

## AGENDA FOR THURSDAY, FEBRUARY 18, 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
  
- 3. 9:45 a.m. - Sheriff Robert Shirley - Request Approval of Employment of a Deputy Sheriff - Discussion/Action
  
- 4. 10:00 a.m. - Debra Young, Victim Advocate - Present VOCA Grant Proposal - Discussion/Action
  
- 5. 10:15 a.m. - Bob Gordon, Project Manager for the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO) - Region 9 and MPO Assessment for FY2011 - PowerPoint Presentation
  
- 6. 10:30 a.m. - Jefferson County Planning Commission - Interviews and Appointments - Discussion/Action
  
- 7. 11:00 a.m. - Mark Schiavone, Director of Capital Planning and Management - — GASB 45 Presentation - Discussion/Action  
-Quarterly Premium - WV Board of Risk and Insurance Management - Discussion/Action  
-Approval of Budget Revision 005 to the General Fund (Fund 001) - Discussion/Action

### NEW BUSINESS:

- 8. Legislative Issues
  
- 9. Shenandoah-Potomac District of Garden Clubs - Request for Use of Library Meeting Room - Discussion/Action
  
- 10. County Administrator Reports
  
- 11. County Commission Reports

- ☐☐☐ 12. 11:45 a.m. - Legal Update and Report - (Stephanie Grove)
  - Continuance - Estate of William T. Goff, Jr.
  - Executive Session - Personnel Matter

UNFINISHED BUSINESS: (None)

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

- ☐☐☐ 13. 1:30 p.m. - Staff Reports
  - Barbara Miller, Director of Homeland Security and Emergency Management - 2010 Snowstorm Update
  - Mark Schiavone, Director of Capital Planning and Management -  
-Budget Work Session #2 Overview of Projected Expenditures
  
- ☐☐☐ 14. 2:00 p.m. - Review of FY11 Work Plans
  - Barbara Miller - Homeland Security and Emergency Management

2:30 p.m. - - Mark Schiavone - Department of Capital Planning and Management

3:00 p.m. - - Jeff Polczynski and Todd Fagan - GIS Department
  
- ☐☐☐ 15. 3:30 p.m. - Adjourn

INFORMATION:

- ☐☐☐ 16. Memorandum received from Roger Goodwin concerning an acceptance of bond for Breckenridge East in the amount of \$2,339,652.
  
- ☐☐☐ 17. Correspondence received from Governor Manchin concerning receipt of correspondence received from the Jefferson County Commission.
  
- ☐☐☐ 18. Correspondence received from the Emergency Services Agency concerning their move to their new operations center.
  
- ☐☐☐ 19. Impact Fee Status Report received for January 2010.
  
- ☐☐☐ 20. Memorandum received from the Department of Capital Planning and Management concerning transfers of funds.
  
- ☐☐☐ 21. Legislative information received from the Association of Counties and the County Commissioners' Association.

- 22. Franchise fees received from Comcast.
- 23. Potomac Valley Audubon Society newsletter received.
- 24. Harpers Ferry National Historical Park Community Bulletin received.
- 25. Meeting minutes received from the Jefferson County Public Services District.
- 26. Weekly statement report received for the Charles Town Races and Slots from the West Virginia Lottery.
- 27. Memorandum received from the Eastern Panhandle Conservation District concerning an inspection of Evitts Run Channel on April 26, 2010.

**CORRESPONDENCE:**

- 28. Correspondence received from Gil Narro Garcia concerning the Planning Commission agenda.
- 29. Correspondence received regarding a newspaper article in the Spirit of Jefferson.
- 30. Correspondence received from Scott Smiley concerning the water systems for the mountain communities.

*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 28, 2010 beginning at 9:30 o'clock a.m.

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

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Morgan conducted the Pledge of Allegiance

**IN RE: APPROVAL OF MINUTES**

Motion by Noland, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, January 14, 2010 and to approve the Minutes as amended. Motion carried.

**IN RE: APPROVAL OF PURCHASE ORDERS**

Motion by Noland, second by Manuel to approve the following Purchase Orders for the week of January 14, 2010 totaling \$27,553.73: 47917, 47761, 47762, 47989, 47991, 47139, 47773, 47988, 47990, 47992, 47998, 47999, 47944, 47987, 47994, 47993 and 47996. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Morgan, second by Manuel to approve the list of accounts payable for January 28, 2010 as presented by the County Clerk. Motion carried.

| CK#    | Dept    | VENDOR                 | PO#   | PO Amt     | Amt wo PO   | CK Amount   |
|--------|---------|------------------------|-------|------------|-------------|-------------|
| 060729 | 424     | ALLEGHENY POWER        |       | \$0.00     | \$2,281.44  | \$2,281.44  |
| 060729 | 425     | ALLEGHENY POWER        |       | \$0.00     | \$14,414.45 | \$14,414.45 |
| 060730 | 425     | COMCAST                |       | \$0.00     | \$146.35    | \$146.35    |
| 060731 | 712     | AT&T/GA                |       | \$0.00     | \$52.38     | \$52.38     |
| 060732 | 413     | APPLE VALLEY OFFICE    | 47755 | \$102.00   | \$0.00      | \$102.00    |
| 060733 | 425     | B-K OFFICE SUPPLY INC  | 47981 | \$1,022.30 | \$0.00      | \$1,022.30  |
| 060734 | 716     | BLUE RIDGE VETERINARY  | 47982 | \$43.80    | \$0.00      | \$43.80     |
| 060735 | 424     | *CREAMERS AUTO SERVICE | 47986 | \$35.75    | \$0.00      | \$35.75     |
| 060735 | 700     | *CREAMERS AUTO SERVICE | 47986 | \$31.45    | \$0.00      | \$31.45     |
| 060735 | 711     | *CREAMERS AUTO SERVICE | 47986 | \$117.55   | \$0.00      | \$117.55    |
| 060736 | 700     | C.A.R.S                | 47985 | \$41.07    | \$0.00      | \$41.07     |
| 060737 | 425     | DAYCON                 | 47984 | \$597.98   | \$0.00      | \$597.98    |
| 060738 | PAYROLL | EMPLOYEE BENEFIT DATA  |       | \$0.00     | \$576.00    | \$576.00    |
| 060739 | 424     | FRONTIER               |       | \$0.00     | \$557.79    | \$557.79    |
| 060740 | 424     | FRONTIER               |       | \$0.00     | \$356.78    | \$356.78    |
| 060741 | 415     | GENERAL COUNTY FUND    |       | \$0.00     | \$18,667.70 | \$18,667.70 |
| 060742 | 424     | GRAINGER, INC          | 47983 | \$433.08   | \$0.00      | \$433.08    |
| 060743 | 401     | GLOBAL RECOVERY SERV   |       | \$0.00     | \$2,500.00  | \$2,500.00  |
| 060744 | 716     | HILLSIDE VETERINARY    | 47848 | \$119.52   | \$0.00      | \$119.52    |
| 060745 | 712     | DR ROBERT JONES        |       | \$0.00     | \$1,000.00  | \$1,000.00  |
| 060746 | 401     | LEWIS CO CIRCUIT CLERK |       | \$0.00     | \$87.72     | \$87.72     |

|               |         |                          |       |                    |                     |                     |
|---------------|---------|--------------------------|-------|--------------------|---------------------|---------------------|
| 060747        | 402     | LEXISNEXIS/MATT BENDER   | 47763 | \$95.63            | \$0.00              | \$95.63             |
| 060747        | 401     | LEXISNEXIS/MATT BENDER   |       | \$0.00             | \$95.63             | \$95.63             |
| 060748        | 403     | MATTHEW BENDER & CO      | 47916 | \$93.46            | \$0.00              | \$93.46             |
| 060749        | PAYROLL | MSBCBS                   |       | \$0.00             | \$135,808.40        | \$135,808.40        |
| 060750        | 402     | PIFER OFFICE SUPPLY, INC | 47749 | \$90.83            | \$0.00              | \$90.83             |
| 060750        | 406     | PIFER OFFICE SUPPLY, INC | 47616 | \$137.10           | \$0.00              | \$137.10            |
| 060751        | PAYROLL | STATE TAX DEPARTMENT     |       | \$0.00             | \$14,481.73         | \$14,481.73         |
| 060752        | 704     | ST/WV REGIONAL JAIL &    | 47680 | \$91,342.50        | \$0.00              | \$91,342.50         |
| 060753        | 424     | SHERWIN-WILLIAMS         | 47844 | \$229.12           | \$0.00              | \$229.12            |
| 060754        | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$0.00             | \$1.13              | \$1.13              |
| 060754        | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$0.00             | \$21,660.99         | \$21,660.99         |
| 060755        | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$0.00             | \$52,949.04         | \$52,949.04         |
| 060755        | PAYROLL | WV PUB EMP RETIRE SYS    |       | \$0.00             | \$2.77              | \$2.77              |
| 060756        | 413     | WENDY EVANGELISTI        |       | \$0.00             | \$36.10             | \$36.10             |
| <b>TOTALS</b> |         |                          |       | <b>\$94,533.14</b> | <b>\$265,676.40</b> | <b>\$360,209.54</b> |

**IN RE: PUBLIC COMMENT**

Larry Searcy, Director of the Comprehensive Workforce One-Stop Career Center in Martinsburg, West Virginia appeared before the Commission to report on the One-Stop Career Center satellite office that will be opening in Charles Town.

Mr. Searcy reported on services provided by the Workforce One-Stop Career Center.

The Commission agreed by consensus to convert this matter into an agenda appointment.

**IN RE: LARRY SEARCY – ONE-STOP CAREER CENTER**

Mr. Searcy discussed funding allotments provided by federal and state government agencies in support of the Workforce One-Stop Career Center programs.

Mr. Searcy reported on the Center's client base and Berkeley, Morgan and Jefferson County's unemployment statistics.

**IN RE: LEGISLATIVE ISSUES**

Commissioner Noland reported on the status of following Senate Bills: 237, 334, 337 and House Bills: 4136, 4190 and 4202.

Commissioner Manuel reported on the specifications of Delegate districts throughout the Region.

Commissioner Noland expressed concerns with strategies being implemented by the Senate Finance Committee.

Commissioner Manuel reported on his discussions with Senator Snyder regarding the Horseman's Bill in the Senate and requested the Commission consider adopting a Resolution of support. The Commission agreed by consensus to place this matter on next week's agenda for further consideration.

Commissioner Surkamp reported on the status of Senate Bill 225 and Senate Bill 231.

**IN RE: JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE – REQUEST TO USE COUNTY MEETING ROOM**

Motion by Manuel, second by Morgan to approve the request by the Jefferson County Republican Executive Committee to use the County meeting room on Saturday, February 6, 2010. Motion carried.

Commissioner Noland expressed concerns about drafting a county meeting room liability policy.

**IN RE: PROPOSED STATE LEGISLATION FOR MANDATORY WATER HOOKUPS**

Commissioner Surkamp agreed to table this matter until a later date.

**IN RE: DISCUSS FEBRUARY MEETING SCHEDULE**

The Commission reviewed their February meeting schedule and discussed their obligations and agreed to conduct all meetings as scheduled.

**IN RE: COUNTY ADMINISTRATOR REPORTS**

Sandra McDonald, Interim County Administrator reminded the Commission that Board of Review and Equalization hearings are scheduled to begin on Monday, February 1, 2010.

Ms. McDonald reported on the Department Head meeting that was conducted on Tuesday, January 26, 2010.

Ms. McDonald reported on the Friendship Fire Company annual membership awards banquet on Saturday, February 6, 2010.

**IN RE: ANNETTE VAN HILST -- PARTNERSHIP FOR AFFORDABLE HOUSING -- FUNDING REQUEST**

Annette Van Hilst, Secretary for the Partnership for Affordable Housing appeared before the Commission for a funding request.

