

AGENDA FOR THURSDAY, FEBRUARY 4, 2010

Old Charles Town Library Meeting Room
200 E. Washington Street, Charles Town, WV

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

NEW BUSINESS:

- ☐☐☐ 3. Legislative Issues
- ☐☐☐ 4. Letter of Support - Senate Bill No. 231 - Discussion/Action (JS)
- ☐☐☐ 5. Resolution of Support - Senate Bill No. 337 - Discussion/Action (DM)
- ☐☐☐ 6. County Administrator Reports
- ☐☐☐ 7. County Commission Reports
- ☐☐☐ 8. 10:15 a.m. - Todd Wilt - Emergency Services Agency - Proposed Staffing Model
- ☐☐☐ 9. 10:45 a.m. - Paul Marshall - Jefferson County Parks and Recreation - Request to Restore Current Funding Levels to the 2008-2009 Funding Levels - Discussion/Action
- ☐☐☐ 10. 11:15 a.m. - Mark Schiavone
 - Request to Add Another Project to the List of Fee Fundable Projects for the FY 2010 CIP - Discussion/Action
 - Presentation of FY 2011 Capital Improvement Plan for Jefferson County
- ☐☐☐ 11. 11:30 a.m. - Jennifer S. Maghan - County Clerk's Report
- ☐☐☐ 12. 11:45 a.m. - Legal Update and Report - (Stephanie Grove)

- 13. 12:00 p.m. - Staff Reports
 - Roger Goodwin, Chief County Engineer - Bonding
 - Jennifer Brockman, Director of Planning & Zoning - Activity Report
 - Mark Schiavone - Budget Updates
 - Kirk Davis, Sr., - Capital Projects Manager - Grants Update
 - Bill Polk - Maintenance Director - Activity Report
 - Approval to pursue follow-up legal action on HVAC VAN Assessment Report - Discussion/Action

UNFINISHED BUSINESS: (None)

- 14. 12:30 p.m. - County Commission - Executive Session - Personnel Matter

~~~~~ AFTERNOON SESSION ~~~~~

- 15. 1:30 p.m. - Board of Review and Equalization
- 16. 7:00 p.m. - County Commission Workshop - Discuss FY11 Work Plans with Planning Commission, Parks and Recreation Commission and the Solid Waste Authority

INFORMATION:

- 17. Memorandum concerning an acceptance of a bond in the amount of \$260 for Beallair Subdivision received from the Engineering Department.
- 18. Copy of correspondence sent to the U.S. Geological Survey from the Engineering Department received concerning proposed earthen dams.
- 19. Copy of an email sent from Cherokee Grim, in the County Clerk's office to Mark Schiavone complimenting the IT Support Specialist.
- 20. News Release received from AHA concerning grants to community groups.
- 21. Fire Company banquet invitations received from Middleway Volunteer Fire Company and Blue Ridge Mountain Volunteer Fire Company.
- 22. Public Protection Summary Report for Bakerton Fire Department received from Insurance Services Office, Inc.
- 23. Legislative information received from the Association of Counties and County Commissioners' Association.

- 24. E-911 fees received from Comtel Telecom Assets LP.
- 25. Weekly settlement report for the Charles Town Races & Slots received from the West Virginia Lottery

CORRESPONDENCE:

- 26. Copy of correspondence sent to the Jefferson County Public Service District received from Scott Smiley concerning mountain water.

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.

REGULAR TERM:

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

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library meeting room thereof on Thursday, January 21, 2010 beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Surkamp conducted the Pledge of Allegiance.

In re: APPROVAL OF MINUTES
Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the meeting held on Thursday, January 7, 2010 and to approve the Minutes as amended. Motion carried.
Commissioner Morgan noted several corrections to the minutes.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Manuel, second by Morgan to approve the following Purchase Orders for the week of January 21, 2010 totaling \$190,043.03: 47616, 47651, 47749, 47680, 47844, 47983, 46629, 46630, 48008, 47980, 47981, 47984, 47986. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Morgan, second by Manuel to approve the list of accounts payable for January 21, 2010 as presented by the County Clerk. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amt
060670	PAYROLL	AMERICAN FAMILY LIFE ICU		\$0.00	\$5,272.56	\$5,272.56
060671	424	ALPHA ASSOCIATES INC	47898	\$416.00	\$0.00	\$416.00
060672	433	AAG ASSOC OF AMERICAN	47906	\$680.00	\$0.00	\$680.00
060673	424	BRIGGS WELD & RAD REPAIR	47879	\$350.02	\$0.00	\$350.02
060673	425	BRIGGS WELD & RAD REPAIR	47899	\$238.57	\$0.00	\$238.57
060674	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
060675	424	B-K OFFICE SUPPLY INC	47900	\$369.70	\$0.00	\$369.70
060675	978	B-K OFFICE SUPPLY INC	47438	\$400.00	\$0.00	\$400.00
060676	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
060677	PAYROLL	BUREAU F/CHILD SPprt ENF		\$0.00	\$212.31	\$212.31
060678	PAYROLL	BUREAU OF CHILD SUPPORT		\$0.00	\$576.92	\$576.92
060679	700	COUNTRY ROADS TIRE & AUT	47897	\$857.84	\$0.00	\$857.84
060680	700	*CREAMERS AUTO SERVICE	47978	\$39.45	\$0.00	\$39.45
060681	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$27.69	\$27.69
060682	PAYROLL	COLONIAL LIFE		\$0.00	\$1,529.82	\$1,529.82
060683	700	ER EQUIP/LIGHTING	47709	\$330.00	\$0.00	\$330.00
060684	405	FEDEX		\$0.00	\$66.74	\$66.74
060684	712	FEDEX		\$0.00	\$26.96	\$26.96
060685	424	FARM PLAN/SOUTHERN ST	47976	\$240.97	\$0.00	\$240.97

060686	424	GRAINGER, INC	47882	\$357.90	\$0.00	\$357.90
060686	425	GRAINGER, INC	47882	\$61.07	\$0.00	\$61.07
060687	PAYROLL	ING NATIONAL TRUST		\$0.00	\$860.00	\$860.00
060688	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$28.05	\$28.05
060688	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$66.95	\$66.95
060689	701	JIM'S CIRCLE TRANSMISSIO	47704	\$440.00	\$0.00	\$440.00
060690	439	THE JOURNAL	47365	\$216.50	\$0.00	\$216.50
060691	700	JERRY'S SPORT CENTER, IN	47707	\$1,776.12	\$0.00	\$1,776.12
060692	413	JEFFERSON UTILITIES INC		\$0.00	\$20.12	\$20.12
060692	425	JEFFERSON UTILITIES INC		\$0.00	\$261.61	\$261.61
060693	413	JEFF COUNTY SCHOOLS	47650	\$675.00	\$0.00	\$675.00
060694	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,528.00	\$4,528.00
060695	405	MATTHEW BENDER & CO	47942	\$349.94	\$0.00	\$349.94
060695	401	MATTHEW BENDER & CO		\$0.00	\$93.46	\$93.46
060696	412	JUDITH A MATLICK		\$0.00	\$201.86	\$201.86
060697	712	MORGAN TROPHIES AWARDS	47770	\$40.00	\$0.00	\$40.00
060698	PAYROLL	COMPROLLER OF MD		\$0.00	\$829.44	\$829.44
060699	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$896.86	\$896.86
060699	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$142.90	\$142.90
060699	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$189.51	\$189.51
060700	700	MCKINNEY'S AUTO REPAIR	47979	\$70.45	\$0.00	\$70.45
060701	PAYROLL	MD CHILD SUPPORT ACCT		\$0.00	\$18.46	\$18.46
060702	433	JACQUELINE MILBURN	47905	\$270.00	\$0.00	\$270.00
060703	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$735.21	\$735.21
060704	405	NATL DIST ATTORNEYS ASSO	47939	\$125.00	\$0.00	\$125.00
060705	ALLOC	JEFF CO PARKS &		\$0.00	\$12,637.77	\$12,637.77
060706	402	PIFER OFFICE SUPPLY, INC	47748	\$768.91	\$0.00	\$768.91
060707	405	PAMELA PATTERSON	47940	\$150.15	\$0.00	\$150.15
060708	425	ROCKWELL'S MOVING	47977	\$373.75	\$0.00	\$373.75
060709	701	SIRCHIE FINGER PRINT LAB	47706	\$549.23	\$0.00	\$549.23
060710	405	SPECIALTY BUS SUPPLIES	47941	\$1,087.52	\$0.00	\$1,087.52
060711	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$25,010.01	\$25,010.01
060711	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$11.16	\$11.16
060711	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$1.12	\$1.12
060712	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
060712	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$35,462.28	\$35,462.28
060712	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$3.12	\$3.12
060712	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$0.74	\$0.74
060712	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,293.60	\$8,293.60
060712	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
060713	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$28,190.20	\$28,190.20
060713	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$1.87	\$1.87
060714	PAYROLL	WV DEPUTY SHRF RETIRE		\$0.00	\$8,462.43	\$8,462.43
060715	PAYROLL	WV DEPUTY SHRF RETIRE		\$0.00	\$10,453.53	\$10,453.53
060716	712	SEN COMMUNICATIONS	47769	\$112.50	\$0.00	\$112.50
060717	424	SPRINT		\$0.00	\$94.71	\$94.71
060717	712	SPRINT		\$0.00	\$1,574.95	\$1,574.95
060718	700	TOWN POLICE SUPPLY	47703	\$609.00	\$0.00	\$609.00

060718	701	TOWN POLICE SUPPLY	47703	\$826.95	\$0.00	\$826.95
060719	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
060720	422	UNITED BANKCARD CENTER	46793	\$718.00	\$0.00	\$718.00
060720	711	UNITED BANKCARD CENTER	48003	\$148.32	\$0.00	\$148.32
060720	711	UNITED BANKCARD CENTER	48004	\$302.42	\$0.00	\$302.42
060720	711	UNITED BANKCARD CENTER	48006	\$138.61	\$0.00	\$138.61
060720	711	UNITED BANKCARD CENTER	48007	\$68.11	\$0.00	\$68.11
060720	405	UNITED BANKCARD CENTER		\$0.00	\$40.68	\$40.68
060720	433	UNITED BANKCARD CENTER		\$0.00	\$224.49	\$224.49
060720	433	UNITED BANKCARD CENTER		\$0.00	\$151.98	\$151.98
060720	439	UNITED BANKCARD CENTER		\$0.00	\$219.86	\$219.86
060720	440	UNITED BANKCARD CENTER		\$0.00	\$235.74	\$235.74
060720	451	UNITED BANKCARD CENTER		\$0.00	\$457.45	\$457.45
060720	700	UNITED BANKCARD CENTER		\$0.00	\$177.99	\$177.99
060720	700	UNITED BANKCARD CENTER		\$0.00	\$225.50	\$225.50
060720	700	UNITED BANKCARD CENTER		\$0.00	\$232.22	\$232.22
060720	712	UNITED BANKCARD CENTER		\$0.00	\$25.32	\$25.32
060720	712	UNITED BANKCARD CENTER		\$0.00	\$257.10	\$257.10
060720	712	UNITED BANKCARD CENTER		\$0.00	\$12.46	\$12.46
060721	424	VALLEY HARDWARE CO	47845	\$24.59	\$0.00	\$24.59
060722	700	VALLEY TWO-WAY, INC	47705	\$194.00	\$0.00	\$194.00
060723	ALLOC	JEFFERSON CO CONVENTION		\$0.00	\$15,044.97	\$15,044.97
060724	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$133.20	\$133.20
060725	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$166.50	\$166.50
060726	412	WORD PROCESSING SERV	46945	\$54.75	\$0.00	\$54.75
060727	700	WV SIGNAL & LIGHT, INC.	47708	\$1,493.00	\$0.00	\$1,493.00
TOTAL				\$15,924.34	\$164,723.76	\$180,648.10

In re: PUBLIC COMMENT

No new information provided at this time.

In re: LAURA RATTENNI, CIRCUIT CLERK – APPROVAL OF PART-TIME EMPLOYEES TO FULL-TIME EMPLOYEE

Motion by Manuel, second by Noland to approve the employment of Aerial Carroll as a permanent, full time employee in the Circuit Clerk’s office with all the benefits afforded to county employees. Motion carried 4-1. Commissioner Surkamp voted no.

Motion by Morgan, second by Manuel to approve the Circuit Clerk’s request to hire a temporary, full time deputy with benefits through the fiscal year 10. Motion carried 4-1. Commissioner Surkamp voted no.

In re: LEGISLATIVE ISSUES

Commissioner Noland reported that there are several Bills in the Legislation that she will be paying close attention to this session.

Commissioner Noland reported that Delegate Doyle is presenting a Bill concerning the terms of County Commissioners.

Commissioner Noland reported on the Homestead Exemption.

Commissioner Noland reported on the Ethical standards for employees and elected officials.

Commissioner Noland reported on the Green Building Act.

Commissioner Surkamp reported on House Bill 2745 which will affect rural sewer and wells.
Commissioner Manuel reported on the possibility of PEIA moving the age of retirement from age 55 to 60.

Commissioner Manuel reported that the County Commission will be in competition with the Legislation as they can now be viewed via webcast on Thursdays.

Commissioner Widmyer reported on the PSD and sewer lines.

Commissioner Widmyer reported on a Request for House Representative Shelley Moore Capito for funding.

In re: SHERIFF ROBERT SHIRLEY – DISCUSSION AND MOTION TO FILL VACANT DEPUTY POSITION

Sheriff Robert Shirley reported that the case for firing one of the deputies was appealed and that Judge Sanders upheld the termination ruling ruled by the Civil Service Commission.

Sheriff Shirley requested permission to hire a new deputy in this vacant position.

Motion by Surkamp, second by Manuel to approve Sheriff Shirley to fill the available deputy position. Motion carried 4-1. Commissioner Morgan voted no.

In re: SHERIFF ROBERT SHIRLEY – UPDATE ON FIRING RANGE PROPERTY AT FAIRGROUNDS

Sheriff Robert Shirley reported that the Sheriff Department is currently using a parcel of land from the Emergency Service Training site at the Jefferson County Fairgrounds and that the Fire And Rescue Association insurance does not cover this act.

Jay Watson, President of the Fire and Rescue Association reported that they would like to deed this portion of land and create a right of way that will allow the Sheriff Department to utilize this land and possibly get insurance.

Unanimous consent was given to allow Sheriff Shirley and the Fire and Rescue Association to continue negotiations in this process and to work with Legal Department and Bill Polk, Maintenance Director.

In re: APPROVAL OF LETTER OF REQUEST TO SEND TO THE MUNICIPALITIES TO APPROVE A RESOLUTION IN OPPOSITION OF PATH

Patience Waite, member of Stop PATH requested that the Commission send a letter and draft resolution to the municipalities concerning Stop PATH.

Motion by Manuel, second by Surkamp to approve sending a letter of request with amendments to the municipalities once reviewed by James Casimiro, Assistant Prosecuting Attorney and to include a draft resolution. Motion carried unanimously.

The Commission took a 7-minute break at 10:40 a.m.

In re: QUARTERLY FIDUCIARY REVIEW: PROBATE OFFICE – REVIEW/ACTION

Lynn Fields, Deputy Probate Officer reported that the Fiduciary Quarterly Review will be January, April, June and October 2010.

Motion by Morgan, second by Noland to convene as the Fiduciary Review Committee. Motion carried unanimously.

Motion by Manuel, second by Noland to approve the Waivers of Final Settlement and Accounting of estates to be closed January 2010 and affix the president's signature on necessary documents. Motion carried unanimously.

Motion by Morgan, second by Noland to reconvene in regular session. Motion carried unanimously.

In re: LEGAL UPDATE AND REPORT – (STEPHANIE GROVE)

Stephanie Grove, Assistant Prosecuting Attorney distributed her to do list.

Ms. Grove reported that she met with Commissioner Widmyer and Interim County Administrator

Sandy McDonald to discuss various issues.

Ms. Grove reported she is working on reviewing the HRA contract.

Ms. Grove reported that she is working on the Farmland Protection Board contract and it is pending upon contacting Kellie Boles.

In re: JENNIFER S. MAGHAN – HEARING – ESTATE OF GREGORY L. BALLENGER, DECEASED – (CONTINUED FROM 1-14-10)

Motion by Morgan, second by Manuel to discuss the matter of Estate of Gregory L. Ballenger. Motion carried unanimously.

Lyn Fields, Deputy Probate Officer reported that as instructed, the Probate office contacted three Attorneys and that the family of Gregory L. Ballenger has agreed to appoint Henry Morrow as Special Probate Administrator.

Motion by Morgan, second by Noland to appoint Henry Morrow as Special Probate Administrator. Motion carried unanimously.

In re: JENNIFER S. MAGHAN – APPROVAL OF LETTERS OF CREDIT AND BOND BANK OF CHARLES TOWN – DISCUSSION/ACTION

Jennifer S. Maghan, County Clerk requested permission to obtain a signature from County Commission President on two letters of credit and bonds from the Bank of Charles Town.

Ms. Maghan reported on Ralph Lorenzetti's review and approval of the bonds.

Motion by Manuel, second by Noland to authorize signature of the President on the letters of Credit and Bonds at the Bank of Charles Town.

Ms. Maghan reported on the current list of seats that are open for election and the deadlines for filing to run.

Ms. Maghan requested signatures from the Commission in black ink on the facsimile document previously approved.

In re: COUNTY ADMINISTRATORS REPORTS

Sandy Slusher McDonald, Interim County Administrator reported on dates for the Elected Officials and Department Heads meetings.

Ms. McDonald reminded the Commission of the forth coming Roundtable meeting.

Ms. McDonald reported that there are no applications for the Jefferson County Emergency Agency at this time.

In re: COUNTY COMMISSION REPORTS

Commissioner Noland reported on the retirement luncheon for Ed Smith she attended.

Commissioner Noland reported on the County Administrator interview she attended.

Commissioner Manuel reported on the Martin Luther King, Jr. Prayer Breakfast he attended.

Commissioner Manuel reported on the Stop PATH meeting he attended.

Commissioner Manuel reported on the Development Authority he attended.

Commissioner Manuel reported that the new Director of Emergency Services Agency, will take over on Monday, January 25, 2010.

Commissioner Manuel reported on the Charles Town Parks and Recreation meeting he attended.

Commissioner Morgan reported on the Special Planning Commission meeting she attended.

Commissioner Morgan reported on the Farmland Protection Board she attended.

Commissioner Morgan reported on the Community Correction Day Report Center she attended.

Commissioner Morgan directed staff to research the procedures on Fire Departments.

Commissioner Surkamp reported on his speech at the Martin Luther King, Jr. Walk he attended.

Commissioner Surkamp reported on the 911 meeting he attended.

Commissioner Widmyer reported on the Ed Smith Luncheon she attended.

Commissioner Widmyer reported on the Community interest on having a pool in the County.

In re: REQUESTING REVIEW BY LEGAL STAFF ON MEANING OF WV CONSTITUTION REFERRING TO TAXATION: "DOESN'T THIS SAY THAT THE HUNDRED DOLLAR VALUATION ON AGGREGATE REAL ESTATE PROPERTY TAXES FOR RESIDENTIAL STRUCTURES CAN BE RAISED FROM YEAR TO YEAR BY NOT MORE THAN ONE DOLLAR" AS OPPOSED TO MEANING "GUARANTEED" TO INCREASE BY ONE DOLLAR FOR EVERY HUNDRED DOLLARS OF ASSESSED VALUATION?

Stephanie Grove, Assistant Prosecuting Attorney reported on the County's position and role in increasing the tax rate.

Angela Banks, Assessor reported on the State Code in increasing the tax rate by 1%.

By unanimous consent, the Commission agreed to hold a public hearing in mid March 2010.

In re: STAFF ACTIVITY REPORTS AND UPDATES

Roger Goodwin, Chief County Engineer had no new information to provide.

Jennifer Brockman, Planning and Zoning Director reported on hiring an office manager.

Motion by Widmyer, second by Morgan to approve the hiring of Julia Quodala as the Office Manager for the Department of Planning and Zoning with the recommended salary and start date as outlined. Motion carried 4-1. Commissioner Surkamp voted no.

Ms. Brockman reported on the Planning Commission meeting.

Ms. Brockman reported on a pending meeting with Engineering to discuss fees.

Mark Schiavone, Director of Capital Planning and Management reported on budget revisions.

Motion by Morgan, second by Manuel to approve a budget revision to line items for the Assessor's office.

Mr. Schiavone requested permission to speak with BRIM and WV Corp Risk Pool in order to obtain insurance quotes.

By unanimous consent, the Commission agreed for Mr. Schiavone to obtain insurance quotes.

Mr. Schiavone reported that he has asked the current Health Provider for a forecast of future cost.

Commissioner Widmyer directed staff to provide a summary letter concerning the quotes.

Kirk Davis, Sr., Capital Projects Manager reported on the meeting at the Judicial Center concerning relocating the Civil Division.

By unanimous consent, the Commission approved the relocation of staff in the Hunter House and the addition of an ADA Ramp.

The Commission directed staff to draw the floor plans and have the Magistrate's, Sheriff and Prosecuting Attorney sign as an agreement.

Mr. Davis will bring back the plans and pricing to the next Commission meeting.

Mr. Davis reported he met with Judges Yoder and Sanders regarding the new Judicial Center.

Mr. Davis reported that he will hold two public meetings concerning the new Judicial Center.

The Commission recommended sending a letter of invitation to the Circuit Judges as well.

Mr. Davis requested signatures on the change orders.

Motion by Morgan, second by Surkamp to approve and authorize signature on the change orders.

Motion carried unanimously.

Mr. Davis reported that the Energy Grant funds are ready to be transferred to the County Commission account.

The Commission received the following information:

Appointment to be made to the Jefferson County Emergency Services Agency on January 28, 2010.

Reminder of the Jefferson County Roundtable meeting on Wednesday, January 27, 2010 at 5:00p.m. at the Old Charles Town Library Meeting room.

Acceptance of bond for Dalb, Inc. Building Expansion in the amount of \$93,064.

Correspondence received from Region 9 concerning the Early Action Compact for the Air Quality Program.

Legislative information received from the Association of Counties.

Bulletin received from the Jefferson County Chamber of Commerce.

Newsletter received from the County Commissioners' Association.

Notice received of a comprehensive plan public hearing on January 28, 2010 received from Loudoun County, Virginia.

Animal Control report received for December 2009.

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

Miscellaneous

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

PRESIDENT

Senate Bill No. 231

(By Senators Laird and Snyder)

[Introduced January 18, 2010; referred to the Committee on Finance.]

FISCAL NOTE

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to creating a personal income tax credit for persons who may choose to spay or neuter their pets.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-21-12j, to read as follows:

ARTICLE 21. PERSONAL INCOME TAX.

§11-21-12j. Additional modification reducing federal adjusted gross income.

(a) Allowance of deduction. -- Subject to the limitations provided in subsection (b), there is allowed a deduction against adjusted gross income amounts paid by the taxpayer for the spaying and neutering of dogs and cats which are maintained as pets in the

1 taxpayer's household.

2 (b) Limitations.

3 (1) The deduction provided is allowable only as to sums which
4 have actually been paid.

5 (2) The spay or neuter surgical procedure shall have been
6 performed by a duly licensed veterinarian on a live cat or dog.

7 (3) The amount of deduction for each cat or dog which have
8 been spayed or neutered may not exceed the reasonable cost of the
9 spay and neuter procedures in the state.

10 (4) The deduction is limited to no more than three companion
11 animals, dogs and cats, per household in any taxable year.

NOTE: The purpose of this bill is to provide a personal income
tax credit for people who have their dog or cat spayed or neutered.

This section is new; therefore, strike-throughs and
underscoring have been omitted.

Senate Bill No. 337

(By Senators Snyder, Unger and Kessler)

[Introduced January 12, 2010; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §19-23-10, §19-23-13 and §19-23-13b of
the Code of West Virginia, 1931, as amended; to amend and
reenact §29-22A-10 of said code; and to amend and reenact §29-
22C-27 of said code, all relating to requiring all of an
established \$11 million Racetrack Video Lottery Fund to be
transferred into the existing West Virginia Racing Commission
Special Account - Unredeemed Pari-Mutuel Tickets account, to
be used to pay certain current and unpaid debt payments and,
when those debt obligations have been fully met, all moneys
deposited in the Video Lottery Fund will fund the Workers'
Compensation debt service until that debt is retired; placing
certain funds in the West Virginia Racing Commission Special
Account - West Virginia Greyhound Breeding Development Fund;
removing a provision concerning the Thoroughbred Development
Fund; eliminating a \$200,000 annual payment for providing

1 health and disability benefits to jockeys and their
 2 dependents; eliminating an obsolete provision concerning a
 3 special trust fund; providing that the Racing Commission may
 4 use current funds to pay for previously incurred obligations;
 5 requiring certain obligations be paid on an annual basis, some
 6 on a monthly basis and others on a weekly basis; certain
 7 receipts from all thoroughbred and greyhound racetracks be **FISCAL**
 8 divided on a pro rata basis between those racetracks; and **NOTE**
 9 modifying a current Treasury account to include funds for
 10 greyhound adoption, spaying and neutering.

