

## AGENDA FOR THURSDAY, SEPTEMBER 17, 2009

Y/ N/ NA

### APPOINTMENTS:

- 1. 9:30 a.m. - Pledge of Allegiance  
Approval of Minutes  
Approval of Purchase Orders  
Approval of Accounts Payable
- 2. 9:40 a.m. - Public Comment
- 3. 9:45 a.m. - Bonding and Activity Report
- 4. 10:00 a.m. - David Barton - OPEB Presentation
- 5. 10:15 a.m. - Louis B. Athey - Request for Exoneration
- 6. 10:30 a.m. - Frank Hill - Application for Exoneration of Real Estate Taxes - The Trustees of St. Peter's Lutheran Church and The Trustees of St. James' Lutheran Church
- 7. 10:45 a.m. - Stephanie Grove - Legal Update and Report
- 8. 11:00 a.m. - Jennifer S. Maghan - County Clerk's Report  
- Hearing - Petition for Removal of Co-Ancillary Administrator of the Estate of Elva Nellie Crawford, Deceased, From the Law Office of Dale Buck
- 9. 1:30 p.m. - County Commission Workshop
- 10. 2:30 p.m. - Department Head Evaluation

### OLD BUSINESS:

- 11. Legislative Issues
- 12. Report on Federal Stimulus Funds - Discussion
- 13. Continuation of the Deliberations on the Salary Equity Issue and a Vote on an Equity Plan

## **NEW BUSINESS:**

- 14. PNGI Charles Town Gaming, LLC - The West Virginia Lottery Tables Game Act - Request for Special Local Option Election on December 5, 2009 - Discussion/Action
- 15. Authorization to Allocate Funding for the Purchase of Building for Convention and Visitor's Bureau - Discussion/Action
- 16. Recommendation for Hiring of a Planner for the Department of Planning - Discussion/Action
- 17. James Casimiro - Vote on funding for Expert Witnesses in PATH Case - Discussion/Action
- 18. Approval of Employment - Charles Daniel Hess - Sheriff's Law Office - Discussion/Action
- 19. Mark Schiavone - Revenue Analysis for July/August 2009
- 20. Mark Schiavone - Draft Budget Policies
- 21. Ask Commission to Pay Tuition for F. Morgan to Attend Transmission Siting Seminar (FM)
- 22. Approval of Employment - Aerial Carroll - Full-time Temporary Deputy Clerk - Circuit Clerk's Office - Discussion/Action
- 23. Draft Agenda Request Form - Discussion/Action
- 24. Draft Jefferson County Performance Evaluation - Follow Up Improvement Evaluation Plan - Discussion/Action
- 25. Draft Employee Evaluation of Supervisor/Department Head/Elected Official - Discussion/Action
- 26. Draft Moving Expenses Policy - Discussion/Action
- 27. County Administrator Reports
- 28. County Commission Reports

## **INFORMATION:**

- 29. Reminder of Zoning Referendum on November 7, 2009

- ☐☐☐ 30. Reminder of Public Hearing on Proposed Increase to Emergency 911 Wireline Fee on Monday, October 5, 2009, at 7:00 p.m.
- ☐☐☐ 31. Correspondence received from Charles Friddle, Allegheny Energy regarding Public Comment Hearings on the PATH project for West Virginia.
- ☐☐☐ 32. Information received concerning the Chesapeake Bay Small Watershed Grant.
- ☐☐☐ 33. Notice received of the Rumsey Radio Hour on September 19-20, 2009.
- ☐☐☐ 34. Information received from the Association of Counties concerning OPEB.
- ☐☐☐ 35. Information received from the Association of Counties concerning the Fall Board of Directors Meeting.
- ☐☐☐ 36. Copies of articles from *Views & Visions* received from the Association of Counties.
- ☐☐☐ 37. Community Bulletin received from the Harpers Ferry National Historical Park.
- ☐☐☐ 38. Distribution of Banc One Investment Advisors Settlement Dollars received.
- ☐☐☐ 39. Miscellaneous

*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.*

9/17/09 10:00 AM #4

**Leslie D. Smith**

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**From:** David Barton [dbarton@svgwv.com]  
**Sent:** Monday, August 31, 2009 10:44 AM  
**To:** ldsmith@jeffersoncountywv.org  
**Subject:** OPEB Presentation  
**Attachments:** image001.gif; image002.jpg

Leslie I talked to Francis and she would like me to get on the commission schedule to start to teach them what OPEB is what is going on at the state and also some solutions to the problem. I wanted to see if I could get on the schedule for next week the week of 10<sup>th</sup> or the week after that. Thanks

David Barton  
277 Mineral Drive Ste 2  
Po Box 751  
Inwood, WV 25428  
Office: 304-821-2400  
Cell: 540-664-5433  
Fax: 304-821-2300  
Email: [dbarton@svgwv.com](mailto:dbarton@svgwv.com)



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#5

9/17/09  
10/15

**RECEIVED**

**Louis B. Athey**

SEP 03 2009

1422 Berryville Pike  
Charles Town, WV 25414  
304/261-5442

Jefferson County Commission

September 2, 2009

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

Re: Tax Parcel 6 on Tax Map 20 in the Kabletown Tax District

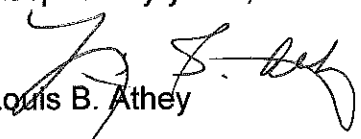
Dear Commissioners:

Please place me on the County Commission's Agenda on Thursday, September 10, 2009. I would like to discuss 2008 Tax Ticket Number 19407 and 2009 Tax Ticket Number 19256. These are tax tickets for the above referenced parcel of land. I believe that an error has been made regarding the taxation of this property.

I have discussed this problem with Ms. Angela Banks, Jefferson County Assessor, who stated that she cannot fix the problem and opined that I could appear before the County Commission for any possible relief. The purpose of my appearance at the County Commission's September 10 meeting is to seek that relief.

Thank you in advance for your cooperation. Please call me if you have any questions or to schedule an appointment time.

Respectfully yours,

  
Louis B. Athey

cc: Ms. Angela Banks, Jefferson County Assessor  
Ms. Leslie D. Smith, County Administrator  
Ms. Stephanie Grove, Assistant Prosecuting Attorney

# ASSESSOR OF JEFFERSON COUNTY

104 East Washington Street  
Charles Town, WV 25414

RECEIVED

# 5

Angela L. Banks

SEP 03 2009 728-3224

September 3, 2009

Jefferson County Commission

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

RE: Kabletown District  
Map 20/parcel 6  
Ryans Glen LLC

Dear Commissioners:

In regards to property owned by Louis Athey which is assessed under Ryan's Glen LLC is being assessed under the class 2 rate for the 2010 tax year. Mr. Athey did file his personal property for 2010 and stated that he is the LLC. He said the house located on this parcel is his primary residence.

I told the Mr. Athey that there is no clerical error in the tax class. He did not file personal property for the prior years and did not inform my office that this was his primary residence. I told him that I would not bring forth an exoneration.

I also told him that the County Commission has no authority on classification. I did not suggest for him to ask you for one. I only told him that I could not stop him from asking.

I just want to make a few points clear:

- a. Mr. Athey or Ryans Glen LLC did not file an assessment for 2007, 2008 or 2009.
- b. It is up to the taxpayer to make sure each year that he or she is assessed properly.
- c. No clerical error was performed by the Assessor's Office.

Sincerely,



Angela L. Banks

Assessor of Jefferson County

#6

1030  
9/17/09

D. FRANK HILL, III  
ATTORNEY AT LAW  
POST OFFICE BOX A  
SHEPHERDSTOWN, WEST VIRGINIA 25443

D. FRANK HILL, III (WV & MD BAR)

136 E. GERMAN STREET  
THE PHARMACY BUILDING  
(304) 876-9333

July 9, 2009

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

via hand-delivery

Attn: Leslie Smith, County Administrator

Re: Application For Exoneration Of Real Estate Taxes  
The Trustees of St. Peter's Lutheran Church and  
The Trustees of St. James' Lutheran Church  
105 N. Duke Street, Shepherdstown

Dear Ms. Smith:

I represent the Trustees of the churches shown above and on their behalf, as owners of the subject real estate, have attached an Application For Exoneration Of Real Estate Taxes.

It is requested that this Application be placed on the Commission's agenda no earlier than the last week in August or any week in September.

Please let me know should you have any questions and thank you for your cooperation.

Very truly yours,



D. Frank Hill, III

Enclosure as stated

cc: Stephanie A. Grove, Assistant Prosecuting Attorney  
(w/copy of Application)  
Fred A. Soltow, Pastor, St. Peter's Lutheran Church and  
St. James' Lutheran Church (w/copy of Application)

BEFORE THE JEFFERSON COUNTY COMMISSION

Re: APPLICATION FOR EXONERATION OF REAL ESTATE TAXES

By: THE TRUSTEES OF ST. PETER'S LUTHERAN CHURCH (SHEPHERDSTOWN)

AND

THE TRUSTEES OF ST. JAMES' LUTHERAN CHURCH (UVILLA)

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COMES NOW, the Trustees of St. Peter's Lutheran Church and the Trustees of St. James' Lutheran Church (collectively the "Trustees"), by their counsel, D. Frank Hill, III, and respectfully pray that the real estate taxes assessed against that certain parcel of improved real estate (the "Parsonage") situate at the southeast corner of Duke Street and High Street, Shepherdstown, Jefferson County, West Virginia, be exonerated for tax year 2008 and tax year 2009, and any subsequent years, and in support thereof state as follows:

1. This Application is made pursuant to the provisions of West Virginia Code § 11-3-27.

2. The Parsonage is situate in Shepherdstown Corporation District and is shown on Tax Map 2 as parcel 7.

3. The Trustees' predecessors in office acquired an unimproved parcel of real estate from Elizabeth H. Hawkins, et vir., et al., by a Deed dated the 3<sup>rd</sup> day of March, 1938, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 147, page 531, a true copy of which is attached hereto as "Exhibit A" and made a part hereof.

4. Promptly after acquisition of this real estate the Trustees began construction of a parsonage to house the pastor of both churches.

5. The Parsonage was occupied in January 1939 by the Rev. John H. Fray (See, *On This Rock, The Story of St. Peter's Church*, pages 172-174).

6. On or about August 15, 2008, the Trustees received a "Statement Of Taxes Due" (the "Statement") issued by the Sheriff of Jefferson County, a true copy of which is attached hereto as "Exhibit B" and made a part hereof, under Account No. 35306 and Ticket No. 29950, it being the first ever such Statement for real estate taxes assessed against the Parsonage.

7. The Statement was sent to "Lutheran Church Parsonage" with an address of P. O. Box 416, Shepherdstown, WV 25443, which address is believed to be that of the then occupants (Janus) and not that of the Trustees of either church.

8. The Statement showed the assessed value of the Parsonage to be \$303,300.00, which translated into a market value of \$505,500.00 (which valuation the Trustees assert is grossly in excess of its market value - whether as of July 1, 2007, July 1, 2008, or July 1, 2009).

9. From 1939 through 2004 - sixty five (65) years - the Parsonage was continuously, except for short-term pastoral vacancies, and exclusively occupied by the pastor of both churches.

10. Beginning in December 2004 the churches' pastor secured his own residence and vacated the Parsonage.

11. Subsequent to December 2004 the Trustees have intermittently rented the Parsonage for the purpose of defraying the cost of ownership (insurance, maintenance, utility service, upkeep, etc.).

12. During calendar year 2007 the Trustees received the amount of \$14,800.00 in gross rent for the Parsonage.

13. During 2007 the Trustees expended the amount of \$3,708.26 in direct expenses (maintenance, utilities, repairs, insurance premiums, etc.) for the Parsonage, and expended \$15,200.00 in payment of a pastoral housing allowance in lieu of use of the Parsonage by the pastor.

14. During calendar year 2008 the Trustees received the amount of \$15,600.00 in gross rent for the Parsonage.

15. During 2008 the Trustees expended the amount of \$2,505.74 in direct expenses (maintenance, utilities, repairs, insurance premiums, etc.) for the Parsonage, and expended \$15,200.00 in payment of a pastoral housing allowance in lieu of use of the Parsonage by the pastor.

16. The net rental receipts of \$11,091.74 for 2007 and the net rental receipts of \$13,094.26 for 2008 were integrated into and became a part of the general budgets and funds of both churches, and were fully and exclusively expended for religious purposes and programs of each church, primarily the pastoral housing allowance of \$15,200.00 per year, to the effect that no net rental income has been accumulated or otherwise set-aside for any purpose.

17. Accordingly, all of the net rental income derived from the Parsonage was and has been exclusively used and expended for religious purposes.

18. In support of this Application, the Trustees rely upon the holding of State v. Samuel B. Kittle, et al., 87 W.Va. 526, 105 S.E. 775 (1921), which held in Syllabus point 4 that:

Under sec. 1 of Art. X of the Constitution of this state, authorizing legislative exemption from taxation, of "property used for...religious... purposes", the Legislature has power so to exempt parsonages, they being property used for religious purposes and falling clearly within the terms of the exemption clause of said section.