Ms. Van Hilst introduced Program Coordinator Jerry Bucey and Board of Directors President Terry Marcus.

Ms. Van Hilst requested the Commission formally support the Partnership for Affordable Housing's HOME Program application with the HOME Consortium and authorize the President's endorsement upon the HOME Consortium letter of support and grant application.

Ms. Van Hilst reported on the goals and objectives of the HOME Consortium program.

Motion by Manuel, second by Morgan to formally support and authorize the Commission President's signature upon the HOME Consortium grant application and letter of support by the Partnership for Affordable Housing. Motion carried.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner Morgan reported on the Workforce Investment Board meeting she attended.

Commissioner Manuel reported on the Council for the Homeless meeting he attended.

Commissioner Manuel reported on the Council on Aging meeting he attended.

Commissioner Manuel reported on the Council of Governments Round-Table meeting he attended.

Commissioner Surkamp reported on his meeting with Shepherd University officials with regard to the 2010 Census.

Commissioner Noland reported on the interviews she attended with County Administrator applicants.

Commissioner Noland reported on the Council of Governments Round-Table meeting she attended.

Commissioner Widmyer reported on the Regional Planning meetings she attended.

Commissioner Widmyer reported on the Elks Run Management Plan Committee meeting she attended.

**The Commission took a 5-minute break at 10:30 a.m.**

**IN RE: MARK SCHIAVONE -- ANNUAL IMPACT FEE REPORT**

Mark Schiavone, Capital Planning and Management Director appeared before the Commission for the annual Impact Fee report.

Mr. Schiavone reported on Impact Fee collections, exemptions and fee allocation.

Mr. Schiavone reported on the proposed 2010 Capital Improvement Plan and projected inflation adjustments with regard to Impact Fee collection and disbursement.

Commissioner Surkamp recommended adopting a Resolution structuring Impact Fee collections.

**IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT**

**HEARING – ESTATE OF WILLIAM T. GOFF, JR. – DECEASED – REQUEST FOR CONTINUANCE**

David Camiletti, Esquire, Legal counsel for Debra Goff, widower of William T. Goff, Jr. and David DeJarnett, Esquire, Esquire, Legal Counsel for the Estate of William T. Goff Jr. appeared before the Commission to request a continuance for the Estate of William T. Goff, Jr., deceased.

Mr. Camiletti reported on the status of the Goff Estate and filings made in the Circuit Court of Jefferson County.

Stephanie Grove, Assistant Prosecuting Attorney was present for comments.

Motion by Surkamp, second by Manuel to authorize a continuance for the Estate of William T. Goff, Jr., deceased pending a decision from the Circuit Court of Jefferson County.

Amended motion by Morgan, second by Manuel to authorize a continuance for the Estate of William T. Goff, Jr., deceased pending a decision from the Circuit Court of Jefferson County and to request an update from Executor of the Estate in three weeks. Motion carried.

Jennifer S. Maghan, County Clerk appeared before the Commission and provided a status on candidate filings for the upcoming election.

**IN RE: LEGAL UPDATE AND REPORT – (STEPHANIE GROVE)**

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report.

Ms. Grove provided the Commission with the weekly do to list and reported on several court rulings and filings submitted in the Circuit Court of Jefferson County.

Ms. Grove reported on the Bonding Committee meeting she attended and policy recommendations by the Committee.

Ms. Grove reported on her review of the HRA contract and discussed specifications of the contract.

Mark Schiavone, Capital Planning and Management Director was present for comments.

Ms. Grove requested Executive Session to discuss personnel matters.

The Commission agreed to take up agenda item, “New Business 13: Tom Bayuzik – Development Authority – Executive Session – Potential Business Prospect Presentation” prior to entering into Executive Session with Ms. Grove.

**IN RE: TOM BAYUZIK – DEVELOPMENT AUTHORITY – EXECUTIVE SESSION – POTENTIAL BUSINESS PROSPECT PRESENTATION**

Motion by Manuel, second by Noland to enter into Executive Session with Tom Bayuzik, Development Authority Director to discuss contract negotiations for a potential business prospect. Motion carried.

Terry Marcus, Mark Dyck, Steven Stoliper, Jennifer Brockman, Ward Sigler and Stephanie Grove were also present during Executive Session.

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

**IN RE: LEGAL UPDATE AND REPORT – (STEPHANIE GROVE) – CONTINUED**

Motion by Surkamp, second by Morgan to enter into Executive Session to discuss personnel matters with Stephanie Grove, Assistant Prosecuting Attorney. Motion carried.

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

**The Commission recessed for lunch at 12:44 p.m. The Commission reconvened at 1:30 p.m.**

**In re: STAFF REPORTS**

Upon recommendation from Roger Goodwin, Chief County Engineer the Commission voted on the following bonding:

Motion by Noland, second by Morgan to approve the partial release of a letter of credit for RAI

Group 44, LLC – Burr Industrial Park, Lot 44, Buildings A & B, in the amount of \$82,912.00. Motion carried unanimously.

Motion by Manuel, second by Morgan to approve the complete release of a letter of credit for The William H. Scott Inter Vivos Trust – Summit Point Automotive Research Center Training Pad & Revisions to Existing Range in the amount of \$146,769.00. Motion carried unanimously.

Mr. Goodwin distributed a proposal for the West Ridge Hills Well Study.

Mr. Goodwin reported on the Bonding Policy Review Committee.

Jennifer Brockman, Planning and Zoning Director introduced her new office manager, Julie Quadola.

Ms. Brockman reported on the Urban Growth Boundary in Bolivar.

Ms. Brockman reported on the Subdivision regulations.

Ms. Brockman reported that she is working with Engineering to discuss fees.

Ms. Brockman reported that the Blue Ridge Mountain Study Grant is being revised.

Ms. Brockman requested that the Commission submit names to be on the Blue Ridge Mountain Committee.

Ms. Brockman reported on the Chesapeake Bay Funding.

Mark Schiavone, Director of Capital Planning and Management requested to amend FY2009 Approved CIP for the Jefferson County Parks and Recreation to increase approved funding for Leetown Park Playground by \$2,300.00 (from \$72,000.00 to \$75,300.00).

Motion by Morgan, second by Manuel to approve amending the FY2009 CIP for the Jefferson County Parks and Recreation by increasing the amount approved for impact fees for the Leetown Park Playground Equipment project by \$2,300.00. Motion carried.

Kirk Davis, Sr., Capital Project Manager reported on the Energy Grant funds are pending a wire transfer.

Mr. Davis reported that the Construction RFP's were reviewed by legal and is now ready to be mailed.

Mr. Davis reported that Bill Polk, Maintenance Director has reviewed that scope of work for the Energy Grant and is ready to go out for bids.

Mr. Davis reported that he has not gotten any proposals for the ADA ramp for the Hunter House.

Mr. Davis was directed by the Commission to get local contractors and cut out the middle man.

By unanimous consent, Mr. Davis was directed to contract directly and to bid out locally.

The Commission recommended contacting the Historic Landmarks Commission concerning their thoughts on the ADA ramp.

Mr. Davis reported that he has not heard back from Rob Steptoe concerning Bonds.

Mr. Davis informed the Commission that the public hearings for the new Judicial Center are scheduled on February 10 and 11, 2010 at 7:00 p. m. The Municipalities will be invited for the February 10, 2010 presentation.

Mr. Davis reported that his appointment was ending to the ON TRAC Program.

Motions by Widmyer, second by Morgan to have Mr. Davis continue his appointment to the ON TRAC Program. Motion carried.

Commissioner Widmyer requested consent to resend the letter of support to the City of Charles Town in regards to the plans for the Charles Washington Hall.

**In re: COUNTY COMMISSION WORKSHOP -- FY11 BUDGET**

Mark Schiavone, Director of Capital Planning and Management presented a power point presentation on projected revenues and the role of the unencumbered balance.

Mr. Schiavone requested approval of the Outside Agency Grant Request Application form.

By unanimous consent, the Commission approved the Outside Agency Grant Request Application as amended.

Motion by Widmyer, second by Morgan to request Department Heads and Elected Officials prepare budgets with a 5% deduction for FY11. Motion carried.

**The Commission received the following information:**

Correspondence received from Terry Courtwright thanking Mason Carter, Ordinance Compliance Officer, for his assistance.

Correspondence received from the Eastern Panhandle Free Clinic thanking the Commission for their financial support.

Invitation received from Ox Paperboard to celebrate 140 years of paper making in West Virginia at the Charles Town Races and Slots on Saturday, January 30, 2010.

Invitation received from Friendship Fire Company to attend the Annual Membership Awards Banquet Saturday, February 6, 2010.

New release received from AHA concerning a Jefferson County photo exhibit.

Legislative information received from the Association of Counties.

Legislative information received from the County Commissioners' Association.

Thank you letter received from W. Matthew Harris for the opportunity to apply for appointment to the Zoning Board of Appeals.

Letter of resignation received from Lynne Deming as a member of the Planning Commission.

Notice received from the Extension Office of an Extension Service Committee meeting on February 3, 2010.

Information received from the Extension Office on the National Conservation Innovation Grant Proposal for Precision Nutrient Management Using a Systems Approach in Karst Geology.

E911 fees received.

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

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

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LYN WIDMYER, COMMISSION PRESIDENT

**FEBRUARY 11, 2010  
PURCHASE ORDERS**

**ANIMAL CONTROL**

PO NO: 48035      253.44      ALPHA TECH PET: Materials & supplies

**ASSESSOR'S OFFICE**

PO NO: 47617      985.52      DAYTON LEGAL BLANK: Materials & supplies

**COUNTY COMMISSION**

PO NO: 47681      8,313.16      WV REGIONAL JAIL & CORRECTIONAL FACILITY  
AUTHORITY: Inmate maintenance & operations - June and  
July-November 2009

**COURT HOUSE**

PO NO: 48037      199.45      GRAINGER: Materials & supplies

**HOMELAND SECURITY & EMERGENCY MANAGEMENT**

PO NO: 48011      1,641.63      GLOBAL STAR USA: Satellite phone services

**OTHER BUILDINGS**

PO NO: 48034      3,074.70      HAGEMEYER: Professional services  
PO NO: 48036      451.92      DAYCON: Cleaning supplies

**PLANNING DEPARTMENT**

PO NO: 47369      460.00      AMERICAN PLANNING ASSOCIATION: APA  
membership dues

**SHERIFF'S LAW OFFICE**

PO NO: 47710      155.94      GALLS: Materials & supplies  
PO NO: 47711      205.00      SPECIALITY BUSINESS SUPPLY: Office supplies  
PO NO: 47713      148.35      WALTER F. STEPHENS: Professional services  
PO NO: 47714      150.00      VITAL SIGNS: Vehicle supplies  
PO NO: 47715      1,250.00      CDW GOVERNMENT: Parts & supplies  
PO NO: 47716      232.39      QUARTER MASTER: Equipment & supplies  
PO NO: 47717      427.02      QUARTER MASTER: Equipment & supplies  
PO NO: 48038      437.36      COUNTRY ROADS TIRE & AUTO: Tire replacement

**GRAND TOTAL                      \$18,385.88**

Commission Office Use Only  
 Date on Agenda: 2/18/10  
 Appt Time or New Business: 9:45

RECEIVED

FEB 01 2010

Jefferson County Commission

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: Sheriff

Estimation of amount of time needed for appointment: 5-10 min

Date Requested - 1<sup>st</sup> Choice: 2/4/2010

Date Requested - 2<sup>nd</sup> Choice: 2/11/2010

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

would prefer 4th just because if approved it would allow candidate to give current employer notice sooner and start work sooner

Subject:

Approval of hiring of Douglas Fletcher

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

This is to fill the position made available by Judge Sanders' ruling.