11 *Be it enacted by the Legislature of West Virginia:*

12 That §19-23-10, §19-23-13 and §19-23-13b of the Code of West
 13 Virginia, 1931, as amended, be amended and reenacted; that §29-22A-
 14 10 of said code be amended and reenacted; and that §29-22C-27 of
 15 said code be amended and reenacted, all to read as follows:

16 **CHAPTER 19. AGRICULTURE.**

17 **ARTICLE 23. HORSE AND DOG RACING.**

18 **§19-23-10. Daily license tax; pari-mutuel pools tax; how taxes**
 19 **paid; alternate tax; credits.**

20 (a) Any racing association conducting thoroughbred racing at
 21 any horse racetrack in this state shall pay each day upon which
 22 horse races are run a daily license tax of \$250. Any racing
 23 association conducting harness racing at any horse racetrack in
 24 this state shall pay each day upon which horse races are run a

1 daily license tax of \$150. Any racing association conducting dog
2 races shall pay each day upon which dog races are run a daily
3 license tax of \$150. In the event thoroughbred racing, harness
4 racing, dog racing or any combination of the foregoing are
5 conducted on the same day at the same racetrack by the same racing
6 association, only one daily license tax in the amount of \$250 shall
7 be paid for that day. Any daily license tax shall not apply to any **FISCAL**
8 local, county or state fair, horse show or agricultural or **NOTE**
9 livestock exposition at which horse racing is conducted for not
10 more than six days.

11 (b) Any racing association licensed by the Racing Commission
12 to conduct thoroughbred racing and permitting and conducting pari-
13 mutuel wagering under the provisions of this article shall, in
14 addition to the daily license tax set forth in subsection (a) of
15 this section, pay to the Racing Commission, from the commission
16 deducted each day by the licensee from the pari-mutuel pools on
17 thoroughbred racing a tax calculated on the total daily
18 contribution of all pari-mutuel pools conducted or made at any and
19 every thoroughbred race meeting of the licensee licensed under the
20 provisions of this article. The tax, on the pari-mutuel pools
21 conducted or made each day during the months of January, February,
22 March, October, November and December, shall be calculated at four-
23 tenths of one percent of the pool; and, on the pari-mutuel pools
24 conducted or made each day during all other months, shall be

1 calculated at one and four-tenths percent of the pool: *Provided,*
2 That out of the amount realized from the three tenths of one
3 percent decrease in the tax effective for fiscal year 1991 and
4 thereafter, which decrease correspondingly increases the amount of
5 commission retained by the licensee, the licensee shall annually
6 expend or dedicate: (i) One half of the realized amount for
7 capital improvements in its barn area at the track, subject to the **FISCAL**
8 Racing Commission's prior approval of the plans for the **NOTE**
9 improvements; and (ii) the remaining one half of the realized
10 amount for capital improvements as the licensee may determine
11 appropriate at the track. The term "capital improvement" shall be
12 as defined by the Internal Revenue Code: *Provided, however,* That
13 any racing association operating a horse racetrack in this state
14 having an average daily pari-mutuel pool on horse racing of
15 \$280,000 or less per day for the race meetings of the preceding
16 calendar year shall, in lieu of payment of the pari-mutuel pool
17 tax, calculated as in this subsection, be permitted to conduct
18 pari-mutuel wagering at the horse racetrack on the basis of a daily
19 pari-mutuel pool tax fixed as follows: On the daily pari-mutuel
20 pool not exceeding \$300,000 the daily pari-mutuel pool tax shall be
21 \$1,000 plus the otherwise applicable percentage rate imposed by
22 this subsection of the daily pari-mutuel pool, if any, in excess of
23 \$300,000: *Provided further,* That upon the effective date of the
24 reduction of the daily pari-mutuel pool tax to \$1,000 from the

1 former \$2,000, the association or licensee shall daily deposit \$500
2 into the special fund for regular purses established by subdivision
3 (1), subsection (b), section nine of this article: *And provided*
4 *further*, That if an association or licensee qualifying for the
5 foregoing alternate tax conducts more than one racing performance,
6 each consisting of up to thirteen races in a calendar day, the
7 association or licensee shall pay both the daily license tax
8 imposed in subsection (a) of this section and the alternate tax in
9 this subsection for each performance: *And provided further*, That
10 a licensee qualifying for the foregoing alternate tax is excluded
11 from participation in the fund established by section thirteen-b of
12 this article: *And provided further*, That this exclusion shall not
13 apply to any thoroughbred racetrack at which the licensee has
14 participated in the West Virginia Thoroughbred Development Fund for
15 more than four consecutive years prior to December 31, 1992.

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16 (c) Any racing association licensed by the Racing Commission
17 to conduct harness racing and permitting and conducting pari-mutuel
18 wagering under the provisions of this article shall, in addition to
19 the daily license tax required under subsection (a) of this
20 section, pay to the Racing Commission, from the commission deducted
21 each day by the licensee from the pari-mutuel pools on harness
22 racing, as a tax, three percent of the first \$100,000 wagered, or
23 any part thereof; four percent of the next \$150,000; and five and
24 three-fourths percent of all over that amount wagered each day in

1 all pari-mutuel pools conducted or made at any and every harness
2 race meeting of the licensee licensed under the provisions of this
3 article.

4 (d) Any racing association licensed by the Racing Commission
5 to conduct dog racing and permitting and conducting pari-mutuel
6 wagering under the provisions of this article shall, in addition to
7 the daily license tax required under subsection (a) of this **FISCAL**
8 section, pay to the Racing Commission, from the commission deducted **NOTE**
9 each day by the licensee from the pari-mutuel pools on dog racing,
10 as a tax, four percent of the first \$50,000 or any part thereof of
11 the pari-mutuel pools, five percent of the next \$50,000 of the
12 pari-mutuel pools, six percent of the next \$100,000 of the pari-
13 mutuel pools, seven percent of the next \$150,000 of the pari-mutuel
14 pools, and eight percent of all over \$350,000 wagered each day:
15 *Provided*, That the licensee shall deduct daily from the pari-mutuel
16 tax an amount equal to one tenth of one percent of the daily pari-
17 mutuel pools in dog racing in fiscal year 1990; fifteen hundredths
18 of one percent in fiscal year 1991; two tenths of one percent in
19 fiscal year 1992; one quarter of one percent in fiscal year 1993;
20 and three tenths of one percent in fiscal year 1994 and every
21 fiscal year thereafter. The amounts deducted shall be paid to the
22 Racing Commission to be deposited by the Racing Commission in a
23 banking institution of its choice in a special account to be known
24 as "West Virginia Racing Commission-Special Account-West Virginia

1 Greyhound Breeding Development Fund". The purpose of the fund is
2 to promote better breeding, training track facilities and racing of
3 greyhounds in the state through awards and purses to bona fide
4 resident registered greyhound owners of accredited West Virginia
5 whelped greyhounds. In order to participate and be eligible to
6 receive an award or purse through the fund, the registered
7 greyhound owner must have an appropriate license from the Racing **FISCAL**
8 Commission to race in West Virginia. The registered greyhound dam **NOTE**
9 at the time of breeding must be wholly or solely owned or leased by
10 a bona fide resident or residents of West Virginia. The accredited
11 West Virginia whelped greyhound must be wholly or solely owned by
12 a bona fide resident or residents of this state. To qualify as a
13 bona fide resident of West Virginia, a registered greyhound owner
14 may not claim residency in any other state. A registered greyhound
15 owner must prove bona fide residency by providing to the commission
16 personal income tax returns filed in the State of West Virginia for
17 the most recent tax year and the three previous tax years, has real
18 or personal property in this state on which the owner has paid real
19 or personal property taxes during the most recent tax year and the
20 previous three tax years and an affidavit stating that the owner
21 claims no other state of residency. The Racing Commission shall
22 maintain a registry for West Virginia bred greyhounds. The moneys
23 shall be expended by the Racing Commission for purses for stake
24 races, training track facilities, supplemental purse awards,

1 administration, promotion, ~~and educational~~ education and greyhound
2 adoption programs involving West Virginia whelped dogs, owned by
3 residents of this state under rules promulgated by the Racing
4 Commission. The Racing Commission shall pay out of the greyhound
5 breeding development fund to each of the licensed dog racing tracks
6 the sum of \$75,000 for the fiscal year ending June 30, 1994. The
7 licensee shall deposit the sum into the special fund for regular **FISCAL**
8 purses established under the provisions of section nine of this **NOTE**
9 article. The funds shall be expended solely for the purpose of
10 supplementing regular purses under rules promulgated by the Racing
11 Commission.

12 Supplemental purse awards will be distributed as follows:
13 Supplemental purses shall be paid directly to the registered
14 greyhound owner of an accredited greyhound.

15 The registered greyhound owner of accredited West Virginia
16 whelped greyhounds that earn points at any West Virginia meet will
17 receive a bonus award calculated at the end of each month as a
18 percentage of the fund dedicated to the owners as purse
19 supplements, which shall be a minimum of fifty percent of the total
20 moneys deposited into the West Virginia Greyhound Breeding
21 Development fund monthly.

22 The total amount of the fund available for the owners' awards
23 shall be distributed according to the ratio of points earned by an
24 accredited greyhound to the total amount earned in races by all

1 accredited West Virginia whelped greyhounds for that month as a
2 percentage of the funds dedicated to the owners' purse supplements.
3 The point value at all greyhound tracks shall be the same as
4 approved by the Racing Commission to be effective April 1, 2007.
5 The West Virginia Greyhound Owners and Breeders Association shall
6 submit a list of any additions or deletions to the registry of
7 accredited West Virginia whelped greyhounds on the first of each **FISCAL**
8 month. The Racing Commission shall not require anyone to be a **NOTE**
9 member of a particular association in order to participate in the
10 West Virginia Greyhound Breeding Development Fund.

11 The registered greyhound owner of an accredited West Virginia
12 whelped greyhound shall file a purse distribution form with the
13 Racing Commission for a percentage of his or her dog's earnings to
14 be paid directly to the registered greyhound owner or owners of the
15 greyhound. Distribution shall be made on the fifteenth day of each
16 month for the preceding month's achievements.

17 In no event shall points earned at a meet held at a track
18 which did not make contributions to the West Virginia Greyhound
19 Breeding Development Fund out of the daily pool on the day the meet
20 was held qualify or count toward eligibility for supplemental purse
21 awards.

22 Any balance in the purse supplement funds after all
23 distributions have been made for the year revert to the general
24 account of the fund for distribution in the following year:

1 *Provided*, That not more than \$2 million from the balance in the
2 purse supplemental fund shall be used for the construction and
3 maintenance of two dog training track facilities if such be
4 approved by the Racing Commission: *Provided*, however, That not
5 more than \$1 million may be allocated for the construction and
6 maintenance of each training track: *Provided further*, That both
7 training track facilities must be located in West Virginia. The **FISCAL**
8 West Virginia Racing Commission shall be authorized to promulgate **NOTE**
9 rules governing dog training tracks: *And provided further*, That
10 the Racing Commission shall: (1) Provide a process in its rules
11 for competitive bidding of the construction or maintenance, or
12 both, of the training tracks; and (2) set standards to assure that
13 only the actual costs of construction and maintenance shall be paid
14 out of the foregoing fund.

15 In an effort to further promote the breeding of quality West
16 Virginia whelped greyhounds, a bonus purse supplement shall be
17 established in the amount of \$50,000 per annum, to be paid in equal
18 quarterly installments of \$12,500 per quarter using the same method
19 to calculate and distribute these funds as the regular supplemental
20 purse awards. This bonus purse supplement is for three years only,
21 commencing on July 1, 1993, and ending June 30, 1996. This money
22 would come from the current existing balance in the greyhound
23 development fund.

24 Each pari-mutuel greyhound track shall provide stakes races

1 for accredited West Virginia whelped greyhounds: *Provided*, That
2 each pari-mutuel track shall have one juvenile and one open stake
3 race annually. Each pari-mutuel dog track shall provide at least
4 three restricted races for accredited West Virginia whelped
5 greyhounds per race card: *Provided, however*, That sufficient dogs
6 are available. To assure breeders of accredited West Virginia
7 whelped greyhounds an opportunity to participate in the West **FISCAL**
8 Virginia Greyhound Breeding Development Fund the West Virginia **NOTE**
9 Racing Commission by July 1, each year shall establish and announce
10 the minimum number of accredited West Virginia whelped greyhounds
11 that greyhound racing kennels at West Virginia dog tracks must have
12 on their racing active list during the calendar year following such
13 action. The minimum number may vary from dog track to dog track.
14 The minimum number shall be established after consultation with the
15 West Virginia Greyhound Owners and Breeders Association and kennel
16 owners and operators. Factors to be considered in establishing
17 this minimum number shall be the number of individually registered
18 accredited West Virginia whelped greyhounds whelped in the previous
19 two years. The number of all greyhounds seeking qualification at
20 each West Virginia dog track, the ratio of active running
21 greyhounds to housed number of greyhounds at each West Virginia dog
22 track, and the size and number of racing kennels at each West
23 Virginia dog track. Any greyhound racing kennel not having the
24 minimum number of accredited West Virginia whelped greyhounds

1 determined by the West Virginia Racing Commission on their active
2 list shall only be permitted to race the maximum allowable number
3 on the active list less the number of accredited West Virginia
4 whelped greyhounds below the established minimum number.
5 Consistent violations of this minimum requirement may be reviewed
6 by the Racing Commission and may constitute cause for denial or
7 revocation of a kennel's racing license. The Racing Commission
8 shall oversee and approve racing schedules and purse amounts.

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NOTE**

9 Ten percent of the deposits into the greyhound breeding
10 development fund beginning July 1, 1993 and continuing each year
11 thereafter, shall be withheld by the Racing Commission and placed
12 in a special revenue account hereby created in the State Treasury
13 called the "administration, promotion, ~~and educational~~ and
14 education, capital improvement and greyhound adoption programs to
15 include spaying and neutering account". The Racing Commission is
16 authorized to expend the moneys deposited in the administration,
17 promotion, ~~and educational and education,~~ capital improvement and
18 greyhound adoption programs to include spaying and neutering
19 account at such times and in such amounts as the commission
20 determines to be necessary for purposes of administering and
21 promoting the greyhound development program: *Provided, That*
22 beginning with fiscal year 1995 and in each fiscal year thereafter
23 in which the commission anticipates spending any money from the
24 account, the commission shall submit to the executive department

1 during the budget preparation period prior to the Legislature
2 convening before that fiscal year for inclusion in the executive
3 budget document and budget bill, the recommended expenditures, as
4 well as requests of appropriations for the purpose of
5 administration, promotion, ~~and~~ education, capital improvement and
6 greyhound adoption programs to include spaying and neutering. The
7 commission shall make an annual report to the Legislature on the **FISCAL**
8 status of the administration, promotion, ~~and~~ education, capital
9 improvement and greyhound adoption programs to include spaying and
10 neutering account, including the previous year's expenditures and
11 projected expenditures for the next year.

12 The Racing Commission, for the fiscal year 1994 only, may
13 expend up to \$35,000 from the West Virginia Greyhound Breeding
14 Development Fund to accomplish the purposes of this section without
15 strictly following the requirements in the previous paragraph.

16 (e) All daily license and pari-mutuel pools tax payments
17 required under the provisions of this section shall be made to the
18 Racing Commission or its agent after the last race of each day of
19 each horse or dog race meeting, and the pari-mutuel pools tax
20 payments shall be made from all contributions to all pari-mutuel
21 pools to each and every race of the day.

22 (f) Every association or licensee subject to the provisions of
23 this article, including the changed provisions of sections nine and
24 ten of this article, shall annually submit to the Racing Commission

1 and the Legislature financial statements, including a balance
2 sheet, income statement, statement of change in financial position
3 and an audit of any electronic data system used for pari-mutuel
4 tickets and betting, prepared in accordance with generally accepted
5 auditing standards, as certified by an experienced public
6 accountant or a certified public accountant.

7 **§19-23-13. Disposition of funds for payment of outstanding and** **FISCAL**
NOTE
8 **unredeemed pari-mutuel tickets; publication of**
9 **notice; irredeemable tickets; stake races for dog**
10 **tracks.**

11 (a) All moneys held by any licensee for the payment of
12 outstanding and unredeemed pari-mutuel tickets, if not claimed
13 within ninety days after the close of a horse or dog race meeting
14 or the televised racing day, as the case may be, in connection with
15 which the tickets were issued, shall be turned over by the licensee
16 to the Racing Commission within fifteen days after the expiration
17 of the ninety-day period, and the licensee shall give any
18 information required by the Racing Commission concerning the
19 outstanding and unredeemed tickets. The moneys shall be deposited
20 by the Racing Commission in a banking institution of its choice in
21 a special account to be known as "West Virginia Racing Commission
22 Special Account - Unredeemed Pari-Mutuel Tickets." Notice of the
23 amount, date and place of each deposit shall be given by the Racing
24 Commission, in writing, to the State Treasurer. The Racing

1 Commission shall then cause to be published a notice to the holders
2 of the outstanding and unredeemed pari-mutuel tickets, notifying
3 them to present their unredeemed tickets for payment at the
4 principal office of the Racing Commission within ninety days from
5 the date of the publication of the notice. The notice shall be
6 published within fifteen days following the receipt of the
7 outstanding and unredeemed pari-mutuel ticket moneys by the **FISCAL**
8 commission from the licensee as a Class I legal advertisement in **NOTE**
9 compliance with the provisions of article three, chapter fifty-nine
10 of this code, and the publication area for the publication shall be
11 the county in which the horse or dog race meeting was held and the
12 county in which the televised racing day wagering was conducted in
13 this state.

14 (b) Any outstanding and unredeemed pari-mutuel tickets that
15 are not presented for payment within ninety days from the date of
16 the publication of the notice are thereafter irredeemable, and the
17 moneys theretofore held for the redemption of the pari-mutuel
18 tickets shall become the property of the Racing Commission and
19 shall be expended as provided in this subsection. The Racing
20 Commission shall maintain separate accounts for each licensee and
21 shall record in each separate account the moneys turned over by the
22 licensee and the amount expended at the licensee's track for the
23 purposes set forth in this subsection. The moneys in the West
24 Virginia Racing Commission special account - unredeemed pari-mutuel

1 tickets shall be expended as follows:

2 (1) To the owner of the winning horse in any horse race at a
3 horse race meeting held or conducted by any licensee: *Provided,*
4 That the owner of the horse is at the time of the horse race a bona
5 fide resident of this state, a sum equal to ten percent of the
6 purse won by the horse at that race: *Provided, however,* That in
7 the event there are more than ten races in any performance, the **FISCAL**
8 award to the resident owner of the winning horse will be that **NOTE**
9 fractional share of the purse with a numerator of one and a
10 denominator representing the number of races on the day of the
11 performance. The commission may require proof that the owner was,
12 at the time of the race, a bona fide resident of this state. Upon
13 proof by the owner that he or she filed a personal income tax
14 return in this state for the previous two years and that he or she
15 owned real or personal property in this state and paid taxes in
16 this state on real or personal property for the previous two years,
17 he or she shall be presumed to be a bona fide resident of this
18 state; and

19 (2) To the breeder (that is, the owner of the mare) of the
20 winning horse in any horse race at a horse race meeting held or
21 conducted by any licensee: *Provided,* That the mare foaled in this
22 state, a sum equal to ten percent of the purse won by the horse:
23 *Provided, however,* That in the event there are more than ten races
24 in any performance, the award to the breeder will be that

1 fractional share of the purse with a numerator of one and a
2 denominator representing the number of races on the day of the
3 performance; and

4 (3) To the owner of the stallion which sired the winning horse
5 in any horse race at a horse race meeting held or conducted by any
6 licensee: *Provided*, That the mare which foaled the winning horse
7 was served by a stallion standing and registered in this state, a **FISCAL**
8 sum equal to ten percent of the purse won by the horse: *Provided*, **NOTE**
9 *however*, That in the event there are more than ten races in any
10 performance, the award to the owner of the stallion will be
11 percentage of the purse based upon the fractional share represented
12 by the number of races on the day of the performance;

13 ~~(4) To those horse racing licensees not participating in the~~
14 ~~Thoroughbred Development Fund authorized in section thirteen-b of~~
15 ~~this article, the unexpended balance of the licensee's account not~~
16 ~~expended as provided in subdivisions (1), (2) and (3) of this~~
17 ~~subsection: *Provided*, That all moneys distributed under this~~
18 ~~subdivision shall be expended solely for capital improvements at~~
19 ~~the licensee's track: *Provided*, *however*, That the capital~~
20 ~~improvements must be approved, in writing, by the West Virginia~~
21 ~~Racing Commission before funds are expended by the licensee for~~
22 ~~that capital improvement; and~~

23 (4) The Racing Commission shall make all current and past
24 payments required by subdivisions (1), (2) and (3) of this

1 subsection on a monthly basis. The commission shall make all
2 current and past payments required by paragraphs (A) and (B),
3 subdivision (6) of this subsection on an annual basis. Obligations
4 incurred pursuant to subdivisions (1), (2) and (3) of this
5 subsection from previous years may be paid with current funds.
6 Obligations incurred pursuant to paragraphs (A) and (B),
7 subdivision (6) of this subsection for the years 2007, 2008 and
8 2009 shall be paid from those funds established by subdivision (6)
9 of this subsection. These funds are to be placed in the West
10 Virginia Racing Commission Special Account - West Virginia
11 Greyhound Breeding Development Fund established by subsection (d),
12 section ten of this article. These funds will be disbursed as
13 supplemental purses on a pro rata basis beginning July 1, 2010 and
14 ending on June 30, 2011;

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NOTE**

15 (5) In order that all thoroughbred and greyhound tracks
16 receive equal funding to each purse accounts, each track shall
17 receive the same amount as the track that receives the highest
18 amount pursuant to subdivisions (1), (2) and (3) of this
19 subsection. To this end the Racing Commission shall, after making
20 the payments required by those subdivisions, direct funds to make
21 up those differences, if any, to each track's regular purse funds
22 on a weekly basis; and

23 (5) (6) When the moneys in the special account, known as the
24 West Virginia Racing Commission special account - unredeemed pari-

1 mutuel tickets will more than satisfy the requirements of
2 subdivisions (1), (2) and (3), ~~(4)~~ of this subsection, the West
3 Virginia Racing Commission shall have the authority to expend the
4 excess moneys from unredeemed horse racing pari-mutuel tickets as
5 purse money in any race conditioned exclusively for West Virginia
6 bred or sired horses, and to expend the excess moneys from
7 unredeemed dog racing pari-mutuel tickets in supplementing purses
8 and establishing stake races and dog racing handicaps at the dog
9 tracks: Provided, That the \$11 million as authorized by paragraph
10 (A), subdivision (9), subsection (c), section ten, article twenty-
11 two-a, chapter twenty-nine of this code shall be used in the
12 following manner: first, for the payment of current obligations,
13 those equal funding amounts established by subdivision (5) of this
14 subsection and, over a two year period, any unpaid debt payments
15 owed pursuant to subdivisions (1), (2) and (3) of this subsection
16 and paragraphs (A) and (B), subdivision (6) of this subsection; and
17 second, all remaining funds be used to reduce the workers'
18 compensation debt or to pay debt service on bonds sold for the
19 purpose of reducing or paying the workers' compensation debt in
20 accordance with section five, article two-d, chapter twenty-three
21 of this code: Provided, however, That at such time the
22 mentioned workers' compensation debt has been extinguished any
23 remaining amount, after the financial requirements of this section
24 have been met, shall be deposited in the appropriate regular purse

**FISCAL
NOTE**

1 fund for each track. ~~Provided further, That subject to the~~
2 ~~availability of funds,~~ the commission shall, after the requirements
3 of subdivisions (1), (2) and (3), ~~and (4)~~ of this subsection have
4 been satisfied.

5 (A) Transfer annually \$200,000 to the West Virginia Racing
6 Commission special account - West Virginia Greyhound Breeding
7 Development Fund; and

**FISCAL
NOTE**

8 (B) Transfer annually \$200,000 into a separate account to be
9 used for stakes races for West Virginia bred greyhounds at dog
10 racetracks. ~~and~~

11 ~~(C) Transfer annually \$200,000 to a trust maintained and~~
12 ~~administered by the organization which is recognized by the West~~
13 ~~Virginia Racing Commission, pursuant to a legislative rule proposed~~
14 ~~for promulgation by the commission and authorized by the~~
15 ~~Legislature, as the representative of the majority of the active~~
16 ~~jockeys in West Virginia, for the purpose of providing health and~~
17 ~~disability benefits to eligible active or disabled West Virginia~~
18 ~~jockeys and their dependents in accordance with eligibility~~
19 ~~criteria established by said organization. For purposes of this~~
20 ~~section in determining health benefits, an eligible active jockey~~
21 ~~is one who rides at least one hundred mounts per calendar year of~~
22 ~~which fifty-one must be in the State of West Virginia. Provided,~~
23 ~~That a jockey is not eligible for health benefits if he or she~~
24 ~~receives health benefits from any other state; and~~

1 ~~(D) After all payments to satisfy the requirements of (A), (B)~~
2 ~~and (C) of this proviso have been satisfied, the commission shall~~
3 ~~have authority to transfer \$150,000 left from all uncashed pari-~~
4 ~~mutuel tickets to the trust maintained and administered by the~~
5 ~~organization which is recognized by the West Virginia Racing~~
6 ~~Commission, pursuant to legislative rule proposed for promulgation~~
7 ~~by the commission and authorized by the Legislature as the~~ **FISCAL**
8 ~~representative of the majority of the active jockeys in West~~ **NOTE.**
9 ~~Virginia.~~

10 (c) The commission shall submit to the Legislative Auditor a
11 quarterly report and accounting of the income, expenditures and
12 unobligated balance in the special account created by this section
13 known as the West Virginia Racing Commission special account -
14 unredeemed pari-mutuel tickets.