The Court stated that a discontinuance of such use (rented to persons not ministers of the church to which it [the parsonage] belongs), pending disposition thereof, when the rentals from which are used exclusively for the purposes of the church, does not destroy the exemption from taxation. (Id., Syllabus point 5)

The Court held that:

Exemption does not in terms depend upon use of the property for parsonage purposes. It depends on the character of the property, and, obviously, a parsonage does not cease to be one, the instant or day the minister moves out of it. Nor does it necessarily lose (sic) its status by cessation of use with intent to dispose of it. In the popular sense of the term, it is still a parsonage, and, as the rentals are used for religious purposes, the reason for exemption is just as potent, as it is when the use fully agrees with the name.


19. The Trustees undertook to rent the Parsonage in the interim so as to recoup a portion of the ongoing expenses of maintaining the Parsonage in a habitable condition, which if not would have resulted in a substantial portion of the churches' general budgets being used for this purpose, and to, in part, pay for the housing allowance offered its current pastor.

20. The Trustees have not rented the Parsonage seeking a profit motive which would be contrary to its religious purposes.

21. The congregation of each church has, from time to time, held discussions and studied the advisability of retaining the Parsonage for use by its next pastor and the advisability of placing the Parsonage for sale; to date no decision has been made.

WHEREFORE, the Trustees respectfully request the County Commission to grant this Application and exonerate its parsonage from *ad valorem* real estate taxes.

Trustees of St. Peter's Lutheran Church  
and  
Trustees of St. James' Lutheran Church  
By counsel



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D. Frank Hill, III  
Counsel for the Applicants  
136 E. German Street  
P.O. Box A  
Shepherdstown, WV 25443  
(304) 876-9333  
West Virginia Bar No. 1725

596.

Elizabeth H. Hawkins, et vir.

To: DEED of B. & S.

E. Hugh McKee, et al., Trustees, &c.

THIS DEED made this 3rd day of March, 1938, by and between Elizabeth H. Hawkins and Allen Hawkins, her husband, parties of the first part, and E. Hugh McKee, Harry L. Byers and William B. Snyder, Trustees of St. Peter's Evangelical Lutheran Church, and Marvin Knott, J. M. Garrott, and C. J. Derr, Trustees of St. James' Evangelical Lutheran Church, all of the Shepherdstown Parish of the Evangelical Lutheran Synod of Virginia, parties of the second part.

WITNESSETH: That for and in consideration of the sum of TWELVE HUNDRED AND FIFTY DOLLARS (\$1250.00), cash in hand paid, receipt whereof is hereby acknowledged, the said Elizabeth H. Hawkins and Allen Hawkins, her husband, parties of the first part, do hereby grant and convey with general warranty unto the said E. Hugh McKee, Harry L. Byers and William B. Snyder, Trustees, of St. Peter's Evangelical Lutheran Church, and Marvin Knott, J. M. Garrott, and C. J. Derr, Trustees of St. James' Evangelical Lutheran Church, all of the Shepherdstown Parish of the Evangelical Lutheran Synod of Virginia, parties of the second part, the following described real estate located at the southeast corner of the intersection

of Duke and High Streets in Shepherdstown, Jefferson County, West Virginia, the said lot having a frontage on the east side of said Duke Street of 91 feet and being bounded by said High Street on the North and other property belonging to said Elizabeth H. Hawkins on the South, and extending back between parallel lines a distance of 103 feet along said High Street, containing .215 acres, more or less, according to plat and survey made April 9, 1938, attached hereto and recorded herewith, and being known as the northern portion of lot No. 44 on the plat of said town, and being a part of the same property which was conveyed to Amelia L. Entler by Frank Beckwith, et al, special Commissioners, by deed dated July 5, 1911, and recorded in the County Clerk's office of Jefferson County, West Va. in Deed Book 106, page 396, and likewise a part of the same property which was conveyed to Emma C. Hill by the said Amelia L. Entler by deed dated November 1, 1919, and recorded in said Clerk's office in Deed Book 118, page 59, and likewise a part of the same property in which a two-thirds interest was conveyed to Elizabeth H. Hawkins by W. Hugh Hill, et al by deed dated March 6, 1935, and recorded in said County Clerk's office in Deed Book 141, page 250, the remaining one-third interest in said property having been already inherited by the said Elizabeth H. Hawkins in her own right from her mother, the said Emma C. Hill, who died intestate on July 17, 1933, to all of which deeds and the deeds therein referred to, reference is hereby made for any further description of the property herein granted and conveyed.

It is mutually agreed and covenanted between the parties hereto that the property herein granted and conveyed is not to be resold for other than church purposes during the lifetime of said grantor, Elizabeth H. Hawkins. It is also covenanted that during the lifetime of said grantor, Elizabeth H. Hawkins, any dwelling to be erected on said property herein conveyed shall front on Duke Street. But none of these covenants shall be construed to extend in any manner beyond the lifetime of said grantor, or in any way inure to the benefit of any person or persons after her death.

Witness the following signatures and seals.

Elizabeth Hill Hawkins (SEAL)

J. Allen Hawkins (SEAL)

STATE OF WEST VIRGINIA  
COUNTY OF HARDY, TO-WIT:

I, Warner D. Orndorff, a Notary Public in and for the county and state aforesaid do hereby certify that Elizabeth H. Hawkins and Allen Hawkins, her husband, whose names are signed to the writing hereto attached bearing date the 3rd day of March, 1938, have this day acknowledged the same before me in my said county and state.

Given under my hand and notarial seal this 26 day of March, 1938.

My commission expires August 5 1946.

Warner D. Orndorff

(Notarial seal)

Notary Public



# STATEMENT OF TAXES DUE

PROPERTY TYPE	COUNTY	DISTRICT	ACCOUNT NO.	YEAR	TICKET NO.	
REAL	JEFFERSON	10-SHEPHERDSTOWN CORP	00035306	2008	29950	
PROPERTY DESCRIPTION		RATE	CLASS	ASSESSMENT	ASSESSMENT LESS EXEMPTION	HALF YEAR TAX
SHEPHERDSTOWN		2.384000	4	303300	303300	3,615.34
MAP/PARCEL: 2 0007 0000 0000						

**PLEASE REFER TO PAYMENT SCHEDULE BELOW WHEN MAKING PAYMENT**

LUTHERAN CHURCH PARSONAGE  
PO BOX 416  
SHEPHERDSTOWN WV 25443

*RETAIN THIS SECTION FOR YOUR RECORDS*

**MAKE CHECKS PAYABLE AND REMIT TO:**

**SHERIFF OF JEFFERSON COUNTY**  
P.O. Box 9  
CHARLES TOWN, WV 25414-0009

PLEASE READ THE BACK OF THIS STATEMENT CAREFULLY.  
JEFFERSON COUNTY, WEST VIRGINIA.

NAME	COUNTY	ACCOUNT NO.	YEAR	TICKET NO.
LUTHERAN CHURCH PARSONAGE	JEFFERSON	00035306		
MAP/PARCEL: 2 0007 0000 0000				



PAYMENT SCHEDULE - SECOND HALF			DISTRICT	PROPERTY TYPE
IF PAID BY:	2ND HALF	FULL YEAR	10-SHEPHERDSTOWN CORP	REAL
March 1, 2009	3,524.96	7,302.99	STATE	30.33
March 31, 2009	3,615.34	7,393.37	COUNTY CURRENT	1,057.91
April 1, 2009	3,615.34	7,420.49	SCHOOL CURRENT	2,353.61
April 30, 2009	3,642.46	7,447.61	SCHOOL PER IMPROV	394.29
			MUNICIPAL	610.24
			SCHOOL EXCESS LEV	2,784.30

IF EITHER HALF IS NOT PAID BY APRIL 30TH, IT WILL BE PUBLISHED AS REQUIRED BY LAW WITH FEES ADDED

THIS STATEMENT IS FOR TAXES ASSESSED ON PROPERTY YOU OWNED ON JULY 1 OF THE PRECEDING YEAR. TAXES ON PROPERTY YOU OWN THIS JULY 1 WILL BE BILLED NEXT YEAR. PLEASE BRING ANY DISCREPANCIES TO THE ATTENTION OF THE COUNTY ASSESSOR.

NAME	COUNTY	ACCOUNT NO.	YEAR	TICKET NO.
LUTHERAN CHURCH PARSONAGE	JEFFERSON	00035306		
MAP/PARCEL: 2 0007 0000 0000				



PAYMENT SCHEDULE - FIRST HALF			DISTRICT	PROPERTY TYPE
IF PAID BY:	1ST HALF	FULL YEAR	10-SHEPHERDSTOWN CORP	REAL
September 1, 2008	3,524.96	7,049.92	<b>TEAR OFF AND RETURN THIS PORTION WITH YOUR PAYMENT IF YOU ARE PAYING EITHER THE FIRST HALF OR THE FULL YEAR TAXES</b>  <b>PLEASE CIRCLE THE AMOUNT PAID</b>  <b>TO AVOID INTEREST CHARGES</b> <b>PAY THE 1ST HALF BY OCTOBER 1</b> <b>AND THE 2ND HALF BY APRIL 1</b>  <small>PLEASE INDICATE ANY ADDRESS CHANGES BELOW.</small>	
September 30, 2008	3,615.34	7,140.30		
October 31, 2008	3,642.46	7,167.42		
November 30, 2008	3,669.57	7,194.53		
December 31, 2008	3,696.69	7,221.65		
January 31, 2009	3,723.80	7,248.76		
February 28, 2009	3,750.92	7,275.88		
March 1, 2009	3,778.03	7,302.99		
March 31, 2009	3,778.03	7,393.37		

THIS STATEMENT IS FOR TAXES ASSESSED ON PR  
PROPERTY YOU OWN THIS JULY 1 WILL BE BILLED  
OF THE COUNTY ASSESSOR.

Jefferson County  
Job Description

9/17/09  
2:30pm  
# 10

<b>Position Title:</b>	County Administrator	<b>Grade Level:</b>	VIII
<b>Department</b>	County Commission Administrative Offices	<b>Date:</b>	August 2008
<b>Reports to:</b>	County Commissioners	<b>FLSA Status</b>	E

**Statement of Duties:** The County Administrator acts as Chief Administrative Officer of Jefferson County, and is responsible for managing the overall operations and administration of the departments under the jurisdiction of the County Commission. Employee is required to perform all similar or related duties.

**Supervision Required:** Employee works under the policy direction of the County Commissioners, exercising authority over total operations of the county in conformance with general directives and objectives set forth by the governing body. Seeks counsel of governing body only on matters of policy adjustment or where required by law.

**Supervisory Responsibility:** Employee is accountable for the direction and success of all department programs accomplished through others. The County Administrator is responsible for analyzing program objectives, determining the various work operations needed to achieve them, estimating the financial and staff resources required, allocating the available funds and staff, reporting periodically on the achievement and status of the program objective; and recommending new goals. The County Administrator typically formulates or recommends program goals and develops plans for achieving short and long-range objectives; determines organizational structure operating guidelines and work operations; formulates, prepares and defends budget and manpower requests and accounts for effective use of funds and staff provided; coordinates program efforts within the unit and with other departments; delegates authority to subordinate supervisors, who are technical experts, and holds them responsible for the performance of their unit's work; reviews work in terms of accomplishment of program objectives and progress reports, approves standards establishing quality and quantity of work; and assists or oversees the personnel function, including or recommending hiring, training, and disciplining of employees.

**Confidentiality:** Employee has access to all confidential information needed to manage and administer the operations of the entire county .

**Accountability:** Duties involve primary responsibility for entire operation of the county. Consequences of errors, missed deadlines or poor judgment could result in monetary losses and legal repercussions and could have far reaching effects on the county's ability to deliver services and the public's confidence.

**Judgment:** The County Administrator directs the overall activity of the county by accepting responsibility while exercising authority for planning, operating and oversight. Guidelines only provide limited direction for performing the work. They may be in the form of administrative or organizational policies, general principals, legislation or directives that pertain to a specific department or functional area. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized

County Commission Administrative Office  
County Administrator

## Jefferson County Job Description

as the county's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies and practices.

**Complexity:** The work consists of managerial functions and processes such as planning, organizing, controlling, coordinating, evaluating, integrating activities and programs for more than one major department within the county.

**Work Environment:** The work environment involves everyday discomforts typical of offices, with occasional exposure to outside elements. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant. Employee may be required to work beyond normal business hours to attend evening meetings.

**Nature and Purpose of Public Contact:** Duties involve constant contact with all elected county, local, state and federal government officials, all County Commission appointed boards, community leaders and any other individuals to protect and promote the county's overall interest. Employees must possess a high degree of diplomacy and judgment and must be able to work effectively with and influence all types of persons. Duties require a well-developed sense of strategy and timing in representing the county effectively in critical and important situations which may influence the well-being of the County.

**Occupational Risk:** Duties of the job present little potential for injury. Risk exposure is similar to that found in typical office settings.

### **Essential Functions:**

*The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

1. Responsible for administrative oversight over all operations of the County government under the jurisdiction of the County Commission.
2. Administer, implement and enforce administrative policies and procedures to meet Commission goals and objectives.
3. Responsible for all aspects of the supervision of the department heads of those departments under the jurisdiction of the County Commission, including but not limited to the selection, direction and evaluation of department heads and other staff and the development of staff to enhance their capabilities and improve the delivery of services.
4. Oversee the activities of the various County Commission departments to ensure timely, efficient and effective delivery of programs and services and the implementation of the County Commission's programs and directive.
5. Responsible for financial oversight of the County government, including but not

County Commission Administrative Office  
County Administrator

**Jefferson County  
Job Description**

limited to: developing operating and capital budget estimates and targets to guide departments; recommending budgets and staffing levels to the County Commission based on proposed goals, objectives, work programs and projects developed by the various department heads; estimating budget needs; reviewing and advising on justifications for funding requests; establishing budget control systems; monitoring expenditures to assure compliance with budgets; accounting for variances between projected and actual expenditures.