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

I move to approve the hiring of Douglas Fletcher for the position of Deputy Sheriff.

Attachments:

2/18/10  
10:00

#4



RALPH A. LORENZETTI

PROSECUTING ATTORNEY

OFFICE of THE  
PROSECUTING ATTORNEY

of  
JEFFERSON COUNTY, WEST VIRGINIA  
**Victim Assistance Program**

P. O. Box 729  
110 N. George St., 3<sup>rd</sup> Floor  
Charles Town, WV 25414  
(304) 725-6550  
fax (304) 728-3293

DEBRA A. YOUNG

VICTIM ADVOCATE

**RECEIVED**

JAN 27 2010

**Jefferson County Commission**

January 26, 2010

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Dear Ms. Slusher-McDonald;

I would like to request being placed on the County Commission Agenda for February 18, 2010 to present the VOCA Grant Proposal.

Sincerely,

Debra A. Young  
Victim Advocate

**Sandy McDonald**

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**From:** "Bette Kidwell" <BKidwell@region9wv.com>  
**To:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**Sent:** Monday, February 01, 2010 2:24 PM  
**Subject:** Agenda Request

Sandy,

I am requesting a time on the Jefferson County Commission agenda for Thursday, February 18<sup>th</sup> for Bob Gordon. He is the project manager for the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEP MPO) to discuss the Region 9 and MPO assessment for FY 2011. If possible, he will need the equipment for a power point presentation.

Thank you,

Bette

Bette J. Kidwell  
Administrative/Project Assistant

Region 9  
Eastern Panhandle Regional Planning & Development Council  
400 W. Stephen Street, Suite 301  
Martinsburg, WV 25401  
(304) 263-1743

This communication and any files or attachments transmitted with it may contain information that is confidential, privileged and exempt from disclosure under applicable law. It is intended solely for the use of the individual or the entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, or copying of this communication is strictly prohibited and may be unlawful. If you have received this email in error, please contact the sender immediately and delete the material from any computer.

2/18/10  
10:15 am

NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to interview and appoint persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, February 11, 2010, or as soon thereafter as the Commission may decide:

**Jefferson County Planning Commission - One unexpired term ending March 31, 2012**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

## PLANNING COMMISSION

Ellen May  
P.O. Box 669  
Charles Town, WV 25414  
728-3791 728-3793 (fax)  
[emay@ecgc.com](mailto:emay@ecgc.com)  
3 years 3/31/2010

Robert I. Reynolds  
188 Norman Lane  
Shepherdstown, WV 25443  
876-0622  
[reynolds@pire.org](mailto:reynolds@pire.org)  
3 years 3/31/2010

Stephen Alemar  
77 Cavalier View Court  
Shepherdstown, WV 25443  
304-876-1811  
[stephen.alemar@amedd.army.mil](mailto:stephen.alemar@amedd.army.mil)  
3 years 3/31/2010

John Sidor  
778 Elk Run Estates  
Harpers Ferry, WV 25425  
535-1459  
[johnsidor@frontiernet.net](mailto:johnsidor@frontiernet.net)  
3 years 3/31/2011

John Maxey  
335 Old Shenandoah trail  
Harpers Ferry, WV 25425  
724-7625 [maxey@radlib.com](mailto:maxey@radlib.com)  
3 years 3/31/2011

Arnold W. Dailey, Jr.  
Hy-Crest Farms  
1694 S. Childs Road  
Kearneysville, WV 25430  
728-7551  
3 years 3/31/2012

Lynne Deming - *Resigned*  
915 Hidden Hollow Drive  
Kearneysville, WV 25430  
h: 728-2813 725-3491 fax  
[lynne.deming@adelphia.com](mailto:lynne.deming@adelphia.com)  
cell: 279-3622  
3 years 3/31/2012

Thomas Trumble  
Shenandoah Oaks Farm  
2576 Warm Springs Road  
Shenandoah Junction, WV 25442  
876-2161 582-1679 cell  
3 years 3/31/2012  
[ttrumble@frontiernet.net](mailto:ttrumble@frontiernet.net)

Frances Morgan  
**County Commissioner**

§8-24-6

**Wayne M.**

**Harris Sr.**

**(Matthew)**

116 Monte Carlo Way

Town, WV 25414

304-283-3276

Charles

**Re: Jefferson County Planning Commission**

To Whom This May Concern:

Thank you for viewing my letter in resume. As my resume indicates, my past employment within Management has been very interesting and challenging. I enjoy problem solving and creative thinking to resolve issues and complete tasks. I feel very strong and positive that I can fully execute and accomplish the tasks appointed to me within my potential appointment. I believe I may be a positive asset to due to my education and employment experiences.

Upon appointment, my future plans will include; accomplish further education with the County, its Commission, its theories, ideas and grow with experiences. I look forward to meeting with your staff concerning an interview.

Thank you for your time and patience.

Respectfully

Wayne M. Harris Sr. (Matthew)

References upon request.

02 Feb 2010

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

In Reference to:  
W. Matthew Harris  
116 Monte Carlo Way  
Charles Town, WV 25414  
304-885-0609 Office  
304-283-3276 Cell

## **Letter of Interest**

### **Jefferson County Planning Commission**

Dear Jefferson Commission Members;

I am submitted my Resume, Letters of References and this Letter of Interest for the position advertised within the Jefferson County Planning Commission. My interest in the commission is to support the positive general concerns within Jefferson County. My interests are limited to the well being and prosperity of Jefferson County and how the general interests relate to its citizens. I believe in Jefferson County, its citizens and the future stability concerning its economics, politics and growth. I am interested in being a voice for the general public and supportings there well-being.

If I were selected for this position, I would stand committed, strong and defend the Planning Commission, Jefferson County, its laws and its citizens. I believe Jefferson County is the strongest County in West Virginia and with my help and voice, we can become even stronger and healthier.

Additionally, I have committed myself to Jefferson County Historical Landmark Commission and Reliving History, Inc.. With these two associations, I know I can become a positive productive member and voice for the better of this community and I will show the same kind of dedication within Jefferson County Planning Commission.

Thank you for taking the time to review my Resume, Letters of References and Letter of Interest. I look forward to talk with the Jefferson County Planning Commission Members in the very near future.

Respectfully;

W. Matthew Harris Sr.

# W. Matthew Harris

116 Monte Carlo Way  
Charles Town, WV 25414  
304-283-3276 Cell  
304-885-0609 Home

## OBJECTIVE

To seek career employment with a perspective employer and/or within my home community using my experiences in MANAGEMENT.

## Education

NYU at Oneonta  
Oneonta, New York  
Graduated: 6-1995  
Bachelors Business Administration

## Work Experiences

Brann's Conoco & Real Estate  
Clinton, Oklahoma  
6/1997 12/2005  
\*Business Manager  
\*Residential Business Manager  
\*Market Director

- \* Problem solving, creating fundamental positive constructive work environments.
- \* Numerous awards for Milestone, Leadership and Achievement Accomplishments.
- \*Training: OSHA 10 hour safety training course. November 04, 1998
- \* Persistant in Milstone as Scheduled. Expert in time management.
- \* Expert in re-designing drafts to meet approvals of deadlines.
- \* Leadership of 45+ employees including Management Levels

Boilermakers Local 592  
Claremore, Oklahoma  
12/2005 Present  
\*Industrial Construction  
\*Training:OSHA 10 Completed (November 05, 2005)  
\*Forman: 10-25 employees

## Hobby Interests

Electronics, computer technology, history, military. Presently limited involvement in Jefferson County Historical Landmark Commission and Reliving History, Inc.

December 20, 2009

Harold Gray  
Charles Town, WV 25414  
304-886-9218 Cell

## Letter of Recommendation

To Whom This May Concern;

I have known Matthew for about four years. Its my opinion that he seeks his interest in a department of Management and/or Executive Management of his choosing. I believe his determination, dedication and eagerness will succeed within the position he is currently seeking. . In the past, I have seen Mr. Harris dedicate long hours to accomplish every task he seeks to finish and/or resolve. I also feel confident Mr. Harris will be a strong asset to any employer he seeks.

His professionalism and work ethics are strong and Mr. Harris strives to seek better to himself, his employees, employer and surroundings.

Sincerely;

Harold Gray

June 01, 2009

Mike Freeman

Dear Friend;

I have known Matthew for 15 years. He is a great person with a lot of desire to push forward with his education and work ethics. As a former employee of Matthew's, he has shown his interest in listening to his employees and making our work environment interesting and fun. He has gone above and beyond the call of duty to satisfy his co-workers.

As a person, he has a funny sense of humor. He can be ~~but~~, straight forward and professional in order to get the job done.

Sincerely,  
Mike Freeman

## **Brann's Conoco & Real Estate**

Rt. 66 Box 1509  
Clinton, Oklahoma 73601  
580-715-0872

### **Professional Letter of Reference**

**Date: December 15, 2005**

**In Reference To: Wayne Matthew Harris**

**To Whom This May Concern**

Matthew has been employed by the above stated business for eight(8) years. He has directly grown with the company and has proven to be a very strong positive asset. He is one of the best Management Employees I have ever had the pleasure of working with. We admire his strong will to succeed and to achieve his goals regardless of the obstacles. He has shown a strong desire along with our Administration to achieve higher business goals. He's a stern believer in taking care of his employees with promoting health, goals, objectives and professionalism.

We would highly recommend any Mr. Harris to any future employer of his choosing.

Respectfully;  
Brann Lewis

# Bill's Garage

**Bill Marrs**  
304-724-7160

July 15, 2009

Re: W. Matthew Harris Sr.

## Personal/Business Letter of Reference

To Whom This May Concern;

I have known Mr. Harris for a couple years as a very close, dedicated and reliable close friend. As a former Business Owner, I would have taken pleasure in employing Mr. Harris in the position of Management. During many conversations with Mr. Harris, he is very eager to listen and learn. He seems to find creative perspectives to situation and strives to develop ways to resolve issues and/or problems.

I would highly recommend Mr. Harris as an employee in Management field. I believe you will see his dedication to his employer and co-workers. His Professionalism is outstanding. He is very keen on keeping a neutral position within problem solving issues.

Thanks

William (Bill) Marrs

Attention Sandi:

Here is my Resume for the planning commission and /or park and rec openings per our conversation yesterday. The 3<sup>rd</sup> page with dark high lighted, underlined areas would be more of your interest.

Gene Taylor

**CLIFFORD E. TAYLOR**  
1884 Hidden Hollow Dr  
Kearneysville, WV 25430  
240-432-6710 (cell) 304-724-1784 (home)  
E-mail: genet\_25414@yahoo.com

### SUMMARY

Self-starter with a good attitude and sense of humor to calm stressful situations. Creative, hardworking and energetic problem-solver. GSA A-1 (.9 mm and .38 caliber) Certified (Contract Guard Training, GSA Firearms Training, Virginia Armed Guard Training); GSA Guard Supervisor certified; infant and adult CPR certified; DOD secret clearance.

### PROFESSIONAL EXPERIENCE

**Special Operations Group / Chenega LLC**  
retired

**August 2007 until**

- Issue visitor identification badges; monitor incoming personnel through metal detectors; using hand-held metal detectors as appropriate; escort visitors and vendors; maintain post and incident logs; monitor lobby area for suspicious activity or persons.

**Frontier Systems Integrated LLC**

**June 2006 to July 2007**

*(Virginia Armed Security Officer contract-Pentagon-Navy Annex)*

- Issue visitor identification badges; monitor incoming personnel through metal detectors; using hand-held metal detectors as appropriate; escort visitors and vendors; maintain post and incident logs; monitor lobby area for suspicious activity or persons.
- Monitor incoming vehicles from Pentagon Police to ensure safety of construction and contractor-related outside areas; maintain liaison with Pentagon for all incoming and outgoing vehicle traffic in non-parking areas.
- Promoted to Sergeant June of 2006.