15 (d) Nothing contained in this article shall prohibit one
16 person from qualifying for all or more than one of the aforesaid
17 awards or for awards under section thirteen-b of this article.

18 (e) The cost of publication of the notice provided for in this
19 section shall be paid from the funds in the hands of the State
20 Treasurer collected from the pari-mutuel pools' tax provided for in
21 section ten of this article, when not otherwise provided in the
22 budget; but no such costs shall be paid unless an itemized account
23 thereof, under oath, be first filed with the State Auditor.

24 (f) The Racing Commission is authorized to promulgate

1 emergency rules ~~prior to July 1, 2004,~~ to incorporate the any
 2 revisions to this article. ~~enacted during the 2004 regular~~
 3 ~~legislative session.~~

4 §19-23-13b. West Virginia Thoroughbred Development Fund;
 5 distribution; restricted races; nonrestricted
 6 purse supplements; preference for West Virginia
 7 accredited thoroughbreds. **FISCAL NOTE**

8 (a) The Racing Commission shall deposit moneys required to be
 9 withheld by an association or licensee in subsection (b), section
 10 nine of this article in a banking institution of its choice in a
 11 special account to be known as "West Virginia Racing Commission
 12 Special Account -- West Virginia Thoroughbred Development Fund":
 13 *Provided,* That after the West Virginia Lottery Commission has
 14 divided moneys between the West Virginia Thoroughbred Development
 15 Fund and the West Virginia Greyhound Breeding Development Fund
 16 pursuant to the provisions of sections ten and ten-b, article
 17 twenty-two-a, chapter twenty-nine of this code, the Racing
 18 Commission shall, beginning October 1, 2005, deposit the remaining
 19 moneys required to be withheld from an association or licensee
 20 designated to the Thoroughbred Development Fund under the
 21 provisions of subsection (b), section nine of this article,
 22 subdivision (3), subsection (e), section twelve-b of this article,
 23 subsection (b), section twelve-c of this article, paragraph (B),
 24 subdivision (3), subsection (b), section thirteen-c of this article

1 and sections ten and ten-b, article twenty-two-a, chapter twenty-
2 nine of this code into accounts for each thoroughbred racetrack
3 licensee with a banking institution of its choice with a separate
4 account for each association or licensee. Each separate account
5 shall be a special account to be known as "West Virginia Racing
6 Commission Special Account - West Virginia Thoroughbred Development
7 Fund" and shall name the licensee for which the special account has
8 been established: *Provided, however,* That the Racing Commission
9 shall deposit all moneys paid into the Thoroughbred Development
10 Fund by a thoroughbred racetrack licensee that did not participate
11 in the Thoroughbred Development Fund for at least four consecutive
12 calendar years prior to December 31, 1992 from July 8, 2005 until
13 the effective date of the amendment to this section passed during
14 the fourth extraordinary session of the seventy-seventh Legislature
15 shall be paid into the purse fund of that thoroughbred racetrack
16 licensee: *Provided further,* That the moneys paid into the
17 Thoroughbred Development Fund by a thoroughbred racetrack licensee
18 that did not participate in the Thoroughbred Development Fund for
19 at least four consecutive calendar years prior to December 31,
20 1992, shall be transferred into that licensee's purse fund until
21 April 1, 2006. Notice of the amount, date and place of the
22 deposits shall be given by the Racing Commission, in writing, to
23 the State Treasurer. The purpose of the funds is to promote better
24 breeding and racing of thoroughbred horses in the state through

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1 awards and purses for accredited breeders/raisers, sire owners and
2 thoroughbred race horse owners: *And provided further*, That five
3 percent of the deposits required to be withheld by an association
4 or licensee in subsection (b), section nine of this article shall
5 be placed in a special revenue account hereby created in the state
6 Treasury called the "Administration and Promotion Account".

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7 (b) The Racing Commission is authorized to expend the moneys
8 deposited in the administration and promotion account at times and
9 in amounts as the Commission determines to be necessary for
10 purposes of administering and promoting the thoroughbred
11 development program: *Provided*, That during any fiscal year in
12 which the Commission anticipates spending any money from the
13 account, the Commission shall submit to the executive department
14 during the budget preparation period prior to the Legislature
15 convening before that fiscal year for inclusion in the executive
16 budget document and budget bill the recommended expenditures, as
17 well as requests of appropriations for the purpose of
18 administration and promotion of the program. The Commission shall
19 make an annual report to the Legislature on the status of the
20 administration and promotion account, including the previous year's
21 expenditures and projected expenditures for the next year.

22 (c) The fund or funds and the account or accounts established
23 in subsection (a) of this section shall operate on an annual basis.

24 (d) Funds in the Thoroughbred Development Fund or funds in the

1 separate accounts for each association or licensee as provided in
2 subsection (a) of this section shall be expended for awards and
3 purses except as otherwise provided in this section. Annually, the
4 first \$800,000 shall be available for distribution for a minimum of
5 fourteen accredited stakes races at a racetrack which has
6 participated in the West Virginia Thoroughbred Development Fund for
7 a period of more than four consecutive calendar years prior to
8 December 31, 1992. The weights for all accredited stakes races
9 shall be weight for age. One of the stakes races shall be the West
10 Virginia Futurity and the second shall be the Frank Gall Memorial
11 Stakes. For the purpose of participating in the West Virginia
12 Futurity only, all mares, starting with the breeding season
13 beginning the first day of February through July 31, 2004, and each
14 successive breeding season thereafter shall be bred back that year
15 to an accredited West Virginia stallion only which is registered
16 with the West Virginia Thoroughbred Breeders Association. The
17 accredited stake races shall be chosen by the committee set forth
18 in subsection (f) of this section.

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19 (e) Awards and purses shall be distributed as follows:

20 (1) The breeders/raisers of accredited thoroughbred horses
21 that earn a purse at a participating West Virginia meet shall
22 receive a bonus award calculated at the end of the year as a
23 percentage of the fund dedicated to the breeders/raisers, which
24 shall be sixty percent of the fund available for distribution in

1 any one year. The total amount available for the
2 breeders'/raisers' awards shall be distributed according to the
3 ratio of purses earned by an accredited race horse to the total
4 amount earned in the participating races by all accredited race
5 horses for that year as a percentage of the fund dedicated to the
6 breeders/raisers. However, no breeder/raiser may receive from the
7 fund dedicated to breeders'/raisers' awards an amount in excess of **FISCAL**
8 the earnings of the accredited horse at West Virginia meets. In **NOTE**
9 addition, should a horse's breeder and raiser qualify for the same
10 award on the same horse, they will each be awarded one half of the
11 proceeds. The bonus referred to in this subdivision may only be
12 paid on the first \$100,000 of any purse and not on any amounts in
13 excess of the first \$100,000.

14 (2) The owner of an accredited West Virginia sire of an
15 accredited thoroughbred horse that earns a purse in any race at a
16 participating West Virginia meet shall receive a bonus award
17 calculated at the end of the year as a percentage of the fund
18 dedicated to sire owners, which shall be fifteen percent of the
19 fund available for distribution in any one year. The total amount
20 available for the sire owners' awards shall be distributed
21 according to the ratio of purses earned by the progeny of
22 accredited West Virginia stallions in the participating races for
23 a particular stallion to the total purses earned by the progeny of
24 all accredited West Virginia stallions in the participating races.

1 However, no sire owner may receive from the fund dedicated to sire
2 owners an amount in excess of thirty-five percent of the accredited
3 earnings for each sire. The bonus referred to in this subdivision
4 shall only be paid on the first \$100,000 of any purse and not on
5 any amounts in excess of the first \$100,000.

6 (3) The owner of an accredited thoroughbred horse that earns
7 a purse in any participating race at a West Virginia meet shall **FISCAL**
8 receive a restricted purse supplement award calculated at the end **NOTE**
9 of the year, which shall be twenty-five percent of the fund
10 available for distribution in any one year, based on the ratio of
11 the earnings in the races of a particular race horse to the total
12 amount earned by all accredited race horses in the participating
13 races during that year as a percentage of the fund dedicated to
14 purse supplements. However, the owners may not receive from the
15 fund dedicated to purse supplements an amount in excess of thirty-
16 five percent of the total accredited earnings for each accredited
17 race horse. The bonus referred to in this subdivision shall only
18 be paid on the first \$100,000 of any purse and not on any amounts
19 in excess of the first \$100,000.

20 (4) In no event may purses earned at a meet held at a track
21 which did not make a contribution to the Thoroughbred Development
22 Fund out of the daily pool on the day the meet was held qualify or
23 count toward eligibility for an award under this subsection.

24 (5) Any balance in the breeders/raisers, sire owners and purse

1 supplement funds after yearly distributions shall first be used to
2 fund the races established in subsection (f) of this section. Any
3 amount not so used shall revert into the general account of the
4 Thoroughbred Development Fund for each racing association or
5 licensee for distribution in the next year.

6 Distribution shall be made on the fifteenth day of each
7 February for the preceding year's achievements.

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8 (f) (1) Each pari-mutuel thoroughbred horse track shall
9 provide at least one restricted race per racing day: *Provided,*
10 That sufficient horses and funds are available. For purposes of
11 this subsection, there are sufficient horses if there are at least
12 seven single betting interests received for the race: *Provided*
13 *further,* That, if sufficient horses and funds are available, any
14 thoroughbred horse racetrack whose licensee participated in the
15 Thoroughbred Development Fund for at least four consecutive
16 calendar years prior to December 31, 1992, shall provide two
17 restricted races per racing day, at least one of which may be split
18 at the discretion of the racing secretary. The restricted race
19 required by this section must be included in the first nine races
20 written in the condition book for that racing day.

21 (2) The restricted races established in this subsection shall
22 be administered by a three-member committee at each track
23 consisting of:

24 (A) The racing secretary at each track;

1 (B) A member appointed by the authorized representative of a
2 majority of the owners and trainers at the thoroughbred track; and

3 (C) A member appointed by the West Virginia Thoroughbred
4 Breeders Association.

5 (3) Restricted races shall be funded by each racing
6 association from:

7 (A) Moneys placed in the General Purse Fund: *Provided, That* **FISCAL**
8 a thoroughbred horse racetrack which did not participate in the **NOTE**
9 West Virginia Thoroughbred Development Fund for a period of more
10 than four consecutive years prior to December 31, 1992, may fund
11 restricted races in an amount not to exceed \$1 million per year.

12 (B) Moneys as provided in subdivision (5), subsection (e) of
13 this section, which shall be placed in a special fund called the
14 "West Virginia Accredited Race Fund".

15 (4) The racing schedules, purse amounts and types of races are
16 subject to the approval of the West Virginia Racing Commission.

17 (5) If less than seventy-five percent of the restricted races
18 required by this subsection fail to receive enough entries to race,
19 the Racing Commission shall, on a quarterly basis, dedicate funds
20 in each fund back to the general purse fund of the racing
21 association or licensee: *Provided, That* no moneys may be dedicated
22 back to a General purse fund if the dedication would leave less
23 than \$250,000 in the fund.

24 (g) As used in this section, "West Virginia bred-foal" means

1 a horse that was born in the State of West Virginia.

2 (h) To qualify for the West Virginia Accredited Race Fund, the
3 breeder must qualify under one of the following:

4 (1) The breeder of the West Virginia bred-foal is a West
5 Virginia resident;

6 (2) The breeder of the West Virginia bred-foal is not a West
7 Virginia resident, but keeps his or her breeding stock in West
8 Virginia year round; or

9 (3) The breeder of the West Virginia bred-foal is not a West
10 Virginia resident and does not qualify under subdivision (2) of
11 this subsection, but either the sire of the West Virginia bred-foal
12 is a West Virginia stallion, or the mare is covered only by a West
13 Virginia accredited stallion or stallions before December 31 of the
14 calendar year following the birth of that West Virginia bred-foal.

15 (i) From July 1, 2001, West Virginia accredited thoroughbred
16 horses have preference for entry in all accredited races at a
17 thoroughbred race track at which the licensee participates in the
18 West Virginia Thoroughbred Development Fund.

19 (j) Beginning July 1, 2006, any racing association licensed by
20 the Racing Commission to conduct thoroughbred racing and permitting
21 and conducting pari-mutuel wagering under the provisions of this
22 article must have a West Virginia Thoroughbred Racing Breeders
23 Program.

24 ~~(k) The Commission shall, during calendar year 2009, conduct~~

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1 ~~a study of the adequacy of funding provided for the Thoroughbred~~
2 ~~Development Fund at any thoroughbred racetrack which has not~~
3 ~~participated in the West Virginia Thoroughbred Development Fund for~~
4 ~~a period of more than four consecutive calendar years prior to~~
5 ~~December 31, 1992, and shall report its findings and~~
6 ~~recommendations to the Joint Committee on Government and Finance on~~
7 ~~or before December 1, 2009.~~

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NOTE**

8 **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

9 **ARTICLE 22A. RACETRACK VIDEO LOTTERY.**

10 §29-22A-10. Accounting and reporting; commission to provide
11 communications protocol data; distribution of net
12 terminal income; remittance through electronic
13 transfer of funds; establishment of accounts and
14 nonpayment penalties; commission control of
15 accounting for net terminal income; settlement of
16 accounts; manual reporting and payment may be
17 required; request for reports; examination of
18 accounts and records.

19 (a) The commission shall provide to manufacturers, or
20 applicants applying for a manufacturer's permit, the protocol
21 documentation data necessary to enable the respective
22 manufacturer's video lottery terminals to communicate with the
23 commission's central computer for transmitting auditing program

1 information and for activation and disabling of video lottery
2 terminals.

3 (b) The gross terminal income of a licensed racetrack shall be
4 remitted to the commission through the electronic transfer of
5 funds. Licensed racetracks shall furnish to the commission all
6 information and bank authorizations required to facilitate the
7 timely transfer of moneys to the commission. Licensed racetracks
8 must provide the commission thirty days' advance notice of any
9 proposed account changes in order to assure the uninterrupted
10 electronic transfer of funds. From the gross terminal income
11 remitted by the licensee to the commission, the commission shall
12 deduct an amount sufficient to reimburse the commission for its
13 actual costs and expenses incurred in administering racetrack video
14 lottery at the licensed racetrack, and the resulting amount after
15 the deduction is the net terminal income. The amount deducted for
16 administrative costs and expenses of the commission may not exceed
17 four percent of gross terminal income: *Provided*, That any amounts
18 deducted by the commission for its actual costs and expenses that
19 exceeds its actual costs and expenses shall be deposited into the
20 state Lottery Fund. For the fiscal years ending June 30, 2006,
21 2007, 2008, 2009, 2010 and 2011, the term "actual costs and
22 expenses" shall include transfers of no more than \$20 million in
23 any year to the Revenue Center Construction Fund created by
24 subsection (l), section eighteen, article twenty-two of this

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1 chapter for the purpose of constructing a state office building.
2 For all fiscal years beginning on or after July 1, 2001, the
3 commission shall not receive an amount of gross terminal income in
4 excess of the amount of gross terminal income received during the
5 fiscal year ending on June 30, 2001, but four percent of any amount
6 of gross terminal income received in excess of the amount of gross
7 terminal income received during the fiscal year ending on June 30, **FISCAL**
8 2001, shall be deposited into the fund established in section **NOTE**
9 eighteen-a, article twenty-two of this chapter.

10 (c) Net terminal income shall be divided as set out in this
11 subsection. For all fiscal years beginning on or after July 1,
12 2001, any amount of net terminal income received in excess of the
13 amount of net terminal income received during the fiscal year
14 ending on June 30, 2001, shall be divided as set out in section
15 ten-b of this article. The licensed racetrack's share is in lieu
16 of all lottery agent commissions and is considered to cover all
17 costs and expenses required to be expended by the licensed
18 racetrack in connection with video lottery operations. The
19 division shall be made as follows:

20 (1) The commission shall receive thirty percent of net
21 terminal income, which shall be paid into the state Lottery Fund as
22 provided in section ten-a of this article;

23 (2) Until the July 1, 2005, fourteen percent of net terminal
24 income at a licensed racetrack shall be deposited in the special

1 fund established by the licensee, and used for payment of regular
2 purses in addition to other amounts provided for in article twenty-
3 three, chapter nineteen of this code, on and after July 1, 2005,
4 the rate shall be seven percent of net terminal income;

5 (3) The county where the video lottery terminals are located
6 shall receive two percent of the net terminal income: *Provided,*
7 That:

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8 (A) Beginning July 1, 1999, and thereafter, any amount in
9 excess of the two percent received during the fiscal year 1999 by
10 a county in which a racetrack is located that has participated in
11 the West Virginia Thoroughbred Development Fund since on or before
12 January 1, 1999 shall be divided as follows:

13 (i) The county shall receive fifty percent of the excess
14 amount; and

15 (ii) The municipalities of the county shall receive fifty
16 percent of the excess amount, said fifty percent to be divided
17 among the municipalities on a per capita basis as determined by the
18 most recent decennial United States census of population; and

19 (B) Beginning July 1, 1999, and thereafter, any amount in
20 excess of the two percent received during the fiscal year 1999 by
21 a county in which a racetrack other than a racetrack described in
22 paragraph (A) of this proviso is located and where the racetrack
23 has been located in a municipality within the county since on or
24 before January 1, 1999 shall be divided, if applicable, as follows:

1 (i) The county shall receive fifty percent of the excess
2 amount; and

3 (ii) The municipality shall receive fifty percent of the
4 excess amount; and

5 (C) This proviso shall not affect the amount to be received
6 under this subdivision by any other county other than a county
7 described in paragraph (A) or (B) of this proviso;

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8 (4) One percent of net terminal income shall be paid for and
9 on behalf of all employees of the Licensed Racing Association by
10 making a deposit into a special fund to be established by the
11 Racing Commission to be used for payment into the pension plan for
12 all employees of the Licensed Racing Association;

13 (5) The West Virginia Thoroughbred Development Fund created
14 under section thirteen-b, article twenty-three, chapter nineteen of
15 this code and the West Virginia Greyhound Breeding Development Fund
16 created under section ten of said article shall receive an equal
17 share of a total of not less than one and one-half percent of the
18 net terminal income;

19 (6) The West Virginia Racing Commission shall receive one
20 percent of the net terminal income which shall be deposited and
21 used as provided in section thirteen-c, article twenty-three,
22 chapter nineteen of this code.

23 (7) A licensee shall receive forty-six and one-half percent of
24 net terminal income.

1 (8)(A) The Tourism Promotion Fund established in section
2 twelve, article two, chapter five-b of this code shall receive
3 three percent of the net terminal income: *Provided*, That for the
4 fiscal year beginning July 1, 2003, the tourism commission shall
5 transfer from the Tourism Promotion Fund \$5 million of the three
6 percent of the net terminal income described in this section and
7 section ten-b of this article into the fund administered by the **FISCAL**
8 West Virginia Economic Development Authority pursuant to section **NOTE**
9 seven, article fifteen, chapter thirty-one of this code, \$5 million
10 into the Capitol Renovation and Improvement Fund administered by
11 the Department of Administration pursuant to section six, article
12 four, chapter five-a of this code and \$5 million into the tax
13 reduction and federal funding increased compliance fund; and

14 (B) Notwithstanding any provision of paragraph (A) of this
15 subdivision to the contrary, for each fiscal year beginning after
16 June 30, 2004, this three percent of net terminal income and the
17 three percent of net terminal income described in paragraph (B),
18 subdivision (8), subsection (a), section ten-b of this article
19 shall be distributed as provided in this paragraph as follows:

20 (i) 1.375 percent of the total amount of net terminal income
21 described in this section and in section ten-b of this article
22 shall be deposited into the Tourism Promotion Fund created under
23 section twelve, article two, chapter five-b of this code;

24 (ii) 0.375 percent of the total amount of net terminal income

1 described in this section and in section ten-b of this article
2 shall be deposited into the Development Office Promotion Fund
3 created under section three-b, article two, chapter five-b of this
4 code;

5 (iii) 0.5 percent of the total amount of net terminal income
6 described in this section and in section ten-b of this article
7 shall be deposited into the Research Challenge Fund created under
8 section ten, article one-b, chapter eighteen-b of this code;

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9 (iv) 0.6875 percent of the total amount of net terminal income
10 described in this section and in section ten-b of this article
11 shall be deposited into the Capitol Renovation and Improvement Fund
12 administered by the Department of Administration pursuant to
13 section six, article four, chapter five-a of this code; and

14 (v) 0.0625 percent of the total amount of net terminal income
15 described in this section and in section ten-b of this article
16 shall be deposited into the 2004 Capitol Complex Parking Garage
17 Fund administered by the Department of Administration pursuant to
18 section five-a, article four, chapter five-a of this code;

19 (9)(A) On and after July 1, 2005, seven percent of net
20 terminal income shall be deposited into the Workers' Compensation
21 Debt Reduction Fund created in section five, article two-d, chapter
22 twenty-three of this code: *Provided*, That in any fiscal year when
23 the amount of money generated by this subdivision totals \$11
24 million, that \$11 million shall be deposited in the West Virginia

1 Racing Commission Special Account - Unredeemed Pari-Mutuel Tickets
2 account as established by subsection (b), section thirteen, article
3 twenty-three, chapter nineteen of this code and distributed in
4 accordance with subdivision (6) of that subsection. All subsequent
5 distributions under this subdivision shall be deposited in the
6 special fund established by the licensee and used for the payment
7 of regular purses in addition to the other amounts provided for in **FISCAL**
8 article twenty-three, chapter nineteen of this code; **NOTE**

9 (B) The deposit of the seven percent of net terminal income
10 into the Worker's Compensation Debt Reduction Fund pursuant to this
11 subdivision shall expire and not be imposed with respect to these
12 funds and shall be deposited in the special fund established by the
13 licensee and used for payment of ~~regular purses in addition to the~~
14 ~~other amounts provided for in~~ the amounts required by article
15 twenty-three, chapter nineteen of this code, on and after the first
16 day of the month following the month in which the Governor
17 certifies to the Legislature that: (i) The revenue bonds issued
18 pursuant to article two-d, chapter twenty-three of this code, have
19 been retired or payment of the debt service provided for; and (ii)
20 that an independent certified actuary has determined that the
21 unfunded liability of the old fund, as defined in chapter twenty-
22 three of this code, has been paid or provided for in its entirety;
23 and

24 (10) The remaining one percent of net terminal income shall be

1 deposited as follows:

2 (A) For the fiscal year beginning July 1, 2003, the veterans
3 memorial program shall receive one percent of the net terminal
4 income until sufficient moneys have been received to complete the
5 veterans memorial on the grounds of the State Capitol Complex in
6 Charleston, West Virginia. The moneys shall be deposited in the
7 State Treasury in the Division of Culture and History special fund
8 created under section three, article one-i, chapter twenty-nine of
9 this code: *Provided*, That only after sufficient moneys have been
10 deposited in the fund to complete the veterans memorial and to pay
11 in full the annual bonded indebtedness on the veterans memorial,
12 not more than \$20,000 of the one percent of net terminal income
13 provided for in this subdivision shall be deposited into a Special
14 Revenue Fund in the State Treasury, to be known as the "John F.
15 'Jack' Bennett Fund". The moneys in this fund shall be expended by
16 the Division of Veterans Affairs to provide for the placement of
17 markers for the graves of veterans in perpetual cemeteries in this
18 state. The Division of Veterans Affairs shall promulgate
19 legislative rules pursuant to the provisions of article three,
20 chapter twenty-nine-a of this code specifying the manner in which
21 the funds are spent, determine the ability of the surviving spouse
22 to pay for the placement of the marker and setting forth the
23 standards to be used to determine the priority in which the
24 veterans grave markers will be placed in the event that there are

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1 not sufficient funds to complete the placement of veterans grave
2 markers in any one year, or at all. Upon payment in full of the
3 bonded indebtedness on the Veterans Memorial, \$100,000 of the one
4 percent of net terminal income provided for in this subdivision
5 shall be deposited in the special fund in the Division of Culture
6 and History created under section three, article one-I, chapter
7 twenty-nine of this code and be expended by the Division of Culture
8 and History to establish a West Virginia Veterans Memorial Archives
9 within the cultural center to serve as a repository for the
10 documents and records pertaining to the Veterans Memorial, to
11 restore and maintain the monuments and memorial on the capitol
12 grounds: *Provided, however,* That \$500,000 of the one percent of
13 net terminal income shall be deposited in the state Treasury in a
14 special fund of the Department of Administration, created under
15 section five, article four, chapter five-a of this code, to be used
16 for construction and maintenance of a parking garage on the state
17 Capitol Complex; and the remainder of the one percent of net
18 terminal income shall be deposited in equal amounts in the Capitol
19 Dome and Improvements Fund created under section two, article four,
20 chapter five-a of this code and cultural facilities and Capitol
21 Resources Matching Grant Program Fund created under section three,
22 article one of this chapter.