6. Negotiate and/or supervises the negotiation of all County contractual agreements subject to the limitations of law and Commission direction and administers and enforces such agreements.
7. Analyze proposals and develops recommendations to the County Commission regarding policies and programs; analyze information pertaining to County services and operations, including policies, programs, methods, budgets, staffing, organization and capital needs.
8. Serve as the County Commission as its agent in administrative matters, including but not limited to administering the preparation of County Commission meeting minutes and agendas and County Commission correspondence.
9. Represent the County with other government agencies and in meetings with the public.
10. Ensure compliance with state and federal regulations.
11. Provide direction and support to staff including investigation and resolution of complaints and concerns regarding county programs, services and facilities.
12. Develop and maintain working relationships with the County Commission, employees, members of the public, local and state legislators, representatives of other government agencies, board and commissions, and industry.
13. Act as liaison with other Jefferson County and municipal elected officials, with other counties and with regional, state and federal agencies on a broad range of matters.
14. Oversee the process of appointments to the County's Boards, Commission and Authorities.
15. Serve as the head of the County Commission's management team.
16. Prepare, secure and administer grants.
17. Investigate and resolve complaints and concerns regarding county programs, services and facilities.

County Commission Administrative Office  
County Administrator

**Jefferson County  
Job Description**

18. Responsible for procurement and oversees the purchasing of commodities, services, supplies, materials, equipment on behalf of the County Commission.
19. Serve in an advisory role to the County Commissioners.

**Recommended Minimum Qualifications:**

**Education and Experience:** Master's Degree in business, public administration or related field and at least seven (7) years of county or other public agency administrative experience including responsibility for management of staff and programs; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

**Special Requirements:** None required.

**Knowledge, Abilities and Skill**

**Knowledge:** Common policies, practices and procedures of all county department operations; laws and regulations pertinent to county operations; finance and budget administration; human resources management; writing and administering grants; and procurement. Broad understanding of state law with particular emphasis on County government.

**Abilities:** Ability effectively and efficiently direct the overall operation of the county; establish and maintain effective working relationships with county officials, outside organizations, the public and other personnel; resolve problems or conflicts; perform multiple tasks under tight deadlines; maintain confidential information.

**Skills:** Understanding of local, state, and federal law. Outstanding interpersonal skills, presentation skills, oral and written communication skills, negotiation skills, management skills, and attention to detail required.

**Physical and Mental Requirements**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

**Physical Demands:** Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. There may also be some occasional lifting of objects such as books, office equipment and computer paper (up to 30 lbs.)

**Motor Skills:** Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, operating a telephone system, computer and/or most other office equipment, typing and/or word processing.

**Visual Demands:** Visual demands include constantly reading documents for general understanding and for analytical purposes.

County Commission Administrative Office  
County Administrator

## JEFFERSON COUNTY PERFORMANCE EVALUATION

The Jefferson County written performance evaluation was established to provide, at least annually, a scheduled opportunity for an employee and his/her supervisor to meet and mutually discuss, identify and document the job performance and accomplishments of an employee during a specified period.

Performance review is an integral part of an effective and productive work environment.

The following definitions apply to each criteria.

- E**      **Excellent** – Performance consistently exceeds established standards and expectations. Requires minimal or no direction.
- AA**    **Above Average** – Performance usually exceeds established standards and expectations. Minimal direction is required.
- S**      **Satisfactory** – Performance consistently meets established standards and expectations. Moderate direction is required.
- NI**    **Needs Improvement** – Performance sometimes meets established standards and expectations but not on a consistent basis. Requires more than moderate direction.
- U**      **Unsatisfactory** – Performance is consistently below established standards and expectations. Frequent direction is required. Substantial improvement is necessary to maintain employment.
- NA**    **Not Applicable**

### **Procedure:**

The performance criteria provide a method to evaluate how effectively the employee performs the essential functions outlined in the employee's job description. As such, the evaluator shall refer to the employee's job description when completing the evaluation and share the evaluation results with the employee. In addition, the evaluator shall provide a written explanation in any instance in which the employee is given either a below average or excellent rating. Both the evaluator and the employee should sign the evaluation. The employee signature indicates that he/she has seen the evaluation but does not necessarily indicate the employee concurs with the evaluation. The employee should be given a copy for his/her records. The original evaluation form(s) shall be retained for six years following separation of the employee.

<b>Employee Name:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Supervisor:</b>	
<b>Date Hired:</b>	
<b>Last Review Date:</b>	
<b>Date:</b>	

Please evaluate the employee's job performance by checking the appropriate box next to each attribute based on the following scale.

U=unsatisfactory; NI=needs improvement; S=satisfactory; AA=above average; E=excellent; NA=not applicable

*\*\*To insert a checkmark on this form press "CTRL and C"*

<b>PERFORMANCE CRITERIA</b>	<b>U</b>	<b>NI</b>	<b>S</b>	<b>AA</b>	<b>E</b>	<b>NA</b>
<b>Knowledge of Work</b> – Learns, understands & retains aspects of work assignments & duties. Remembers & grasps instruction of job tasks without repeated orders of supervisor.						
<b>Productivity</b> – Volume of work regularly produced, speed & consistency of output, uses time effectively & efficiently.						
<b>Quality of Work</b> – Extent to which employee carries out assignments to completion & accurately accomplishes job duties. Results are consistently dependable.						
<b>Adaptability</b> – Capacity to adapt to new situations. Readily adapts to changes in routines, work load and work assignments.						
<b>Initiative</b> – Capacity to undertake & perform job duties independently in obtaining objectives of the job. Self-starter & only seeks guidance when necessary. Contributes new ideas & improved methods to the job.						
<b>Dependability</b> – Reliability in following assigned work schedules & attendance standards. Satisfactorily completes assignments in a timely manner & can be relied upon.						
<b>Ability to Work With Others</b> – Extent to which employee effectively interacts with others in the performance of job duties.						
<b>Supervisory Ability</b> – Ability to effectively delegate & monitor work & follow up with employees; effectively communicate with, reward & discipline employees						
<b>Planning</b> – Develops plans & goals to meet department requirements consistent with established priorities.						
<b>Organization of Work</b> – Structures work in order to promote productivity, analyze work, effectively allocate resources & schedules, and implement tasks.						
<b>Decision Making</b> – Ability to identify problem/issue, make decision and act to rectify said problem/issue.						
<b>Overall Employee Performance</b>						

**EVALUATOR COMMENTS:**

**What are employee's shortcomings and weaknesses?**

**What are the employee's outstanding and strongest points?**

**Significant changes or accomplishments since last evaluation.**

**What can the employee do to be more effective or make needed improvements?**

**EVALUATOR COMMENTS (CONTINUED)**

What additional training or equipment would be helpful?

In what way could the job be modified to make better use of employee skills and abilities?

Additional evaluator comments:

**EMPLOYEE COMMENTS:**

**What are your most important job accomplishments since the last review?**

**What are your weakest areas, or those that need improvement?**

**What steps could you take to improve?**

**What can your supervisor do to support your efforts to improve?**

**EMPLOYEE COMMENTS (CONTINUED)**

**What are your supervisor's strengths and weaknesses in managing your work?**

**Work related issues you would like to discuss?**

**General comments concerning the evaluation of your performance?**

**Additional employee comments:**

Next Review Date: \_\_\_\_\_

Areas targeted for improvement:

Evaluator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Employee signature indicates that he/she has seen the evaluation and does not necessarily indicate concurrence with the evaluation.*

# CHARLES TOWN RACES & SLOTS

#14

Rec  
9/8/09  
JL

VIA HAND DELIVERY

September 8, 2009

Jefferson County Commission  
Dale Manuel, President  
Jim Surkamp, Vice President  
Lyn Widmyer, Commissioner  
Frances Morgan, Commissioner  
Patsy Noland, Commissioner  
P.O. Box 250  
124 E. Washington Street  
Charles Town, West Virginia 25414

Re: **The West Virginia Lottery Tables Game Act - Request for Special Local Option Election**

Dear Commissioners:

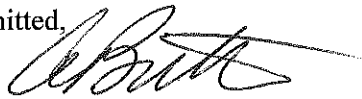
PNGI Charles Town Gaming, LLC ("Petitioner"), presently does business as Charles Town Races & Slots located in Jefferson County, West Virginia. Petitioner presently holds a valid racetrack video lottery license issued by the West Virginia Lottery Commission as well as a valid racing license granted by the West Virginia Racing Commission. This racetrack has been in continuous operation at this location since 1933. Petitioner comes before this honorable Commission, pursuant to **West Virginia Code §29-22C-7**, to respectfully request that a special local option election be scheduled for December 5, 2009 to allow the voters of Jefferson County to approve table gaming at the racetrack.

Petitioner hereby agrees to pay the entire cost incurred by the County on the question of approval or disapproval of West Virginia Lottery table games at its licensed racetrack.

If and when voter approval is obtained the Petitioner represents that it understands and will comply fully with all of the requirements imposed upon it under the West Virginia Lottery Racetrack Table Games Act, prior to the commencement of the operation of table gaming at its facility.

Petitioner is willing to provide this Commission with responses to any questions it may have regarding this petition.

Respectfully submitted,

By:   
Al Britton, General Manager

C: Ms. Jennifer Maghan, County Clerk

# 15

New Business:

Authorization to Allocate Funds for the Purchase of Building for Convention and Visitor's  
Bureau - Discussion/Action

**Leslie D. Smith**

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**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Thursday, September 10, 2009 12:51 PM  
**To:** 'Leslie D. Smith'  
**Cc:** 'Jennifer Snyder'; 'Jennilee Hartman'; 'Christine Chalmers'  
**Subject:** recommended planner

#16

Leslie –

Can you please put the following on next week's agenda:

Recommendation on the hiring of a Planner for the Department of Planning.

I will send you a memo with the details after we have talked to him on the phone.

Thank you.

Jennie

Jennifer M. Brockman, AICP, Director  
Jefferson County Department of Planning and Zoning  
116 East Washington Street  
Charles Town, WV 25414  
Office: (304) 728-3228  
Fax: (304) 728-8126

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
Fax: (304) 728-8126

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**MEMORANDUM**

**To: County Commission**  
**From: Jennifer M. Brockman, AICP, Director, Planning and Zoning**  
**Date: September 10, 2009**  
**Re: Planner Job Offer**

\*\*\*\*\*

Please take action to approve the hiring of Seth A. Rivard for the position of Planner within the Department of Planning with a starting salary of \$48,000 and a starting date no later than October 5, 2009. It is further recommended that after a six-month probation period, the salary be permitted to be adjusted upward to \$50,000 without further action of the County Commission, based upon a satisfactory review.

The Departments received over 60 applications for this position and invited the six top candidates to take part in our interview process. Seth has a Masters of Public Administration with a concentration in Land Planning and Development and a Certificate in Historic Preservation from Eastern Michigan University. He has nearly four years of experience as a City Planner in Lebanon, Tennessee which provided him with a wide range of planning experiences and comes to us with strong recommendations from his former employer.

We are pleased to offer this job to Seth and respectfully request your endorsement of this job offer.

# 17

**Leslie D. Smith**

---

**From:** James Casimiro [jcasimiro@jeffersoncountywv.org]  
**Sent:** Wednesday, September 09, 2009 9:39 AM  
**To:** ldsmith@jeffersoncountywv.org

Leslie,

I was out of town yesterday making an argument before the West Virginia Supreme Court of Appeals in the JCCEP v. County Commission case, and I have several deadlines to meet this week, so I do not plan on attending the County Commission meeting tomorrow. I have no legal updates for them this week.

Also, could you please add the following item to next week's County Commission agenda: "Vote on funding for expert witnesses in PATH case."

Thanks.

James Casimiro III, Esq.  
Assistant Prosecuting Attorney  
P.O. Box 729  
110 N. George St., 3rd Floor  
Charles Town, WV 25414  
Phone 304.728.3581  
Fax 304.728.3353



Telephone: 728-3205  
Tax Office: 728-3220  
Fax: 728-3299

# SHERIFF and TREASURER of Jefferson County

#18

Robert E. Shirley  
P.O. Box 9  
Charles Town, WV 25414

Jefferson County Commission

September 10, 2009

SEP 10 2009

## MEMORANDUM

**RECEIVED**

TO: Jefferson County Commission  
FROM: Chief of Staff  
SUBJECT: Approval of new hire

On October 1, 2009 a position as deputy sheriff becomes available. At this time, I am requesting permission to hire Charles Daniel Hess to fill this position. Charles Daniel Hess has accepted a conditional offer of hire and has successfully completed all phases of the background investigation, polygraph examination and other pre-employment requirements.

Pending your approval, we anticipate a hire date of on or about October 1, 2009. Charles Daniel Hess will start with an annual salary of \$42,300.00, with full benefits commencing on his date of hire. He is a graduate of the West Virginia State Police Academy and currently works as a deputy with the Berkeley County Sheriff's Office.

Thank you for your consideration and attention to this matter.