**USEC Security (armed)**

**October 2005 to May 2006**

*(Virginia Armed Security Officer contract-FDIC)*

- Inside posts: issue visitor identification badges; monitor incoming personnel through metal detectors; using hand-held metal detectors as appropriate; escort visitors and vendors; maintain post and incident logs; monitor lobby area for suspicious activity or persons.
- Outside posts: perform thorough vehicle inspections for suspicious or dangerous substances and packages on all incoming vehicles; issue visitor badges; monitor garage entrance and surrounding areas for suspicious activity or persons.

**Admiral Security (SPO)**

**October 1, 2001 to February 2005**

*(various Security Officer contracts)*

- Site Manager: scheduled shifts, distribution of information, training, problem solving, and acting liaison officer between the client and Admiral.
- Roving Patrol: ensure safety and security of tenants by maintaining roving presence, following up on suspicious activity, constant roving monitor for all entrances and exits.

**CLIFFORD E. TAYLOR**

PAGE 2

- Security Officer: monitored main entrance for Fannie Mae building, maintained incident logs and sign in logs, issued visitor passes and monitored alarm system.

**Inphonic Technologies***Sales and Customer Relations Representative***November 12, 2001 to Nov 1, 2002**

- Develops new prospects and interacts with existing customers to increase sales of an organization's products and/or services.
- Relies on limited experience and judgment to plan and accomplish goals. Performs a variety of tasks. Works under general supervision; typically reports to a supervisor or manager. A certain degree of creativity and latitude is required.
- Researches various published sources to create list of prospects to contact for marketing purposes.

**Penn National Gaming***Operations Supervisor***Temp.****Feb. 2000 to Mar. 2001**

- Responsible for all aspects of gaming on the floor, including any taxable monies over \$1200; supervised 134-member staff on gaming floor; coordinated employees work schedules; acting liaison for employee relations

**3M/IMATION, Middleway, West Virginia****1973 - 1998***Computer/Laser Operator*

- Taught waste management techniques on how to identify and store hazardous waste material; implement and follow up on job safety requirements; quality control through laser inspection; liquidated safety hazards; saving lives and money, creating a safe work environment.

**Department Team Leader**

- Liaison to Management; brainstormed ideas to get solutions to various line-related problems; assigned projects to various personnel from ideas; ISO 9002 Certified

**Member of Policy Team**

- Identifying policies for evaluation and review; made recommendations to management for change or improvements.

**Safety Leadership Team**

- Investigated accidents; held monthly safety crew meetings; followed up on Safety Suggestions and Crew Reports.

**MILITARY EXPERIENCE**

Martinsburg Air National Guard, West Virginia 1971 - 1998

Senior Non-Commissioned Officer, E-7; Promoted in 1996

- Selected by the Adjutant General of West Virginia as Human Resource Force Management Officer; 1996 - 1998. NCO for all Air National Guards in West Virginia; Developed recruitment and retention program for diversified areas; dealt with social actions and public affairs at state headquarters level
- Shepherd AFB... Aircraft Maintenance...1972 - 1976 (secret clearance)
- Aircraft Loadmaster... 1976 - 1978 (secret clearance)
- Aircargo/Ground Traffic Control 1978 - 1996 (secret clearance)

CLIFFORD E. TAYLOR

PAGE 3

## EDUCATION

High School Graduate, Harpers Ferry High School  
Leadership and Management Training, Air National Guard  
Non-Commissioned Officers Academy, Air National Guard; emphasis on human relations,  
communication, team building, facilitation and community relations  
Adult Basic Education Classes, Jefferson County  
Certificates in Word Perfect, Power Point, Word and Windows 98 and above  
**Bokonon Computer Systems: Maintenance (IBM & compatibles). Troubleshooting, repair,  
upgrades and installation; making major and minor changes to PCs.**  
General Services Administration Contract Guard Training (CMS Training Academy, 2005)  
General Services Administration Firearms for .9 MM and .38 caliber A-1 training and certification  
(CMS Training Academy, 2005)  
Virginia Armed Guard Training (CMS Training Academy, 2005)

## VOLUNTEER EXPERIENCE

- Managed Little League Team (13 years)
- Pass Program Volunteer, Ranson Elementary School (5 years)
- **City Planning Commissioner, City Beautification Committee, Ranson, West Virginia (7 yrs.)**
- **Police Commissioner, Ranson, West Virginia (6 years)**
- **Jefferson County Park and Recreation Commissioner (7 years)**
- **President of the Community Relations Committee for the Job Corps**
- **Board of Directors for the United Way in Jefferson County**
- **President of the Board of Directors for the Focus Coalition (Free Our Children of Unhealthy Substances)**

RECEIVED

#7 A

|                                           |
|-------------------------------------------|
| Commission Office Use Only                |
| Date on Agenda:                           |
| Appt Time or New Business:<br>11:00-11:45 |

FEB 02 2010

Jefferson County Commission  
**AGENDA REQUEST FORM**

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: 11 February 2010

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

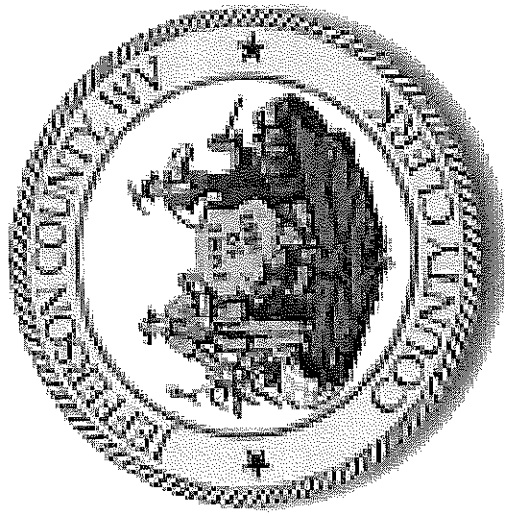
If a specific date is needed, please provide reason for specific date: Delaying this decision another week may result in an adverse audit finding as our consideration of GASB 45 is required by the State Auditor's Office.

Subject: GASB 45 Presentation.

Please provide the County Commission with a description of your request or presentation, including any background information: The Commission engaged cBiz, an actuarial consultant to produce a report detailing the financial information required of the State Auditor's Office for compliance with GASB 45 post employment benefits accounting. The consultant has delivered an interim report and needs guidance from the Commission and/or staff on which assumptions to use to complete the report. A presentation outlining these assumptions will be made at the meeting.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to accept staff recommendations and direct the consultant (cBiz) to complete the actuarial study using the following assumptions: 25% utilization, an interest rate of 4.5% based on not pre-funding the liability, and a medical insurance rate projection using the 8% short term/5% long term values.

Attachments: Copy of consultant's PowerPoint presentation on Post-Retirement Benefits under GASB 45.

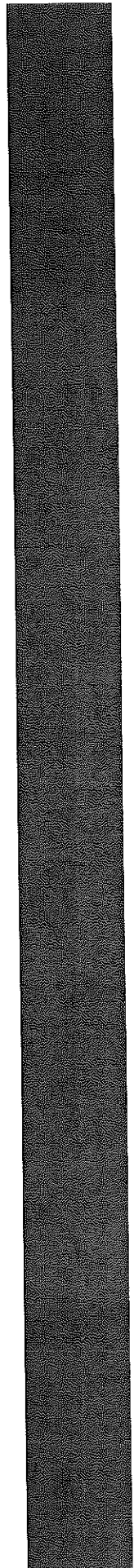


# Jefferson County, WV

## Other Post-Retirement Benefits Under GASB -- 45

Initial Review

November 2009



# New Accounting (Expensing) Standards for Other Post-Retirement Benefits

## What does GASB-45 Cover?

- Many state and local governmental employers and governmental agencies provide retirement benefits other than pension, e.g., other post-employment benefits (OPEB). This includes post-employment healthcare and other non-pension benefits when provided separately from a pension plan (such as death benefits, legal services, etc.)
- GASB Statement No. 45 stipulates standards for the measurement, recognition, and display of OPEB expense/expenditures and related liabilities (assets), note disclosures, and, if applicable, required supplementary information (RSI) in the financial reports of state and local governmental employers.

# New Expensing Rules . . .

## What is different from current accounting rules?

- Most GASB compliant agencies expense each year on a Pay-as-You-Go approach (i.e. retiree premiums or claims actually paid in that year).
- Under GASB-45, such benefits will be expensed during the employee's active years..(i.e. in addition to the Pay-as-You-Go expense, an **additional** expense must be accrued for each active employee).

# New Expensing Rules . . .

## **How is the additional expense for active employees determined?**

Exactly the same as for a pension plan. An actuarial model is built to project post-retirement benefits for each employee and then a portion of that expected liability is assigned to each year of that employee's expected working career.

# New Expensing Rules . . .

## What does the actuarial model determine each year?

Again, as with a Pension plan, GASB-45 requires a Liability calculation and an Accounting Cost calculation.

The Liability (or Obligation) is comprised of:

1. The **Past** Years' portion (Past Service Liability, Accrued Liability, or Actuarial Liability)
2. The **Current** Year's portion (Normal Cost)
3. The **Future** Years' portion (Future Service Liability)

The Accounting Cost includes two pieces:

1. The **Normal** Cost – the cost of benefits earned each year to be accrued in that year.
2. **Past Service** Cost – a catch-up accrual to amortize the past service liability over the next 30 years.

# New Expensing Rules . . .

Simple Example (assumes 1,000 active employees and an actual expense of \$2,000 per employee under GASB-45 and \$1,000,000 of pay-as-you-go cost for current retirees increasing at 5% year)

|                                                                | Old Rules   | New Rules   |
|----------------------------------------------------------------|-------------|-------------|
| <b>Year 1</b>                                                  |             |             |
| Annual Retirement Cost (ARC)                                   | \$1,000,000 | \$3,000,000 |
| Less Actual Benefit Payments                                   | (1,000,000) | (1,000,000) |
| Accrued Expense on Government's Balance Sheet at End of Year-1 | \$0         | \$2,000,000 |
| <b>Year 2</b>                                                  |             |             |
| Accrued Expense at BOY                                         | \$0         | \$2,000,000 |
| ARC – Year 2                                                   | 1,050,000   | 3,150,000   |
| Less Actual Benefit Payments                                   | (1,050,000) | (1,050,000) |
| Accrued Expense on Government's Balance Sheet at End of Year-2 | \$0         | \$4,100,000 |

# New Expensing Rules . . .

## What comprises the actuarial model?

- **Plan benefits.** The promise made to eligible retirees to be paid by the employer.
- **Actuarial Costing Method.** There are several acceptable methods available. Some backload expense, some front load expense. The method used most often (and the method favored by the accounting profession) is the Projected Unit Credit Method which, generally, slightly back-loads expense. We recommend its use for Jefferson County.
- **Actuarial Assumptions.** Similar to those used in a pension plan valuation.
- Turnover rate and retiree rate – Same as used in retirement plan valuations
- Medical inflation (“Trend”)
- Mortality – based on standard table (RP-2000)
- Discount rate
- Utilization – We have assumed 100%/75%/50% of Eligible Retirees will participate
- Health care cost factors such as age, gender, family, size, geographic area, industry

# Summary of Other Post-Employment Benefits

**Health Benefits.** Any employee retiring with Jefferson County, currently has the option to maintain health insurance after they retire (including subsidized beneficial coverage), for their lifetimes. The County generally pays no more than 24% of individual and spousal coverage if the employee had a minimum of 25 years of service at retirement. Individuals who retire with less than 25 years of service at retirement may elect to participate in the group plan with the County funding 0-19% of the premium depending on service at retirement.