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23 (B) For each fiscal year beginning after June 30, 2004:

24 (i) \$500,000 of the one percent of net terminal income shall

1 be deposited in the State Treasury in a special fund of the
2 Department of Administration, created under section five, article
3 four, chapter five-a of this code, to be used for construction and
4 maintenance of a parking garage on the State Capitol Complex; and

5 (ii) The remainder of the one percent of net terminal income
6 and all of the one percent of net terminal income described in
7 paragraph (B), subdivision (9), subsection (a), section ten-b of **FISCAL**
8 this article twenty-two-a shall be distributed as follows: The net **NOTE**
9 terminal income shall be deposited in equal amounts into the
10 Capitol Dome and Capitol Improvements Fund created under section
11 two, article four, chapter five-a of this code and the Cultural
12 Facilities and Capitol Resources Matching Grant Program Fund
13 created under section three, article one, chapter twenty-nine of
14 this code until a total of \$1,500,000 is deposited into the
15 cultural facilities and Capitol Resources Matching Grant Program
16 Fund; thereafter, the remainder shall be deposited into the Capitol
17 Dome and Capitol Improvements Fund.

18 (d) Each licensed racetrack shall maintain in its account an
19 amount equal to or greater than the gross terminal income from its
20 operation of video lottery machines, to be electronically
21 transferred by the commission on dates established by the
22 commission. Upon a licensed racetrack's failure to maintain this
23 balance, the commission may disable all of a licensed racetrack's
24 video lottery terminals until full payment of all amounts due is

1 made. Interest shall accrue on any unpaid balance at a rate
2 consistent with the amount charged for state income tax delinquency
3 under chapter eleven of this code. The interest shall begin to
4 accrue on the date payment is due to the commission.

5 (e) The commission's central control computer shall keep
6 accurate records of all income generated by each video lottery
7 terminal. The commission shall prepare and mail to the licensed
8 racetrack a statement reflecting the gross terminal income
9 generated by the licensee's video lottery terminals. Each licensed
10 racetrack shall report to the commission any discrepancies between
11 the commission's statement and each terminal's mechanical and
12 electronic meter readings. The licensed racetrack is solely
13 responsible for resolving income discrepancies between actual money
14 collected and the amount shown on the accounting meters or on the
15 commission's billing statement.

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16 (f) Until an accounting discrepancy is resolved in favor of
17 the licensed racetrack, the commission may make no credit
18 adjustments. For any video lottery terminal reflecting a
19 discrepancy, the licensed racetrack shall submit to the commission
20 the maintenance log which includes current mechanical meter
21 readings and the audit ticket which contains electronic meter
22 readings generated by the terminal's software. If the meter
23 readings and the commission's records cannot be reconciled, final
24 disposition of the matter shall be determined by the commission.

1 Any accounting discrepancies which cannot be otherwise resolved
2 shall be resolved in favor of the commission.

3 (g) Licensed racetracks shall remit payment by mail if the
4 electronic transfer of funds is not operational or the commission
5 notifies licensed racetracks that remittance by this method is
6 required. The licensed racetracks shall report an amount equal to
7 the total amount of cash inserted into each video lottery terminal
8 operated by a licensee, minus the total value of game credits which
9 are cleared from the video lottery terminal in exchange for winning
10 redemption tickets, and remit the amount as generated from its
11 terminals during the reporting period. The remittance shall be
12 sealed in a properly addressed and stamped envelope and deposited
13 in the United States mail no later than noon on the day when the
14 payment would otherwise be completed through electronic funds
15 transfer.

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16 (h) Licensed racetracks may, upon request, receive additional
17 reports of play transactions for their respective video lottery
18 terminals and other marketing information not considered
19 confidential by the commission. The commission may charge a
20 reasonable fee for the cost of producing and mailing any report
21 other than the billing statements.

22 (i) The commission has the right to examine all accounts, bank
23 accounts, financial statements and records in a licensed
24 racetrack's possession, under its control or in which it has an

1 interest and the licensed racetrack shall authorize all third
 2 parties in possession or in control of the accounts or records to
 3 allow examination of any of those accounts or records by the
 4 commission.

5 **ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.**

6 **§29-22C-27. West Virginia Lottery Racetrack Table Games Fund;**

7 **Community-Based Service Fund; State Debt Reduction** **FISCAL NOTE**

8 **Fund; distribution of funds.**

9 (a) (1) The special fund in the State Treasury known as the
 10 West Virginia Lottery Racetrack Table Games Fund is continued and
 11 all tax collected under this article shall be deposited with the
 12 State Treasurer and placed in the West Virginia Lottery Racetrack
 13 Table Games Fund. The fund shall be an interest-bearing account
 14 with all interest or other return earned on the money of the fund
 15 credited to and deposited in the fund.

16 (2) Notwithstanding any provision of this article to the
 17 contrary, all racetrack table games license fees received by the
 18 commission pursuant to section eight of this article shall be
 19 deposited into the Community-Based Service Fund which is continued
 20 in the State Treasury. Moneys of the fund shall be expended by the
 21 Bureau of Senior Services upon appropriation of the Legislature
 22 solely for the purpose of enabling the aged and disabled citizens
 23 of this state to maintain their residency in the community-based
 24 setting through the provision of home and community-based services.

1 (b) From the gross amounts deposited into the Racetrack Table
2 Games Fund pursuant to subsection (a) of this section, the
3 commission shall:

4 (1) Retain an amount for the administrative expenses of the
5 commission as determined by the commission in accordance with
6 subsection (e) of this section;

7 (2) Transfer two and one-half percent of adjusted gross
8 receipts from all thoroughbred racetracks with West Virginia
9 Lottery table games to the special funds established by each
10 thoroughbred racetrack table games licensees for the payment of
11 regular racetrack purses, the amount being divided ~~equally~~ on a pro
12 rata basis between the special funds of each thoroughbred racetrack
13 table games licensee and transfer two and one-half percent of
14 adjusted gross receipts from all greyhound racetracks with West
15 Virginia Lottery table games to the special funds established by
16 each greyhound racetrack table games licensees for the payment of
17 regular racetrack purses, the amount being divided equally between
18 the special funds of each greyhound racetrack table games licensee;

19 (3) Transfer two percent of the adjusted gross receipts from
20 all licensed racetracks to the West Virginia Thoroughbred
21 Development Fund created under section thirteen-b, article twenty-
22 three, chapter nineteen of this code and the West Virginia
23 Greyhound Breeding Development Fund created under section ten,
24 article twenty-three, chapter nineteen of this code. The total

**FISCAL
NOTE**

1 amount transferred under this subdivision shall be divided pro rata
2 among the development funds for each racetrack table games licensee
3 based on relative adjusted receipts from each racetrack. The
4 amounts transferred to these funds may not be used for the benefit
5 of any person or activity other than at or associated with a
6 racetrack table games licensee;

7 (4) Transfer one percent of the adjusted gross receipts from **FISCAL**
8 each licensed racetrack to the county commissions of the counties **NOTE**
9 where racetracks with West Virginia Lottery table games are
10 located. The one percent transferred under this subdivision shall
11 be divided pro rata among the counties with a racetrack with West
12 Virginia Lottery table games based on relative adjusted gross
13 receipts from each county's racetrack: *Provided*, That the county
14 board of education of a growth county, as that term is defined in
15 section three, article twenty, chapter seven of this code, which
16 has enacted the Local Powers Act, and in which county a racetrack
17 is located that has participated in the West Virginia Thoroughbred
18 Development Fund since on or before January 1, 1991, shall receive
19 the one percent of adjusted gross receipts as provided in this
20 subdivision for the purpose of capital improvements;

21 (5) Transfer two percent of the adjusted gross receipts from
22 each licensed racetrack to the governing bodies of municipalities
23 within counties where racetracks with West Virginia Lottery table
24 games are located, which shall be allocated as follows:

1 (A) One half of the amounts transferred under this subdivision
2 shall be allocated to the municipalities within each county having
3 a racetrack table games licensee, based on relative adjusted gross
4 receipts from West Virginia Lottery table games from those
5 racetracks and the total amount allocated to the municipalities
6 within a county shall be divided pro rata among the municipalities
7 based on each municipality's population determined at the most **FISCAL**
8 recent United States decennial census of population: *Provided,* **NOTE**
9 That: (i) For each allocation, when a municipality is physically
10 located in two or more counties, only that portion of its
11 population residing in the county where the authorized table games
12 are located shall be considered; (ii) a single municipality in a
13 county where West Virginia Lottery racetrack table games are played
14 may not receive a total share under this paragraph that is in
15 excess of seventy-five percent of the total distribution under this
16 paragraph for the county in which the municipality is located; and
17 (iii) a municipality receiving moneys under this paragraph may not
18 receive an amount which is less than that received by a
19 municipality under provisions of subdivision (4), subsection (d) of
20 this section; and

21 (B) One half of the amounts transferred under this subdivision
22 shall be allocated pro rata to the municipalities within all the
23 counties, having a racetrack table games licensee based on each
24 municipality's population determined at the most recent United

1 States decennial census of population: *Provided, That:* (i) A
2 municipality which received funds above its pro rata share pursuant
3 to subpart (iii), paragraph (A) of this subdivision may not receive
4 an allocation under this paragraph; (ii) for each allocation, when
5 a municipality is physically located in two or more counties, only
6 that portion of its population residing in the county where the
7 authorized table games are located shall be considered; and (iii) **FISCAL**
8 a single municipality in a county where West Virginia Lottery **NOTE**
9 racetrack games are played may not receive a total share under this
10 paragraph that is in excess of twenty-five percent of the total
11 transfers under this paragraph: *Provided, however, That* the county
12 board of education of a growth county, as that term is defined in
13 section three, article twenty, chapter seven of this code, which
14 has enacted the Local Powers Act, and in which county a racetrack
15 is located that has participated in the West Virginia Thoroughbred
16 Development Fund since on or before January 1, 1991, shall receive
17 the two percent of adjusted gross receipts as provided in this
18 subdivision for the purpose of capital improvements;

19 (6) Transfer one half of one percent of the adjusted gross
20 receipts to the governing bodies of municipalities in which a
21 racetrack table games licensee is located. The municipalities
22 shall each receive an equal share of the total amount allocated
23 under this subdivision: *Provided, That* distribution under this
24 subdivision may not be made to any municipality which did not have

1 a licensed racetrack within its municipal boundaries as they
2 existed on January 1, 2007: *Provided, however,* That if no
3 racetrack table games licensee is located within a municipality, a
4 transfer may not be made under this subdivision; and

5 (7) Distribute the remaining amounts, hereinafter referred to
6 as the net amounts in the Racetrack Table Games Funds, in
7 accordance with the provisions of subsection (d) of this section.

**FISCAL
NOTE**

8 (c) Beginning with the fiscal year following the licensing of
9 every licensed racetrack to offer West Virginia lottery racetrack
10 table games under this article, subsection (b) of this section
11 shall be superseded and replaced by this subsection for
12 distribution of the balances in the fund established by subsection
13 (a) of this section. From the gross amounts deposited into the
14 fund, the commission shall:

15 (1) Retain an amount for the administrative expenses of the
16 commission as determined by the commission in accordance with
17 subsection(e) of this section;

18 (2) Transfer two and one-half percent of adjusted gross
19 receipts from all thoroughbred racetracks with West Virginia
20 Lottery table games to the special funds established by each
21 thoroughbred racetrack table games licensee for the payment of
22 regular racetrack purses, the amount being divided equally on a pro
23 rata basis between the special funds of each thoroughbred racetrack
24 table games licensee and transfer two and one-half percent of

1 adjusted gross receipts from all greyhound racetracks with West
2 Virginia Lottery table games to the special funds established by
3 each greyhound racetrack table games licensee for the payment of
4 regular racetrack purses, the amount being divided equally between
5 the special funds of each greyhound racetrack table games licensee;

6 (3) Transfer two percent of the adjusted gross receipts from
7 all licensed racetracks to the West Virginia Thoroughbred
8 Development Fund created under section thirteen-b, article twenty-
9 three, chapter nineteen of this code and the West Virginia
10 Greyhound Breeding Development Fund created under section ten,
11 article twenty-three, chapter nineteen of this code. The total
12 amount transferred under this subdivision shall be divided pro rata
13 among the development funds for each racetrack table games licensee
14 based on relative adjusted receipts from each racetrack. The
15 amounts transferred to these funds may not be used for the benefit
16 of any person or activity other than at or associated with a
17 racetrack table games licensee;

18 (4) Transfer two percent of the adjusted gross receipts from
19 each licensed racetrack to the county commissions of the counties
20 where racetracks with West Virginia Lottery table games are
21 located. The money transferred under this subdivision shall be
22 divided pro rata among the counties with a racetrack with West
23 Virginia Lottery table games based on relative adjusted gross
24 receipts from each county's racetrack: *Provided, That the county*

**FISCAL
NOTE**

1 board of education of a growth county, as that term is defined in
2 section three, article twenty, chapter seven of this code, which
3 has enacted the Local Powers Act, and in which a racetrack is
4 located that has participated in the West Virginia Thoroughbred
5 Development Fund since on or before January 1, 1991, shall receive
6 one half of that county's share of adjusted gross receipts as
7 provided in this subdivision for the purpose of capital
8 improvements;

**FISCAL
NOTE**

9 (5) Transfer three percent of the adjusted gross receipts from
10 each licensed racetrack to the governing bodies of municipalities
11 within counties where racetracks with West Virginia Lottery table
12 games are located, which shall be allocated as follows:

13 (A) One half of the money transferred by this subdivision
14 shall be allocated to the municipalities within each county, other
15 than a county described in paragraph (C) of this subdivision,
16 having a racetrack table games licensee based on relative adjusted
17 gross receipts from West Virginia Lottery table games from those
18 racetracks and the total amount allocated to the municipalities
19 within a county shall be divided pro rata among the municipalities
20 based on each municipality's population determined at the most
21 recent United States decennial census of population: *Provided,*
22 *That:* (i) For each allocation, when a municipality is physically
23 located in two or more counties, only that portion of its
24 population residing in the county where the authorized table games

1 are located shall be considered; (ii) a single municipality in a
2 county where West Virginia Lottery racetrack table games are played
3 may not receive a total share under this paragraph that is in
4 excess of seventy-five percent of the total distribution under this
5 paragraph for the county in which the municipality is located; and
6 (iii) a municipality receiving moneys under this paragraph may not
7 receive an amount which is less than that received by a **FISCAL**
8 municipality under provisions of subdivision (4), subsection (d) of **NOTE**
9 this section.

10 (B) One half of the money transferred under this subdivision
11 shall be allocated pro rata to the municipalities within all the
12 counties, other than a county described in paragraph (C) of this
13 subdivision, having a racetrack table games licensee based on each
14 municipality's population determined at the most recent United
15 States decennial census of population: *Provided, That:* (i) A
16 municipality which received funds above its pro rata share pursuant
17 to subparagraph (iii), paragraph (A) of this subdivision shall not
18 receive an allocation under this paragraph; (ii) for each
19 allocation, when a municipality is physically located in two or
20 more counties, only that portion of its population residing in the
21 county where the authorized table games are located shall be
22 considered; and (iii) a single municipality in a county where West
23 Virginia Lottery racetrack games are played may not receive a total
24 share under this paragraph that is in excess of twenty-five percent

1 of the total transfers under this paragraph.

2 (C) Notwithstanding the provisions of paragraphs (A) and (B)
3 of this subdivision, when a racetrack is located in a growth
4 county, as that term is defined in section three, article twenty,
5 chapter seven of this code, which has enacted the Local Powers Act,
6 and in which county a racetrack is located that has participated in
7 the West Virginia Thoroughbred Development Fund since on or before
8 January 1, 1991, the county board of education shall receive two
9 thirds of the share of adjusted gross receipts from West Virginia
10 Lottery table games from the racetrack in the county as provided in
11 this subdivision and the municipalities within the county shall
12 share the remaining one third of the total amount allocated as
13 provided in this paragraph. The municipal one-third share shall be
14 divided pro rata among the municipalities based on each
15 municipality's population determined at the most recent United
16 States decennial census of population. All money transferred under
17 this paragraph shall be used by the county board of education and
18 by the municipalities for the purpose of capital improvements;

**FISCAL
NOTE**

19 (6) Transfer one half of one percent of the adjusted gross
20 receipts to the governing bodies of municipalities in which a
21 racetrack table games licensee is located. The municipalities
22 shall each receive an equal share of the total amount allocated
23 under this subdivision: *Provided*, That distribution under this
24 subdivision may not be made to any municipality that did not have

1 a licensed racetrack within its municipal boundaries as they
2 existed on January 1, 2007: *Provided, however,* That if no
3 racetrack table games licensee is located within a municipality, a
4 transfer may not be made under this subdivision; and

5 (7) Distribute the remaining amounts, hereinafter referred to
6 as the net amounts in the Racetrack Table Games Funds, in
7 accordance with the provisions of subsection (d) of this section.

**FISCAL
NOTE**

8 (d) From the net amounts in the Racetrack Table Games Fund,
9 the commission shall:

10 (1) Transfer seventy-six percent to the State Debt Reduction
11 Fund which is hereby continued in the State Treasury. Moneys of
12 the fund shall be expended solely for the purpose of accelerating
13 the reduction of existing unfunded liabilities and existing bond
14 indebtedness of the state and shall be expended or transferred only
15 upon appropriation of the Legislature;

16 (2) Transfer four percent, divided pro rata based on relative
17 adjusted gross receipts from the individual licensed racetracks for
18 and on behalf of all employees of each licensed racing association,
19 into a special fund to be established by the Racing Commission to
20 be used for payment into the pension plan for all employees of each
21 licensed racing association;

22 (3) Transfer ten percent, to be divided and paid in equal
23 shares, to each county commission in the state that is not eligible
24 to receive a distribution under subdivision (4), subsection (b) of

1 this section: *Provided*, That funds transferred to county
2 commissions under this subdivision shall be used only to pay
3 regional jail expenses and the costs of infrastructure improvements
4 and other capital improvements; and

5 (4) Transfer ten percent, to be divided and paid in equal
6 shares, to the governing bodies of each municipality in the state
7 that is not eligible to receive a distribution under subdivisions:

**FISCAL
NOTE**

8 (5) and (6), subsection (b) of this section: *Provided*, That funds
9 transferred to municipalities under this subdivision shall be used
10 only to pay for debt reduction in municipal police and fire pension
11 funds and the costs of infrastructure improvements and other
12 capital improvements.

13 (e) All expenses of the commission incurred in the
14 administration and enforcement of this article shall be paid from
15 the Racetrack Table Games Fund, including reimbursement of state
16 law-enforcement agencies for services performed at the request of
17 the commission pursuant to this article. The commission's expenses
18 associated with a particular racetrack with authorized table games
19 under this article may not exceed three percent of the total annual
20 adjusted gross receipts received from that licensee's operation of
21 table games under this article, including, but not limited to, all
22 license fees or other amounts attributable to the licensee's
23 operation of table games under this article, except as provided in
24 subdivision (2), subsection (a) of this section. However, for the

1 fiscal year following the licensing of every licensed racetrack to
2 offer West Virginia lottery racetrack table games under this
3 article and for the fiscal year thereafter, the commission's
4 expenses associated with a particular racetrack with authorized
5 table games under this article may not exceed four percent of the
6 total annual adjusted gross receipts received from that licensee's
7 operation of table games under this article, including, but not **FISCAL**
8 limited to, all license fees or other amounts attributable to the **NOTE**
9 licensee's operation of table games under this article, except as
10 provided in subdivision (2), subsection (a) of this section. These
11 expenses shall either be allocated to the racetrack with West
12 Virginia Lottery table games for which the expense is incurred, if
13 practicable, or be treated as general expenses related to all
14 racetrack table games facilities and be allocated pro rata among
15 the racetrack table games facilities based on the ratio that annual
16 adjusted gross receipts from operation of table games at each
17 racetrack with West Virginia Lottery table games bears to total
18 annual adjusted gross receipts from operation of table games at all
19 racetracks with West Virginia Lottery table games during the fiscal
20 year of the state. From this allowance, the commission shall
21 transfer at least \$100,000 but not more than \$500,000 into the
22 Compulsive Gambling Treatment Fund created in section nineteen,
23 article twenty-two-a of this chapter.

NOTE: The purpose of this bill is to require all of an established \$11 million Racetrack Video Lottery Fund to be transferred into the existing West Virginia Racing Commission Special Account - Unredeemed Pari-Mutuel Tickets account to be used to pay certain current and unpaid debt payments. The bill also provides that when those debt obligations have been fully met all monies deposited in the Video Lottery Fund will be used for the Workers' Compensation debt service until that debt is retired. The bill removes a provision concerning the Thoroughbred Development Fund. The bill eliminates a \$200,000 annual payment for providing health and disability benefits to jockeys and their dependents and also eliminates an obsolete provision concerning a special trust fund. The bill further provides that the Racing Commission may use current funds to pay previously incurred obligations. Additionally, the bill requires certain obligations be paid on a monthly basis and that certain receipts from all thoroughbred racetracks be divided on a pro rata basis between those racetracks. The bill modifies a current treasury account to include funds for greyhound adoption, spaying and neutering.

**FISCAL
NOTE**

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

2010R1042A

**FISCAL
NOTE**



Jefferson County Emergency Services Agency

January, 2010

The Jefferson County Emergency Services Agency has compiled an estimated budget for operating a joint emergency service agency (EMS, Fire, & Rescue) that has been previously outlined to the Commission and is also included in this presentation. The Agency's purpose with this project has been to determine the best staffing model for the Jefferson County Emergency Services Agency to pursue, and more importantly determine the cost for this service. Many factors have been considered in this process including, but not limited to, financial viability, community support, support of existing fire companies, and the integration with our existing staffing model. The Agency has elected to adopt a concept originally proposed by the Jefferson County Fire and Rescue Association. This proposal carries the support of the Fire and Rescue Association, the ability to integrate with our existing staff, and in the Agency's opinion, is financially feasible. The committee realizes however, that this is a model to work toward and something that will not happen with one hiring or one stroke of a pen, but will be a model that we work with and adjust as we see what works and what doesn't work. This new staffing model for the Emergency Services Agency will ensure continued reliable and expeditious emergency responses to all areas of the county utilizing the existing infrastructure that has been developed and maintained by volunteer fire companies in this county for more than 200 years. The Jefferson County Emergency Services Agency wants to be clear that in no way is this a replacement to the current system, but a supplement that both the volunteers have requested and the growth of the county has mandated. The bottom line of this estimate may look daunting, however bear in mind that this more than doubles the current level of staffing that the emergency services agency currently utilizes operating an EMS only service. This new joint service model will also increase the efficiency of the employees that are on duty, by having them provide both medical services and fire/rescue services. An additional benefit will be 24 hour coverage at some stations which will help lighten the burden on the existing roaming EMS personnel, which currently are the only 24 hour guarantee in the county.

Jefferson County Emergency Services Agency Proposed Staffing Model

Company 1 - Friendship	(2) Firefighters / EMTs, 6a – 6p, (7) days per week
Company 2 - Citizens	(2) Firefighters / EMTs, 6a – 6p, (7) days per week
Company 3 - Shepherdstown	(1) Firefighters / EMTs, 6a – 6p, (7) days per week (1) Firefighter / Paramedic, 7a–7p, (7) days per week
Company 4 - Independent	(2) Firefighters / EMTs, 6a – 6p, (7) days per week (2) Firefighter / Paramedic, 7a–7a, (7) days per week
Company 5 - Blue Ridge	(2) Firefighters / EMTs, 6a – 6p, (7) days per week
Company 6 - Middleway	(2) Firefighters / EMTs, 6a – 6p, (7) days per week
Company 7 - Bakerton	(2) Firefighters / EMTs, 6a – 6p, (7) days per week
Station 11 - JCESA	(1) Firefighter / Paramedic, 7a-7a, (7) days per week (1) Firefighter / EMT, 7a – 7a, (7) days per week (1) Operations Manager (1) Assistant Operations Manager (1) Administrative Assistant

Jefferson County Emergency Services Agency Proposed Staffing Model Budget

Salaries and Benefits

1. Operations Manager:		70,000
2. Assistant Operations Manager:		62,400
3. Administrative Assistant:		31,200
4. FF/EMT – 28 Employees	(41,600 Each)	1,164,800
5. FF/EMT Overtime:		185,320
6. FF/Paramedic – 12 Employees	(49,920 Each)	599,040
7. FF/Paramedic Overtime:		121,636
8. Workers Comp.:		151,190
9. FICA:		161,063
10. Retirement Contribution:		217,342
		Total Estimated Salary: 2,763,991

11. Blue Cross/Blue Sheild:	222,912
12. Dental:	21,672
13. MedLife:	13,416
14. Fitness:	15,996
Total Estimated Benefits: 273,996	

Fleet Vehicle Costs:

15. Fuel:	22,080
16. Vehicle Maintenance:	17,600
17. Chase Vehicle Replacement: **	65,000
Total Estimated Vehicle Costs: 104,680	

**This will not be an annual cost but may be needed biannually.

Insurance:

18. VFIS Umbrella:	20,120
19. Liability Insurance:	26,280
20. Building Insurance:	11,000
21. Vehicle Insurance:	4,514
Total Estimated Insurance: 61,914	

Facility:

22. Building Mortgage:	100,000
23. Electric:	5,280
24. LP Gas:	4,290
25. Water:	2,178
26. Pest Control:	1,716
Total Estimated Facility Costs: 113,464	

Employee Costs:

27. Annual Physicals:	25,400
28. Uniforms/Gear: *	129,500
29. Face pieces: *	8,325
30. Training:	46,250
31. Testing Process: *	22,500

Total Estimated Employee Costs: 231,975

*Initial Startup cost for these items will be much higher compared to following years.

