

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 at 9:30 a.m. (An audio tape of the September 25, 2013 meeting is available through the Jefferson County Commission Office.)

PRESENT: Dale Manuel, President,
Walt Pellish, Vice President
Patsy Noland, Jane Tabb and Lyn Widmyer; Commissioners.
Debbie Keyser, County Administrator, Stephen Groh, Assistant Prosecuting Attorney and
Cynthia Schott, Administrative Assistant.

RE: **Contract for Leslie Smith for the position of Financial Consultant for the Jefferson County Commission**

A sign- in sheet was provided for anyone wishing to address the Commission.

Commissioner Manuel called the meeting to order at 9:30 a.m.

Commissioner Noland led the Pledge of Allegiance.

PUBLIC COMMENT:

Debbie Royalty, resident – spoke regarding her concerns of the Commission’s lack of transparency in the hiring process for the position of Financial Consultant.

Eleanor Finn, resident – spoke regarding the County budget and the need to hire a Financial Consultant.

Review of the Leslie Smith Contract for the position of Financial Consultant for the Jefferson County Commission.

- **Motion by Ms. Noland to bring the agreement before the County Commission for consideration. Motion seconded and approved on a vote of 3-2 with Ms. Widmyer and Mr. Pellish opposing.**

RECITALS – Section A

- **Motion by Ms. Widmyer to strike “of annual county budgets” change to “...presentation of updated financial analysis with appropriate recommendation for FY 2014.” Motion dies for lack of a second.**
- **Motion by Mr. Manuel to amend section A striking, “annual County Budgets.” Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.**

SECTION ONE – SERVICES

- **Motion by Ms. Widmyer to include the following statement “it is understood that services provided by the Consultant pursuant to this agreement shall be under the direction of the County Administrator. Motion seconded.**

- Ms. Widmyer amended her motion to read “it is understood that the Consultant shall report to the County Administrator.” The amended motion was seconded and approved unanimously. It was the consensus of the Commission to address this issue in Schedule A of the contract.
- Motion by Ms. Widmyer to strike, “it is understood that services provided by Consultant pursuant to this Agreement shall be so provided on a day-to-day, as needed basis.” Motion dies for the lack of a second.

SECTION TWO – COMPENSATION

- Motion by Mr. Manuel to amend Section Two to include subsection “F,” with the following language, “To cap the number of trips to two (2), in addition to the \$10,000 consultant fee.” One trip should include a presentation of the budget and recommendations to the County Commission. Motion seconded and unanimously approved.
- Motion by Ms. Widmyer that the Consultant be directed to obtain the relevant compensation that we typically require of a consultant. Motion dies for the lack of a second.
- Motion by Ms. Tabb to make a subsection “G”, that the cost of insurance will be split between the Consultant and the County. Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.
- Motion by Ms. Widmyer to strike “without first having obtained the County’s consent and approval by resolution validly adopted at a meeting of the County.” And striking from Section Five “Unless extended, as provided herein.” Motion seconded and unanimously approved.

SECTION THREE – CONFIDNETIALITY

- No amendments proposed.

SECTION FOUR – CONSULTANT REPRESENTATIONS

- No amendments proposed.

SECTION FIVE – DURATION AND TERMINATION

- See Section Two (2) – striking “Unless extended, as provided herein.”

SECTION SIX – ASSIGNMENT

- No amendments proposed.

SECTION SEVEN – ENTIRE AGREEMENT

- No amendments proposed.

SECTION EIGHT – MODIFICATION OF AGREEMENT

- No amendments proposed.

SECTION NINE – NOTICES

- No amendments proposed.

SECTION TEN – GOVERNING LAW

- No amendments proposed.

SECTION ELEVEN – AFFECT OF PARTIAL INVALIDITY

- No amendments proposed.

SECTION TWELVE – STATUS OF CONSULTANT

- **Ms. Widmyer requested Counsel state for the record his perspective that this contract does not in any way affect the conditions of the settlement agreement. Mr. Groh stated he believes the settlement agreement is not compromised.**

SCHEDULE A – SCOPE OF SERVICES

- **Ms. Widmyer amended her motion to read “it is understood that the Consultant shall report to the County Administrator.” The amended motion was seconded and approved unanimously. It was the consensus of the Commission to address this issue in Schedule A of the contract. *(as voted upon under Section One (1))***
- **Motion by Ms. Widmyer to amend Schedule A – Scope of Services - to include the following: “to analyze the FY 2014 budget and make any financial recommendations based upon that analysis.” Motion dies for a lack of a second.**
- **Motion by Ms. Widmyer to amend Schedule A to include the following: “...and provide read-only access to the online financial system for the Consultant’s evaluations and analysis.” Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to strike from Schedule A, “Consult with other vendors to the County as necessary to accomplish the tasks set forth above with any costs attendant thereto to be billed to the County.” Motion fails for lack of a second.**
- **Motion by Ms. Noland to amend Schedule A to read “Consult with other vendors for the limited purpose of being able to access the financial data to be found on the County servers upon consultation with the County Administrator. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing.**

SCHEDULE B

- No amendments proposed.

President Manuel stated the amended document is before the Commission for a vote.

- **Motion by Ms. Noland to accept the amended contract as discussed in the meeting this morning and have counsel proceed as necessary to get the contract ratified. Motion seconded and approved on a vote of 3-2 with Ms. Widmyer and Mr. Pellish opposing. Ms. Widmyer requested the minutes reflect her reasons for opposition being:**

- **The compensation goes way beyond the \$10,000 as the Commission is agreeing to pay 50% of insurance and travel costs,**
- **Concern over how this affects the settlement agreement,**
- **The scope of work is too open ended.**

The Commission meeting was adjourned at 11:36 a.m. on a motion by Ms. Noland. Motion seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectfully submitted
Cynthia C. Schott
Executive Administrative Assistant