**Death Benefits.** The County provides no post-retirement death benefits.

# Summary of Principal Actuarial Assumptions

Projected Unit Credit (Closed-group)

**Funding Method:**

**Actuarial Assumptions:**

**Pre-Retirement and Post-Retirement for Retirement and Spousal Benefits:**

**Investment Return:**

For Discounting Liabilities  
For Asset Returns

7.50% (4.50% for no pre funding)  
N/A – No Plan Assets

**Mortality:**

**Turnover:**

Marriage Rate (i.e. electing spousal coverage):

Salary Scale:

Earliest Assumed Retirement Age:

RP-2000  
T5 Standard Table  
80%  
3.0% per year under discount rate  
Age 55 with 25 years of service

|                                             | <b>Probability of Retirement</b> | <b>Probability of Electing Coverage</b> |
|---------------------------------------------|----------------------------------|-----------------------------------------|
| For Employee Age 62 with 5 Years of Service | 30%                              | 100%/75%/50%                            |
| For Employee Age 65 with 5 Years of Service | 100%                             | 100%/75%/50%                            |

**Premium Equivalence.** Based on current rates for retired employees.

**Trend Rate.** Premiums are assumed to increase annually at a rate starting at 12% and decreasing linearly each year for ten years to an ultimate annual increase of 5%. Alternatively, the trend rate starts at 8% and declines to 5%.

# Key Actuarial Assumptions

**Discount Rate.** The rate used to discount liabilities. The higher the rate, the lower the liabilities. Currently, pension plans are using rates of between 6.5% and 8%; but they have pre-funded assets which are invested to produce those levels of expected long-term returns. Bond rating agencies have suggested that in the absence of any pre-funding of OPEB's, the appropriate discount rate would be the short-term interest rates paid to the Company's cash funds (i.e. about 4.5% today) — Yikes! We recommend 7.50% as the rate to assume initially, pending decision on pre-funding.

**Trend Rate.** Typically set at some rate close to short-term expectations then quickly dropping to some long-term ultimate rate (usually in the 5% to 6% range). For purposes of this first pass, we have determined initial GASB-45 obligations using 12%/8% in the short-term, dropping to an ultimate rate of 5%.

**Utilization.** The probability that an eligible retiree will actually elect coverage. This rate is higher when the employer pays most of the costs and lower if the retiree has to pay more of the costs.

# Key Actuarial Results (Current Program)

Year Ending June 30, 2009

Coverage: 100% Utilization

Level Percent Amortization

|                                              | Pre-Funding (7.50%)<br>Trend<br>12% - 5% | Trend<br>8% - 5% | Not Pre-Funding (4.50%)<br>Trend<br>12% - 5% | Trend<br>8% - 5% |
|----------------------------------------------|------------------------------------------|------------------|----------------------------------------------|------------------|
| <b>I. Significant Actuarial Factors</b>      |                                          |                  |                                              |                  |
| Actuarial Present Value of All               |                                          |                  |                                              |                  |
| • Future Benefits                            | 6,492,000                                | 5,686,400        | 14,529,900                                   | 12,556,500       |
| • Unfunded Past Service Liability            | 3,139,800                                | 2,848,100        | 5,790,100                                    | 5,156,700        |
| • Current Year Cost (Normal Cost)            | 237,100                                  | 200,800          | 567,300                                      | 480,300          |
| <b>II. Expense Components</b>                |                                          |                  |                                              |                  |
| Normal Cost                                  | 237,100                                  | 200,800          | 567,300                                      | 480,300          |
| Past Service Cost (30 Yrs)                   | <u>180,100</u>                           | <u>165,200</u>   | <u>322,100</u>                               | <u>289,800</u>   |
| Total - ARC                                  | 417,200                                  | 366,000          | 889,400                                      | 770,100          |
| Less Equivalent: Pay-as-You-Go               | <u>(98,500)</u>                          | <u>(95,000)</u>  | <u>(98,500)</u>                              | <u>(95,000)</u>  |
| Part D Reimbursement                         | 0                                        | 0                | 0                                            | 0                |
| Net (Accrual) / Prepayment                   | 318,700                                  | 271,000          | 790,900                                      | 675,100          |
| Net (Accrual) / Prepayment / Active Employee | 1,940                                    | 1,650            | 4,820                                        | 4,120            |

# Key Actuarial Results (Current Program)

Year Ending June 30, 2009  
 Coverage: 75% Utilization  
 Level Percent Amortization

|                                                  | Pre-Funding (7.50%)<br>Trend<br>12% - 5% | Trend<br>8% - 5% | Not Pre-Funding (4.50%)<br>Trend<br>12% - 5% | Trend<br>8% - 5% |
|--------------------------------------------------|------------------------------------------|------------------|----------------------------------------------|------------------|
| I. Significant Actuarial Factors                 |                                          |                  |                                              |                  |
| • Actuarial Present Value of All Future Benefits | 5,175,600                                | 4,571,400        | 11,309,100                                   | 9,829,100        |
| • Unfunded Past Service Liability                | 2,661,500                                | 2,442,700        | 4,754,300                                    | 4,279,300        |
| • Current Year Cost (Normal Cost)                | 177,800                                  | 150,600          | 425,500                                      | 360,300          |
| II. Expense Components                           |                                          |                  |                                              |                  |
| Normal Cost                                      | 177,800                                  | 150,600          | 425,500                                      | 360,300          |
| Past Service Cost (30 Yrs)                       | <u>155,700</u>                           | <u>144,500</u>   | <u>269,200</u>                               | <u>245,000</u>   |
| Total - ARC                                      | 333,500                                  | 295,100          | 694,700                                      | 605,300          |
| Less Equivalent: Pay-as-You-Go                   | <u>(98,500)</u>                          | <u>(95,000)</u>  | <u>(98,500)</u>                              | <u>(95,000)</u>  |
| Part D Reimbursement                             | 0                                        | 0                | 0                                            | 0                |
| Net (Accrual) / Prepayment                       | 235,000                                  | 200,100          | 596,200                                      | 510,300          |
| Net (Accrual) / Prepayment / Active Employee     | 1,430                                    | 1,220            | 3,640                                        | 3,110            |

# Key Actuarial Results (Current Program)

Year Ending June 30, 2009

Coverage: 50% Utilization

Level Percent Amortization

|                                              | Pre-Funding (7.50%)<br>Trend<br>12% - 5% | Not Pre-Funding (4.50%)<br>Trend<br>12% - 5% |
|----------------------------------------------|------------------------------------------|----------------------------------------------|
| I. Significant Actuarial Factors             |                                          |                                              |
| Actuarial Present Value of All               |                                          |                                              |
| • Future Benefits                            | 3,859,300                                | 8,088,400                                    |
| • Unfunded Past Service Liability            | 2,183,200                                | 3,718,500                                    |
| • Current Year Cost (Normal Cost)            | 118,500                                  | 283,600                                      |
| 7,161,000                                    | 6,161,000                                | 12,084,500                                   |
| 7,161,000                                    | 6,161,000                                | 12,084,500                                   |
| II. Expense Components                       |                                          |                                              |
| Normal Cost                                  | 118,500                                  | 283,600                                      |
| Past Service Cost (30 Yrs)                   | 131,300                                  | 216,400                                      |
| Total - ARC                                  | 249,800                                  | 500,000                                      |
| Less Equivalent: Pay-as-You-Go               | (98,500)                                 | (98,500)                                     |
| Part D Reimbursement                         | 0                                        | 0                                            |
| Net (Accrual) / Prepayment                   | 151,300                                  | 401,500                                      |
| Net (Accrual) / Prepayment / Active Employee | 920                                      | 2,450                                        |
|                                              |                                          | 2,110                                        |

# Key Actuarial Results (Current Program)

Year Ending June 30, 2009  
 Coverage: 25% Utilization  
 Level Percent Amortization

|                                              | <b>Pre-Funding (7.50%)</b> | <b>Not Pre-Funding (4.50%)</b> |
|----------------------------------------------|----------------------------|--------------------------------|
|                                              | <b>Trend</b>               | <b>Trend</b>                   |
|                                              | <b>12% - 5%</b>            | <b>12% - 5%</b>                |
|                                              | <b>8% - 5%</b>             | <b>8% - 5%</b>                 |
| <b>I. Significant Actuarial Factors</b>      |                            |                                |
| Actuarial Present Value of All               |                            |                                |
| • Future Benefits                            | 2,542,900                  | 4,867,700                      |
| • Unfunded Past Service Liability            | 1,704,900                  | 2,682,700                      |
| • Current Year Cost (Normal Cost)            | 59,300                     | 141,800                        |
| <b>II. Expense Components</b>                |                            |                                |
| Normal Cost                                  | 59,300                     | 141,800                        |
| Past Service Cost (30 Yrs)                   | <u>106,900</u>             | <u>163,500</u>                 |
| Total - ARC                                  | 166,200                    | 305,300                        |
| Less Equivalent: Pay-as-You-Go               | <u>(98,500)</u>            | <u>(98,500)</u>                |
| Part D Reimbursement                         | 0                          | 0                              |
| Net (Accrual) / Prepayment                   | 67,700                     | 206,800                        |
| Net (Accrual) / Prepayment / Active Employee | 410                        | 1,260                          |
|                                              |                            | 1,100                          |

# To Fund or Not to Fund

- The Accounting Cost will have to be monitored year to year by keeping track of the funding. There is **no** requirement to actually FUND these benefits, but the cumulative deficiency will be disclosed on the employer's financial statements.
- Although there is no requirement to actually FUND the benefits, a potential ramification is that bond rating agencies have already indicated that attention will be paid to a mismatch...may lower ratings.

# To Fund or Not to Fund

“The new [GASB 45] reporting may reveal cases in which the actuarial funding of post employment health benefits would seriously strain operations, or, further, may uncover conditions under which employers are unable or unwilling to fulfill these obligations. In such cases, these liabilities may adversely affect the employer’s creditworthiness. All Standard & Poor’s rated employers will be monitored closely in terms of their reporting under GASB 45. Upon implementation of these new standards, we will include the new information as part of our ongoing analytical surveillance of ratings”

“Standard & Poor’s – Reporting & Credit Implications of GASB 45 Statement on Other Post employment Benefits – 12/2004”

---

“Initially, Fitch’s credit focus will be on understanding each issuer’s [GASB 45] liability and its plans for addressing it. Fitch also will review an entity’s reasoning for developing its plan. An absence of action taken to fund OPEB liabilities or otherwise manage them will be viewed as a negative rating factor. Steady progress toward reaching the actuarially determined annual contribution level will be critical to sound credit quality”

“Fitch Ratings – The Not So Golden Years – Credit implications of GASB 45 – 6/2005”.

# To Fund or Not to Fund Funding Vehicles

## Important Points

- Assets accumulated for pre funding future retiree health costs will only be counted as OPEB assets if they are kept in a segregated trust fund available only for that purpose.
- Pre funding may enhance the permanency of the program
  - legal issues

## Options

- Voluntary Employee Benefit Accounts (VEBA's)
- 401(h) Accounts – i.e. part of pension plan
- Section 115 Governmental Trusts
- OPEB Funding Bonds (Taxing Authorities only)

## Next Steps

- Refine first-pass valuation results
- Plan design changes
- Eligibility changes
- Contribution changes
- Go to a “defined” contribution approach

**Thank You**

**Any Questions?**

# West Virginia Board of Risk and Insurance Management

90 MacCorkle Avenue, SW, Suite 203  
South Charleston, WV 25303

February 1, 2010

Phone: (304) 766-2646  
FAX: (304) 766-2653  
Toll Free: 1-800-345-4669  
www.state.wv.us/brim

Payment Due By: **March 1, 2010**  
Quarter Ending: June 30, 2010

**RECEIVED**

Account Number: 319

FEB 03 2010

JEFFERSON COUNTY COMMISSION  
PO BOX 250  
CHARLES TOWN WV 25414

Jefferson County Commission

To Whom It May Concern:

This invoice is your entities' quarterly billing for continued coverage in the State Insurance Plan. This billing includes charges for the types of insurance listed below. The following is a summary of your account::

|                               |                    |
|-------------------------------|--------------------|
| Liability:                    | \$67,189.00        |
| Property:                     | \$22,358.00        |
| <b>QUARTERLY PREMIUM DUE:</b> | <b>\$89,547.00</b> |

Return the bottom portion of this invoice with your check, made payable to the "West Virginia Board of Risk and Insurance Management", in the amount indicated as "**Quarterly Premium Due**". Include this documents' invoice number on the remitted check. Payment is due on or before the date stated above.