Miscellaneous:

32. Admin.:	12,420
33. FH License Fee: (Reporting Software)	3,500
34. MSAG: (Mapping Software)	5,500
35. Cell Phone:	4,480
36. LifePak Contract:	2,500
37. EMS Supplies/Equip.:	56,760
38. Legal Fees:	6,900
39. Accounting:	14,160
40. Copy Machine & Contract:	10,000
41. VFD Contracts:	700,000
42. Medical Director:	18,000

Total Estimated Miscellaneous Costs: 834,220

Total Estimated Yearly Budget Cost: \$ 4,048,915

Total Estimated 1st Year Capital Cost: \$ 312,825

Total Estimated One Time Start up Cost: \$ 22,500

Total Estimated Emergency Services Cost: \$ 4,384,240

2009 JCESA Budget \$ 1,501,186

2009 JC Volunteer Fire Company Funding \$ 455,000

Annual JCESA Office Mortgage Commitment \$ 100,000

Funding Required Above Current Levels \$ 2,328,054

The Jefferson County Emergency Services Agency realizes that this increased cost is not something that will be easily burdened. Many members of the Board feel that a push has been made in the past for us to present to the Commission the best way to arrive at these funding levels. And as a result many ideas have been hashed around, however, the Board has reached a consensus that our expertise lies in providing emergency services and not in government finance. Therefore we would see it best suited for another branch of the county for determine the best way to generate these funds, if the county has a continued interest in improving the emergency services offered to the counties citizens and guests. We look forward to and appreciate your support as well as any input you may have in these matters.

Attachment C

Volunteer Proposal and Funding Options

Fire And Rescue Association Proposal	\$	4,034,000
Base CC Budget- FY 2010	\$	1,480,000
	\$	2,554,000
Calls- 2006		Share
Residential= 60%	\$	1,532,400
Commercial= 40%	\$	1,021,600

Households	21000	\$	60	\$	1,260,000
		\$	75	\$	1,575,000
		\$	90	\$	1,890,000

Commercial		Share			\$ 1,021,600
	%Demand	% Allocation	Units	Per Unit	
Entertainment	8%	\$ 81,728	11	7,429.82	
Food Service	3%	\$ 30,648	92	333.13	
Healthcare	9%	\$ 91,944	83	1,107.76	
Lodging	8%	\$ 81,728	20	4,086.40	
Manufacturing	17%	\$ 173,672	41	4,235.90	
Professional	2%	\$ 20,432	428	47.74	
Retail	26%	\$ 265,616	195	1,362.13	
Warehouse	24%	\$ 245,184	39	6,286.77	
	97%	\$ 990,952	909		
Religious	2%				

Commercial option- Square Footage

		\$ 1,021,600			
	%Demand	% Allocation	Thousand Square Footage	Per 1K Sq Ft	
Entertainment	8%	\$ 81,728	1500	54.49	
Food Service	3%	\$ 30,648	750	40.86	
Healthcare	9%	\$ 91,944	250	367.78	
Lodging	8%	\$ 81,728	300	272.43	
Manufacturing	17%	\$ 173,672	750	231.56	
Professional	2%	\$ 20,432	125	163.46	
Retail	26%	\$ 265,616	850	312.49	
Warehouse	24%	\$ 245,184	500	490.37	
	97%	\$ 990,952	5025		
Religious	2%				

Created: 4/21/2009 9:25 AM

Call Data- 2006
Commercial Units 2007
Residential units 2007



**Jefferson County
Parks & Recreation Commission**

235 Sam Michael's Lane • Shenandoah Junction, WV 25442

(304) 728-3207 • Fax (304) 728-9746 • jcpr@frontiernet.net • www.jcprc.org

January 20, 2010

President Widmyer
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear President Widmyer:

The Jefferson County Parks & Recreation Commission (JCPRC) is requesting that the Jefferson County Commission restore its current funding levels of \$187,604.00 for 2009-2010 to their 2008-2009 funding levels, which was \$237,650.00 (P/REC PERSONNEL CONTRIB #001-900-05-567-003-CR-000).

The JCPRC is currently operating at a deficit due in part to the decreased Jefferson County Commission allocation, as well as an increase in expenditures for liability insurance, workman's comp, and PEIA. In addition, the current economic climate has affected program revenue.

The JCPRC is requesting that the \$50,000 be restored to bring us to the fiscal year 2008-2009 funding levels.

Sincerely,

Paul Marshall
President, Jefferson County Parks & Recreation Commission

Sandy McDonald

From: <tbarr@jcprc.org>
To: "Sandy McDonald" <sandy@jeffersoncountywv.org>
Cc: <jmyers@jcprc.org>
Sent: Monday, January 25, 2010 12:38 PM
Subject: Re: Re:

Sandy:

I wanted to confirm that you are in receipt of Paul Marshall's letter from JCPRC and that it will be included in the Commission agenda and information packet this week? We will get you a formal request to put JCPRC on the agenda for the next week.

Thank you,

Tim

> Hey Tim,

>

> At your convenience, can you email me the current salary, current grade
> level and job title and then what it should be????? This may help while I
> figure out what happened.....

>

> Sandy

>

> ----- Original Message -----

> From: <tbarr@jcprc.org>
> To: "Sandy McDonald" <sandy@jeffersoncountywv.org>
> Sent: Thursday, January 21, 2010 2:19 PM
> Subject: Re:

>

>

>> Sandy:

>>

>> Please let me know the status of bring JCPRC employees up to the minimum
>> salary as voted on in September - see below. We received the funds to
>> provide the longevity bonus, but have yet to receive the funds to bring
>> all staff up to the minimum sets for in the salary equity study.

>>

>> Thank you,

>>

>> Tim

>>

>> In re: CONTINUATION OF THE DELIBERATIONS ON THE SALARY EQUITY ISSUE AND
>> A

>> VOTE ON AN EQUITY PLAN

>> Leslie D. Smith, County Administrator distributed a chart that

>> identifies

>> the cost and

>> a spreadsheet of employees to be brought to minimum range.
>> Motion by Noland, second by Widmyer to implement the Jacob's Study to
>> the
>> degree
>> and to accept the minimum salary range for those employees who are not
>> up
>> to that level
>> and that we use the \$225,000 allocated for this purpose and that we use
>> the remaining
>> \$275,000 to distribute for future salary purposes. Motion passed by a
>> 3-2
>> vote.
>> Commissioners Morgan and Surkamp voted no.
>> Motion by Manuel, second by Noland to make the effective date July 1,
>> 2009
>> subject to legal review. Motion passed by a 3-2 vote. Commissioners
>> Surkamp and
>> Morgan voted no
>>
>>
>>
>
>
>

#10

Commission Office Use Only	
Date on Agenda:	2-4-10
Appt Time or New Business:	10:30

RECEIVED

JAN 19 2010

Jefferson County Commission

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 28 January 2010

Date Requested – 2nd Choice: 4 February 2010

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

Subject: Request to modify FY 2010 CIP approved funding list.

Please provide the County Commission with a description of your request or presentation, including any background information: This is a request to add another project to the list of fee-fundable projects for the FY 2010 CIP. This project is listed on the CIP and is approved for impact fee funding. To date, no Fire & EMS related projects were added to the list of approved projects as the task of prioritizing the Fire & EMS entries was passed to the Jefferson County Emergency Services Agency. Impact Fee Coordinator recommends approval pending verification that payment be made exclusively toward loan principal reduction.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Approve adding Blue Ridge Company New Tanker Project, listed in the FY 2010 CIP, to the list of impact-fee fundable projects for FY 2010. Motion contingent upon Impact Fee Coordinator ensuring that payment of \$100,000 in Fire & EMS impact fees are to be used exclusively toward payment of the loan principal for this vehicle.

Attachments: Letter from JCESA approving recommendation. Copy of CIP Form 1 and 2 from Blue Ridge Company from FY 2010 CIP.



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

116 E. Washington Street, Suite 101

Charles Town, WV 25414

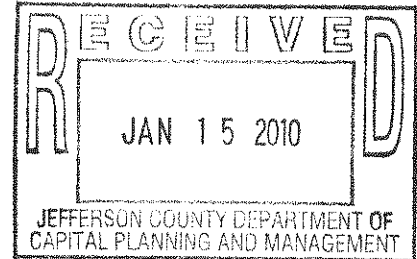
E-mail – jeffcoamb@citlink.net

Telephone – 304-728-3287

Fax – 304-728-6221

January 12, 2010

F. Mark Schiavone
Director and Impact Fee Coordinator
Department of Capital Planning and Management
Jefferson County Government
114 E. Washington Street
Charles Town, WV 25414



Dear Mr. Schiavone,

The Jefferson County Emergency Services Agency approved out of committee a recommendation to have the Blue Ridge Mountain Fire Company funded from the Fire & Rescue Impact Fee account. This recommendation from the Agency was approved at its December 15th meeting. The recommendation of the Agency is \$115,000 which is to be used to offset the expense of a new tanker. Blue Ridge has secured a loan of approximately \$300,000 for this equipment of which the \$115,000 will be applied to the principal in order to reduce the amount loaned.

Sincerely,

R.M. Kelley
President

CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Page: 1 Fiscal Year 2010

Name of Agency, Department or Office: Blue Ridge Fire Company

(1) Pri No	(2) PROJECT NAME & DESCRIPTION	(3) ESTD TOTAL COST	(4) PRIOR ALLOC, SOURCE	(5) CURRENT REQUEST FY 2010	(6) CURRENT ALLOC, OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						2011	2012	2013	2014	2015
1	New Tanker	\$230,000	\$0	\$230,000	\$0	\$0	\$0	\$0	\$0	\$0

Submitted: 1/13/2009 8:50:00 AM

Final version: NO

Instance Name: FY 2010 CIP - Blue Ridge Fire Company

NOTES:
 1. Items shaded in the *Priority* column represent projects which may potentially be funded by Impact Fees.
 2. Comments regarding funding eligibility for the noted projects appear on the next page.

Impact Fee Coordinator Comments: Blue Ridge Fire Company

LINE #	PROJECT	FEE FUNDING POTENTIAL	COMMENTS
1	New Tanker	Full	This represents an expansion of necessary equipment due to growth. [1/13/2009 8:36:00 AM]

CIP FORM 2

Jefferson County Government
**ANNUAL and FIVE YEAR PROJECT REQUEST
and JUSTIFICATION**

Agency/Department: Blue Ridge Fire Company
 Project Title: New Tanker
 Acquisition of Major _____ Date this form
 Project Type: Equipment prepared: 1/9/2009
 Project Location: Blue Ridge Mountain Volunteer Fire Company
 Project Rank: Urgent/Mandatory
 Project Need: Project benefits BOTH new and existing growth
 Budget Impact: No

DESCRIPTION AND JUSTIFICATION (See Instructions for Form 2 - attach additional pages as needed).

See Attached Letter.

Estimated Total Cost of Project (\$):	<u>\$230,000.00</u>	
Prior Allocation (\$):	<u>\$0.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$230,000.00</u>	(2010) Current Request
	<u>\$0.00</u>	(2011) Out Year 1
	<u>\$0.00</u>	(2012) Out Year 2
	<u>\$0.00</u>	(2013) Out Year 3
	<u>\$0.00</u>	(2014) Out Year 4
	<u>\$0.00</u>	(2015) Out Year 5

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

See attached specification sheet.

_____ Additional pages attached.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 15

Date Requested – 1st Choice: 4 February 2010

Date Requested – 2nd Choice: 11 February 2010

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

Subject: Presentation of FY 2011 Capital Improvement Plan for Jefferson County

Please provide the County Commission with a description of your request or presentation, including any background information: Traditionally presentation of the CIP for the upcoming fiscal year follows presentation of the Annual Report on Impact Fees. Nearly all governments review their upcoming CIP prior to undergoing the budget process. Presentation of this document in February is consistent with that generally-accepted approach.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): n/a. Prior to 1 July 2010 the Impact Fee Coordinator will present a list of proposed impact fee-fundable CIP projects to the County Commission for adoption.

Attachments: FY 2011 Capital Improvement Plan for Jefferson County

January 19, 2010

Jefferson County Emergency Communications Center
Jefferson County, WV
HVAC VAV Assessment Report

1. Background:

Per the request of Mr. Bill Polk, a site visit was made by Joshua L. Catlett, P.E. and Roger L. Catlett, P.E. of Comfort Design, Inc., to investigate the existing heating, air conditioning and ventilation (HVAC) system. Mr. Bill Polk, of the Jefferson County Maintenance Department advised that the building was not keeping an adequate heating temperature on some of the VAV zones and they wish to correct the problem. A site investigation was begun after the meeting and the following is the field information that was obtained during the site visit:

- a. **AHU #1:** The heating and air conditioning system serves the entire building thru zoned VAV boxes. This unit is a 30 ton split system air conditioner with an inline duct LP gas furnace for heating. The constant volume speed air handler is located in the mechanical room and the outdoor condenser is located outside of the building mechanical room. The following is AHU #1 equipment model numbers:
Indoor Air Handler - York Model: XTI-054X057-FAKA046A
Outdoor Condenser – York Model: HB360C00A4 (30 tons)
Inline Duct Furnace – Reznor Model: HEEDU300-6 (300,000 Btuh Input)
- b. **VAV #1 (TU-1):** The heating and air conditioning system includes the following rooms: UPS Communications 140 & Mechanical Room 141. This area is served with an air conditioning only VAV box. The following is VAV #1 equipment model number:
Price Mfr. Model: SDV5000 (8)
- c. **VAV #2 (TU-2):** The heating and air conditioning system includes the following room: Electrical Room 139. This area is served with an air conditioning only VAV box. The following is VAV #2 equipment model number:
Price Mfr. Model: SDV5000 (6)
- d. **VAV #3 (TU-3):** The heating and air conditioning system includes the following rooms: Supervisor 136 & Receiving 137. This area is served with an electric re-heat VAV box. The following is VAV #3 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (8) w/ 2.5 kw electric heater
- e. **VAV #4 & #5 (TU-4 & TU-5):** The heating and air conditioning system includes the following room: Communications Center 135. This area is served with an electric re-heat VAV box. The following is VAV #4 & #5 equipment model numbers and installed electric heaters: Price Mfr. Model: SDV5000 (8) w/ 2.5 kw electric heaters (5 kw total).
- f. **VAV #6 (TU-6):** The heating and air conditioning system includes the following room: Live Training 134. This area is served with an electric re-heat VAV box. The following is VAV #6 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (8) w/ 4.5 kw electric heater

- g. **VAV #7 (TU-7)**: The heating and air conditioning system includes the following rooms: Copy Room 104, Director 105, Storage 106, Corridor 107, EDM 108, Training Office 110, & Corridor 112. This area is served with an electric re-heat VAV box. The following is VAV #7 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (8) w/ 4.0 kw electric heater
- h. **VAV #8 (TU-8)**: The heating and air conditioning system includes the following room: Conference Room 109. This area is served with an electric re-heat VAV box. The following is VAV #8 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (4) w/ 1.0 kw electric heater
- i. **VAV #9 (TU-9)**: The heating and air conditioning system includes the following rooms: IT CADD Office 111, Corridor 112, & Deputy Director 115. This area is served with an electric re-heat VAV box. The following is VAV #9 equipment model number and installed electric heater: Price Mfr. Model: SDV5000 (5) w/ 2.0 kw electric heater
- j. **VAV #10 (TU-10)**: The heating and air conditioning system includes the following rooms: Corridor 116, Shower Room 117, Women's Locker Bunk 118, Men's Locker Bunk 119, & Janitor Storage 120. This area is served with an electric re-heat VAV box. The following is VAV #10 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (6) w/ 2.0 kw electric heater
- k. **VAV #11 (TU-11)**: The heating and air conditioning system includes the following rooms: Corridor 116, Quiet Room 128, Office 129, Ham Office 130, Office 131, OEM Office 132. This area is served with an electric re-heat VAV box. The following is VAV #11 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (8) w/ 4.5 kw electric heater
- l. **VAV #12 & #13 (TU-12 & TU-13)**: The heating and air conditioning system includes the following rooms: Kitchen 124, Break Room 125, & Storage 127. This area is served with electric re-heat VAV boxes. The following is VAV #12 & #13 equipment model numbers and installed electric heaters:
TU-12 - Price Mfr. Model: SDV5000 (6) w/ 3.0 kw electric heater
TU-13 - Price Mfr. Model: SDV5000 (5) w/ 2.5 kw electric heater
- m. **VAV #14 (TU-14)**: The heating and air conditioning system includes the following room: EOC Training 114. This area is served with an electric re-heat VAV box. The following is VAV #14 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (5) w/ 2.0 kw electric heater
- n. **VAV #15 (TU-15)**: The heating and air conditioning system includes the following rooms: Lobby 102 & Administration 103. This area is served with an electric re-heat VAV box. The following is VAV #15 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (5) w/ 2.0 kw electric heater
- o. **VAV #16 (TU-16)**: The heating and air conditioning system includes the following rooms: Corridor 112, Men's Restroom 121, & Women's Restroom 122. This area is served with an electric re-heat VAV box. The following is VAV #16 equipment model number and installed electric heater:
Price Mfr. Model: SDV5000 (5) w/ 1.5 kw electric heater

- p. **AC-1:** The is a supplemental air conditioning system for VAV #4 & VAV #5
The following is AC-1 equipment model numbers for the indoor air handler and outdoor condenser:
Indoor Air Handler - York Model: AHP48D3XH21A
Outdoor Condenser – York Model: H2RD048S06 (4 tons)
- q. **AC-2:** The is a supplemental air conditioning system for VAV #1. The following is AC-2 equipment model numbers for the indoor air handler and outdoor condenser:
Indoor Air Handler - York Model: AHP60D3XH21A
Outdoor Condenser – York Model: H2RD060S06 (5 tons)
- r. **AC-3:** The is a supplemental air conditioning system for VAV #3 & VAV #6
The following is AC-3 equipment model numbers for the indoor air handler and outdoor condenser:
Indoor Air Handler - York Model: AHP48D3XH21A
Outdoor Condenser – York Model: H2RD048S06 (4 tons)
- s. **AC-4:** The is a supplemental air conditioning system for VAV #1. The following is AC-4 equipment model numbers for the indoor air handler and outdoor condenser:
Indoor Air Handler - York Model: AHP30D3XH21A
Outdoor Condenser – York Model: H2RD030S06 (2.5 tons)
- t. **CRU-1:** The is a supplemental air conditioning system for VAV #1. The following is AC-2 equipment model numbers for the indoor air handler and outdoor condenser:
Indoor Air Handler - Leibert Model: VH075A-AAES8388
Outdoor Condenser – York Model: CDL-065 (5 tons)

2. Conclusions:

ASHRAE (American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.) Standard Load Calculation was performed for AHU #1 with all VAV zones and compared to the installed equipment performance data. The following is a summary comparison of capacities:

a. AHU #1:	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	277,200 btuh*	376,000 btuh
Heating	232,433 btuh	240,000 btuh
Airflows	9300 cfm	7004 cfm

AHU #1 air conditioning & heating capacities appear adequate.

AHU #1 air conditioning airflow needs to be increased to ASHRAE Standard.

*ASHRAE Standards calculated does not included added Computer Room 138 internal loads. See VAV#1 below.

b. <u>VAV #1:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	460 cfm	810 cfm
Internal Heat Load	112,869 btuh	174,000 btuh*
Heating	N/A	N/A
Electric Re-heat	N/A	N/A

VAV #1 air conditioning & heating capacities appear adequate.
 *Supplemental cooling provided by AC-2, AC-4, & CRU-1.

c. <u>VAV #2:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	130 cfm	410 cfm
Heating	N/A	N/A
Electric Re-heat	N/A	N/A

VAV #2 air conditioning & heating capacities appear adequate.

d. <u>VAV #3:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	410 cfm	570 cfm
Heating	270 cfm	570 cfm
Electric Re-heat	3.8 kw	2.5 kw

The VAV #3 air conditioning airflow appears to be adequate.
 The VAV #3 electric heater needs to be increased to a total of 3.8 kw with the airflow reduced ASHRAE Standards.

e. <u>VAV #4 & #5</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	1370 cfm	1510 cfm
Heating	920 cfm	1510 cfm
Electric Re-heat	13.2 kw	5.0 kw

The VAV #4 & #5 air conditioning airflow appear to be adequate.
 The VAV #4 & #5 electric heaters need to be increased to a total of 13.2 kw with the airflow reduced ASHRAE Standards.

f. <u>VAV #6:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	470 cfm	585 cfm
Heating	315 cfm	585 cfm
Electric Re-heat	4.5 kw	4.5 kw

The VAV #6 air conditioning airflow appears to be adequate.
 The VAV #6 electric heater appears to be adequate. Recommend reducing the heating airflow to gain proper temperature increase across electric heater.

g. <u>VAV #7:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	1070 cfm	314 cfm
Heating	710 cfm	314 cfm
Electric Re-heat	10.1 kw	4.0 kw

The VAV #7 air conditioning airflow needs to be increased to ASHRAE Standard.
 The VAV #7 electric heater needs to be increased to a 10.1 kw electric heater and increase the heating airflow to ASHRAE Standard.

h. <u>VAV #8:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	250 cfm	200 cfm
Heating	165 cfm	200 cfm
Electric Re-heat	2.4 kw	1.0 kw

The VAV #8 air conditioning airflow needs to be increased to ASHRAE Standard.
 The VAV #8 electric heater needs to be increased to a 2.4 kw electric heater.

i. <u>VAV #9:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	490 cfm	360 cfm
Heating	325 cfm	360 cfm
Electric Re-heat	4.6 kw	2.0 kw

The VAV #9 air conditioning airflow needs to be increased to ASHRAE Standard.
 The VAV #9 electric heater needs to be increased to a 4.7 kw electric heater.

j. <u>VAV #10:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	760 cfm	214 cfm
Heating	510 cfm	214 cfm
Electric Re-heat	7.3 kw	2.0 kw

The VAV #10 air conditioning airflow needs to be increased to ASHRAE Standard. The VAV #10 electric heater needs to be increased to a 7.4 kw electric heater and increase the heating airflow to ASHRAE Standard.

k. <u>VAV #11:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	950 cfm	391 cfm
Heating	630 cfm	391 cfm
Electric Re-heat	9.1 kw	4.5 kw

The VAV #11 air conditioning airflow needs to be increased to ASHRAE Standard. The VAV #11 electric heater needs to be increased to a 9.1 kw electric heater and increase the heating airflow to ASHRAE Standard.

l. <u>VAV #12 & #13:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	490 cfm	715 cfm
Heating	325 cfm	715 cfm
Electric Re-heat	4.7 kw	5.5 kw

The VAV #12 & #13 air conditioning airflow needs to be reduced to ASHRAE Standard. The VAV #12 & #13 electric heater is adequate. Recommend reducing the heating airflow to ASHRAE Standard.

m. <u>VAV #14:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	645 cfm	345 cfm
Heating	430 cfm	345 cfm
Electric Re-heat	6.1 kw	2.0 kw

The VAV #14 air conditioning airflow needs to be increased to ASHRAE Standard. The VAV #14 electric heater needs to be increased to a 6.1 kw electric heater and increase the heating airflow to ASHRAE Standard.

n. <u>VAV #15:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	325 cfm	255 cfm
Heating	220 cfm	255 cfm
Electric Re-heat	3.1 kw	2.0 kw

The VAV #15 air conditioning airflow needs to be increased to ASHRAE Standard.
The VAV #15 electric heater needs to be increased to a 3.1 kw electric heater and reduce the heating airflow to ASHRAE Standard.

o. <u>VAV #16:</u>	ASHRAE Standards Calculated	Installed Equipment Capacity
Air Conditioning	435 cfm	325 cfm
Heating	290 cfm	325 cfm
Electric Re-heat	4.1 kw	1.5 kw

The VAV #16 air conditioning airflow needs to be increased to ASHRAE Standard.
The VAV #16 electric heater needs to be increased to a 4.1 kw electric heater and reduce the heating airflow to ASHRAE Standard.

3. Recommendations:

The following is a summary of the recommended scope of work:

- a. AHU #1:
Install a variable frequency drive motor and set the airflow to 9300 cfm.
Reset the supply air temperature for cooling and heating to 55 – 60 F.
- b. VAV #1: No action required.
- c. VAV #2: No action required.
- d. VAV #3:
Remove existing 2.5 kw electric heater and install new 3.8 kw electric heater.
Set the heating to 270 cfm minimum.
Provide new electric service as required.
- e. VAV #4 & #5
Remove existing 2.5 kw electric heaters and install new 6.6 kw electric heater for each VAV box.
Set heating to 460 cfm minimum for each VAV box.
Provide new electric service as required.

- f. VAV #6:
Set the heating to 315 cfm minimum.
- g. VAV #7:
Remove existing VAV box Price model SDV5000 (8) with 4.0 kw electric heater and install new VAV box Price model SDV5000 (10) with new 10.1 kw electric heater.
Remove existing main trunk ductwork and replace with properly sized ductwork. Size ductwork for 0.1 in. w.c.
Set the cooling to 1070 cfm minimum.
Set the heating to 710 cfm minimum.
Provide new electric service as required.
- h. VAV #8:
Remove existing VAV box Price model SDV5000 (4) with 1.0 kw electric heater and install new VAV box Price model SDV5000 (5) with new 7.3 kw electric heater.
Remove existing main trunk ductwork and replace with properly sized ductwork. Size ductwork for 0.1 in. w.c.
Set the cooling to 760 cfm minimum.
Set the heating to 510 cfm minimum.
Provide new electric service as required.
- i. VAV #9:
Remove existing VAV box Price model SDV5000 (5) with 2.0 kw electric heater and install new VAV box Price model SDV5000 (8) with new 4.6 kw electric heater.