Respectfully submitted,

Jesse W. Jones  
Chief of Staff

# 19  
# 20

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Capital Planning and Management**  
114 East Washington Street  
Charles Town, West Virginia 25414

**F. Mark Schiavone**  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

**MEMORANDUM**

TO: Leslie Smith  
FROM: F. Mark Schiavone *ms*  
DATE: Thursday, September 10, 2009  
SUBJECT: Agenda Item – new business for Thursday 17 September 2009

**Leslie,**

Please place the following item on the agenda as new business:

- Revenue analysis for July/August 2009
- Draft budget policies

**RECEIVED**

SEP 10 2009

**Jefferson County Commission**

FY 2010 Budget - Revenues Through August 2009

Account	Description	Est Revenue 08	Actual YTD 08	Est Revenue 09	Actual YTD 09	Status
001-299-00-002	UNENCUMBERED BALANCE BUDG	2,947,517.00		3,329,554.00		
001-301-TT-000	PUBLIC UTILITIES	300,836.00	6,128.03	330,098.00	55.72	
001-301-TT-001	AD VALOREM TAXES-CURRENT	8,864,886.00	2,945,875.18	9,224,957.00	3,437,127.25	Increase
001-301-TT-002	AD VALOREM TAXES-1ST YEAR	300,000.00	81,658.91	300,000.00	82,720.74	
001-301-TT-003	AD VALOREM TAXES-2ND YEAR	10,000.00	1,032.56	10,000.00	824.80	
001-301-TT-004	AD VALOREM TAXES-3RD YEAR	1,000.00	502.97	1,000.00	98.77	
001-301-TT-005	AD VALOREM TAXES-4TH & PY	1,000.00	81.57	1,000.00	139.60	
001-301-TT-006	SUPPLEMENTAL TAXES	100,000.00	27,608.75	100,000.00	32,408.11	
001-301-TT-007	SURPLUS	2,000.00		2,000.00		
001-301-TT-099	TAX DISCOUNTS	(200,000.00)	(74,385.86)	(211,973.00)	(86,682.54)	
001-302-TT-000	TAX PENALTIES&INT/PUB FEE	150,000.00	22,720.40	150,000.00	24,060.36	
001-304-OT-000	PROPERTY TRANSFER TAX	550,000.00	117,914.50	630,000.00	85,312.70	Decrease
001-306-OT-000	GAS/OIL SEVERANCE TAX	5,700.00		5,700.00		
001-307-OT-000	HORSE RACING TAX	30,000.00	4,208.25	30,000.00	3,924.17	
001-308-OT-000	WINE AND LIQUOR TAX	40,000.00	1,776.24	40,000.00	3,296.84	
001-309-OT-000	HOTEL OCCUPANCY TAX	470,000.00	82,825.80	400,000.00	108,125.34	Increase
001-312-OT-000	SYNTHETIC FUEL TAX	40,000.00				
001-317-LP-000	LICENSE - DECAL FEES	100.00		100.00	12.00	
001-318-LP-000	BUILDING PERMIT FEES	350,000.00	115,834.16	420,000.00	16,000.00	Decrease
001-322-IG-001	REIM:MARTINSBURG DRUG GRT		994.41		55,500.00	
001-323-IG-000	STATE GOVERNMENT GRANTS		27,797.71		13,273.85	
001-325-IG-000	FEDERAL PAYMENT IN LIEU	16,000.00		16,000.00		
001-329-CS-000	SHERIFF'S SERVICE PROCESS	15,000.00	3,225.00	15,000.00	4,950.54	
001-330-CS-000	SHERIFF'S EARNING	10,000.00	1,781.19	10,000.00	2,542.60	
001-330-CS-001	SHERIFF EARN - ARREST/M/C	7,500.00	1,855.00	7,500.00	2,258.56	
001-331-CS-000	COUNTY CLERK'S EARNINGS	167,800.00	30,692.51	159,040.00	37,461.00	Increase
001-331-CS-002	CO CLK PRESERVATION FUND	2,200.00	272.40	1,000.00	295.60	
001-332-CS-000	CIRCUIT CLERK'S EARNINGS	60,000.00	11,335.48	60,000.00	12,752.13	
001-333-CS-000	PROSECUTING ATTY EARNINGS	1,000.00	241.51	1,000.00	110.00	
001-334-CS-000	ACCIDENT REPORTS	5,000.00	750.00	5,000.00	720.00	
001-336-CS-000	MAP SALES	5,000.00	754.00	4,000.00	902.00	
001-340-CS-000	RENT - MAGISTRATE COURT	45,000.00	7,500.00	45,000.00	7,500.00	
001-340-CS-001	RENT - COUNTY FARM HOUSE	1,200.00	200.00	1,200.00		
001-340-CS-002	RENT - COUNTY FARM LAND	774.00		774.00	193.74	
001-340-CS-003	RENT - FAMILY LAW MASTER	9,444.00		9,444.00		
001-340-CS-005	RENT:MASON BLDG-CORR OFFC		1,704.00			
001-346-CS-000	EMG COMM - 911 FEE	1,100,000.00	260,287.21	1,296,000.00	113,215.34	Decrease
001-346-CS-001	EMG COMMUNICATIONS- SIGNS		1,090.00		145.00	
001-348-CS-000	FRANCHISE AGREEMENTS	275,000.00		275,000.00	82,264.97	
001-350-CS-000	IRP FEES-INTNATL REG PGM	7,500.00	1,792.64	7,500.00	1,952.43	
001-362-CS-000	JAIL FEES	425,000.00	199,522.11	425,000.00	169,640.33	Decrease
001-365-II-000	INTEREST EARNED	71,000.00	10,015.62	102,200.00	8,540.59	
001-365-II-001	INTEREST EARNED-CO CLERK	6,000.00	946.75	4,200.00	367.43	
001-365-II-002	INTEREST EARNED-CIR CLERK	12,000.00	1,170.84	8,400.00	374.64	
001-365-II-004	INT EARNED TAX OFF-ST FEE	4,500.00	152.96	3,150.00	94.30	
001-365-II-005	INTEREST EARND-RACING TAX	500.00	122.40	350.00	40.95	
001-365-II-006	INTEREST EARNED-VIDEO LOT	12,000.00	5,285.19	8,400.00	2,365.26	
001-366-MM-000	MISCELLANEOUS REVENUE	1,200.00	4.08	1,200.00	3.53	
001-367-MM-000	SHERIFF'S COMMISSION	15,000.00	12,491.73	15,000.00	12,653.79	
001-370-OT-000	TABLE GAMES		6,285.84	16,000.00	7,741.92	
001-373-OT-000	VIDEO LOTTERY	4,600,000.00	1,222,543.31	4,280,000.00	1,186,397.57	Decrease
001-373-OT-001	LOCAL - VIDEO LOTTERY	100,000.00	20,687.50	100,000.00	19,392.36	
001-382-MM-000	REIMBURSEMENTS	60,000.00	56,074.49	60,000.00	48,054.94	
001-382-MM-001	REIM:CIRCUIT CLK V/COUNTY		2,603.80		2,765.05	
<b>Totals</b>		<b>20,998,657.00</b>	<b>5,223,961.14</b>	<b>21,699,794.00</b>	<b>5,501,894.28</b>	

## **Budget Policies**

### **Operations**

1. Revenues are to be monitored regularly and compared to historic trends and anticipated rates of receipt. The Commission will be updated quarterly on these findings.
2. The County will prepare projections of revenues for three years ahead of the current fiscal year. These projections will be made prior to the beginning of budget work sessions.
3. County departments which are supported by user fees and charges will periodically recalculate the full cost of operations to ensure that the fees and charges are current.
4. Non-recurring revenues will only be used for non-recurring or emergency expenditures.
5. The County will maintain inventories of capital assets which are above the capital threshold of \$10,000 and inventories of consumable items in excess of \$1,000.

### **Contingencies and Emergencies**

1. The county will strive to maintain a contingency/emergency reserve at a level sufficient to maintain payroll and critical needs for a minimum of one month. The intent of this reserve is to ensure that basic government services continue without interruption at the beginning of a fiscal year in the event that prior year expenditures exceeded revenues and/or there is an insufficient cash balance in the General Fund to meet financial needs prior to property tax collection in late July/early August.
2. The county will strive to only remove funds from the capital projects accounts for emergencies involving immediate or eminent threats to public health, safety, or public property.
3. The County will strive to maintain an additional contingency account within the Coal Severance Fund amounting to at minimum 25% of the total projected revenues. This account would serve to meet the needs of unexpected capital purchases and special projects should other funding sources be unavailable.

### **Debt Policies**

1. The County will strive to avoid the necessity of raising an excess levy through sound financial planning and cash management. Should an excess levy be necessary, the County will include a reduced rate provision in the event property assessments increase during the life of the excess levy.
2. Should it be necessary for the County to raise monies via mortgages or loans through the Building Commission, the County will give preference to using banks established within Jefferson County or neighboring West Virginia counties. However, should larger institutions offer more favorable terms the County will engage the financial institution offering the lowest financing costs as determined over the life of the mortgage or loan.

3. Debt shall not be used to fund operating deficits. Excess levy, bond or mortgage proceeds shall only be used to fund acquisition, repair, construction, improvement or development of public facilities.

**Investment Policy**

1. Primary goals for any investment instrument are safety, liquidity, and return on investment.
2. All investments shall be fully bonded either by ensuring that FDIC limits are not exceeded, or by requiring that the financial institution fully secure the investment via bonding or irrevocable letters of credit.
3. The County should ensure that financial institutions are offering the best rate of return for CD's, savings or checking accounts, and any other instrument in use for holding county funds.

**Capital Improvement Policies**

1. The County shall invest in capital programs which support the goals of the Comprehensive Plan.
2. Impact Fee monies may only be expended toward projects listed on the approved Capital Improvement Plan, and then only for projects required to fulfill, at least in part, demand for service as caused by new growth. For all other capital projects funds must be obtained from other general or special revenue sources.
3. The County's existing assets must be maintained and preserved to ensure continued service.
4. The County will protect its assets with adequate insurance coverage.
5. Projects become eligible for inclusion to the Capital Improvement Plan when the project supports or improves infrastructure needs or increases the service capacity.
6. The County will adopt a six-year Capital Improvement Plan annually.
7. The County will regularly review current definitions of capital project, capital asset, and capital inventory in order to ensure that these definitions best fit the current economic conditions.

**Budgetary Monitoring and Management**

1. The County will develop short- and long-term fiscal management policies that link operational and capital budgeting and organization goals together.
2. Strategic planning and budgeting decisions are based on a number of statistical analysis and financial modeling tools.
3. A long-range financial forecast, which includes revenue and expenditure projections and future operational costs will be prepared annually.
4. Revenues will be monitored monthly and compared with current estimates in order to identify any potential trends which may impact revenue sources.

**Purchasing Policies**

1. Purchase orders in excess of \$199 must receive approval prior to commitment of funds. This includes any purchase made via a county-issued credit card.

2. The purchasing officer will maintain a schedule of items and threshold costs which will be used to determine when a purchase is competitively priced. This process will entail the purchasing officer or a designated agent securing a minimum of three price quotes before committing funds.
3. Only capital items may be purchased from dedicated capital outlay accounts. A capital item is currently defined as having a minimum cost of \$10,000 and a minimum useful lifetime of 3 years.
4. Upon receipt of a capital item information about it must be placed in a capital inventory tracking system.
5. Any purchase order in excess of \$199 must be accompanied by an expenditure account number to be used in funding the purchase. This number is to be provided by the requestor or their department head or supervising elected official. Sufficient funds must exist in this budget account prior to committing the expenditure.

MEMO

# 21

To: Leslie Smith

From: Frances B. Morgan

Date: 9/10/09

Re: Agenda

Please post the following agenda items for the 9/17/09 Meeting:

- ① Ask Commission to pay tuition for F. Morgan to attend Transmission Siting Seminar

Laura E. Rattenni  
Jefferson County Circuit Clerk  
P. O. Box 1234  
Charles Town, WV 25414

Telephone No. (304) 728-3231

Fax No. (304) 728-3398

MEMORANDUM

Date: September 10, 2009  
To: County Commission  
From: Laura E. Rattenni, Circuit Clerk  
Re: New Hire

Please approve the hiring of Aerial Carroll as a full-time temporary Deputy Clerk in the Circuit Clerks office. Aerial was previously employed in this office as a Deputy Clerk in the Domestic department and she proved to be a valuable asset to this office and I am pleased to offer her this temporary, full time/with benefits, position.

She can begin working in the Circuit Clerks office on September 18, 2009, with your approval at the starting salary of \$22,000. Which is currently the starting salary for this office.

Commission Office Use Only:

Date on Agenda:

Appt Time or New Business:

# 23

**Agenda Request Form**

**DRAFT**

**Name:** Click here to enter text.

**Department or Entity:** Click here to enter text.

**Date Requested:** Click here to enter text.

**Subject:** Click here to enter text.

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

Click here to enter text.

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

Click here to enter text.

**Attachments:** Click here to enter text.

**Jefferson County Performance Evaluation – Follow-Up Improvement Evaluation**

# 24

<b>Employee Name:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Supervisor:</b>	
<b>Date Hired:</b>	
<b>Last Review Date:</b>	
<b>Date:</b>	

**DRAFT**

<b>Area(s) From Previous Evaluation Requiring Improvement:</b>	<b>Has Employee Achieved the Required Improvement?</b>

<b>Supervisor Comments/Recommendations:</b>

<b>Employee Comments:</b>

**Supervisor Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_











4. a. What is your supervisor/department head/elected official's greatest strength?

b. Greatest weakness?