**Failure to remit payment by March 1, 2010, will result in cancellation for nonpayment of premium.**

**To ensure proper credit use the original payment stub and the enclosed envelope. Payments should be mailed to:  
PO Box 1373, Charleston, WV 25325-1373.**

DETACH AND RETURN THE PAYMENT STATEMENT LOCATED BELOW

BOARD OF RISK AND INSURANCE MANAGEMENT - SENATE BILL 3 PREMIUM

|                |             |               |             |                        |             |
|----------------|-------------|---------------|-------------|------------------------|-------------|
| Liability Due: | \$67,189.00 | Property Due: | \$22,358.00 | Quarterly Premium Due: | \$89,547.00 |
|----------------|-------------|---------------|-------------|------------------------|-------------|

Payment Check Number:  
Invoice Number: 319104

Remit To:  
West Virginia Board of Risk and  
Insurance Management  
PO Box 1373  
Charleston, WV 25325-1373

Account Number: 319

JEFFERSON COUNTY COMMISSION  
PO BOX 250  
CHARLES TOWN WV 25414

000319104000319000008954700030110

# 7 C

|                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>2/18/10</u></p> <p>Appt Time or New Business:<br/><u>11:00 - 11:45</u></p> |
|------------------------------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

**Name:** F. Mark Schiavone

**Department or Entity:** DCPM

**Estimation of amount of time needed for appointment:** 5 min

**Date Requested – 1<sup>st</sup> Choice:** 18 February 2010

**Date Requested – 2<sup>nd</sup> Choice:** 25 February 2010

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

**Subject:** Approval of Budget Revision 005 to the General Fund (Fund 001)

**Please provide the County Commission with a description of your request or presentation, including any background information:** This revision accounts for several changes made over the past two months including: one-time special longevity pay, HRA accounting, Sheriff DUI overtime grant, elections reimbursement (table games), HVAC grant reimbursement, staff reclassification in Prosecuting Attorney's office, funding for case management system (PA office), and funding for water study (engineering).

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** I move to adopt the resolution to amend the budget for the General Fund as budget revision 5.

**Attachments:** Draft Resolution, SAO Request for Revision of Approved Budget, memorandum summarizing actions associated with revision 005.

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

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

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

**MEMORANDUM**

TO: County Commission  
FROM: F. Mark Schiavone  
DATE: Wednesday, February 10, 2010  
SUBJECT: Actions Associated with Budget Revision 005 to General Fund (Fund 001)

The purposes for this budget revision are outlined below.

1. Increase revenue line Refunds to account for \$17,499 in DUI grant reimbursements for Sheriff – Law, Overtime.
2. Increase revenue line Refunds to account for \$69,338 in reimbursements to County Clerk – Elections, for the table games referendum vote.
3. Increased Sheriff – Law overtime by \$17,449 due to DUI grant reimbursements.
4. Increased various lines in County Clerk Elections by the total amount of \$69,338 for costs associated with Table Games referendum vote.
5. Adjustments to all salaried departments to account for one-time special longevity pay which occurred in December. Monies in the amount of \$216,054 to pay for this special pay were deducted from County Commission other contribution (line 401-05-568).
6. Adjustments from all salaried departments to pull monies attributed to staff HRA contributions and place them in a single line used to make monthly HRA payments. This increased County Commission Professional Services line by \$124,006. Note that not all departments saw a draw for this adjustment. Three departments required adjustments to maintain sufficient funds to make Group Health premiums. In these departments, staff either (1) converted from single coverage to family plan, or (2) opted to become covered by Group Insurance when they had previously not been covered.
7. Transfer of \$78,000 from County Commission – Water study to Engineering, - Professional Services (water study).
8. Transfer of \$35,114 from County Commission Contribution to Other Funds to Prosecuting Attorney Capital Outlay (case management system).
9. Fix incorrect deposit of HVAC reimbursement check by increasing Revenue line for Federal Grants by \$80,000 and increasing County Comm Contrib Other Funds by same amount. Following this revision, the \$80,000 reimbursement can be transferred to Coal Severance Fund, County Commission Other Contribution.

Glen B. Gainer, III  
 WV State Auditor's Office  
 Attn: Ora Ash  
 200 West Main Street  
 Clarksburg, WV 26302

Fax: 627-2417

Person To Contact Regarding  
 Budget Revision:

Phone: F. Mark Schiavone  
(304) 728-3331  
 Fax: (304) 724-2178

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Jefferson County Commission  
 GOVERNMENTAL ENTITY

PO Box 250 124 E. Washington Street  
 STREET OR P.O. BOX

Charles Town 25414  
 CITY ZIP CODE

CONTROL NUMBER

2010  
FY  
001  
FUND  
005  
REV. NO.  
1 of 2  
PG. OF NO.

**RECEIPTS: (net each acct.)**

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | APPROVED AMOUNT | DEBIT (INCREASE) | CREDIT (DECREASE) | REVISED AMOUNT |
|----------------|---------------------|-----------------|------------------|-------------------|----------------|
| 001-382        | Refunds             | 21,699,794      | 86,837           |                   | 21,786,631     |
| 001-322        | Federal Govt Grants |                 | 80,000           |                   | 80,000         |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |

NET INCREASE/(DECREASE) Revenues

166,837

**EXPENDITURES: (net each account category)**

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION  | APPROVED AMOUNT | DEBIT (DECREASE) | CREDIT (INCREASE) | REVISED AMOUNT |
|----------------|----------------------|-----------------|------------------|-------------------|----------------|
| 401            | County Comm          | 2,534,668       | 126,577          |                   | 2,408,091      |
| 402            | County Clerk         | 763,494         | 516              |                   | 762,978        |
| 403            | Circuit Clerk        | 555,470         |                  | 6,738             | 562,208        |
| 404            | Sheriff-Treasurer    | 491,198         |                  | 1,730             | 492,928        |
| 405            | Prosecuting Attorney | 1,445,701       |                  | 15,293            | 1,460,994      |
| 406            | Assessor             | 887,042         |                  | 9,513             | 896,555        |
| 412            | Ag Agent             | 128,682         |                  | 2,855             | 131,537        |

NET INCREASE/(DECREASE) Expenditures

166,837

|                               |                                    |
|-------------------------------|------------------------------------|
| APPROVED DATE: _____          | BY: _____                          |
| POSTED: _____                 | BY: _____                          |
| APPROVED BY THE STATE AUDITOR |                                    |
| BY: _____                     | Local Government Services Division |

AUTHORIZED SIGNATURE \_\_\_\_\_ ENTITY APPROVAL DATE \_\_\_\_\_  
 FOR GOVERNING BODY

**COUNTIES ONLY**

TRANSFERS TO THE GENERAL FUND FROM SPECIAL FUNDS CREATED PURSUANT TO WEST VIRGINIA CODE § 7-1-9, MUST BE ACCOMPANIED BY PRIOR WRITTEN APPROVAL FROM THE STATE AUDITOR.



RESOLUTION

At a regular session of the Jefferson County Commission, held 18th February, 2010, the following order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 005, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by \_\_\_\_\_, and duly seconded by \_\_\_\_\_, the vote thereon was as follows:

|       |     |
|-------|-----|
| _____ | Yes |
| _____ | Yes |
| _____ | Yes |
| _____ | Yes |
| _____ | Yes |

WHEREUPON, \_\_\_\_\_, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and F. Mark Schiavone is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Feb. 2, 2010

The Shenandoah-Potomac District of garden clubs requests the use of the auditorium below the library on Monday, April 5, Tuesday, April 6, and Wednesday, April 7, 2010.

|         |                           |                              |
|---------|---------------------------|------------------------------|
| April 5 | 9 <sup>am</sup> - 8:30 pm | set-up & entries             |
| April 6 | 7 <sup>am</sup> - 8:30 pm | entries, judging & show open |
| April 7 | 10 <sup>am</sup> - 5 pm   | show open & dismantling      |

The district is sponsoring a daffodil show on these dates.

Mary E. Koonce

Chairman

304-725-5609

**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](mailto:engineering@jeffersoncountywv.org)

MEMORANDUM

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

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

DATE: JANUARY 29, 2010

SUBJECT: BRECKENRIDGE EAST, PHASE 1A, LOTS 23-45 &  
PARCELS A AND B & RESIDUE  
FILE #07-24

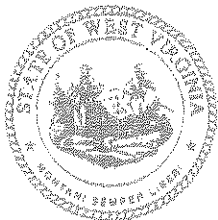
*RLG*  
**RECEIVED**  
JAN 29 2010  
JEFFERSON COUNTY COMMISSION

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

Breckenridge East Subdivision, Phase 1A, Lots 23-45 & Parcels A and B & Residue, which is secured by Letter of Credit #9550394305-00015 with Branch Banking and Trust located in Frederick, Maryland in the amount of \$2,339,652.00.

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

RLG:rfb



RECEIVED

JAN 29 2010

Jefferson County Commission

Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, WV 25305

*State of West Virginia*  
*Joe Manchin III*  
*Governor*

Telephone: (304) 558-2000  
Toll Free: 1-888-438-2731  
FAX: (304) 342-7025  
www.wvgov.org

January 25, 2010

The Honorable Lyn Widmyer  
President  
Jefferson County Commission  
100 East Washington Street  
Post Office Box 250  
Charles Town, WV 25414-1072

Dear Commissioner Widmyer:

Thank you for contacting my office. I appreciate your thoughts and concerns, and particularly the time you took to send them to me.

Your correspondence has been forwarded to the appropriate division in my office for further review.

Please accept my most sincere best wishes for the future.

With warmest regards,

Joe Manchin III  
Governor

JM:mrp

## FOOD FOR THOUGHT

The greatest sin Fear  
 The best day Today  
 The biggest loser The boy or girl who will not go to school  
 The best town Where you succeed  
 The most agreeable companion One who would not have you any different than what you are  
 The great bore One who will not come to the point  
 A still greater bore One who keeps on talking after he has made his point  
 The greatest deceiver One who deceives himself  
 The greatest secret of production Saving waste  
 The best work What you like  
 The best play Work  
 The greatest comfort The knowledge that you have done your work well  
 The greatest mistake Giving up  
 The most expensive indulgence Hate  
 The cheapest, stupidest and easiest thing Finding fault  
 The greatest trouble maker One who talks too much  
 The greatest stumbling block Egotism  
 The most ridiculous asset Pride  
 The worst bankrupt The soul that has lost its enthusiasm  
 The cleverest man One who always does what he thinks is right  
 The most dangerous person The Liar  
 The most disagreeable person The complainer  
 The best teacher One who makes you want to learn  
 The meanest feeling of which any human being is capable Feeling bad at another's success  
 The greatest need Common Sense  
 The greatest puzzle Life  
 The greatest mystery Death  
 The greatest thing, bar none, in all the world Love

rec'd 2/1/10



**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 29, 2010

The Honorable Lyn Widmyer  
Jefferson County Commission  
P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Dear Ms. Widmyer:

Please accept this letter as notice that the Jefferson County Emergency Services Agency will vacate the space allotted to us at 116 East Washington Street, Suite 101 not later than the last day of February 2010.