Remove existing main trunk ductwork and replace with properly sized ductwork. Size ductwork for 0.1 in. w.c.
Set the cooling to 490 cfm minimum.
Set the heating to 325 cfm minimum.
Provide new electric service as required.
- j. VAV #10:
Remove existing VAV box Price model SDV5000 (6) with 2.0 kw electric heater and install new VAV box Price model SDV5000 (7) with new 7.3 kw electric heater.
Remove existing main trunk ductwork and replace with properly sized ductwork. Size ductwork for 0.1 in. w.c.
Set the cooling to 760 cfm minimum.
Set the heating to 510 cfm minimum.
Provide new electric service as required

- k. **VAV #11:**
Remove existing VAV box Price model SDV5000 (8) with 4.5 kw electric heater and install new VAV box Price model SDV5000 (9) with new 9.0 kw electric heater.
Remove existing main trunk ductwork and replace with properly sized ductwork. Size ductwork for 0.1 in. w.c.
Set the cooling to 950 cfm minimum.
Set the heating to 630 cfm minimum.
Provide new electric service as required.

- l. **VAV #12 & #13:**
Set cooling to 310 cfm minimum for VAV #12.
Set cooling to 180 cfm minimum for VAV #13.
Set heating to 210 cfm minimum for VAV #12.
Set heating to 180 cfm minimum for VAV #13.

- m. **VAV #14:**
Remove existing VAV box Price model SDV5000 (5) with 2.0 kw electric heater and install new VAV box Price model SDV5000 (7) with new 6.1 kw electric heater.
Remove existing main trunk ductwork and replace with properly sized ductwork. Size ductwork for 0.1 in. w.c.
Set the cooling to 645 cfm minimum.
Set the heating to 430 cfm minimum.
Provide new electric service as required.

- n. **VAV #15:**
Set cooling to 325 cfm minimum for each VAV box.
Remove existing 2.0 kw electric heaters and install new 3.1 kw electric heater.
Set heating to 220 cfm minimum for each VAV box.
Provide new electric service as required.

- o. **VAV #16:**
Remove existing VAV box Price model SDV5000 (5) with 1.5 kw electric heater and install new VAV box Price model SDV5000 (6) with new 4.1 kw electric heater.
Set the cooling to 435 cfm minimum.
Set the heating to 290 cfm minimum.
Provide new electric service as required.

- p. **AC-1:** No action required.

- q. **AC-2:** No action required.

- r. **AC-3:** No action required.

- s. **AC-4:** No action required.

t. **CRU-1**: No action required.

The detail HVAC load calculations that were performed, can be provided upon request. The following summary are the design conditions used for the following ASHRAE calculations:

Indoor Cooling Dry Bulb – 75 F

Indoor Heating Dry Bulb – 70 F

Outdoor Cooling Dry/Wet Bulbs – 91/77 F

Outdoor Heating Dry Bulb – 17 F

AHU Cooling/Heating Supply Air Temperature – 60 F

VAV Cooling Supply Air Temperature – 60 F

VAV Heating Supply Air Temperature – 105 F

The below minimum air changes per hour were selected in order for the installed ceiling diffusers to provide adequate throw, spread, and avoid temperature stratification in the rooms.

ASHRAE Cooling Minimum CFM – 6 air changes per hour

ASHRAE Heating Minimum CFM – 4 air changes per hour

Cooling Load Method – TETD-A1

Heating Load Method - UATD

If you have any questions, please give me a call.

Joshua L. Catlett, P.E.
Comfort Design, Inc.
620 Pennsylvania Ave
Winchester, VA 22601
Phone: (540) 665-2846
Fax: (540) 665-0038

14

§6-9A-4. Exceptions.

(a) The governing body of a public agency may hold an executive session during a regular, special or emergency meeting, in accordance with the provisions of this section. During the open portion of the meeting, prior to convening an executive session, the presiding officer of the governing body shall identify the authorization under this section for holding the executive session and present it to the governing body and to the general public, but no decision may be made in the executive session.

(b) An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency. A public agency may hold an executive session and exclude the public only when a closed session is required for any of the following actions:

(1) To consider acts of war, threatened attack from a foreign power, civil insurrection or riot;

(2) To consider:

(A) Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or

(B) For the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open meeting. General personnel policy issues may not be discussed or considered in a closed meeting. Final action by a public agency having authority for the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of an individual shall be taken in an open meeting;

(3) To decide upon disciplining, suspension or expulsion of any student in any public school or public college or university, unless the student requests an open meeting;

(4) To issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of this state or any political subdivision, unless the person seeking the license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting;

(5) To consider the physical or mental health of any person, unless the person requests an open meeting;

(6) To discuss any material the disclosure of which would constitute an unwarranted invasion of an individual's privacy such as any records, data, reports, recommendations or other personal material of any educational, training, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances;

(7) To plan or consider an official investigation or matter relating to crime prevention or law enforcement;

(8) To develop security personnel or devices;

(9) To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: *Provided*, That information relied on during the course of deliberations on

Unfinished Business

matters involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: *Provided, however,* That information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session;

(10) To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;

(11) Nothing in this article permits a public agency to close a meeting that otherwise would be open, merely because an agency attorney is a participant. If the public agency has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded;

(12) To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Email: engineering@jeffersoncountywv.org

Phone: 304-728-3257
Fax: 304-728-3953

MEMORANDUM

TO: SANDY SLUSHER McDONALD, ACTING COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

RECEIVED

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER
ENGINEERING DEPARTMENT

JAN 25 2010

RLG

DATE: JANUARY 21, 2010

JEFFERSON COUNTY COMMISSION

SUBJECT: BEALLAIR SUBDIVISION, PHASE 3, COMMERCIAL LOT 1 & RESIDUE
FILE #08-21

Please find enclosed the bond(s) and security for the following project(s):

Beallair Subdivision, Phase 3, Commercial Parcel 1 and Residue A which is secured by Cash-in-Escrow with Susquehanna Bank in Hagerstown, Maryland in the amount of \$260.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

#18

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: 304-728-3257
Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

RECEIVED

January 22, 2010

JAN 22 2010

COPY

U.S. Geological Survey, MS 153
12201 Sunrise Valley Drive
Reston, VA 20192

Jefferson County Commission

Attn: Mr. Donald Bennett, Project Manager
Eastern Region ARRA

Re: Proposed Earthen Dams – U.S.G.S. Leetown Science Center

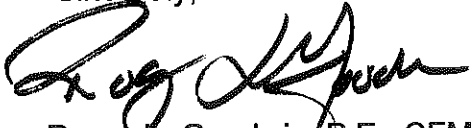
Dear Mr. Bennnett:

This letter is in response to your December 22, 2009, letter (copy attached) requesting input to the environmental review process for the proposed surface water impoundments at the Leetown Science Center in Jefferson County, West Virginia.

A review of our FEMA Flood Insurance Rate Maps map (map no. 54037C0110E) for this area of Jefferson County shows that flood hazard area exists on this site. Therefore, any work on this site will need to comply with the Jefferson County Floodplain Ordinance. I've attached a copy of the tax map showing the streams on this site and a copy of an aerial map with the delineated floodplain, for your use.

I apologize for the late response, but I did not receive your letter until today. Please let me know if you need any other information or have any questions. You may contact me at 304-728-3257.

Sincerely,



Roger L. Goodwin P.E., CFM
Chief County Engineer

Attch.

C: ✓ Jefferson County Commission
Mason Carter, Ordinance Compliance Officer

#23



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
John Wesley Powell Federal Building
Eastern Region of Branch Management Services
12201 Sunrise Valley Drive
Reston, Virginia 20192

December 22, 2009

RECEIVED

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

DEC 23 2009

Jefferson County Commission

Subject: Proposed Earthen Dams or Impoundment(s) Construction to Enhance Spring Flow – US Geological Survey Leetown Science Center – Kearneysville, WV

To Whom It May Concern:

In compliance with the National Environmental Policy Act (NEPA), the U.S. Geological Survey (USGS) is preparing an Environmental Assessment (EA) addressing the projected impacts from the proposed construction of an earthen dam (impoundment) or weir at the USGS Leetown Science Center (LSC) in Kearneysville, WV (see attached map). The LSC is a fishery/biological research facility owned and operated by the USGS to perform cold water fishery research. The cold water necessary for this research is supplied to the facility through the collection of spring water via an infiltration gallery. That cold-water collection system was designed and built to supply the historical cold-water demand of the LSC facility; however, the recent construction of a U. S. Department of Agriculture (USDA) facility on the Leetown site and the accompanying use of the collected ground water by that USDA facility has potentially threatened the ability of the collected spring water to meet all demands.

In the past few years, beavers constructed dams across two spring fed streams located on LSC property. The beavers abandoned the sites after several years of use. When the beaver dams were in service, the LSC facility noted that the spring water levels and associated flow rates were higher than during the periods prior to the beaver dams being in place. An evaluation of the hydrogeologic features of the site led the USGS to conclude that the presence of the pools behind the beaver dams acted to inundate naturally occurring seep locations, restricting the surface discharge of ground water and enabling more efficient capture of the ground water in the infiltration gallery. The LSC is interested in recreating the hydrogeologic effect of the beaver dams through the proposed construction of impoundments or weirs.

The EA will describe the proposed action, the purpose and need for the proposed action, and reasonable alternatives to accomplish the purpose and need of the project. Alternatives will include alternate construction materials for the proposed action, alternate dam construction sites, and No Action. The EA will then discuss the existing environment, particularly those areas that

may be affected by the project alternatives, and will provide an analysis of direct, indirect and cumulative impacts. If the EA concludes that the proposed action or alternatives would result in no significant impacts on the environment, the USGS will complete the NEPA process by issuing a Finding of No Significant Impact. If the EA concludes that implementation of the proposed action or its alternatives would cause significant impacts, the NEPA process would require an Environmental Impact Statement before the proposed action could proceed.

Alternative actions being considered are:

Alternative 1 – Proposed Action: Replicate Hydrogeologic Impacts of Prior Beaver Dams Through Construction of Earthen Dams, Steel Pile Impoundments or Weirs

The two prime design concerns for construction of the proposed impoundments/weirs are replicating the hydrogeologic effects of the prior beaver dams and meeting all of the required federal, state, and local regulations covering such construction. Based on information obtained from applicable regulations, the following design issues will be considered:

- Based on the anticipated sizes and impoundment volumes expected, the structures should fall below levels required to qualify as a regulated dam in West Virginia. Similarly, the structures should not qualify as an “inventory dam” according to the U.S. Fish and Wildlife Service (FWS) Dam Safety regulations.
- Based on the FWS design criterion for a low-hazard small dam, a spillway system will be designed to pass a 100-year frequency event. A low-level outlet will also be incorporated into the impoundments to drain the pools behind any structure.
- Two structural alternatives will be evaluated at each of the two previous beaver dam locations. Design and cost considerations for both an earthen embankment and a sheet pile levee will be developed for each location. The stability of each structure will be designed and evaluated based on the current state of the practice and applicable state, local and federal regulations.
- The location and elevation for the impoundments at each location will be determined to prevent off-property flooding and minimize and/or mitigate for inundation of critical locations within the LSC.

Alternative 2 – No Action: Proposed project would not be done

The Council on Environmental Quality’s regulations requires that a No Action Alternative be evaluated. Under the No Action Alternative, the replacement/replication of the hydrogeologic effects of the removed beaver dams would not take place. Under such an alternative, the ability of the LSC to conduct research would be reduced.

The types of issues that could be considered in the Environmental Assessment are the impacts of construction and operation under Alternative 1. These include floodplains, water quality, threatened and endangered species, cultural resources, and water management, along with community issues such as economic impact.

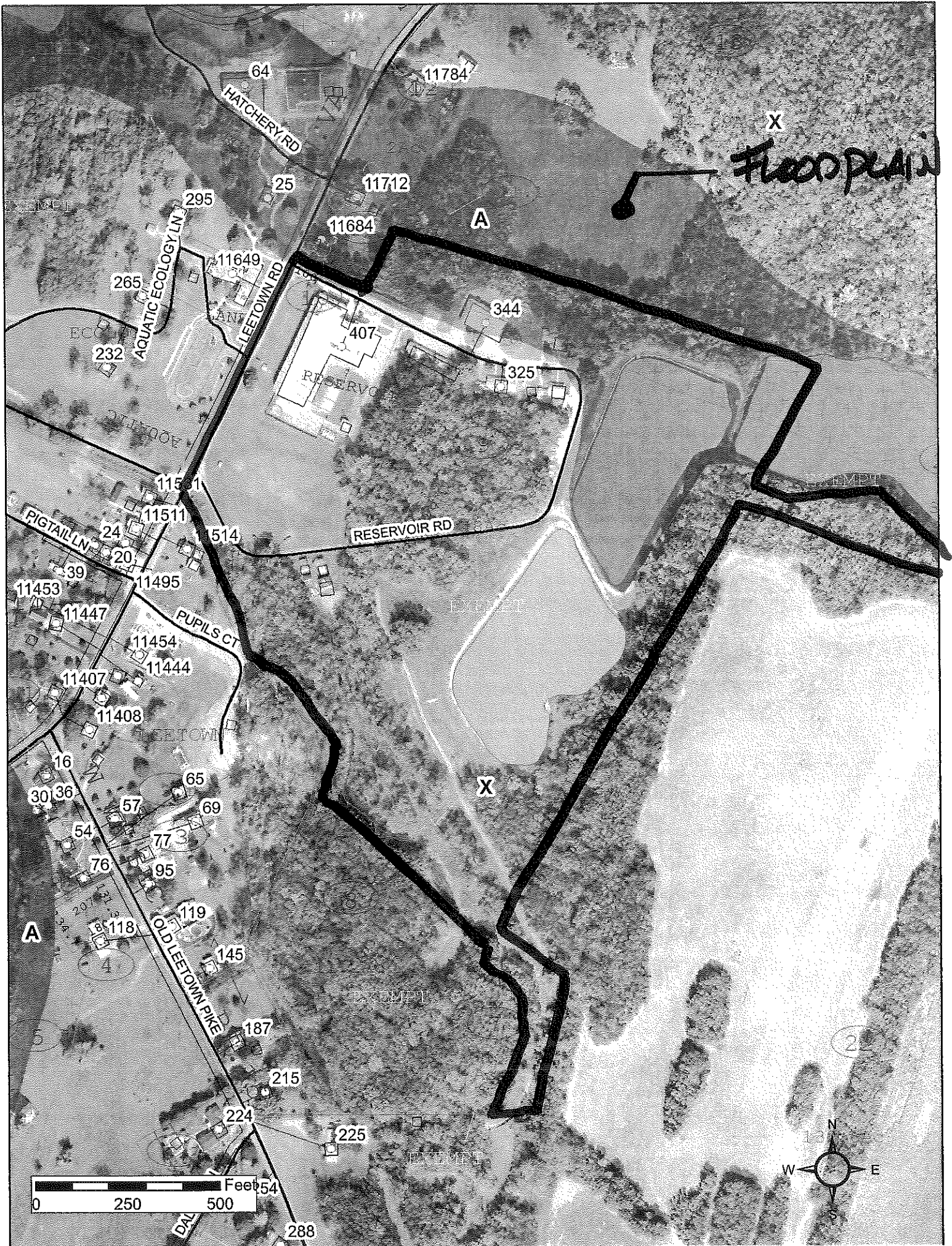
Your agency's participation in the decision making process is important to the USGS. You are encouraged to provide input to the environmental review process. Furthermore, the USGS is requesting information you may have pertaining to any potential impacts we should address at the proposed project site. Any suggestions or information you may have will be of great assistance to our investigation and analysis. Please provide your response by January 22, 2010 to:

Donald Bennett, Project Manager
Eastern Region ARRA
U.S. Geological Survey, MS-153
12201 Sunrise Valley Drive
Reston, Virginia 20192
HQ Office: 703-648-4401
Richmond Ofc: 804-261-2651
Cell: 610-737-7457
Email: dlbennett@usgs.gov

Thank you for your cooperation.

Sincerely,

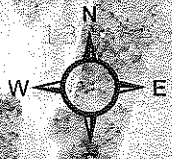
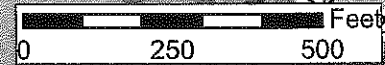

Donald Bennett



X
Floodplain

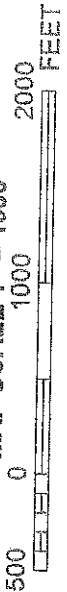
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MAP SCALE 1" = 1000'



NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0110E

**FIRM
FLOOD INSURANCE RATE MAP
JEFFERSON COUNTY,
WEST VIRGINIA
AND INCORPORATED AREAS**

**PANEL 110 OF 245
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)**

CONTAINS:

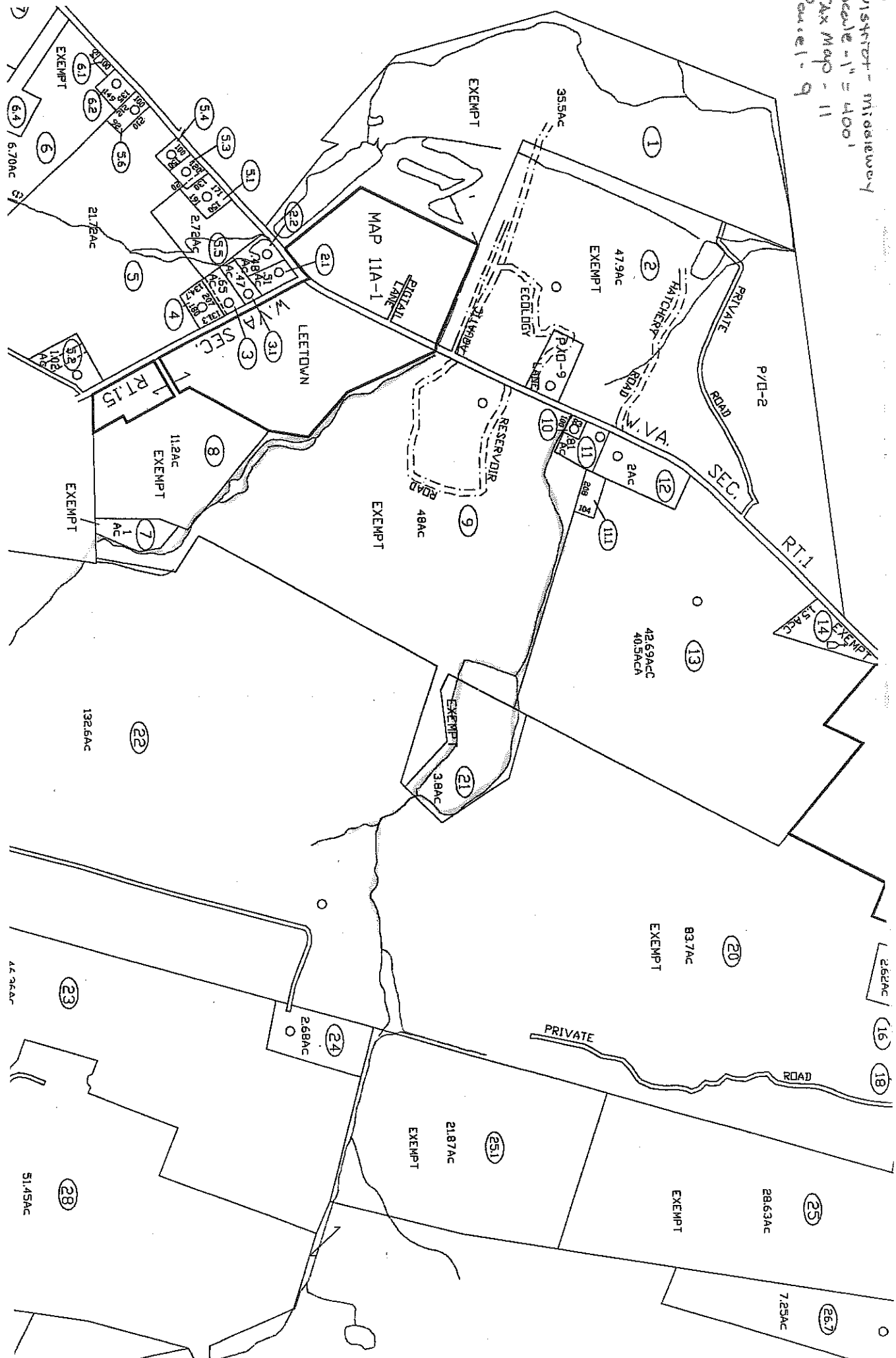
COMMUNITY	NUMBER	PANEL	SUFFIX
JEFFERSON COUNTY	540065	0110	E
RAMSON, CITY OF	540068	0110	E

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



**MAP NUMBER
54037C0110E**

District - Midstream
Scale - 1" = 400'
Tax Map - 11
Parcel - 9



Sandy McDonald

From: "F. Mark Schiavone" <mschiavone@jeffersoncountywv.org>
To: <chernandez@jeffersoncountywv.org>; "Sandy McDonald" <sandy@jeffersoncountywv.org>
Sent: Thursday, January 21, 2010 10:56 AM
Subject: FW: hello

F. Mark Schiavone
Director and Impact Fee Coordinator
Department of Capital Planning and Management
Jefferson County Government
114 E. Washington Street
Charles Town, WV 25414
(304) 728-3331 (general)
(304) 728-3337 (direct)
(304) 886-3810 (mobile)
(304) 724-2178 (fax)

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

From: cherokee grim [mailto:cgrim@jeffersoncountywv.org]
Sent: Thursday, January 21, 2010 10:39 AM
To: 'F. Mark Schiavone'
Subject: hello

I know that I have told you this before but Charlotte is AWESOME! Everyone here loves her, and she does a really great job, I don't believe that you could have hired a better person for the job. She is just really personable and knowledgeable and an all around great person, she never makes anyone feel like she is too busy to help she always makes time, and answers any questions with a smile.

Don't stress with upcoming budget!
You all are the best!
Keep up the great work!

Have a great day☺

Cherokee Grim

Deputy Clerk

Jefferson County Clerk's Office

Phone: 304-728-3362

Fax: 304-728-1957

100 East Washington Street

Charles Town, WV 25414

Please Visits Us Online: www.jeffersoncountyclerkwv.com

Check us out on Facebook:

<http://www.facebook.com/pages/Charles-Town-WV/Jefferon-County-Clerk-West-Virginia/165892168014>



News for release Jan. 21, 2010.

For more information, contact Ron Widmyer at 304-725-4326.

#20
RECEIVED
JAN 26 2010
Jefferson County Commission

Arts and Humanities Alliance Awards Grants to Community Groups

The Arts and Humanities Alliance of Jefferson County, W.V., has awarded \$3,550 in grants to three Jefferson County community groups for projects that make a positive impact on the community.

AHA awarded a \$2,000 grant to the Goose Run Arts Collaborative to stage the 10th Annual Goose Route Dance Festival July 15-25 in Shepherdstown. The festival will include professional performances by artists from across the county, master classes for teens and adults, free classes for children, free family shows, free lectures, a public high school dance teacher institute, and a summer dance institute for pre-professional dance training for promising high school and college dance students.

AHA awarded a \$1,100 grant to the Gateway New Economic Council to co-sponsor an arts and humanities festival in Shepherdstown the first weekend in August in conjunction with the Contemporary American Theater Festival. The arts and humanities festival would showcase local talent and topics in gallery shows, music performances, lectures, readings and storytelling.

AHA awarded a \$450 grant to the Old Opera House Theater Company in Charles Town for two portable and collapsible ballet barres for use by the instructors and students of the Old Opera House Dance Studio. The dance studio currently has 120 students ages 3 to 18. The portable barres will increase student safety and instructor flexibility within the 13 ballet classes offered at the studio.

AHA Community Grant recipients must be residents of or operate from facilities within Jefferson County. Projects must demonstrate positive community impact through the arts and humanities. Grant criteria and other details can be found at <http://www.ahajc.org/CommunityGrant.htm>.

The mission of AHA, a volunteer, non-profit organization, is to preserve the rich history and culture of Jefferson County and to encourage creative opportunity for all its citizens.

XXX

Photo caption: AHA President Paul Pritchard (center) presents grant checks to Lori Rea, executive director of the Gateway New Economic Council, and Steve Brewer, artistic director of the Old Opera House Theater Company.