5. What assistance could your supervisor/department head/elected official provide that would be beneficial to you or the department?

**DRAFT COUNTY COMMISSION OF JEFFERSON COUNTY**

**POLICY TITLE:** Moving Expenses Policy

**POLICY NUMBER:** 2009 -

**ADOPTED:**

**EFFECTIVE:**

**REVISED:**

**PURPOSE:**

To provide a means for reimbursement or payment of authorized moving expenses for eligible employees.

**POLICY:**

It is the intent of Jefferson County to employ individuals for job openings in the most economical way. Reimbursement or payment of moving expenses will be authorized where a locally qualified candidate cannot be found to fill a vacancy that would typically be a technical or high level county position. The County will reimburse or pay moving expenses that are reasonable and actual expenditures for an individual that is relocating from their prior home to the workplace that is in excess of 50 miles.

**PROCEDURE:**

Reimbursement or payment for moving expenses may be authorized by the County Commission for new employees in a professional, administrative, technical or major supervisory position if it is necessary to recruit out of the local area. Payment or reimbursement is dependent upon funding availability during the fiscal year. Moving expenses will only be authorized for relocation in excess of 50 miles.

After approval of the County Commission, the Commission may reimburse or make payment at its discretion for the following:

- Mileage according to the IRS allowable mileage rate.

**DRAFT**

- Transportation of household and personal belongings by a commercial moving company. Allowable expenses include the actual cost of moving. Quotes shall be obtained from at least 3 commercial moving companies.

- Transportation of household and personal belongings by the employee. Allowable expenses include the actual cost of renting a moving truck or trailer from an established commercial rental company. Quotes shall be obtained from at least 3 commercial vehicle rental companies.

- Moving expenses will be paid if relocation is at time of employment.

- Receipts for all related moving expenses shall be provided to the County.

- If an employee leaves employment with Jefferson County within one year of the date of employment, the employee will be responsible for reimbursing the County the total cost of moving expenses.

---

**NOTICE OF PUBLIC HEARING  
PROPOSED INCREASE  
EMERGENCY 911 WIRELINE FEE**

The County Commission of Jefferson County will hold a public hearing on Monday, October 5<sup>th</sup>, 2009, in the Jefferson County Meeting Room located on the Ground Floor of the Old Charles Town Library, 200 East Washington Street, Charles Town, West Virginia beginning at 7:00 p.m.

The purpose of the meeting will be to hear public comment on the proposed increase in the Emergency 911 Wireline Fee from the current fee of \$2.90 monthly to the proposed new fee of \$3.25. The public is invited to provide written or oral comment at this hearing.

No decision will be made at the hearing.

---

By Order of The County  
Commission of Jefferson County  
Dale Manuel, President

#31

**Leslie D. Smith**

---

**From:** Friddle, Charles H., III [CFRIDDL@allegHENypower.com]  
**Sent:** Thursday, September 10, 2009 10:48 AM  
**To:** Ed Fischer; Chuck Foley; Sue Hamric; Rose Helmick; Richard Kirby; Sharon Hott Link; Kathy Mace; Willie Parker; Sherry Simmons; Leslie Smith; Edie Tichner; Cindy Whetsell  
**Subject:** PATH Public Comment Hearings

Dear Friends,

The WV Public Service Commission has scheduled the following Public Comment Hearings on the PATH project for WV.

**Tuesday, September 22 – 12:30 PM and 6:30 PM – Shepherd University, Frank Arts Center, 260 University Drive, Shepherdstown, WV**

**Wednesday, September 23 – 8:30 AM - Shepherd University, Frank Arts Center, 260 University Drive, Shepherdstown, WV**

**Monday, September 28 – 12:30 PM and 6:30 PM – Days Hotel and Conference Center in Flatwoods, 2000 Sutton Lane, Sutton**

**Friday, October 2 – 12:30 PM and 6:30 PM – Cultural Center State Theatre, State Capitol Complex, 1900 Kanawha Blvd, E. Charleston**

**Tuesday, October 13 – 12:30 PM and 6:30 PM – Canaan Valley Resort and Conference, Rte. 32, Canaan Valley State Park, Davis**

**Thursday, October 22 – 12:30 PM and 6:30 PM – WV Wesleyan College, Campus Center Social Hall, 59 College Ave. Buckhannon**

For further information, please view the website at [pathtransmission.com](http://pathtransmission.com).

If you have questions, please contact me.

*Charles H. Friddle, III*  
**Allegheny Energy**  
Manager, Local Affairs  
50 Kennedy Drive  
Elkins, WV 26241  
Tel: 304/635-0286  
Cell: 304/642-8968  
E mail: [cfriddl@allegHENyenergy.com](mailto:cfriddl@allegHENyenergy.com)

Safety - Our # 1 Priority!

**Leslie D. Smith**

---

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Friday, September 04, 2009 8:16 PM  
**To:** Dale Manuel; Francis Morgan; Jim Surkamp; 'Lyn Widmyer'; 'Patricia Noland'; Arnie Dailey; Edward Dunleavy; Ellen May; Jim Surkamp; John Maxey; John Sidor; Lynne Deming; Robert Reynolds; Thomas Trumble  
**Cc:** 'Leslie D. Smith'; 'Jennifer Snyder'  
**Subject:** FW: [Fwd: Ches. Bay Small Watershed Grants Announcement]  
**Attachments:** untitled-[2].htm

County Commission -

The e-mail below is to inform Jefferson County that we have been selected to receive a Chesapeake Bay Small Watershed Grant for the proposed Blue Ridge Mountain Communities Area Planning effort. This is an invitation to the grant announcement on Monday, September 14, 11:30 a.m. at Heritage Baptist Church in Annapolis, MD.

It is important that we be well represented at this announcement but unfortunately I am planning to attend the Karst Conferences that same day. I have put discussion of our representation at the announcement on next Tuesday's Planning Commission agenda and hope that the Commission will be able to send at least one member. I am also recommending that Jennifer Snyder attend on my behalf. I am hopeful that a representative from the County Commission would also be able to attend this announcement. As I will not be at next Thursday's County Commission meeting, I am sending this e-mail to get an idea of your interest so that we can RSVP in a timely manner (after the PC meeting).

Thank you for your support of this important planning opportunity.

---

Jennie Brockman, Director  
Jefferson County Department of Planning and Zoning Office (304) 728-3228

-----Original Message-----

From: John Maxey [mailto:maxey@radlib.com]  
Sent: Thursday, September 03, 2009 4:42 PM  
To: jbrockman@jeffersoncountywv.org  
Subject: [Fwd: Ches. Bay Small Watershed Grants Announcement]

----- Original Message -----

Subject: Ches. Bay Small Watershed Grants Announcement  
From: "Amanda Bassow" <Amanda.Bassow@NFWF.org>  
Date: Thu, September 3, 2009 3:17 pm  
To: "Amanda Bassow" <Amanda.Bassow@NFWF.org>  
Cc: "Travis Loop" <tloop@chesapeakebay.net>  
"ahanden@chesapeakebay.net" <ahanden@chesapeakebay.net>  
"Lacy Alison" <Lacy.Alison@NFWF.ORG>  
"Cathy Bozek" <Cathy.Bozek@noaa.gov>  
"Sally Claggett" <sclaggett@fs.fed.us>

Applicants - You and your project partners are invited to join NFWF and our partners to announce the 2009 Chesapeake Bay Small Watershed Grants.

Monday, September 14, 11:30am  
Heritage Baptist Church, 1740 Forest Dr, Annapolis, MD 21401-4299

Senator Cardin will join officials from EPA, NOAA, USFS and NFWF in announcing this year's grants to the public and media. The announcement will be followed by a brief tour of the extensive rain gardens on the church grounds. An informal picnic lunch will be provided.

RSVP by COB Sept. 9 and let me know how many will be in your party.

I look forward to seeing you in Annapolis!

Amanda

Amanda Bassow | National Fish and Wildlife Foundation Director, Chesapeake Programs

1133 15th Street NW, Suite 1100 | Washington, DC 20005 Tel (dd): (202)

595-2476 | Tel (o): (202) 857-0166

Email: [amanda.bassow@nfwf.org](mailto:amanda.bassow@nfwf.org) | Website: [www.nfwf.org/chesapeake](http://www.nfwf.org/chesapeake) NFWF's CFC #10267

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Monday, September 14, 11:30am  
Heritage Baptist Church, 1740 Forest Dr, Annapolis, MD 21401-4299

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I look forward to seeing you in Annapolis!  
Amanda

**Amanda Bassow** | National Fish and Wildlife Foundation  
Director, Chesapeake Programs  
1133 15th Street NW, Suite 1100 | Washington, DC 20005  
Tel (dd): (202) 595-2476 | Tel (o): (202) 857-0166  
Email: [amanda.bassow@nfwf.org](mailto:amanda.bassow@nfwf.org) | Website: [www.nfwf.org/chesapeake](http://www.nfwf.org/chesapeake)

**NFWF's CFC #10267**

---

# 33

**Leslie D. Smith**

---

**From:** Hali Taylor [taylor\_h@martin.lib.wv.us]  
**Sent:** Tuesday, September 08, 2009 2:42 PM  
**To:** sheplibrary@yahoo.com  
**Subject:** Rumsey Radio Hour Dinner Theater

**PLEASE JOIN US! FABULOUS FOOD, FABULOUS ENTERTAINMENT AND  
THE SHEPHERDSTOWN PUBLIC LIBRARY BENEFITS!**

From the Friends of the Shepherdstown Library

**RUMSEY RADIO HOUR RETURNS SEPTEMBER 19-20!**

The Shepherdstown Public Library is bringing back the popular Rumsey Radio Hour as its annual fall fundraising event. Shows will be on Saturday, September 19 at 2:00 and 8:00 p.m. and on Sunday, September 20 at 6:00 p.m. All shows will be in Reynolds Hall on King Street in Shepherdstown.

The Rumsey Radio Hour features talented local musicians, poets and storytellers, combined with old-time radio sound effects in Shepherdstown's own version of "A Prairie Home Companion."

As in past years, Saturday evening's performance will be preceded by a dinner created by accomplished local chefs. The dinner will be at the War Memorial Building at the corner of German and King Streets. It will begin with a cocktail hour at 6:00 p.m.

Tickets for any of the shows may be combined with dinner tickets. Admission for the show alone is \$10 (\$7 is tax deductible). For dinner and the show, the charge is \$35 (\$25 is tax deductible).

Most proceeds from the show and dinner go to support Library programs. The Shepherdstown business community helps cover overhead costs. Shepherd University makes Reynolds Hall available free of charge. The Shepherdstown Men's Club does the same with the War Memorial Building.

Tickets are available at the Shepherdstown Library, at the intersection of King and German streets. For additional information or to order tickets, stop by the Library or contact them by telephone at 304-876-2783 or by e-mail at [sheplibrary@yahoo.com](mailto:sheplibrary@yahoo.com).

#34

**To: Members of Interim Finance Subcommittee B**

**CC: The Honorable Joe Manchin III, Governor  
Ted Cheatham, Director, Public Employees Insurance Agency**

**From: Lisa Dooley, Executive Director  
WEST VIRGINIA MUNICIPAL LEAGUE  
Patti Hamilton, Executive Director,  
WEST VIRGINIA ASSOCIATION OF COUNTIES  
Suzanne Park, Communications Director  
WEST VIRGINIA PUBLIC TRANSIT ASSOCIATION  
Mike McNulty, General Manager  
PUTNAM PUBLIC SERVICE DISTRICT  
Debbie Britt, Executive Director  
WEST VIRGINIA RURAL WATER ASSOCIATION  
Vivian Parsons, Executive Director  
COUNTY COMMISSIONERS' ASSOCIATION OF WEST VIRGINIA**

**Date: September 3, 2009**

It has been about a year since we addressed the Joint Committee on Government and Finance and met with the Governor's staff about the Other Post Employment Benefits (OPEB) liability issue. With this letter, we will bring you up to date on what we have learned since then, what we as representatives of non-state entities think we need to do, and the impact it is having on our finances.

First, we would like to thank PEIA for their assistance. They have met with one of our representatives as part of a small working group to help us understand the issue better and facilitate discussion of ways we can mitigate the liability. We realize that the state agencies, the school boards, and the non-state entities not only in West Virginia but all across the country are grappling with this issue.