We appreciate the accommodations that were made for our staff during this transitional phase, while we were waiting for our new operations center to be completed. The hospitality is very much appreciated.

If you require any additional information regarding this matter, please don't hesitate to contact us at the number listed above.

Sincerely,

Doug Pittinger  
Director

/jls

# Impact Fee Status Report January 2010

Department of Capital Planning and Management/Office of Impact Fees

## Summary

Date Range: Friday 1 January through Sunday 31 January 2010  
Report Date: 01 February 2010.  
Process Number Range: 1000001 - 1000006

Total Applications: 6

**RECEIVED**

Total Non-Exempt: 5

Of which:

FEB 02 2010

Commercial: 1

Residential: 4

Of which:

County: 4 **Jefferson County Commission**

Municipal: 0

Total Exempt: 1

Of which:

Commercial: 0

Residential: 1

Of which:

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for the month of January 2010:

**Table 1. Form 100 Tallies**

|                        | Exempt | Residential Applications | Commercial Applications | Total       |
|------------------------|--------|--------------------------|-------------------------|-------------|
| 1-31 January 2010      | 1      | 4                        | 1                       |             |
| Fees collected         |        | \$52,280.00              | \$6,831.00              | \$59,111.00 |
| Of which               |        |                          |                         |             |
| School Impact Fee      |        | \$45,432.00              |                         | \$45,432.00 |
| Law Enforcement Fee    |        | \$1,048                  | \$351.00                | \$1,399.00  |
| Parks & Recreation Fee |        | \$3,008.00               |                         | \$3,008.00  |
| Fire & EMS Fee         |        | \$2,792.00               | \$6,480.00              | \$9,272.00  |

**Table 2. Financial Data – Department of Impact Fees General Account (3111776)**

| Description                                                          | Amount        |
|----------------------------------------------------------------------|---------------|
| Opening Statement Balance (1 January 09)                             | \$12,872.59   |
| January Deposits (1 – 31 January 2010)                               | \$59,111.00   |
| Interest Earned (31 December 08)                                     | \$50.38       |
| School Dec Transactions (withdraws via transfer on 13 Jan 2010)      | (\$11,415.49) |
| Law Dec Transactions (withdraws via transfer on 13 Jan 2010)         | -             |
| Parks & Rec Dec Transactions (withdraws via transfer on 13 Jan 2010) | (\$755.88)    |
| Fire & EMS Dec Transactions (withdraws via transfer on 13 Jan 2010)  | (\$701.22)    |
| Ending Statement Balance 31 January 2010)                            | \$59,161.38   |
| <i>Outstanding Credits(deposits through 01 February 2010)</i>        | <i>0.00</i>   |

**Table 3. Financial Data – School Impact Fee Account (3107582)**

| Description                                                 | Amount         |
|-------------------------------------------------------------|----------------|
| Opening Balance (1 January 2010)                            | \$2,865,500.90 |
| Interest Earned (31 January 2010)                           | \$4,635.35     |
| Dec Transactions (deposits via transfer on 13 January 2010) | \$11,415.49    |
| Ending Balance (31 January 2010)                            | \$2,881,551.74 |

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

| Description                                              | Amount      |
|----------------------------------------------------------|-------------|
| Opening Balance (1 January 2010)                         | \$25,114.70 |
| Interest Earned (31 January 2010)                        | \$40.53     |
| Dec Transactions (deposits via transfer on 13 Jan 2010)* | -           |
| Ending Balance 31 December 09                            | \$25,155.23 |

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

| Description                                                 | Amount       |
|-------------------------------------------------------------|--------------|
| Opening Balance (1 January 2010)                            | \$106,618.74 |
| Interest Earned (31 January 2010)                           | \$172.80     |
| Dec Transactions (deposits via transfer on 13 January 2010) | \$755.88     |
| Ending balance 31 December 09                               | \$107,574.42 |

**Table 6. Financial Data – Fire & EMS Impact Fee Account (3122816)**

| Description                                                 | Amount       |
|-------------------------------------------------------------|--------------|
| Opening Balance (1 January 2010)                            | \$450,383.95 |
| Interest Earned (31 January 2010)                           | \$727.48     |
| Dec Transactions (deposits via transfer on 13 January 2010) | \$701.22     |
| Ending Balance (31 January 2010)                            | \$451,812.65 |

**Table 7. Total Impact Fees as of 01 February 2010/1**

| Description                               | Amount                |
|-------------------------------------------|-----------------------|
| Department of Impact Fees General Account | \$59,161.38           |
| School Impact Fee Account                 | \$2,881,551.74        |
| Law Enforcement Fee Account               | \$25,155.23           |
| Parks & Recreation Impact Fee Account     | \$107,547.42          |
| Fire & EMS Impact Fee Account             | \$451,812.65          |
| <b>Total</b>                              | <b>\$3,525,228.42</b> |

Notes:

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

610

# Form 100 Transaction Summary

## Jefferson County Government – Department of Impact Fees

Applications with IFC Signature Dates/Form 190 Processing Dates between Friday, January 01, 2010 and Sunday, January 31, 2010

| Process Number           | Application Date | Last Name | First Name | Tax District    | Deed | Pag | Tax Parcel | Impact Fee | Agreement Date | Exemption Reason                            |
|--------------------------|------------------|-----------|------------|-----------------|------|-----|------------|------------|----------------|---------------------------------------------|
| 1000003                  | 01/14/2010       | French    | Brandon    | 02 Charles Town | 550  | 703 | 8 32.6     | \$0.00     | 01/14/2010     | Replacement of habitable DU with another DU |
| <b>Category Count: 1</b> |                  |           |            |                 |      |     |            |            |                |                                             |
| <b>Category Total</b>    |                  |           |            |                 |      |     |            |            |                |                                             |
| <b>\$0.00</b>            |                  |           |            |                 |      |     |            |            |                |                                             |

### Non-Exempt Applications

|                          |            |         |                 |                  |      |     |        |             |            |     |
|--------------------------|------------|---------|-----------------|------------------|------|-----|--------|-------------|------------|-----|
| 1000001                  | 01/12/2010 |         | THZ Enterprises | 09 Shepherdstown | 975  | 69  | 8C 343 | \$13,070.00 | 01/12/2010 | N/A |
| 1000002                  | 01/12/2010 |         | THZ Enterprises | 09 Shepherdstown | 975  | 69  | 8C 337 | \$13,070.00 | 01/12/2010 | N/A |
| 1000004                  | 01/19/2010 |         | Sheidan, LLC.   | 04 Harpers Ferry | 960  | 208 | 9D 88  | \$13,070.00 | 01/19/2010 | N/A |
| 1000005                  | 01/21/2010 | Steeley | Kevin           | 02 Charles Town  | 909  | 323 | 2 1.12 | \$6,831.00  | 01/21/2010 | N/A |
| 1000006                  | 01/22/2010 |         | Dan Ryan        | 02 Charles Town  | 1018 | 71  | 6A 49  | \$13,070.00 | 01/22/2010 | N/A |
| <b>Category Count: 5</b> |            |         |                 |                  |      |     |        |             |            |     |
| <b>Category Total</b>    |            |         |                 |                  |      |     |        |             |            |     |
| <b>\$59,111.00</b>       |            |         |                 |                  |      |     |        |             |            |     |
| <b>Grand Total</b>       |            |         |                 |                  |      |     |        |             |            |     |
| <b>\$59,111.00</b>       |            |         |                 |                  |      |     |        |             |            |     |

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

F. Mark Schiavone  
Director  
Impact Fee Coordinator

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

**MEMORANDUM**

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fmj*  
DATE: Monday, 01 February 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's School Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County School Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000001** through **1000006**, inclusive. Within this range there were 4 non-exempt impact fee payments. This amounts to **\$45,432.00**.
- Interest earned by the Office of Impact Fees General Account in January 2010 amounts to **\$50.38**, of which **\$44.84** is attributed to fees collected for School.

**As per the attached invoice, the total amount of this transfer is \$45,476.84.**

Check # 737

**RECEIVED**

FEB 02 2010

Jefferson County Commission

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

# Invoice

**Number:** 10004  
**Date:** 2/1/2010

**Bill To:**

Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430

**P.O. Number**

0

**Vendor Number**

| Dept./Line<br>Item # Charged | Description                                                                                                                                                                                               | Amount             |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|                              | Impact Fee payments collected for month of January 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). | \$45,432.00        |
|                              | Interest earned by the Office of Impact Fees General Account January 2010.                                                                                                                                | \$44.84            |
|                              | Impact Fee Process Numbers 1000001 through 1000006, inclusive. Within this range, there were 4 non-exempt impact fee payments.                                                                            |                    |
| <b>Total:</b>                |                                                                                                                                                                                                           | <b>\$45,476.84</b> |

**Notes/Comments:** Transfer of funds into School Impact Fee Account (3107582).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 737

Trace 20100201:43486.75

Date 2/1/2010

Series 1

Recipient Sheriff of Jefferson County

Amount \$45,432.00

Account 3107582

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Jan 2010 School fees

| Deposit Date | Process Number | Ordinance | Enact Date | Amount      |
|--------------|----------------|-----------|------------|-------------|
| 1/13/2010    | 1000001        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 1/13/2010    | 1000002        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 1/20/2010    | 1000004        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 1/22/2010    | 1000005        | 2003-3    | 11/24/2005 | \$0.00      |
| 1/25/2010    | 1000006        | 2003-3    | 11/24/2005 | \$11,358.00 |

**Total amount for this withdraw** \$45,432.00

**Total amount for this account** \$45,432.00

**Total amount all accounts** \$45,432.00

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

F. Mark Schiavone  
Director  
Impact Fee Coordinator

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

MEMORANDUM

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fmj*  
DATE: Monday, 01 February 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000001** through **1000006**, inclusive. Within this range there were 5 non-exempt impact fee payments. This amounts to **\$1,399.00**.
- Interest earned by the Office of Impact Fees General Account in January 2010 amounts to **\$50.38**, of which **\$0.00** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$1,399.00.**

Check # 738

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

# Invoice

**Number:** 10005  
**Date:** 2/1/2010

**Bill To:**

Department of Capital Planning and Management  
 114 E. Washington Street  
 Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
 102 Industrial Blvd.  
 Suite 100  
 Kearneysville, WV 25430

**P.O. Number**

0

**Vendor Number**

| Dept./Line<br>Item # Charged | Description                                                                                                                                                                                                                                                                                                                                                                                                                            | Amount            |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|                              | Impact Fee payments collected for month of January 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120).<br>Interest earned by the Office of Impact Fees General Account January 2010.<br><br>Impact Fee Process Numbers 1000001 through 1000006, inclusive. Within this range, there were 5 non-exempt impact fee payments. | \$1,399.00        |
| <b>Total:</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>\$1,399.00</b> |

**Notes/Comments:** Transfer of funds into Law Enforcement Impact Fee Account (3120120).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 738

Trace 20100201:43629.78

Date 2/1/2010

Series 2

Recipient Sheriff of Jefferson County

Amount \$1,399.00

Account 3120120

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Jan Law Fees

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 1/13/2010    | 1000001        | 2005-1    | 3/22/2005  | \$262.00 |
| 1/13/2010    | 1000002        | 2005-1    | 3/22/2005  | \$262.00 |
| 1/20/2010    | 1000004        | 2005-1    | 3/22/2005  | \$262.00 |
| 1/22/2010    | 1000005        | 2005-1    | 3/22/2005  | \$351.00 |
| 1/25/2010    | 1000006        | 2005-1    | 3/22/2005  | \$262.00 |

**Total amount for this withdraw \$1,399.00**

**Total amount for this account \$1,399.00**

**Total amount all accounts \$1,399.00**

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

F. Mark Schiavone  
Director  
Impact Fee Coordinator

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

**MEMORANDUM**

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fmj*  
DATE: Monday, 01 February 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000001** through **1000006**, inclusive. Within this range there were 4 non-exempt impact fee payments. This amounts to **\$3,008.00**.
- Interest earned by the Office of Impact Fees General Account in January 2010 amounts to **\$50.38**, of which **\$3.02** is attributed to fees collected for Parks & Recreation.