*Middleway Volunteer Fire Co. cordially invites
you to our
Thank You Recognition Banquet*

*Middleway Vol. Fire Co., Inc. of
Middleway, West Virginia cordially
invites you and a guest to join us for our
Thank You Banquet to recognize those
who have committed themselves and
helped us get organized throughout the
year of 2009.*

*The Banquet will be held on Saturday,
February 27th, 2010 at the Lions Center
of Charles Town, located on North
George St, Charles Town, WV.*

<i>Social Hour</i>	<i>5:00pm</i>
<i>Dinner</i>	<i>6:00pm</i>
<i>Awards</i>	<i>7:00pm</i>
<i>Dance</i>	<i>8:00pm</i>

*Please RSVP to 304-725-4992
You may leave a message
By February 20th 2010*

*Kindly respond by or before
February 20, 2010*

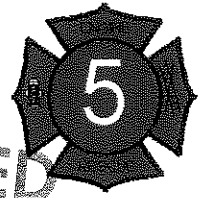
Name

Number of Guest



BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY

181 Keys Gap Road
Harpers Ferry, WV 25425
Phone: (304) 725-8118 or (304) 728-8006
Fax: (304) 725 4081



RECEIVED

JAN 21 2010

Jefferson County Commission

Dale Manuel,

Your presence is requested to attend Blue Ridge Mountain Volunteer Fire Company's annual award banquet. The event will be held February 20, 2010 at Main Station 5. Doors will open at 1730 to begin with social hour. Please come and enjoy an evening of food, music and recognition awards. Blue Ridge Mountain Volunteer Fire Company will not be providing alcohol, therefore you may bring your own. (BYOB) This is our 35th. Year of Service to the Blue Ridge Mountain Volunteer Fire Company Community

Schedule of events

Menu

1730-1830 Social Hour
1845 Opening Prayer
1900-2000 Dinner
2015-2030 Slideshow
2030-2100 Awards
2100- ? Music/Dance

Salad
Prime Rib
Fried Chicken
Pork Tenderloin
Mashed Potatoes
Green Beans/ Corn
Fried Oysters
Sweet/ Unsweet Tea
Coffee

BRMVFC Awards Banquet
RSVP

Company or Organization:

Representative:

Guest:

Please forward all RSVPs to:

ATTN:
Kevin Painter
Assistant Chief 5
181 Keyes Gap Road
Harpers Ferry, WV
25425



4 B EVES DRIVE SUITE 200 MARLTON, NJ 08053-3112
TEL: (856) 985-5600 FAX: (856) 985-6464

#22

January 19, 2010

Ms. Sandy McDonald, County Administrator
County of Jefferson
P.O. Box 250
Charles Town, WV 25414

RECEIVED

JAN 22 2010

Jefferson County Commission

RE: Bakerton Fire District, Jefferson County, WV
Public Protection Classification: 6/9
Prior Public Protection Classification: 6/9
Effective Date: June 1, 2010

Dear Ms. McDonald:

We wish to thank you, Fire Chief Johnson and Mr. Snyder for your cooperation during our recent Public Protection Classification (PPC™) survey. Insurance Services Office (ISO®) has completed its analysis of the structural fire suppression delivery system provided in your community. The resulting classification is indicated above.

Enclosed is a Public Protection Summary Report, which provides a detailed analysis of your fire suppression services. If you would like to know how your community's classification could improve or if you would like to learn about the potential effect of proposed changes to your fire suppression delivery system, please call us at the phone number listed below or visit our website - www.isomitigation.com.

ISO is the leading supplier of data and analytics for the property/casualty insurance industry. Most insurers use the PPC classifications for underwriting and calculating premiums for residential, commercial and industrial properties.

The PPC program is not intended to analyze all aspects of a comprehensive structural fire suppression delivery system program. It is not for purposes of determining compliance with any state or local law, nor is it for making loss prevention or life safety recommendations.

If you have any questions about your classification, please let us know.

Sincerely,

Shaun Thornton, CFPS
856-985-5600 Ext. 259

Encl.

cc: Mr. James Johnson, Fire Chief, Bakerton Fire Department
Mr. Lee Snyder, President, Jefferson Utilities
Mr. Jeffrey A. Polczynski, Director, Jefferson County Emergency Communications
File

7 Pages

**TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF
COUNTIES**

FROM: PATTI HAMILTON



**THE COUNTY LEGISLATIVE LINE
Friday, January 22nd, 2010**



Capitol Quotes:

"How do you sell the voters?" Beth Vorhees of WV PBS to Governor Manchin on The Legislature Today, questioning him about how he would get voters to pass the personal property tax constitutional amendment

"We're penalizing you for increasing the value of your company." Governor Manchin as part of his response to the question

"Can you do this without impacting local government?" Beth Vorhees in a follow-up question about the amendment

"100% of nothing is nothing." Governor Manchin's response, saying businesses are lost due to personal property taxation

"West Virginia is next to North Dakota in being in the best shape financially of any states in the country." Senate President Tomblin in an interview on The Legislature Today

SJR 11, a Governor's Bill, proposes a constitutional amendment which would read as follows:

"To amend the state Constitution to permit the Legislature to exempt from ad valorem taxation tangible personal property directly used in commercial and industrial businesses, or such components thereof as the Legislature may in its discretion designate."

It is important to note that the amendment by itself does nothing. It provides the Legislature the authority to implement none of it or all of it or somewhere in between, at their discretion. That legislative authority could be exercised not at all, once, or many times over many sessions. By providing this authority to the Legislature, it removes some of the constitutional constraints with regard to property taxation.

An Editorial Comment: We have been hearing assurances that the counties and other levying bodies that rely on personal property tax revenue will be made whole but have not been apprised of any specific proposal that would make up the difference. Some county officials are suggesting that we can reduce the burden on counties by such

①

actions as letting the Supreme Court take over the circuit clerks' offices, having the State cover the costs of the prosecuting attorneys' offices since they try the State's cases, turning over the assessment/appraisal process to the State Tax Dept. and other such proposals. These positions do not in any way reflect the mission of the West Virginia Association of Counties. WVACO was founded in 1960 for the purpose of the rebirth and revitalization of county government. These proposals effectively begin the dismantling of county government and going down that road would eventually bring its demise. The county commission would be the governing body of nothing! The courthouse would be a relic of the past. WV is already the most centralized government in the country and we would become more so. In other words, handing over the responsibilities of county government to the State is contradictory to the purpose of our mission:

The mission of the West Virginia Association of Counties is to achieve unity of purpose among elected county officials including assessors, circuit clerks, county clerks, county commissioners, prosecuting attorneys and sheriffs in order to promote the professionalism, preservation and protection of county government for the benefit of all county citizens they serve.

On the other hand, a suggestion that often arises is having the State simply take over the Regional Jail Authority and recognize it for what it is -- a state agency. Counties are paying the operating costs for an agency that is run by the State, staffed by the State and controlled by the State. And now I will get off my soapbox.....

Included with this fax is a summary of the Ethics Commission legislation that has been passed by the House of Delegates and will go to the Senate. The disclosure requirements will affect all county officials and candidates for county office.

A brief explanation of the increase in employer contribution to PERS to take effect July 1st :
The 17% employer contribution will probably remain in place until the Investment Management Board reaches its 7 1/2% benchmark (rate of return). GASB requires that when returns are below the benchmark, it must be made up or reported that the choice was made not to make it up. If the amount is not made up, it affects credit ratings. This is a requirement of GASB (Governmental Accounting Standards Board). Currently PERS has a \$900 million shortfall. The 17% employer contribution amortizes this shortfall over 26 years. If the Investment Management Board earns only 7 1/2% it will take 26 years. If they earn more, it will accelerate and the contribution can be lowered.

We will be meeting today with the Director of the Consolidated Public Retirement Board to learn more about this issue and explore options.

The following bills of interest to counties were introduced in the House from Monday, January 18th through Wednesday, January 20th and in the Senate from Wednesday, January 13th through Wednesday, January 20th:

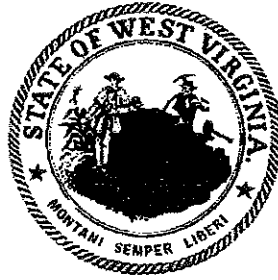
(2)

4121	Rules Bill	Secretary of State; Early Voting Satellite Rules	Poli S/Jud
4122	Rules Bill	Secretary of State; Vote by mail pilot project rules	Poli S/Jud
4123	Rules Bill	Secretary of State; Vote by mail pilot project phase 2	Poli S/Jud
4129	Guthrie	Municipality or county issuing bonds approved by election are able to increase rate of property taxes by more than 10%/yr	Poli Sub Finance
4136	Brown	Authorize state auditor perform paperwork duties instead of county clerk for delinquent land sales	Judiciary Finance
4137	Wells	Use voter registration figures to determine placement of political parties on general election ballot	Judiciary

12	McCabe	Authorize regional water/wastewater authorities provide joint maintenance, extend to unserved areas; encourage sharing of resources	Gov Org Finance
16	McCabe	Provide credit against corporate net tax for property taxes	Econ Dev Finance
20	Sypolt	Require state and political subdivisions procure surveying services based on qualifications	Gov Org
22	Sypolt	Change qualifier to 300% or less of federal poverty guideline for senior citizens homestead tax credit	Finance
23	Sypolt	Require equal numbers of members from each magisterial district on county planning commissions	Gov Org
29	Sypolt	Allow both defense attorney and prosecuting attorney four strikes from panel of potential jurors	Judiciary
33	Deem	Limit classification of property as managed timberland to prevent property tax revenue decrease	Finance
34	Deem	Allow county commission regulate & restrict locations of video lottery establishments	Judiciary Finance
43	Oliverio	Allow police officers to run for office except in municipality where employed	Judiciary
50	Sypolt	Replace phrase "other infamous offense" with better defined criteria as basis for disqualification of prospective jurors	Judiciary
53	Foster	Provide one-time 3% supplement to all public employee retirees when they reach age of 70	Pensions Finance
69	McCabe	Create Energy Efficient Building Act	Trans/Fin
70	McCabe	Clarify that municipalities & counties are able to	Gov Org

		increase rate of property taxes by more than 10%/yr when general revenue bonds have been issued pursuant to an election	Finance
76	Jenkins	Require defendants pay certain incarceration costs	Jud / Fin
77	Jenkins	Allow temporary detention of criminal suspects by law enforcement where probable cause exists	Judiciary
79	Plymale	Limit liability for those entities operating parks	N R/ Jud
83	Kessler	Retain & preserve biological material for DNA testing that is gathered in criminal case for period of time that defendant remains incarcerated	Judiciary
84	Jenkins	Immunity from civil liability for operators of parks	N R / Jud
105	White	Exempt owners of natural resource property other than corporations of 100 acres or less from payment of increased values on reserve coal	Judiciary Finance
108	Chafin	Dedicate 5% of every \$1 million from severance taxes for benefit of producing counties & municipalities	Gov Org Finance
116	Snyder	Require property value assessment adjustments when 10% or more of real property sales are foreclosure sales	Judiciary Finance
123	Browning	Reduce state income tax liability for public employee retirees	Pensions Finance
138	Minard	Authorize PEIA to promulgate rules for underwriting for nonstate employee participants which may include minimum participation requirements and minimum contract periods	Banking & Ins Finance
144	Chafin	Same as 108	G O / Fin
155	Bowman	Exempt 1 st \$10,000 of state pensions & social security benefits from WV income tax	Finance
163	McCabe	Authorize municipalities, counties, & bds of education to issue revenue bonds secured by lottery revenue for public projects	Gov Org Finance
173	Green	Make it unlawful to send obscene, harassing, etc. communications by computer	Judiciary
181	Caruth	Chapter 8A does not authorize an ordinance, rule or reg preventing the complete use of natural resources by owner outside of urban areas	Econ Dev Gov Org
184	McCabe	Create WV Energy Efficient Bldgs Program that concentrates on energy demand-side mgnt in private & public buildings	Trans & Inf Finance

186	Kessler	Create office of administrative law judges within DMV	Judiciary Finance
196	Unger	Create WV Volunteer Firefighter Length of Service Act	Pensions Finance
197	Kessler	Relating to DNA data collection; authorize State Police administer DNA identification system	Judiciary Finance
207	White	Allow more streamlined approach to approved home plans of DOC inmates; parole procedures	Gov Org
SJR 1	Sypolt	Homestead Exemption Amendment increase to \$30,000	Judiciary Finance
SJR 2	Unger	Homestead Exemption Amendment increase to the greater of first \$50,000 or 30%	Judiciary Finance
SJR 7	Minard	Homestead Exemption Amendment increase to \$50,000	Judiciary Finance
SJR 8	Snyder	Homestead Exemption Calculation Amendment	Jud /Fin
215	Governor's Bill	Expand crimes against governmental representatives to include volunteer firefighters & EMS personnel	Judiciary
218	Governor's Bill	Provide for early parole eligibility for inmates convicted on nonviolent offenses who complete advanced rehab program based on risk assessment	Judiciary
223	Governor's Bill	Establish Judicial Vacancy Advisory Commission to assist Governor in filling vacancies	Judiciary Finance
SJR 11	Governor's Bill	Authorizing the exemption from property taxation of tangible personal property directly used in commercial & industrial businesses	Judiciary Finance
224	Governor's Bill	Impose statutory lien on insurance proceeds to total loss to real property in favor of municipality or county to be made available for cleanup of property	Banking & Ins Judiciary
231	Laird	Create personal income tax credit for spaying/neutering pets (\$\$ savings to counties)	Finance
232	Snyder	Transfer paperwork requirements for redeeming delinquent land sales from county clerks to State Auditor	Gov Org Finance
235	Browning	Creative Communities Development Pilot Program which includes counties; create fund and board	Econ Dev Finance
237	McCabe	Authorize counties & municipalities to issue revenue bonds secured by lottery revenue for constructing or acquiring public projects	Finance



HB 4016

**FINANCIAL DISCLOSURE LEGISLATION
PROPOSED RECOMMENDATION OF THE WV ETHICS COMMISSION
W.Va. Code § 6B-2-7**

Spouses

Require the following information to be reported in regard to spouses. (The law already requires the public servant/filer to disclose this information).

- (1) Name of spouse's employer.
- (2) An indication by category of enterprises from which more than 20% of a spouse's income is derived.
- (3) Names under which spouse does business.
- (4) Name and address of each business in which spouse has an interest of \$10,000.00 or more, or a 5 % ownership interest if valued at \$10,000.00 or more.
- (5) All sources of income over \$1,000.00.
- (6) Contracts with government agencies either directly or through a business in which he or she has a 10% ownership interest.

Disclosure of Commercial Real Property as a Business Interest

Clarify the law and related form to make it clear that if a public official or his or her spouse owns commercial real estate valued at \$10,000.00 or greater, or a five percent ownership interest if valued at \$10,000.00 or more, it is a business interest which must be disclosed. See W.Va. Code § 6B-2-7(c).

Employment Information for spouse and public official

Require job title and general description of job duties for both the filer and his or her spouse.

Officer and Director Information for Businesses

Require a listing of for-profit businesses for which the public servant/filer or his or her spouse serves as a member of the board of directors or as an officer, or both, including a general overview of the nature of the business.

6

Sources of Income over \$ 1,000.00 – Add a qualifying provision that if the filer or his or her spouse has already disclosed such a financial interest elsewhere on the form, then it is not necessary to repeat this information on this section of the form.

20% Gross Income Categories – Add the following categories: (1) lobbying; (2) economic development; (3) construction; (4) information technology; (5) legal service providers; and, (6) State government.

Clarification - Retirement Accounts – Filers/Public Officials do not need to report for themselves or their spouses individual holdings in a retirement account unless it is a self-directed retirement plan.

Clarification - Mutual Funds - Filers are not required to list for themselves or their spouses individual stocks and bonds held by mutual funds. However, if a filer or his or her spouse is receiving distributions from these accounts, then the name of the mutual fund, but **not** its individual holdings, must be disclosed as a source of income.

Service of spouse on State Boards, Commissions or Agencies – The filer would be required to indicate whether his or her spouse serves on State Boards by appointment of the Governor.

To: All County Commissioners' and Staff
From: County Commissioners' Association of West Virginia
Date: January 22, 2010



As Promised below is a list of 2009 House bills that have carried over in the House. Carry over bills are those bills that were introduced last session that did not pass and the delegates chose to re-introduce.

Please let us know if you have any questions, or comments.

House Billed Carried Over from 2009

2002. By Del. Ellem - **Changing the time for periodic valuations and assessments of real and personal property (FN) - To Judiciary then Finance**
2004. By Del. Iaquina - **Establishing a program for reprogramming cellular telephones and distributing to seniors for making emergency calls - To Senior Citizen Issues then Finance**
2012. By Del. Cann - **Relating to assessments of real property (FN) - To Judiciary then Finance**
2030. By Del. Azinger - **Providing a three percent cap on any increase in assessment on real property that is the primary residence (FN) - To Judiciary then Finance**
2042. By Del. Blair - **Providing a tax credit for Ad Valorem tax paid on Manufacturing Inventory (FN) - To Finance**
2050. By Del. Craig and Morgan - **Expanding the counties covered by West Virginia Route 2 and Interstate 68 Authority to include Cabell, Mason and Jackson counties; and increasing the number of members - To Government Organization - [Local Bill]**
2052. By Del. Fragale, Miley and Iaquina - **Prohibiting a person convicted of any felony from holding public office - To Judiciary**

2060. By Del. Rodighiero, Eldridge and Reynolds - **Requiring magistrate courts to maintain records relating to successful collection rates on judgements** - To Judiciary

2102. By Del. Williams, Doyle and Ashley - **Changing the qualifier for low income for a senior citizens' homestead tax credit (FN)** - To Senior Citizen Issues then Finance

2106. By Del. Ireland, Hamilton, Romine and Miller, C. - **Making English the official language of West Virginia** - To Judiciary

2117. By Del. Martin - **Reallocating the proceeds from limited video lottery by increasing the percentages payable to counties, municipalities and retailers (FN)** - To Judiciary then Finance

2260. By Del. Spencer - **Authorizing governing bodies of municipalities and county commissions to transfer early in-person voting ballots to precincts in the manner absentee ballots are delivered** - To Political Subdivisions then Judiciary

2267. By Del. Doyle - **Providing that a county commission may establish a program for transfer of development rights without the requirement for an election** - To Political Subdivisions then Judiciary

2292. By Del. Argento - **Relating to requiring lien holders to notify the sheriff's office via written instrument and to record a release in the county clerk's office within sixty days after the lien has been satisfied** - To Judiciary

2296. By Del. Doyle - **Empowering certain county and municipalities to deny a development activity if adequate public facilities, assets and services are not available to support the activity** - To Political Subdivisions then Finance

2304. By Del. Perdue and Mahan - **Exempting from personal property taxation, the equipment, inventory and raw materials of crafts people who have had their work evaluated and accepted or juried and accepted by the West Virginia arts and crafts guild (FN)** - To Finance

2314. By Del. Doyle, Fleischauer, Klempa and Marshall - **Relating to a severance tax imposed on surface mining activities (FN)** - To Energy, Industry and Labor, Economic Development and Small Business then Finance

2333. By Del. Duke and Overington - **Including ambulance and fire fees as part of the property tax assessment so that the fees and property taxes may be paid with the same check - To Political Subdivisions then Finance**

2356. By Del. Blair and Miller, J. - **Exempting acts resulting in the taking or damaging of private property for public use from the immunity granted to a political subdivision - To Political Subdivisions then Judiciary**

2361. By Del. Manchin and Walters - **Requiring lobbyists and lawyers providing lobbying services to pay service tax - To Finance**

2372. By Del. Doyle - **Authorizing county commissions to use impact fees to fund the building and operation of libraries and to administer and provide affordable housing for individuals or families of low or moderate income - To Political Subdivisions then Finance**

2438. By Del. Caputo, Klempa, Morgan and Stagers - **Establishing the West Virginia Convention and Visitors Bureau Accreditation Board and requiring accreditation standards for convention and visitors bureaus (FN) - To Government Organization then Finance**

2447. By Del. Doyle, Brown, Williams and Wells - **Establishing county and municipal authorities to provide for and maintain facilities to house Child Advocacy Centers - To Political Subdivisions then Judiciary then Finance**

2449. By Del. Schoen, Sobonya, Sumner, Overington and Miller, J. - **Verifying the lawful presence within the United States of any applicant for certain public benefits - To Judiciary then Finance**

2459. By Del. Eldridge and Rodighiero - **Increasing the tax on purchases of intoxicating liquors outside corporate limits (FN) - To Political Subdivisions then Finance**

2462. By Del. Martin and Schoen - **Authorizing county commissions to adopt and enforce noise abatement ordinances - To Political Subdivisions then Judiciary**

2466. By Del. Ellem, Poling, D., Azinger, Border and Anderson - **Adding one magistrate to Wood County (FN) - To Judiciary then Finance**

2511. By Del. Border - **Relating to the valuation of managed timberland (FN) - To Natural Resources then Finance**
2512. By Del. Miley - **Relating to assessed property valuations (FN) - To Judiciary then Finance**
2540. By Del. White, Kominar, Eldridge, Caputo, Guthrie and Phillips - **Dedicating a portion of revenue generated from certain severance taxes for the benefit of counties from which the revenue was generated (FN) - To Finance**
2545. By Del. Sobonya, Reynolds, Miller, C. and Morgan - **Providing arresting agency shall pay cost for the initial twenty-four hours of incarceration - To Judiciary then Finance**
2552. By Del. Miley, Guthrie, Brown and Fleischauer - **Revising Insurance Commissioner reporting requirements to the Legislature on workers' compensation insurance rules - To Judiciary**
2561. By Del. Sobonya, Stephens, Rowan, Morgan, Miller, C. and Reynolds - **Providing that an applicant for a farm use exemption certificate may not be required to appear before any assessor for renewal - To Roads and Transportation then Judiciary**
2573. By Del. Caputo (By Request), Manchin and Longstreth - **Allowing quarterly payment of real and personal property taxes (FN) - To Judiciary then Finance**
2575. By Del. Duke and Blair - **Providing an election to allow resident homeowners, sixty-five years old or older, to defer the payment of property tax increases to their residential property (FN) - To Judiciary then Finance**
2578. By Del. Duke, Miller, J., Blair, Overington and Doyle - **Providing a ten percent cap on any increase in assessment of real and personal property in any one year (FN) - To Judiciary then Finance**
2581. By Del. Shook and Beach - **Making changes to the Municipal Home Rule Board - To Political Subdivisions then Judiciary**
2586. By Del. Rodighiero and Eldridge - **Granting a salary increase for Regional Jail Authority employees (FN) - To Judiciary then Finance**

2597. By Del. Duke, Blair and Overington - **Making 911 emergency fees available to be used for both emergency and nonemergency calls - To Political Subdivisions then Judiciary**
2608. By Del. Sobonya, Moore, Rowan, Miller, C., Reynolds and Ellem - **Changing the way that the cost of incarcerating inmates in regional jails is collected (FN) - To Judiciary then Finance**
2638. By Del. Rodighiero, Barker, Staggers, Fleischauer and Eldridge - **Establishing a work program for qualified inmates (FN) - To Judiciary then Finance**
2642. By Del. Wells, Hatfield, Guthrie, Brown, Spencer and Lane - **Reverting the 911 fee on wireless telephones from three dollars to seventy-five cents - To Finance**
2677. By Del. Doyle - **Increasing the number of magistrates in Jefferson County by one (FN) - To Judiciary then Finance**
2679. By Del. Carmichael, Walters and Schoen - **Providing a tax credit to medical providers in an amount equal to their investment in electronic medical record technology (FN) - To Health and Human Resources then Finance**
2681. By Del. Carmichael, Ellem, Doyle, Canterbury and Blair - **Eliminating the food tax, increasing the tax on nonintoxicating beer, increasing the cigarette tax, increasing the noncigarette tobacco products tax...etc... (FN) - To Finance**
2683. By Del. Boggs, Campbell, Craig and Swartzmiller - **Increasing the amount allocated from the wireless enhanced 911 fee to be deposited into the enhanced 911 wireless tower access assistance fund - To Government Organization then Finance - [Interim Bill]**
2688. By Del. Barker, Eldridge, Fleischauer, Guthrie, Mahan, Moore, Moye, Perry, Rodighiero, Shaver and Staggers - **Prohibiting magistrates from imposing multiple court cost fees for the same matter - To Judiciary then Finance**
2784. By Del. Overington, Blair, Carmichael, Schadler, Andes and Miller, J. - **Establishing prevailing hourly rates to be used in connection with the construction**

of public improvements - To Energy, Industry and Labor, Economic Development and Small Business then Judiciary

2808. By Del. Manchin, Beach, Cann, Doyle, Longstreth, Miley and Varner - Providing a procedure for removal of county, district or municipal officers - To Political Subdivisions then Judiciary

2864. By Del. White - Prohibiting the use of touch screen voting machines - To Judiciary then Finance

2873. By Del. Lawrence, Poling, D., Klempa and Marshall - Requiring assessors to create a cost of housing index - To Government Organization then Finance

2909. By Del. Cowles - Exempting certain construction projects performed on behalf of county or municipal governments from the prevailing wage laws - To Political Subdivisions then Judiciary

2910. By Del. Cowles - Increasing the minimum number of magisterial districts in a county - To Political Subdivisions then Judiciary

2930. By Del. Rodighiero - Including volunteer firefighters within the Public Employees Insurance Act (FN) - To Finance

2934. By Del. Hamilton - Clarifying language relating to redemption of property - To Judiciary

3013. By Del. Cowles - Prohibiting a chief deputy sheriff from engaging in certain political activities - To Judiciary

3014. By Del. Argento and Martin - Requiring all governmental documents to be printed in English - To Judiciary then Finance

3034. By Del. Fragale - Giving county litter control officers the authority to issue citations for not having proof of proper disposal of garbage - To Political Subdivisions then Judiciary

3094. By Del. Azinger - **Prohibiting the publication of the consideration paid for the sale of real estate or the amount of any lien on the real property subject to the sale - To Judiciary**
3108. By Del. Rodighiero - **Requiring the assessor of each county to prepare a new property tax ticket within three months of a deed filing - To Political Subdivisions then Judiciary**
3111. By Del. Longstreth, Caputo, Klempa and Manchin - **Requiring county commissions to hold one monthly meeting in the evening (FN) - To Finance**
3148. By Del. Overington, Blair, Duke and Miller, J. - **Permitting a county sheriff when acting as a conservator to retain five percent of the protected person's estate, up to \$250 per year (FN) - To Judiciary then Finance**
3149. By Del. Overington, Blair, Duke, Miller, J. and Lawrence - **Changing the board members of public service districts terms from six years to three years - To Political Subdivisions then Judiciary**
3156. By Del. Boggs, Campbell, Caputo, Eldridge, Manchin, Pehitel, Phillips, Williams and Border - **Establishing the West Virginia Voluntary Employee Retirement Accounts Program - To Finance**
3168. By Del. Overington, Duke, Blair and Miller, J. - **Creating the Martinsburg-Berkeley County Public Library, creating a library board with the power to operate said library, and providing a method of financing the operation of the library - To Political Subdivisions then Judiciary - [Local Bill]**
3190. By Del. Spencer, Campbell and Williams - **Allowing the purchase of service credit for those emergency services officers who transferred into the Emergency Medical Services Retirement System from the Public Employees Retirement System (PERS) - To Pensions and Retirement then Finance**
3198. By Del. Ellem, Poling, D. and Ireland - **Lengthening the reevaluation cycle of real property and limiting any assessment increase to ten percent in any one year (FN) - To Judiciary then Finance**
3202. By Del. Cowles, Miller, J., Doyle, Lawrence, Michael, Duke, Miller, C., Blair and Overington - **Relating to the excise tax on the privilege of transferring real**

property and using the tax to reimburse counties for regional jail fees - To Judiciary then Finance

3236. By Del. Canterbury and Campbell - Authorizing counties to create urban growth boundaries - To Political Subdivisions then Judiciary

3254. By Del. Manypenny, Beach, Frazier and Fleischauer - Requiring county commissions to adopt and implement county farmland protection programs - To Government Organization then Judiciary

3294. By Del. Shott and Frazier - Requiring the jail facilities standards commission to promulgate rules for the confinement of certain persons in local jails and private facilities - To Judiciary then Finance

3317. By Del. Fragale, Miley, Poling, M., Morgan, Campbell, Boggs and Caputo - Relating to public records management and preservation - To Government Organization then Finance

WV

#24

West Virginia, Jefferson County E911

Reporting Period: December 1, 2009 to December 31, 2009

Comtel Telcom Assets LP

Tax Identification Number

203237782

c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
8778294141 - Phone
7709560700 - Fax

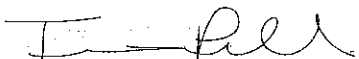
Return Due: 01/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Return Totals:	0	0	0		0.00

REMIT TO:

Jefferson County Commission
P.O. Box 250
Charlestown, WV 25414

Total Gross Tax Due:	0.00
Less: Vendor's Compensation:	(0.00)
Change in Prepayments:	0.00
Less: Tax Credits:	(0.00)
Net Tax Amount to be Remitted:	0.00



Terrance Pulliam, Attorney-in-Fact

1/15/2010

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV_JEFF_E9 01/15/2010 10:23:13 TPULLIAM

RECEIVED

JAN 25 2010

Jefferson County Commission



000004VTQX



0000000000

Drawer: Returns
Company: Comtel Telcom Assets LP
Entity ID: 012438
Entity Name: Comtel Telcom Assets LP
Return Code: WV_JEFF_E9
Return Description: West Virginia, Jefferson County E911
Due Date: 20
Year: 2009
Month: 12
Sequence Number: 1
Indexed Time: 1/6/2010 7:04:00 PM
Printed By: TPULLIAM
Printed Time: 1/15/2010 10:23:13 AM

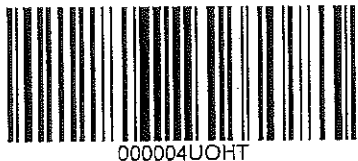
Comtel Telcom Assets LP
c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
(877) 829-4141

West Virginia, Jefferson County E911
P.O. Box 250
Charlestown, WV 25414

RECEIVED

JAN 25 2010

Jefferson County Commission



000004UOHT

FEIN: 043643290
 Reporting Period: 12/01/2009 to 12/31/2009
 Amount: 52.20

Granite Telecommunications LLC
 Granite Telecommunications LLC
 c/o Tax Partners, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339



0000000000

Drawer: Returns
 Company: Granite Telecommunications LLC
 Entity ID: 002690
 Entity Name: Granite Telecommunications LLC
 Return Code: WV_JEFF_E9
 Return Description: West Virginia, Jefferson County E911
 Due Date: 20
 Year: 2009
 Month: 12
 Sequence Number: 1
 Indexed Time: 12/29/2009 10:41:00 AM
 Printed By: LANSEL
 Printed Time: 1/14/2010 10:28:47 AM

RECEIVED

JAN 25 2010

Jefferson County Commission

0002173963

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Granite Telecommunications LLC
 C/O TAX PARTNERS, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339
 (877) 829-4141

WACHOVIA, NA
 64-022/610

0002173963

VOID AFTER 120 DAYS FROM DATE 1/14/2010

PAY Fifty Two and 20/100*****

52.20

TO JEFFERSON COUNTY COMMISSION
 P.O. Box 250
 Charlestown, WV 25414

Sandra Mithersbourg
 TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

000 21 73963 00 06 1000 22 71 20000 169458 27 00

WV

West Virginia, Jefferson County E911

Reporting Period: December 1, 2009 to December 31, 2009

Granite Telecommunications LLC
Granite Telecommunications LLC
c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
8778294141 - Phone
7709560700 - Fax

Tax Identification Number
04-3643290

Return Due: 01/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	18	0	18	\$2.90	52.20
Return Totals:	18	0	18		52.20

REMIT TO:

Jefferson County Commission
P.O. Box 250
Charlestown, WV 25414

Total Gross Tax Due: **52.20**
 Less: Vendor's Compensation: **(0.00)**
 Change in Prepayments: **0.00**
 Less: Tax Credits: **(0.00)**
 Net Tax Amount to be Remitted: **52.20**

Letitia Dixon

Letitia Dixon, Attorney-in-Fact

1/18/2010

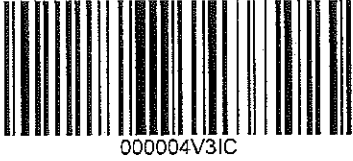
I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV_JEFF_E9 01/18/2010 11:38:50 LDIXON

RECEIVED

JAN 25 2010

Jefferson County Commission



FEIN: 770142404
 Reporting Period: 12/01/2009 to 12/31/2009
 Amount: 159.50

RECEIVED

JAN 25 2010

Jefferson County Commission

8x8, Inc.