The governing bodies of the non-state entities did not implement the benefits that have caused this liability except by virtue of adopting PEIA for medical coverage and/or PERS as their retirement system. The OPEB liability is a state inspired liability. For us, PEIA is simply another insurance provider from which we can choose. Our premiums reflect the total cost of health care coverage. It becomes more complicated in West Virginia than in other states because of the intermingling of PERS and PEIA. For the non-state entities that participate in PERS, their employees have the option, by law, to select PEIA as their post-retirement health care coverage, even if their employer never participated in PEIA for active employees. This tie-in with PERS makes it impossible for many of the non-state entities (including all counties) to "opt-out" of the OPEB liability. *One of the first strategies we are considering is asking the Legislature to*

*eliminate that option on a going forward basis. If we remove the option to select PEIA upon retirement and make it effective in, for example, 2015, it gives all current employees advance notice and helps mitigate the liability much more significantly than if it is effective for new hires only.*

A second consideration is to review the actuarial computations that the non-PEIA entities will be obtaining and see if their liability amount and ARC differs markedly from PEIA's calculations. We are also considering obtaining a sample actuarial study of PEIA non-state entities. We have questioned whether the actuarial study done for PEIA accurately reflects the employment practices of the non-state entities. *Therefore, another strategy we are considering is a review of the actuarial results for the non-state entities that do not participate in PEIA (but participate in PERS) and conduct a sample actuarial study of selected counties, municipalities, public service districts, and transit authorities in PEIA to see if the current liability calculation and ARC are based on reliable assumptions for the non-state entities.*

A third possibility and legislative initiative is to require that PEIA must provide de-identified claims data to participants. This information can be used to help non-state entities have more control and choice of their benefit package. It would also help them determine the types of wellness programs and other health-related issues they need to address for their employees. For example, if a county or city finds through a review of de-identified claims data that their employees have an unusually high rate of diabetes, then programs to assist in managing the disease could be implemented. *Therefore, we support legislation that would require the provision of de-identified claims data from PEIA to its participating entities.*

*We are also considering a letter to our congressional delegation to inform them of the impacts of the standard set forth by GASB, an autonomous board that, while not authorized to create law, has powers that in effect carry the weight or influence of law when they are adopted by all accounting, actuary, and auditing professionals. They need to know that West Virginia's non-state entities and the services they provide cannot shoulder this burden, and did not create it.*

In conclusion, West Virginia's non-state entities need flexibility to control health care costs and the OPEB liability, both now and in the future. We need the ability to control our own destinies, determine our own post-employment benefits and find solutions to mitigate or alleviate the liability independently of the state agencies. We are not bound by the same constraints as the state agencies, and therefore should not be bound by the same strategies.

Thank you for your attention to this matter. We empathize with your responsibility to state employees and we ask you to help us determine: Is this actually our liability or is it a state-created liability that has been shifted to the non-state entities? Should the determination be made that it is our liability, then allow us the flexibility to take care of our own burden by making our own decisions regarding retiree benefits on a going forward basis. That strategy would actually help lift some burden off the Legislature's shoulders and would ensure that we can continue to fulfill our responsibilities as mandated by statute and constitution.



# 35

2211 Washington Street East  
Charleston, WV 25311-2118  
Phone: (304) 346.0591  
Fax: (304) 346.0592

**RECEIVED** Patricia L. Hamilton  
Executive Director

SEP 03 2009

**Jefferson County Commission**

To: Jefferson County Officials

From: Patti Hamilton *Patti*

Re: Fall Board of Directors Meeting of the West Virginia Association of Counties

Date: September 1, 2009

It's hard to believe but fall is almost here and the legislative session will begin in less than five months! To prepare for the legislative session and conduct business of the West Virginia Association of Counties, our Board of Directors will be meeting at the Inn of Charles Town from October 4<sup>th</sup> - 6<sup>th</sup>, 2009. We certainly hope you can join us and welcome the board members and legislative committees of our member associations to beautiful Jefferson County.

The welcome is scheduled for the opening of the general session at 9:00 a.m. on Monday, October 5<sup>th</sup> but you are invited to be our guest for any and all events during our stay, particularly our luncheon and/or dinner on Monday and the "Issues and Eggs" breakfast on Tuesday. An agenda is enclosed for your information. We will also have a hospitality suite on Sunday and Monday evenings to which you are invited.

We will have participants from all over the state and we are looking forward to our autumn event in the Eastern Panhandle!

WVACo Fall Board Meeting Agenda  
October 4 - 6, 2009  
The Inn at Charles Town, Jefferson County

Sunday, October 4<sup>th</sup>

3:00 - 6:00 Registration

Dinner - On Your Own

Member Associations Relations Committee Meeting - 5:00 p.m.

Compensation Committee Meeting - Time to be Determined

Monday, October 5<sup>th</sup>

8:00 a.m. Brief Annual Meeting Committee Meeting

8:00 - 9:00 a.m. Registration & Continental Breakfast

9:00 - Noon General Session

Invocation & Pledge of Allegiance

Welcome from Jefferson County Officials

Welcome from the President

Report from Executive Director

**Business Meeting - See Business Agenda**

**draft**

---

10:30 a.m. Committee Discussions on Legislative Issues (attendees sign up for committees when registering)

Committee A - Taxation/Finance/Revenue

Committee B - Justice/Jails/Law Enforcement

Committee C - County Government Generally

Committee D - Personnel & County Officials Issues

Noon - Luncheon Area Legislators Invited

1:00 p.m. Continue Committee Discussions (if needed) and Committee Reports

2:30 p.m. Member Associations Meet / Finalize Legislative Agenda presentation

3:30 p.m. Free Time - Enjoy the Area.

6:30 p.m. Group Dinner

Tuesday, October 6<sup>th</sup>

8:30 a.m. "Issues and Eggs" Breakfast Meeting

Adopt Legislative Agenda - Report from each Member Association

Other Business

10:30 a.m. Adjourn



RECEIVED  
SEP 02 2009  
JEFFERSON COUNTY  
CIRCUIT COURT  
#36  
Patricia L. Hamilton  
Executive Director

2211 Washington Street East  
Charleston, WV 25311-2118  
Phone: (304) 346.0591  
Fax: (304) 346.0592

# RECEIVED

SEP 03 2009

To: All County Officials

From: Patti Hamilton

Jefferson County Commission

Re: Excerpts from *Views & Visions*

Date: August 14, 2009

Enclosed please find copies of a few of the articles included in this quarter's *Views & Visions*, a publication of Bowles Rice McDavid Graff & Love LLP. The entire publication is dedicated to local government and I was very honored to be asked to submit an article on leadership. Also included in this packet are articles from Kanawha County Commissioner Kent Carper and State Senator William R. Laird IV, former Fayette County Sheriff and a past president of the West Virginia Association of Counties.

The entire publication can be viewed online at [www.bowlesrice.com](http://www.bowlesrice.com). You will find a link to the current publication on the home page.

A grammar note: My article concludes with a statement that I am closing it with a quote from "someone more articulate than me." When I first saw this, I could not imagine that I made that grammatical error. Sure enough, my original that I submitted says "more articulate than I." A proofreader made the change! It's easy to explain this to all of you.....the hard part will be explaining it to my mom, the English teacher! Bowles Rice graciously apologized for the error and it's been corrected on the web site version.

*Assessor*  
*5 cc's*  
*clerk*  
*Comm*  
*Pro. Atty*  
*JC Sheriffs Dept*  
*9/2/09 BR*



RECEIVED  
SEP 02 2009  
JEFFERSON COUNTY  
CIRCUIT COURT

2211 Washington Street East  
Charleston, WV 25311-2118  
Phone: (304) 346.0591  
Fax: (304) 346.0592

Patricia L. Hamilton  
Executive Director

To: All County Officials  
From: Patti Hamilton  
Re: Excerpts from *Views & Visions*  
Date: August 14, 2009

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*5 cc's*  
*Asst. Sec.*  
*Clerk*  
*Comm*  
*Atty*  
*J.C. Sheriff's Dept*  
*9/2/09 BR*



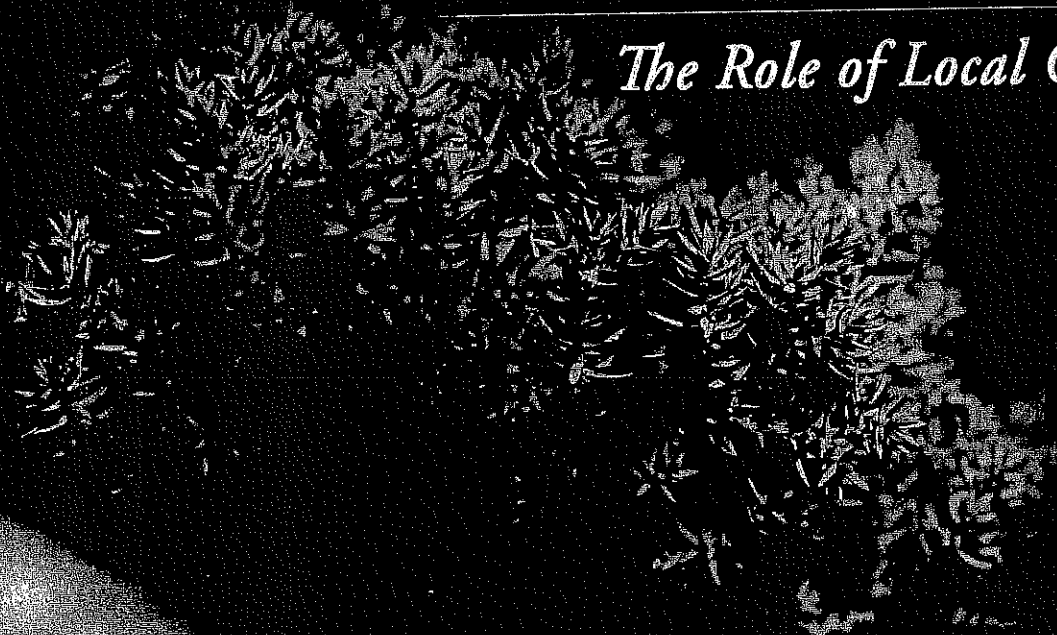
# VIEWS & VISIONS

A publication of Bowles Rice McDavid Graff & Love LLP

Summer 2009

## Cultivating Successful Communities

*The Role of Local Government*



## Cultivating Successful Communities: The Role of Local Government

Thomas A. Heywood  
Bowles Rice McDavid Graff & Love LLP



## FROM OUR MANAGING PARTNER

Tom Heywood is Managing Partner of Bowles Rice and a former chief of staff to the Honorable Gaston Caperton, Governor of the State of West Virginia. He has significant experience in health care, corporate, finance and commercial law, and is recognized as one of the "Best Lawyers in America."

Mr. Heywood is active in the community and in various West Virginia business and trade associations. He serves on the boards of many charitable organizations, including Vision Shared, Imagine West Virginia, the West Virginia Venture Connection, the West Virginia Entrepreneurs Forum, Discover the Real West Virginia Foundation, Thomas Memorial Hospital, West Virginia University Hospitals, the Clay Center and the Kanawha County Library Foundation.

How can we nurture and grow successful communities, and what is the role of local government in this process? In this edition of *Views & Visions* we are pleased to share the insights and experiences of leaders from across our region on these important issues.

There is broad agreement that successful communities actively plan for the future, and effectively position themselves for economic opportunity. Many communities across our region are effectively positioning themselves for success.

The stories of several such communities – including Morgantown, Indianapolis, Louisville, Lexington, Parkersburg, Bowling Green, Pittsburgh, Advantage Valley, Charleston and Martinsburg – are found in the pages that follow. Our sincere thanks go to David Satterfield, Howard Mills, Mayor Jerry Abramson, Pam Miller, Ann Conageski, Mayor Elaine Walker, Chancellor Mark Nordenberg, Mark Bugher, Mayor Danny Jones and Mayor George Karos for sharing the stories and plans of these outstanding communities so many of us call home.

The range of services that local governments are called upon to provide is vast indeed. Senator Dan Foster, Charleston Police Chief Brent Webster and Senator Bill Laird each discuss important services that our communities provide, and note both the successes and the challenges in service delivery that all communities across our nation are facing in the 21st century.

So how do we meet these challenges, and position for future success? As Dan Guida reminds us in his thought-provoking article, new ways of thinking are called for.

A lot of new thinking centers around the opportunities that "metro government" may afford to enhance and preserve the things that

make our communities great places to live, while offering better opportunity to compete and succeed in the global marketplace. Senator Brooks McCabe, Kanawha County Commission President Kent Carper, Butch Osborne, Charleston City Council President Tom Lane, Louisville Mayor Jerry Abramson, Pam Miller, Howard Mills and Chancellor Mark Nordenberg each help us better understand the sometimes complex issue that goes by the simple name of "metro government."

New thinking is also emerging around "home rule." Bowles Rice partner Kin Sayre and West Virginia Municipal League Executive Director Lisa Dooley offer some history and background on the home rule issue, and help us better understand the status of our current experiment with limited home rule in West Virginia.

Effective local leadership makes all the difference. Patti Hamilton, Executive Director of the West Virginia Association of Counties, tells us about a very exciting initiative of the National Association of Counties to develop and nurture leadership at the local level. We look forward to great things across our region and nation as a result of this focused effort.

There are lots of significant legal issues that pertain to both the theory and the reality of running local government. We are proud to share the insights of Bowles Rice partners John Teare and Todd Myers on legal standards and theory that shape how we in America handle issues of liability and free speech at the local level.

Our communities are essential to the success of each and every one of us. Our local governments are essential to the success of our communities. On behalf of all of us at Bowles Rice, I hope that this edition of *Views & Visions* helps all of us better position ourselves and our communities for prosperity and success in the years to come. Happy cultivating! W



## Metro Government: A Chance for Unity and Prosperity

W. Kent Carper, President  
Kanawha County Commission

W. Kent Carper is president of the Kanawha County Commission. A native West Virginian, he was an honor graduate of West Virginia State University and a law graduate of Ohio Northern University.

He is a former paramedic and throughout his 30 years of public service, he has worked as Kanawha County Assistant Prosecutor, Public Safety Director/Police Chief of Charleston and West Virginia Deputy Securities Commissioner. He also is a partner in the Charleston law firm of Hill, Peterson, Carper, Bee & Deitzler, PLLC.