**As per the attached invoice, the total amount of this transfer is \$3,011.02.**

**Check # 739**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

Number: 10006

Date: 2/1/2010

**Bill To:**

Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430

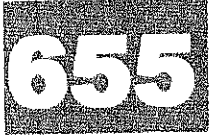
**P.O. Number**

0

**Vendor Number**

| Dept./Line<br>Item # Charged | Description                                                                                                                                                                                                           | Amount            |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|                              | Impact Fee payments collected for month of January 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). | \$3,008.00        |
|                              | Interest earned by the Office of Impact Fees General Account January 2010.                                                                                                                                            | \$3.02            |
|                              | Impact Fee Process Numbers 1000001 through 1000006, inclusive. Within this range, there were 4 non-exempt impact fee payments.                                                                                        |                   |
| <b>Total:</b>                |                                                                                                                                                                                                                       | <b>\$3,011.02</b> |

**Notes/Comments:** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 739

Trace 20100201:43693.08

Date 2/1/2010

Series 3

Recipient Sheriff of Jefferson County

Amount \$3,008.00

Account 3122808

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Jan Park & Rec fees

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 1/13/2010    | 1000001        | 2005-2    | 5/12/2005  | \$752.00 |
| 1/13/2010    | 1000002        | 2005-2    | 5/12/2005  | \$752.00 |
| 1/20/2010    | 1000004        | 2005-2    | 5/12/2005  | \$752.00 |
| 1/22/2010    | 1000005        | 2005-2    | 5/12/2005  | \$0.00   |
| 1/25/2010    | 1000006        | 2005-2    | 5/12/2005  | \$752.00 |

**Total amount for this withdraw** \$3,008.00

**Total amount for this account** \$3,008.00

**Total amount all accounts** \$3,008.00

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

F. Mark Schiavone  
Director  
Impact Fee Coordinator

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

**MEMORANDUM**

TO: Sandy Slusher McDonald, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fn 1*  
DATE: Monday, 01 February 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000001** through **1000006**, inclusive. Within this range there were *5* non-exempt impact fee payments. This amounts to **\$9,272.00**.
- Interest earned by the Office of Impact Fees General Account in January 2010 amounts to **\$50.38**, of which **\$2.52** is attributed to fees collected for Fire & EMS.

**As per the attached invoice, the total amount of this transfer is \$9,274.52.**

**Check # 740**

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

# Invoice

**Number:** 10007  
**Date:** 2/1/2010

**Bill To:**

Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430

**P.O. Number**

0

**Vendor Number**

| Dept./Line<br>Item # Charged | Description                                                                                                                                                                                                   | Amount            |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|                              | Impact Fee payments collected for month of January 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816). | \$9,272.00        |
|                              | Interest earned by the Office of Impact Fees General Account January 2010.                                                                                                                                    | \$2.52            |
|                              | Impact Fee Process Numbers 1000001 through 1000006, inclusive. Within this range, there were 5 non-exempt impact fee payments.                                                                                |                   |
| <b>Total:</b>                |                                                                                                                                                                                                               | <b>\$9,274.52</b> |

**Notes/Comments:** Transfer of funds into Fire & EMS Impact Fee Account (3122816).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 740

Trace 20100201:43758.89

Date 2/1/2010

Series 4

Recipient Sheriff of Jefferson County

Amount \$9,272.00

Account 3122816

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of Jan Fire & EMS fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount     |
|--------------|----------------|-----------|------------|------------|
| 1/13/2010    | 1000001        | 2005-3    | 5/12/2005  | \$698.00   |
| 1/13/2010    | 1000002        | 2005-3    | 5/12/2005  | \$698.00   |
| 1/20/2010    | 1000004        | 2005-3    | 5/12/2005  | \$698.00   |
| 1/22/2010    | 1000005        | 2005-3    | 5/12/2005  | \$6,480.00 |
| 1/25/2010    | 1000006        | 2005-3    | 5/12/2005  | \$698.00   |

**Total amount for this withdraw \$9,272.00**

**Total amount for this account \$9,272.00**

**Total amount all accounts \$9,272.00**

# Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 2

January 27, 2010

## 2010 Legislative Update Week Two.....

Changes coming to SJR 11 / HJR 101 - Proposed amendment to Constitution designated Commercial and Industrial Tangible Personal Property Tax Exemption Amendment??? On Tuesday, we met with Tax Commissioner Chris Morris, who informed us that changes to SJR 11/HJR 101 are in the works. A meeting with the Governor's office on the issue is scheduled for Thursday morning. Changes include a constitutional amendment placed before the voters that would allow the Legislature the latitude, in future sessions to pass a bill that would give county commissioners, (county by county), the authority at the local level to choose to eliminate industrial personal property taxes on a going forward basis. Current industrial personal property taxes would remain in place, only **new businesses** or **new purchases** by existing businesses would be subject to exemption and it would be at the discretion of each county's commission to decide. Once decided by the county commission, the exemption would apply uniformly across the board to all "new" purchases of industrial personal property. I am told there are other states that have taken this route and I have asked for a list. Hopefully, Thursday's meeting will provide the actual written language of the proposed constitutional amendment. The issue will be on our agenda on **Monday, February 1st**. **Tax Commissioner Chris Morris will be at the meeting to speak to the proposal, give more information and answer questions.** I hope you plan to join us for this discussion!

We recently faxed and emailed the complete agenda for the CCAWV 2010 Legislative Meeting. There are many difficult issues facing County Commissioners right now, OPEB liability, increased PERS contributions, economic forecasts and several complex legislative proposals, to name a few. During this 3-day meeting we will have the rare opportunity to share dialog with the **top six leaders of the WV Legislature!** On Sunday night, **Senate Finance Chairman Walt Helmick and House Finance Chairman Harry Keith White** will speak at our 7:00 PM Dinner. Also, coming on Monday afternoon, we have **Senate President Earl Ray Tomblin, House Speaker Rick Thompson, Senate Judiciary Chairman Jeff Kessler, and House Judiciary Chairman Tim Miley.** If you haven't already, make plans to attend now!!

We are hoping for a good commissioner turnout to take advantage of the opportunity to discuss these issues. As of today, (Wednesday, January 27th) we have not received registration from anyone in the following 14 counties: Barbour, Berkeley, Braxton, Calhoun, Doddridge, Gilmer, Hampshire, Jackson, McDowell, Mingo, Morgan, Tucker, Taylor, & Wood. **There's still time....If your county is listed here, but you are planning to attend, give us a call so we can update our records.** If you haven't registered, but would like to attend, give us a call ASAP! Rooms at the Marriott are still available.....and we want your participation!

**Hope to see you there--Vivian**

**Reminder...The CCAWV Legislative Committee meets by conference call each Thursday evening at 4:00 PM to discuss issues of the week. If you are interested in participating, call our office.**

## **Bills Introduced This Week.....**

### **House Bills of County Interest Introduced January 21-27, 2010...**

HB 4129. By Del. Guthrie, Brown, Hatfield, Wells, Spencer, Poore, Hunt and Skaff - Clarifying that municipalities and counties are able to increase the rate of property taxes by more than ten percent in a given year when an election is held - To Political Subdivisions then Finance

HB 4136. By Del. Brown, Miley, Caputo, Frazier, Hunt, Hutchins, Michael and Wells - Relating to delinquent land sales by the sheriff. Would transfer county clerks duties in this process along with fees to the WV State Auditor's office.- To Judiciary then Finance - [Interim Bill]

HB 4137. By Del. Wells, Caputo, Hunt, Brown, Morgan, Marshall, Martin, Hatfield, Fragale and Perdue - Using voter registration figures to determine the placement of political parties on the general election ballot - To Judiciary

HB 4143. By Del. Morgan, Stephens, Staggers, Swartzmiller, Talbott, Martin, Givens, Miller, C., Hartman, Butcher and Rowan -The purpose of this bill is to strengthen the authority of the Office of Emergency Medical Services. It requires applicants for certification to allow the state police access to personal background information; requires certified persons to report violations and provides immunity from civil liability for reporting violations; removes automatic stay on appeal and increases criminal penalties for violations- To Government Organization then Judiciary

HB 4152. By Del. Staggers, Perdue, Perry, Moore, Moye, White, Caputo, Miley, Schoen, Rowan and Michael - Making it a misdemeanor to make more than three separate calls to 911 for nonemergency health concerns - To Judiciary

HB 4155. By Del. Varner, Kominar, Cann, Campbell, White, Poling, M., Mahan, Ferro, Perdue, Boggs and Pethtel - Permitting revenues allocated to volunteer and part time fire departments to be used for Workers' Compensation premiums and length of service awards - To Judiciary then Finance

HB 4156. By Del. Ellem (By Request) - Relating to recall elections of elected or appointed federal officers that do not hold a life term - To Judiciary

HB 4171. By Del. Miley, Wooton, Barker, Moore, Shook, Ferro, Ellem, Schoen and Sobonya - Relating to the Division of Corrections - To Judiciary - [Interim Bill]

HB 4177. By Del. Stowers, Stephens, Eldridge, Butcher, Phillips, Hall, Barker and White - Dedicating five percent of coal severance tax to the county of origin (FN) - To Finance

HB 4178. By Del. Walker, D., Stowers, Shaver, Paxton, Cann, Hall and Perry - Prohibiting the Finance Board of the Public Employees Insurance Agency from increasing costs to retirees (FN) - To Senior Citizen Issues then Finance

HB 4180. By Del. Spencer [By Request of the Consolidated Public Retirement Board] - **Clarifying the authority of the West Virginia Consolidated Public Retirement Board to determine the participating employer contribution rate under the provisions of the Deputy Sheriff Retirement System (FN) - To Pensions and Retirement then Finance**

HB 4182. By Del. Spencer [By Request of the Consolidated Public Retirement Board] - **Relating to the emergency medical services retirement system act (FN) - To Pensions and Retirement then Finance**

HB 4183. By Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive] - **Requiring a study of the telecommunications tax - To Judiciary then Finance**

HB 4185. By Del. Staggers, Perry, Boggs, Ellem, Walker, T., Phillips, Marshall, Longstreth, Fleischauer and Doyle - **Relating to mandatory retirement age of deputy sheriffs (FN) - To Pensions and Retirement then Finance**

HB 4190. By Del. Poling, D., Caputo, Ellem, Longstreth, Phillips, Klempa, Lawrence, Skaff, Poore, Eldridge and Guthrie - **Clarifying an exception that allow sheriffs to collect property taxes in more than two installments (FN) - To Finance**

HB 4202. By Del. Cowles, Overington, Duke, Anderson, Porter, Andes, Evans, Romine, Ellem, Sumner and Ashley - **Redistricting of the House of Delegates into one hundred single member districts - To Judiciary then Finance**

### **Senate Bills of County Interest Introduced January 21-27, 2010....**

SB 235 By Sen. Browning, McCabe, White, Unger, Stollings, Chafin, Plymale, D. Facemire, Foster, Kessler, Laird and Palumbo - **Relating to Creative Communities Development Pilot Program includes counties-** Introduced 01/20/10 - To Economic Development then Finance - (original similar to H. B. No. 3129) - To Finance 01/22/10

SB 237 By Sen. McCabe, Snyder, Browning, Unger, Guills, Yost, Stollings, Chafin, Plymale, Edgell, