motion be divisible.

Commissioner Morgan requested clarification from the County Clerk regarding legal expenditures of the lawsuit filed. Clerk Maghan reported on the payment agreement with retained legal counsel.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported she is currently awaiting a legal opinion from the WV State Bar Disciplinary Board with regard to the County's legal representation.

Motion by Surkamp to hire outside legal counsel to represent the County Commission in the case involving the County Clerk. Motion died due to lack of a second. Commissioner Manuel ruled the motion out of order due to Commissioner Morgan's motion still being open.

Motion by Morgan, second by Manuel to postpone action on Commissioner Manuel's original motion until a legal opinion is obtained from the WV State Bar Disciplinary Board with regard to the County's legal representation. Motion carried.

Mark Schiavone, Capital Planning and Management Director was present and reported on the County Clerk's salary expenditures from fiscal year 2009 to present.

Jennifer Maghan, County Clerk was present and reported on the County Clerk's office workforce and salary requirements.

IN RE: SALARY EQUITY MOTION AND RESTORATION OF THE COUNTY CLERK'S SALARY LINE ITEM: I MOVE THAT THE 500,000 DOLLARS PLACED IN THE SALARY AND BENEFIT ACCOUNT BE UTILIZED TO FUND THE SALARY EQUITY ISSUE AND FURTHER THAT THE 48,000 DOLLARS EARLIER REMOVED FROM THE COUNTY CLERK'S SALARY LINE IN HER BUDGET BE RESTORED. THE NECESSARY ADDITIONAL MONIES TO FACILITATE THE MOTION (APPROXIMATELY 75,000 DOLLARS) SHALL BE ALLOCATED FROM THE EXCESS IN THIS YEAR'S EMPLOYEE HEALTH INSURANCE ACCOUNT.

This matter was discussed under agenda item: "In Re: Request from Prosecuting Attorney Lorenzetti - Request for Partial Pay Equity Increase".

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report.

Mr. Casimiro reported on the PATH Public Service Commission hearing he attended on Monday, August 10, 2009. Mr. Casimiro discussed intervention strategies and objectives of various public interest groups that were in attendance at the Public Service Commission hearing.

Commissioner Morgan reported on her attendance at the PATH Public Service Commission hearing.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on the opinion received from the WV State Bar Disciplinary Board with regard to representing the County Commission with respect to the County Clerk's lawsuit and informed the Commission that the Disciplinary Board determined that the Prosecutor's Office had a conflict.

Ms. Grove reported on hearings she has attended, pleadings filed and her review of the Parks and Recreation Board contract.

Motion by Morgan, second by Manuel to enter into Executive Session to discuss pending

litigation. Motion carried.

Motion by Morgan, second by Manuel to return to Regular Session. Motion carried.

No action was taken during Executive Session.

The Commission recessed for lunch at 12:15 p.m.

The Commission reconvened at 1:30 p.m.

IN RE: SALARY EQUITY MOTION AND RESTORATION OF THE COUNTY CLERK'S SALARY LINE ITEM: I MOVE THAT THE 500,000 DOLLARS PLACED IN THE SALARY AND BENEFIT ACCOUNT BE UTILIZED TO FUND THE SALARY EQUITY ISSUE AND FURTHER THAT THE 48,000 DOLLARS EARLIER REMOVED FROM THE COUNTY CLERK'S SALARY LINE IN HER BUDGET BE RESTORED. THE NECESSARY ADDITIONAL MONIES TO FACILITATE THE MOTION (APPROXIMATELY 75,000 DOLLARS) SHALL BE ALLOCATED FROM THE EXCESS IN THIS YEAR'S EMPLOYEE HEALTH INSURANCE ACCOUNT – CONTINUED

After receiving the opinion from the WV State Bar Disciplinary Board with regard to the Prosecuting Attorney's office representing the County Commission with respect to the County Clerk's lawsuit the Commission revisited Commissioner Manuel's original motion discussed earlier under agenda item, "Request from Prosecuting Attorney Lorenzetti - Request for Partial Pay Equity Increase".

Motion by Manuel, second by Widmyer that the \$48,000.00 earlier removed from the County Clerk's salary line item in her budget be restored. Motion failed by a 2-3 vote; Commissioners Morgan, Surkamp and Noland voted no.

IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

Leslie D. Smith, County Administrator presented the Commission with a Depository Bond received from the County Clerk for review and approval.

Ms. Smith reported on the specifications of the Depository Bond.

The Commission requested additional information and recommendations from Teresa Hendricks, Tax Deputy prior to approval and agreed to table this matter for one week.

IN RE: RECOMMENDATION OF ACTUARIAL FIRM TO PERFORM ACTUARIAL VALUATION OF OPEB - DISCUSSION/ACTION

Leslie D. Smith, County Administrator reported on information she received, bids received and further research she is conducting.

The Commission agreed to table this matter for one week.

IN RE: APPROVAL OF SHERIFF'S COMMISSION

Leslie D. Smith, County Administrator reported on the specifications of the Sheriff's Commission.

Motion by Manuel, second by Noland to approve the Sheriff's Commission as presented. Motion carried.

IN RE: GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM - APPROVAL OF RESOLUTION AND CONTRACT - JEFFERSON COUNTY BLACK HISTORY PRESERVATION SOCIETY

Motion by Widmyer, Second by Manuel to approve the Resolution and Contract for the Governor's Community Participation Grant Program for the Jefferson County Black History Preservation Society. Motion carried.

RESOLUTION

WHEREAS, The Jefferson County Commission has agreed to assist in the restoration of the Webb-Blessing House in Charles Town. The project will include replacement of the front steps, and interior and exterior repairs as funds permits for the Jefferson County Black History Preservation Society with funds made available through the Governor's Community Participation Grant program in the amount of \$10,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission does hereby accept the conditions of the contract between the West Virginia Development Office and the Jefferson County Commission and does hereby authorize the signatures of the President of the Commission.

/s/

DALE MANUEL, COMMISSION PRESIDENT

IN RE: REQUEST FOR USE OF THE COURTHOUSE FOR THE ANVIL PLAY REHEARSAL - SEPTEMBER 14-17, 2009

Leslie D. Smith, County Administrator reported on renovations currently underway within the County Courthouse.

The Commission agreed by consensus to authorize Ms. Smith to consult with the Circuit Court Judge to determine availability for the dates requested.

Commissioner Widmyer reported on an inquiry she received concerning use of the County Courthouse the weekend of August 14, 2009.

Ms. Smith reported on the County's meeting room policy for the Old Charles Town Library meeting room, the County Commission meeting room and the County Courtroom.

The Commission agreed by consensus to authorize Ms. Smith to refer the parties requesting use of the Courthouse to another location.

For clarification, the Commission agreed by consensus to include the County Commission meeting room policy:

Jefferson County Commission - County Meeting Room Policy

All meeting rooms in Jefferson County-owned buildings are to be used only for County related meetings and/or business. All exceptions to this policy must be brought before the Jefferson County Commission for a vote during their regular meeting. Organizations authorized to use these rooms are as follows:

- *County appointed Commissions, Boards and Authorities*
- *Republican and Democratic Executive Committees*
- *Meeting rooms may be used by elected officials (county, state, etc.) for meetings when it is for a stated public purpose. Any organization or individual using meeting rooms is subject to being "bumped" if the rooms are needed for any county related business. County appointed Boards, Commissions, Authorities, etc. will take precedence over any scheduling conflict.*

No furniture should be removed from any meeting room at anytime.

All rooms should be secured after the meeting is adjourned.

Planning Commission Meeting Room: *The Planning Commission meeting room must be scheduled through the Planning Department. The key to the meeting room may be picked up and returned to the Planning Department staff during normal business hours. After using this meeting room, the contents of the room should be returned to their proper place according to the schematic diagram in the meeting room.*

County Commission Courtroom: *The County Commission Courtroom is scheduled through the County Clerk's office and the County Commission office and may only be used during normal business hours.*

Circuit Court Courtroom: *The Circuit Court Courtroom may be scheduled through the Circuit Judge's office.*

Bardane Public Service Center Conference Rooms: *All conference rooms located at the Bardane Public Service Center must be scheduled through the Office of Emergency Services located in the Bardane Public Service Center. In the event that meetings are held after hours, a responsible employee shall be in attendance. This employee will be responsible for making sure there is no damage, the meeting room is*

put back in proper order and the building and meeting rooms are secured before leaving.

In addition, employees working after normal business hours at the Bardane Public Service Center are responsible for securing the building.

IN RE: REQUEST FUNDING FOR UPDATED SCHOOL IMPACT FEE AND HOUSING UNIT SIZE/PUPIL GENERATION STUDY

Mark Schiavone, Impact Fee Coordinator appeared before the Commission to request funding for an updated School Impact Fee and housing unit size/pupil generation study.

Mr. Schiavone reported on the specifications of previous studies conducted.

Mr. Schiavone reported on School Impact Fee regulations and requested the Commission consider requesting the Board of Education to partially fund the updated school Impact Fee and housing unit size/pupil generation study.

Motion by Morgan, second by Surkamp to authorize Mark Schiavone, Impact Fee Coordinator to acquire bids for a Consultant to conduct an updated School Impact Fee and housing unit size/pupil generation study and negotiate with the Board of Education to establish joint financial responsibility for the study. Motion carried.

IN RE: ADD TO THE JOB DESCRIPTION FOR ALL DEPARTMENT HEADS UNDER ESSENTIAL FUNCTIONS: PREPARE AN ANNUAL WORK PROGRAM AND ASSOCIATED BUDGET FOR PRESENTATION TO THE COUNTY COMMISSION DURING THE FIRST QUARTER OF THE FISCAL YEAR

Motion by Widmyer, second by Morgan to coordinate a meeting with Department Heads and Elected Officials to discuss each department's work program and budget during the first four months of the fiscal year. Motion carried.

IN RE: DISCUSSION AND POSSIBLE ACTION TO CREATE AND IMPLEMENT POLICIES AND PROCEDURES FOR FUNDING REQUEST TO THE COUNTY COMMISSION BY OUTSIDE AGENCIES INCLUDING THE CREATION OF GRANT APPLICATION DOCUMENTS AND ESTABLISHING DEADLINES FOR SUBMITTING APPLICATION TO THE COUNTY COMMISSION FOR FY 2011

Motion by Noland, second by Manuel to create and implement policies and procedures for funding requests to the County Commission by outside agencies including the creation of grant application documents and establishing deadlines for submitting applications to the County Commission for fiscal year 2011. Motion carried.

Leslie D. Smith, County Administrator reported on similar policies and procedures adopted in surrounding jurisdictions.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reported upcoming enrollment meetings for the County's new insurance program.

Ms. Smith reported on the upcoming tour at Summit Point Raceway. The Commission requested Ms. Smith coordinate a tour of PNG Gaming/Charles Town Races and Slots.

Ms. Smith presented the Commission with the weekly revenue and expenditure report.

Ms. Smith presented the Commission with a few pictures of the County's Courthouse for the County Commissioner's Association.

Ms. Smith presented the Commission with the draft E911 fee increase public hearing notice.

Ms. Smith presented the Commission with the Urban Growth Boundaries letter to municipalities and reported the Urban Growth Boundary maps will accompany the letter.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Noland reported on the Farm Bureau picnic she attended.

Commissioner Widmyer reported on the Harpers Ferry Trail town meeting she attended.

Commissioner Manuel reported on the new meal program coordinated by the Council on Aging.

Commissioner Surkamp reported on the Farm Bureau picnic he attended.

Commissioner Morgan reported on the PATH Public Service Commission hearing she attended.
Commissioner Morgan reported on the luncheon she attended at the Governor's mansion.
Commissioner Morgan reported on the Farmland Protection Board meeting she attended.
Commissioner Morgan reported on the upcoming Community Criminal Justice Board meeting.
Commissioner Morgan reported on the Historical Society picnic she attended.

The Commission took a 5-minute break at 2:45 p.m.

IN RE: DEPARTMENT HEAD EMPLOYEE EVALUATION

Leslie D. Smith, County Administrator was present for her employee evaluation and requested an Executive Session.

Motion by Widmyer, second by Surkamp to defer the County Administrator's employee evaluation for one week in order to retain David Hammer, Esquire to represent the County Commission in employment matters.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on the training and credentials she has obtained specializing in personnel laws and procedures.

Motion by Manuel, second by Noland to strike Commissioner Widmyer's motion and defer this matter for one week pending a presentation and report from Stephanie Grove, Assistant Prosecuting Attorney outlining personnel laws and procedures. Motion failed by a 2-3 vote; Commissioners Surkamp, Morgan and Widmyer voted no.

Original motion by Widmyer, second by Surkamp to defer the County Administrator's employee evaluation for one week in order to retain David Hammer, Esquire to represent the County Commission in employment matters. Motion carried by a 3-2 vote; Commissioners Manuel and Noland voted no.

IN RE: PROCEDURAL MOTION

Motion by Manuel, second by Surkamp to adjourn at 3:00 p.m. and to defer the previously scheduled workshop until next week. Motion carried.

IN RE: COUNTY COMMISSION WORKSHOP - NO TOPICS SCHEDULED

The Commission agreed to defer this week's workshop until August 20, 2009.

The Commission received the following information:

Reminder of Zoning Referendum on November 7, 2009.

Impact Fee Status Report received for July 2009.

Appointment to be made to the E-911 Board on September 3, 2009

Memorandums received from the Department of Capital Planning and Management concerning transfers of funds.

Correspondence received from the County Clerk concerning print access to the web-based records.

Notice received of the International Swine Flu Conference on August 19-20, 2009.

Early voting legislative rule received from the Association of Counties.

Correspondence received from the Charles Town Chaplaincy Services concerning their budget allocation.

Correspondence received from Governor Manchin approving various grant applications in the Governor's Community Participation Grant Program.

Meeting minutes received from the Jefferson County Public Service District.

Weekly settlement report received for the Charles Town Races from the West Virginia Lottery.

The Commission received the following Correspondence:

Correspondence received from Mr. & Mrs. Walter Cool concerning West Virginia PBS.

Correspondence received from Gil Garcia concerning Planning Commission agenda items.

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

DALE MANUEL, COMMISSION PRESIDENT