c/o Tax Partners, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339



Drawer: Returns
 Company: 8x8, Inc.
 Entity ID: 014006
 Entity Name: 8x8, Inc.
 Return Code: WV_JEFF_E9
 Return Description: West Virginia, Jefferson County E911
 Due Date: 20
 Year: 2009
 Month: 12
 Sequence Number: 1
 Indexed Time: 1/5/2010 8:22:00 AM
 Printed By: LANSEL
 Printed Time: 1/13/2010 2:13:39 PM

0000026481

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

8x8, Inc.
 C/O TAX PARTNERS, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339
 (877) 829-4141

WACHOVIA, NA
 64-022/610

0000026481

VOID AFTER 120 DAYS FROM DATE 1/13/2010

PAY One Hundred Fifty Nine and 50/100*****

159.50

TO JEFFERSON COUNTY COMMISSION
 P.O. Box 250
 Charlestown, WV 25414

Sandra Mutherobough
 TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0000026481 061000227 200041717583

WV

West Virginia, Jefferson County E911

Reporting Period: December 1, 2009 to December 31, 2009

8x8, Inc.

Tax Identification Number

77-0142404

c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
8778294141 - Phone
7709560700 - Fax

Return Due: 01/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	55	0	55	\$2.90	159.50
Return Totals:	55	0	55		159.50

REMIT TO:

Jefferson County Commission
P.O. Box 250
Charlestown, WV 25414

Total Gross Tax Due: 159.50

Less: Vendor's Compensation: (0.00)

Change in Prepayments: 0.00

Less: Tax Credits: (0.00)

Net Tax Amount to be Remitted: 159.50

Shannon Bryant, Attorney-in-Fact

1/14/2010

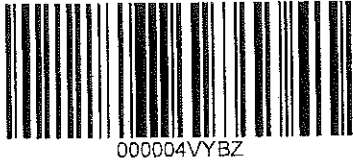
I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV_JEFF_E9 01/14/2010 09:16:08 SBRYANT

RECEIVED

JAN 25 2010

Jefferson County Commission



FEIN: 470807040
 Reporting Period: 12/01/2009 to 12/31/2009
 Amount: 188.50

Level 3 Communications LLC
 Level 3 Communications LLC
 c/o Tax Partners, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339

RECEIVED
 JAN 25 2010
 Jefferson County Commission



Drawer: Returns
 Company: Level 3 Communications LLC
 Entity ID: 001219
 Entity Name: Level 3 Communications LLC
 Return Code: WV_JEFF_E9
 Return Description: West Virginia, Jefferson County E911
 Due Date: 20
 Year: 2009
 Month: 12
 Sequence Number: 1
 Indexed Time: 1/7/2010 11:01:00 AM
 Printed By: LANSEL
 Printed Time: 1/19/2010 7:44:37 AM

0002183278

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Level 3 Communications LLC
 C/O TAX PARTNERS, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339
 (877) 829-4141

WACHOVIA, NA
 64-022/610

0002183278

VOID AFTER 120 DAYS FROM DATE 1/19/2010

PAY One Hundred Eighty Eight and 50/100*****

188.50

TO JEFFERSON COUNTY COMMISSION
 P.O. Box 250
 Charlestown, WV 25414

Sandra Muthersbough
 TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈0002183278⑈ ⑆061000227⑆ 2000016945827⑈

WV

West Virginia, Jefferson County E911

Reporting Period: December 1, 2009 to December 31, 2009

Level 3 Communications LLC
Level 3 Communications LLC
c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
8778294141 - Phone
7709560700 - Fax

Tax Identification Number
47-0807040

Return Due: 01/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	65	0	65	\$2.90	188.50
Return Totals:	65	0	65		188.50

REMIT TO:

Jefferson County Commission
P.O. Box 250
Charlestown, WV 25414

Total Gross Tax Due:	188.50
Less: Vendor's Compensation:	(0.00)
Change in Prepayments:	0.00
Less: Tax Credits:	(0.00)
Net Tax Amount to be Remitted:	188.50

Jade Wade

Jade Wade, Attorney-in-Fact

1/15/2010

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.



000004V1K5

FEIN:

222473234

Reporting Period:

12/01/2009 to 12/31/2009

Amount:

87.00

RECEIVED

JAN 25 2010

Jefferson County Commission

AT&T IXCs & Alascom, M.E.
AT&T Communications of West Virginia
c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339



0000000000

Drawer: Returns
Company: AT&T IXCs & Alascom, M.E.
Entity ID: 001402
Entity Name: AT&T Communications of West Virginia
Return Code: WV_JEFF_E9
Return Description: West Virginia, Jefferson County E911
Due Date: 20
Year: 2009
Month: 12
Sequence Number: 1
Indexed Time: 1/4/2010 11:32:00 PM
Printed By: LANSEL
Printed Time: 1/19/2010 11:47:14 AM

0000573764

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

AT&T Communications of West Virginia
C/O TAX PARTNERS, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
(877) 829-4141

WACHOVIA, NA
64-022/610

0000573764

VOID AFTER 120 DAYS FROM DATE 1/19/2010

PAY Eighty Seven and 00/100*****

87.00

TO JEFFERSON COUNTY COMMISSION
P.O. Box 250
Charlestown, WV 25414

Sandra Muthersouge
TWO SIGNATURES REQUIRED IF \$250,000 OR

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0000573764 061000227 200016945814

WV

West Virginia, Jefferson County E911

Reporting Period: December 1, 2009 to December 31, 2009

AT&T Communications of West Virginia
AT&T Communications of West Virginia
c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
8778294141 - Phone
7709560700 - Fax

Tax Identification Number
222473234

Return Due: 01/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	30	0	30	\$2.90	87.00
Return Totals:	30	0	30		87.00

REMIT TO:

Jefferson County Commission
P.O. Box 250
Charlestown, WV 25414

Total Gross Tax Due:	87.00
Less: Vendor's Compensation:	(0.00)
Change in Prepayments:	0.00
Less: Tax Credits:	(0.00)
Net Tax Amount to be Remitted:	87.00

Glenda Majors, Attorney-in-Fact

1/16/2010

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV_JEFF_E9 01/16/2010 16:03:57 GMAJORS

RECEIVED

JAN 25 2010

Jefferson County Commission



FEIN: 383483729
 Reporting Period: 12/01/2009 to 12/31/2009
 Amount: 58.00

ACN Communications Services, Inc. ME

RECEIVED

c/o Tax Partners, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339

JAN 25 2010

Jefferson County Commission



Drawer: Returns
 Company: ACN Communications Services, Inc. ME
 Entity ID: 017364
 Entity Name: ACN Communication Services, Inc.
 Return Code: WV_JEFF_E9
 Return Description: West Virginia, Jefferson County E911
 Due Date: 20
 Year: 2009
 Month: 12
 Sequence Number: 1
 Indexed Time: 1/6/2010 5:47:00 PM
 Printed By: LANSEL
 Printed Time: 1/18/2010 7:53:47 AM

0002177421

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

ACN Communication Services, Inc.
 C/O TAX PARTNERS, L.L.C.
 3100 Cumberland Boulevard, Suite 900
 Atlanta, GA 30339
 (877) 829-4141

WACHOVIA, NA
 64-022/610

0002177421

VOID AFTER 120 DAYS FROM DATE 1/18/2010

PAY Fifty Eight and 00/100*****

58.00

TO JEFFERSON COUNTY COMMISSION
 P.O. Box 250
 Charlestown, WV 25414

Sandra Muthersorge
 TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0002177421061000227120001694582711

WV

West Virginia, Jefferson County E911

Reporting Period: December 1, 2009 to December 31, 2009

ACN Communication Services, Inc.

Tax Identification Number

38-3483729

c/o Tax Partners, L.L.C.
3100 Cumberland Boulevard, Suite 900
Atlanta, GA 30339
8778294141 - Phone
7709560700 - Fax

Return Due: 01/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County					
E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	20	0	20	\$2.90	58.00
Return Totals:	20	0	20		58.00

REMIT TO:

Jefferson County Commission
P.O. Box 250
Charlestown, WV 25414

Total Gross Tax Due:	58.00
Less: Vendor's Compensation:	(0.00)
Change in Prepayments:	0.00
Less: Tax Credits:	(0.00)
Net Tax Amount to be Remitted:	58.00

Deanna M. Paden

Deanna Paden, Attorney-in-Fact

1/14/2010

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV_JEFF_E9 01/14/2010 10:05:15 DPADEN

RECEIVED

JAN 25 2010

Jefferson County Commission

#25

P.O. Box 2067
Charleston, WV 25327



Phone: (304) 558-0500
Fax: (304) 558-3321
www.wvlottery.com

John C. Musgrave
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Melissa White ext. 290

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending January 23, 2010 FY10 January 26, 2010
To be Deposited on:	
Amount Played	83,872,416.32
Amount Won	75,401,367.47
Amount Promo	334,882.00
MWAP Contribution	<u>41,040.91</u>
Adjusted Gross Terminal Revenue	<u>8,095,315.94</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>323,812.62</u>
Net Terminal Revenue	<u>7,771,503.32</u>
Surcharge @ 10%	777,150.32
State Share Excess @ 56%	450,747.19
Track Share of Capital Reinvestment @ 42%	326,403.13
Track Share of Capital Reinvestment @ 42% - 96%	\$ 313,347.00
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,056.13
Adjusted Net Terminal Revenue	<u>6,994,353.00</u>
Racetrack @ 46.50% / 42%	2,937,628.26
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,867,684.72
Race Track Purses @ 7% / 14% / 8%	559,548.24
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	34,971.77
Greyhound Development @ .75%	52,457.65
Thoroughbred Development @ .75%	52,457.65
Racing Commission @ 1%	69,943.53
County/Municipality @ 2%	139,887.06
3% Funds:	
Tourism Promotion Fund @ 1.375%	96,172.35
Development Office Promotion Fund @ .375%	26,228.82
Research Challenge Fund @ .5%	34,971.77
Capitol Renovation and Improvement Fund @ .6875%	48,086.18
2004 Capitol Complex Parking Garage Fund @ .0625%	4,371.47
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>69,943.53</u>
	<u>6,994,353.00</u>

WV LOTTERY
WEST VIRGINIA LOTTERY
First Benchmark
Charles Town
County / City Split
Fiscal Year 2009

Charles Town
1999 Net Terminal Revenue \$ 45,603,174
Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
4 days ending: 7/1/09- 7/4/09	\$ 128,262.42	\$ 128,262.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/09	\$ 168,815.08	\$ 168,815.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/09	\$ 160,852.98	\$ 160,852.98	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/09	\$ 158,869.08	\$ 158,869.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/09	\$ 174,493.08	\$ 174,493.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,846.74	\$ 138,408.80	\$ 17,437.94	\$ 2,165.79	\$ 6,026.55	\$ 636.48	\$ 6,117.24	\$ 2,491.88
08/15/09	\$ 162,444.28	\$ 81,222.14	\$ 81,222.14	\$ 10,087.79	\$ 28,070.37	\$ 2,984.61	\$ 26,482.73	\$ 11,606.64
08/22/09	\$ 152,520.62	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,897.80
08/29/09	\$ 160,945.94	\$ 80,472.92	\$ 80,472.92	\$ 9,994.74	\$ 27,811.44	\$ 2,937.26	\$ 28,229.90	\$ 11,499.58
09/05/09	\$ 161,595.30	\$ 80,798.15	\$ 80,798.15	\$ 10,035.13	\$ 27,923.84	\$ 2,949.13	\$ 28,343.99	\$ 11,548.06
09/12/09	\$ 172,573.84	\$ 86,286.92	\$ 86,286.92	\$ 10,716.84	\$ 29,820.76	\$ 3,149.47	\$ 30,269.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,685.28	\$ 24,195.51	\$ 2,555.37	\$ 24,559.56	\$ 10,004.45
09/26/09	\$ 138,633.74	\$ 69,318.87	\$ 69,318.87	\$ 8,609.16	\$ 23,955.91	\$ 2,530.07	\$ 24,316.35	\$ 9,905.36
10/03/09	\$ 144,572.08	\$ 72,288.04	\$ 72,288.04	\$ 8,977.93	\$ 24,982.06	\$ 2,638.44	\$ 25,357.83	\$ 10,329.66
10/10/09	\$ 139,301.26	\$ 69,650.63	\$ 69,650.63	\$ 8,650.61	\$ 24,071.25	\$ 2,542.25	\$ 24,433.44	\$ 9,953.08
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 9,136.18	\$ 25,422.41	\$ 2,684.95	\$ 25,804.82	\$ 10,511.75
10/24/09	\$ 135,183.32	\$ 67,581.66	\$ 67,581.66	\$ 8,993.64	\$ 23,356.22	\$ 2,466.73	\$ 23,707.65	\$ 9,657.42
10/31/09	\$ 129,056.80	\$ 64,528.30	\$ 64,528.30	\$ 8,014.41	\$ 22,300.98	\$ 2,355.28	\$ 22,636.54	\$ 9,221.09
11/07/09	\$ 127,493.18	\$ 63,741.59	\$ 63,741.59	\$ 7,916.71	\$ 22,029.09	\$ 2,326.57	\$ 22,360.55	\$ 9,106.67
11/14/09	\$ 131,919.26	\$ 65,959.64	\$ 65,959.64	\$ 8,182.19	\$ 22,795.85	\$ 2,407.53	\$ 23,138.64	\$ 9,425.63
11/21/09	\$ 118,094.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 20,889.11	\$ 8,509.27
11/28/09	\$ 144,799.96	\$ 72,399.98	\$ 72,399.98	\$ 8,992.08	\$ 25,021.43	\$ 2,642.60	\$ 25,397.81	\$ 10,345.96
12/05/09	\$ 102,013.02	\$ 51,006.51	\$ 51,006.51	\$ 6,335.01	\$ 17,627.85	\$ 1,861.74	\$ 17,893.08	\$ 7,288.83
12/12/09	\$ 104,821.16	\$ 52,460.58	\$ 52,460.58	\$ 6,515.60	\$ 18,130.38	\$ 1,914.81	\$ 18,403.17	\$ 7,496.62
12/19/09	\$ 85,668.78	\$ 32,834.39	\$ 32,834.39	\$ 4,078.03	\$ 11,347.57	\$ 1,198.46	\$ 11,518.30	\$ 4,692.03
12/26/09	\$ 106,812.68	\$ 53,406.34	\$ 53,406.34	\$ 6,633.07	\$ 18,457.23	\$ 1,949.33	\$ 18,734.94	\$ 7,631.77
01/02/10	\$ 185,960.80	\$ 92,980.40	\$ 92,980.40	\$ 11,548.17	\$ 32,134.03	\$ 3,393.78	\$ 32,617.52	\$ 13,286.90
01/09/10	\$ 110,040.82	\$ 55,020.46	\$ 55,020.46	\$ 6,833.54	\$ 19,015.07	\$ 2,008.25	\$ 19,301.18	\$ 7,862.42
01/16/10	\$ 121,102.56	\$ 60,551.28	\$ 60,551.28	\$ 7,520.47	\$ 20,926.52	\$ 2,210.12	\$ 21,241.39	\$ 8,652.78
01/23/10	\$ 139,887.06	\$ 69,943.53	\$ 69,943.53	\$ 8,686.99	\$ 24,172.48	\$ 2,552.94	\$ 24,536.19	\$ 9,994.93
Subtotal	\$ 4,190,591.48	\$ 2,551,327.49	\$ 1,639,263.89	\$ 203,596.81	\$ 568,529.62	\$ 59,833.14	\$ 575,053.80	\$ 234,250.62

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$

RECEIVED

Thursday, January 21, 2010

JAN 22 2010

Jefferson County Public Service District
340 Edmond Road, #3A
Kearneysville, WV 25430

Jefferson County Commission

Attention of Joseph Hankins, Sue Lawton, Jim Cummings and Peter Appignani,

Members of the Jefferson County Public Service District (PSD), it has been approximately 35 years (since 1975) since the subdivisions of Shannondale, Keys Ferry Acres, Keys Ferry Campsites, Blue Ridge Acres and West Ridge Hills were began. Water has been a serious issue in three of these ever since the initial developer of the Keys Ferry projects installed what was supposed to be a seasonal use water system. Fact is, Shannondale, Keys Ferry Acres, Keys Ferry Campsites, and West Ridge Hills all were supposed to be vacation properties for the D.C. area. These subdivisions were not supposed to be full-time residences. The infrastructure was not proposed, designed for, supported or installed to support this level of use.

Over the years more and more families moved here as Jefferson County became yet one more bedroom community for the D.C. region. Water has been an issue for at least 20 years in the Keys Ferry and West Ridge Hills projects due to this issue. As was easily predictable, the systems could not support this level of use. At one point the Keys Ferry projects had a boiling requirement for a number of years while the very group you represent managed the systems. It was not until Jefferson Utilities (JUI) took over the management of the project that enough repairs were made to remove that requirement.

I find it incredible that any groups, governmental agencies or people could say they could do better when those very groups either are not on the systems or had the responsibility and failed to perform any better than JUI. In fact the PSD performed so poorly that the people could not even drink the water. At least JUI has made it so we can. "Let those without sin cast the first stone" seems appropriate here. It would seem that supporting the group that actually made positive change makes sense. So I ask; why do you as a body or individuals oppose supporting JUI? My answer is politics.

It is the politics directed by the PSD, groups not even on the systems and the Jefferson County Commission (JCC), which have caused and perpetuated the Keys Ferry projects to be listed the 4th worst in WV. I wonder if it is your goal to make them take first place as the worst system in the state. Jefferson County is one of the wealthiest in WV. Yet you, the people that we have entrusted our futures in, continue to fail in your duties. In any place other than politics you would be fired. Perhaps it is time to stop being poster children for partisan politics and ineffectual government. Support the only entity that has actually made positive progress. Support JUI. I challenge you to make a positive change whose only focus is to help the people living in the Keys Ferry and West Ridge Hills subdivisions. Tell those who are not actually on those systems to look in their own communities to make change. Become what you were intended to be. Become an advocate of each community on their own. In that way change is focused and appropriate to those specific communities. One community that has no connection to another; that does not have the same issues; whose political agenda does not match the others does not cause the other to be a victim.

If you cannot do that, then I request that the Keys Ferry water systems be decommissioned. That the home owners be allowed to do the same as those in surrounding subdivisions of Blue Ridge Acres, Wide River Farms, Shannon Woods and Shannondale. Let us drill our own wells.

Regards,
Scott Smiley
510 Cedar Hill Drive
Harpers Ferry, WV 25425

CC:
JUI
JCC
and the general public

Correspondence