He joined the Kanawha County Commission in 1996. As a commissioner, he is responsible for setting the budget for the county, which includes appropriating funds for the Prosecuting Attorney's office, the Sheriff's Department, the County and Circuit Clerks' offices and the Assessor's office.

After years of debate, the West Virginia Legislature has provided all of the counties and municipalities in the state the necessary legislation to enable local governments to explore the efficiencies and improvements that come from consolidation. Now that we have the "metro government" mechanism in place, we are faced with the challenge of forming a consolidated government for Kanawha County and Charleston, West Virginia. The first question everyone needs to ask is—what is metro government?

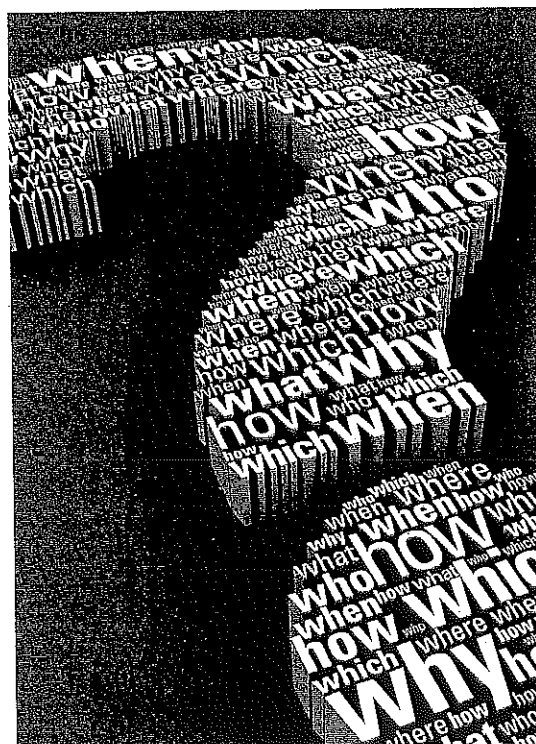
The first hurdle to overcome to answer this question is the fact that hearing the term "metro government" is part of the problem. It is a confusing and intimidating term. If you look metro government up in the dictionary, you will not find a definition. Without a true definition, it is difficult for one to understand the meaning of metro government. At the end of the day, metro government means different things to different communities. Therefore, we answer the question

by stating metro government is a combination of streamlining government, improving basic services, saving tax dollars, and affording the community an opportunity to compete not only in a regional market, but globally.

The next question is—how do we go about forming a metro government? I believe 25 to 35 percent of the citizens are in favor of metro government, 25 to 35 percent are opposed to metro government, and the rest do not know enough about what it means to form an educated opinion. To address this lack of knowledge we are borrowing a page from the Louisville, Kentucky, playbook. Louisville was the first major city in the past 30 years to merge a city and county government. Quoting Mayor Jerry Abramson of Louisville, "Metro government is the most complex discussion you will ever have with the electorate."

Those who oppose metro government will do their best to confuse the issue and misrepresent facts to benefit their position in the debate. The Kanawha County Commission hosted two trips to Louisville, taking local elected officials, community leaders, business people and concerned citizens to learn firsthand how the City of Louisville and Jefferson County, Kentucky, successfully merged. We learned from our trips about many positive things that we can adapt from the Louisville model with regard to their public education campaign and how the small municipalities were included in metro government while maintaining their identity.

The citizens of Kanawha County and the City of Charleston already have received a taste of the benefits of metro government with the consolidation of services at Metro 911, the Charleston-Kanawha Housing Authority, the Kanawha-Charleston Health Department, the Central West Virginia Regional Airport Authority (Yeager Airport), the Kanawha



County Emergency Ambulance Authority, the Kanawha Valley Regional Transportation Authority (KRT) and the Kanawha-Charleston Animal Shelter. With a full-fledged metro government in place, the tax savings to the citizens will continue to grow as more duplication of services is eliminated.

Small municipalities in Jefferson County, Kentucky, remained independent. The citizens who lived in the former incorporated area of Louisville maintained their services and tax rates, and the citizens who lived outside the former incorporated area of Louisville maintained their services and tax rates as well. No one ended up paying more taxes. In addition, the citizens of all of the municipalities had a voice in choosing their elected leaders. They all were able to vote for mayor and for city council representatives for the districts in which they reside.

A key component to educating the electorate successfully will be the involvement of the business community—large businesses and small businesses alike. If they do not see, understand and support the need for metro government, the challenge of needed public support becomes impossible. One of the first factors a business looking for a new or expanded location considers is the Metropolitan Statistical Area (MSA) of the area where it may want to locate. The minimum MSA consists of a core urban area of at least 50,000 in population. Currently, the City of Charleston encompasses 32.7 square miles with a population of 50,478, and the unincorporated area of Kanawha County encompasses 840 square miles with a population of 88,453.

It is simple: The higher the population of a municipalities' MSA, the better chances a market has in at least getting a new or existing expanding business to consider its area. The current declining population trend of the City of Charleston is working against the goal of getting a business's attention. Without metro government the MSA of the City of Charleston and Kanawha County will continue to shrink,

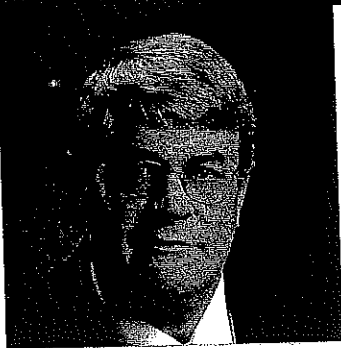


costing us business opportunities that we will never even know about.

Another significant benefit reported by businesses in Louisville was the one-stop location for all of their business concerns when it came to planning, construction, permits and ordinance compliance. Gone were the days of dealing with the city on an issue and then dealing with the county in a totally different location on the very same issue or running from office to office to obtain information and permits.

The last area to touch upon when we begin to consider metro government is CommUNITY pride. You will note that the word UNITY is a key component of

CommUNITY. If the City of Charleston and Kanawha County continue their declining population course, it is a given fact that other cities in West Virginia, more particularly Morgantown, eventually will overtake Charleston as the largest city in the state; however, bragging rights is not the issue. To compete locally, regionally and globally, Kanawha County and the City of Charleston need to be the leaders they always have been and be the first in West Virginia to form a metro government. W



## Local Law Enforcement and Public Safety Challenges

The Honorable William R. Laird, IV, State Senator  
West Virginia

William Laird IV was elected to the West Virginia State Senate in 2008. His prior legislative experience included two terms in the West Virginia House of Delegates, representing the citizens of the 29th Delegate District. Mr. Laird is perhaps best known for his work career in county government. He was elected and served as a magistrate in Fayette County and served an unprecedented four terms (16 years) as Sheriff of Fayette County.

Bill Laird began his career in government in 1978 with the West Virginia Department of Corrections. In 1983, he was appointed to the position of West Virginia Alcohol Beverage Control Commissioner and later served as Director of Budget and Administration in the Office of the Attorney General. His professional experience also included service as president and CEO of Montgomery General Hospital from 1996 through 2000.

Throughout his career in government, Senator Laird has been active in his participation on numerous boards and committees. He is a past president of the West Virginia Association of Counties and was an active member of the West Virginia Sheriffs' Association for many years. He is a former member of the West Virginia Lottery Commission and previously served as chairman of the Governor's Committee on Crime, Delinquency and Correction, and as a member of the Domestic Violence Fatality Review Team.

Senator Laird received his undergraduate degree in political science from Concord College and his master's degree from Marshall University.

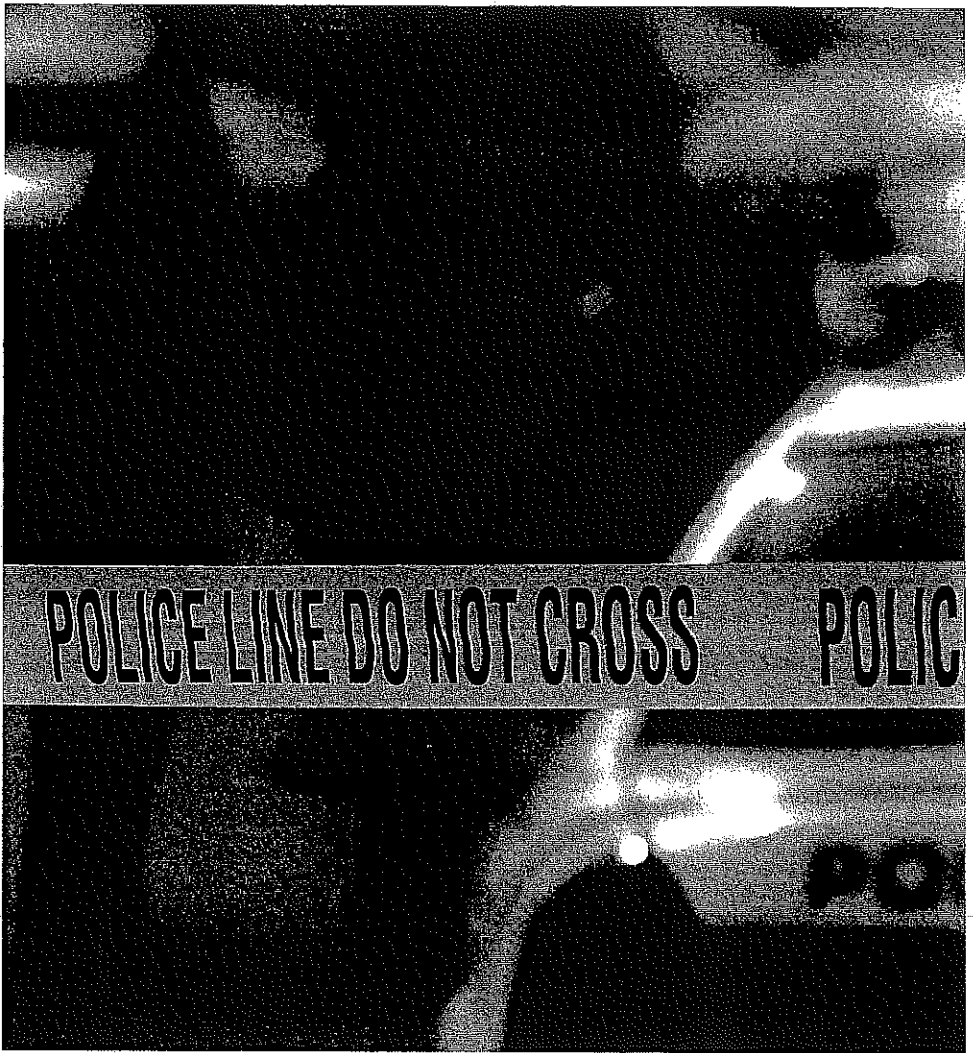
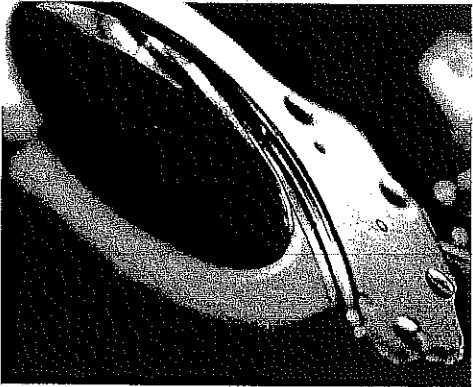
Similar to the assertion by former House Speaker Tip O'Neill that "all politics is local," it can indeed be argued that many, if not most, of the activities of government more directly affecting the quality of life in our communities are performed by our local units of government. While my current service in the State Senate requires me to be more global in my thinking and work on a number of issues of interest to our citizens, my 16 years as Sheriff of Fayette County shall always remain the foundation for my values and beliefs about the important role of government in the daily lives of others. Since local government is the closest government to the people, we must be forever mindful of the preeminent role of our 55 counties and 232 municipalities in providing for the delivery of essential services throughout the State of West Virginia. In a very real sense, local government will always remain as the contact point for services where "the rubber meets the road."

Law enforcement and public safety have long been viewed as core governmental duties and responsibilities. While I have always had the utmost respect for our state and federal law enforcement agencies, I also recognize and understand that it is local law enforcement agencies that respond to most citizen calls for service. According to the Division of Criminal Justice Services, the distribution of certified law enforcement offices in West Virginia include 655 state troopers, 1,031 deputy sheriffs, and 1,516 city police officers. Clearly, since the advent of 911 systems throughout our state and improvements in communication protocols for receiving and dispatching emergency calls for service, law enforcement has been transformed from proactive preventive patrol to a reactive response environment. In many of the more rural areas within our state, local law enforcement agencies provide the only law enforcement response to emergency calls

received after midnight. Increased use of mutual aid agreements among many police departments has provided some measure of protection and coverage within these underserved rural areas. From the perspective of a citizen in need, it becomes inconsequential whether the color of the uniform is green, grey or blue.

From my perspective, among the most difficult challenges currently facing our local law enforcement agencies are fundamental shifts in the type and sale of certain illegal drugs, increased regional jail costs and continued patterns of domestic violence occurring within our communities. In the past five years, I have noticed a major shift toward the increased trafficking and use of prescription pain medications as the drug of choice and abuse in southern West Virginia. The illegal diversion and use of such opioids as oxycodone, morphine, hydrocodone and other narcotic pain medications has reached epidemic levels in many areas of the state. According to the Office of the Chief Medical Examiner, unintentional pharmaceutical drug overdoses have topped 300 annual deaths in the past few years and we have attained the distinction of having one of the highest per capita death rates in the nation involving this particular category of drugs. While it has yet to be proclaimed as such, I am of the strong opinion and belief that opioid addiction has become the single most serious public health problem in the state of West Virginia.

With a growing nexus between pharmaceutical drug addiction and property crimes committed to feed growing addiction rates, local law enforcement agencies will be challenged to develop new and innovative intervention strategies in order to meet this serious law enforcement and public health challenge.



The increased cost to counties and cities resulting from the establishment of our regional jail system has been well documented and publicized in recent years. In response to these increased costs that have threatened the financial stability of local governments, substantial efforts have been directed toward the establishment of community corrections programs throughout the state. At this time, a total of 18 community corrections programs provide judges and magistrates with alternative, community-based sentencing options intended to avoid the incarceration of non-violent offenders in our regional jails. Many of these programs are multi-county grants that have extended this sentencing option to most jurisdictions within our state. Through the delivery of comprehensive community-based program services at our day report centers, such as individual and group counseling, alcohol and

drug addiction counseling, adult basic education, job placement services and a variety of community work programs, we have the real potential for reducing recidivism rates and making our communities safer in the long run.

Finally, while we are indeed blessed to live in a state with a comparatively low crime rate, domestic violence remains a very serious social problem, requiring our continued vigilance and ongoing public policy attention. In the past few years, remarkable progress has been made in heightening our sensitivities for dealing with interpersonal violence occurring within the framework of the family and other relationships. The cyclical patterns of abuse evident in this conduct and behavior will continue to challenge us for many years to come. W



## Leadership At The Local Level

Patricia Hamilton, CAE, Executive Director  
West Virginia Association of Counties

Patti Hamilton has served as the Executive Director of the West Virginia Association of Counties since October 1997. Her work experience includes several years as a high school teacher, a small business owner and as a utilities analyst and legislative liaison for the West Virginia Public Service Commission. Ms. Hamilton is a cum laude graduate of West Virginia University and earned a master's degree in management/public administration from the West Virginia Graduate College.

She is nationally certified by the American Society of Association Executives as a "Certified Association Executive" (CAE). She currently serves as president of the National Council of County Association Executives, an affiliate of the National Association of Counties, and is a past president of the Conference of Southern County Associations (15 states). She has served as an officer and board member of the West Virginia Society of Association Executives and the West Virginia Professional Association of Lobbyists.

Accomplishments of the West Virginia Association of Counties under her tenure include the founding of the Local Government Leadership Academy, in collaboration with West Virginia University, the implementation of the WVACO Dental/Vision Benefit Plan in 2000, and the creation of the West Virginia Counties Risk Pool in 2007.

*"A leader has to lead, or otherwise he has no business in politics."*

– Harry S. Truman

*"Leadership and learning are indispensable to each other."*

– John F. Kennedy

*"My half century of public service has convinced me that leadership is not the result of genius or even natural ability. It is the result of persistence, perseverance, and hard work. To be a good leader, one must work at it."*

– Senator Robert C. Byrd

Over the dozen years that I have been executive director of the West Virginia Association of Counties, I have given a lot of thought to the qualities that make up a leader at the local level. For this article, I perused the many publications I have acquired that focus on leadership and have determined that there is no shortage of

**In other words, leaders who create positive change must challenge the expectations of their citizens, rather than meet them.**

excellent studies, research, tomes, quotes and articles on the subject. One of my main goals for the organization that represents all 442 elected county officials in the state is to apply this wealth of information and play a role in ensuring that there is no shortage of leadership in county government.

I selected the quotes that begin this article because they apply well to those who run for office. If persons have no ability nor ambition to lead, should they be in politics? Can people



be described as leaders, whether in politics or other walks of life, if they are not open and willing to learn and to work hard at it? In West Virginia, as in almost all states, there are virtually no qualifications required to be elected to office except the ability to get more people to vote for you than for the other person. Consequently, our democracy from the federal to the county level is representative, with elected officials having all levels of education, experience and a variety of different work and career backgrounds. As a further consequence, those who are elected may take office with absolutely no experience in managing employees or being in charge, much less "leading."

I am a believer, though, that while there are some innate leadership qualities, there are also skills or new perspectives that can be taught. To that end, the West Virginia Association of Counties founded the "Local Government Leadership Academy." Actually, what we found was a great partner, the West Virginia University Institute for Public Affairs. Our idea has evolved into basic core curriculum, as well as thought-provoking topics for both county and municipal officials who take their weekend time to attend classes. I like to think that we were leaders in helping to create leaders!

The National Association of Counties sponsors a County Leadership Institute, and I recently had the opportunity to be one of the 25 selected for the sixth annual class. This rigorous four-day program at New York University's Robert F. Wagner Graduate School for Public Service is specifically designed to elicit one's strengths and



*James Hunt, Clarksburg Councilman, was the lunch speaker at the Local Government Leadership Academy*



*Kevin Leyden, Political Science Professor and Director of WVU's Institute of Public Affairs, and Brenda Miller, Ohio County Circuit Clerk*

qualities of leadership for the purpose of applying the knowledge to the challenges facing county government from local, state and national levels. I learned a brand new definition of leadership there from presenter Marty Linsky, co-author of *Leadership On The Line*: "Leadership is about disappointing your own people at a rate they can absorb."

In other words, leaders who create positive change must challenge the expectations of their citizens, rather than meet them. I like this perspective on leadership because it emphasizes that leadership is not about maintaining status quo but rather requires a balance, especially for those who hold public office. For an elected official, throwing too much at one time (either throwing out the old or throwing in the new) will often get one thrown out of office! If one is merely going to maintain and go with the flow, there is no need for leadership nor balance. Moving one's citizens off of status quo, again, at a rate they can handle and accept, requires leadership.

Think of such accomplishments as new parks, improvements to elections, or community corrections and you are seeing leadership in action at the county level. And if it fails? At least they did not fail to try! Efforts in leadership will sometimes result in failure, which explains why the subtitle of Marty Linsky's aforementioned book is *Staying Alive Through the Dangers of Leading*. Leaders at the local level are moving their citizens out of the comfort zone and, to make matters even more difficult, they have to hear about it every time they go to the grocery store!

Since this article began with quotes from others more articulate than me, it is appropriate to conclude with a quote that I believe captures the essence of leadership:

*"There are those who look at things the way they are and ask, why? I dream of things that never were and ask, why not?"*

– Robert F. Kennedy

Harpers Ferry National Historical Park

National Park Service  
U.S. Department of the Interior



# Community Bulletin



Education Staff members include: (L to R) Stan McGee, Autumn Cook, Lesley Johnson, Dennis Frye, Amber Kraft, Christy Tew, and Catherine Braslow

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SEP 03 2009

## Harpers Ferry John Brown Raid Service Learning Project Recognized for Outstanding Historic Preservation Accomplishment

Jefferson County Commission

WASHINGTON, D.C.- The Advisory Council on Historic Preservation presented the ACHP Award for Federal Preserve America Accomplishment to Harpers Ferry National Historical Park, in partnership with Harpers Ferry Middle School and the Journey Through Hallowed Ground Partnership, for a groundbreaking service learning project called Of the Student, By the Student, For the Student.

The award was presented by ACHP Chairman John L. Nau, III, at the quarterly business meeting held in the Cannon Caucus Room of the Can-

non House Office Building. Nau was joined by Deputy Assistant Secretary of the Interior for Fish, Wildlife and Parks (and the Interior Secretary's designate to the ACHP) Will Shafroth; and Deputy Assistant Secretary of the Interior for Policy, Management, and Budget Robert G. Stanton, in making the presentations.

The Preserve America Award went to the first, unprecedented national effort completed by a federal agency, a historic preservation nonprofit organization, and a school under the Preserve America Service Learning Project. The

three organizations enabled students to create six vodcasts centering on a middle school perspective of the John Brown Raid as it commemorates the 150th anniversary of an event crucial to touching off the Civil War. Walking in the footsteps of the raiders, using the places where the raid occurred, and primary historic documents, students interpreted the significance of the John Brown Raid to their peers and created the vodcasts to share their learning with visitors to Harpers Ferry National Historical Park and others interested in the John Brown Raid.

### 150th Commemoration of John Brown's Raid

October 16-18 – Sesquicentennial Commemoration of John Brown's Raid Public events focusing on the raid. Music, drama, scholarship, living history, family & youth activities and ranger conducted programs. Activities throughout weekend. Location: Harpers Ferry National Historical Park.

**Information: [www.johnbrownraid.org](http://www.johnbrownraid.org) or call 304-535-6029**

## Volunteer of the Month Anne Long

Anne Long has been a volunteer at Harpers Ferry National Historical Park since June of 1997. After almost a year of volunteer service in the Museum Curator's office, Anne switched to Visitor Services. However, her volunteer career started long ago as a 4-H horse and pony leader and continued as a docent and volunteer coordinator at Gathland State Park in Maryland, Middletown Historical House and the National Museum of Civil War Medicine. Anne also gives tours of the South Mountain Battlefield and is an active member of the Harpers Ferry Civil War Roundtable. In her spare time, if one can imagine that she has any, Anne is on the Board of Directors of the Harpers Ferry Historical Association. She is also a member of several Civil War battlefield preservation organizations and the National Parks Conservation Association.

The Visitor Services staff at Harpers Ferry has great respect and admiration for Anne. According to the staff, Anne



has been with us through thick and thin, carrying the operation when staffing is difficult at any time of the year. She can do anything, and often does a little bit of everything.

Her experiences as the wife of a globe trotting State Department official required Anne to exude grace under pressure. Anne not only sets a sterling example of visitor contact at the Information Center and the Visitor Center, but also gives interpretive talks, staffs the John Brown Museum, maintains an inventory of handouts and negotiates with other parks for copies of their brochures. One of her greatest assets is her willingness to go out of her way to do research for park visitors. Anne is constantly meeting people who seek more information than what is offered in the park exhibits and handouts. She takes it upon herself to dig into the archives and websites to satisfy the curiosities and needs of these visitors. As a result, Anne has become an "ambassador" for the National Park Service, creating and fostering relationships that begin with a simple question, "How may I help you?"

## America's Best Idea

The National Park Foundation is proud to be a core partner and funder of the new Ken Burns documentary series, *The National Parks: America's Best Idea*.

The film chronicles a century of giving that created national parks from southern Florida to the frozen tundra of Alaska, from the rocky coast of Maine to the volcanic Hawaiian islands. Premiering September 27th on PBS, the 12-hour, six-part documentary series traces the birth of the national park idea in the mid-1800s and follows its evolution for nearly 150 years. Told through the stories of the people who helped create them and save them from destruction, it is both a biography of compelling characters and of the American landscape.


Learn more at <http://www.pbs.org/nationalparks/>

## Upcoming Events

September 5 U. S. Marine Band "Free Country" will perform on the grounds of Mather Training Center (former Storer campus) on Camp Hill from 6 to 7:30 p.m. Free of charge.

September 12-13 "Eyes of the Army: The Cavalry Factor" 11-4pm Living History volunteers demonstrate cavalry riding, weapons firing, sabre drill and bugling.

September 26 "National Public Lands Day" 11-4pm Guided hikes rated easy to challenging will be offered to Virginius Island, Jefferson's Rock, C&O Canal, and for the hearty; the Maryland Heights Naval Battery.



National Park Service  
U.S. Department of the Interior

The history of Harpers Ferry has few parallels in the American drama. It is more than one event, one date, or one individual. It is multi-layered, involving a diverse number of people and events, decisions and actions that influenced the course of our nation's history. Visit Harpers Ferry and step into history.

Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-525-6881

Harpers Ferry NHP Home Page  
[www.nps.gov/hafe/](http://www.nps.gov/hafe/)

The National Park Service cares for the special places saved by the American people so that all may experience our heritage.



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August 27, 2009

RE: **Distribution of Banc One Investment Advisors Settlement Dollars** SEP 03 2009

Dear Plan Sponsor:

**Jefferson County Commission**

Enclosed is a check representing the total payment allocated to your defined contribution/deferred compensation plan following settlement of an administrative proceeding by the Securities and Exchange Commission (SEC).

As your plan's record keeper during the period covered by the settlement, Banc One Investment Advisors sent payment to Nationwide to be forwarded to you.

### Why your plan is receiving this check

On June 29, 2004, Banc One Investment Advisors settled an administrative proceeding with the SEC regarding certain practices in connection with the sales of One Group funds. A Settlement Fund was established as a result of the SEC administrative action to compensate investors determined to be harmed by late trading and other harmful market activity from June 1, 1999 through May 31, 2003.

With the approval of the SEC, a distribution plan was developed by an independent distribution consultant to determine how payments would be made from the Settlement Fund. The final distribution plan recognizes plan sponsors and their intermediaries, in trying to identify and distribute recovery amounts to plans and their participants, plan sponsors and their intermediaries might incur expenses far greater than the recovery itself.

The final distribution plan contains a safe harbor method of distribution that permits plan sponsors to apply the recovery dollars against the general expenses of the plan.

### For more information

To learn more about Banc One Investment Advisors Fair Fund, go to this page on the Banc One Investment Advisors Settlement website:

<http://www.settlementbanconeia.com/faq.asp>

If you have questions about this distribution, please contact us at 1-877-677-3678, option 2.

Sincerely,

Thomas M. Weber, Vice President – Plan Administration  
Nationwide Retirement Solutions

Enclosure

NRM-5170AO.1 (03/2009)

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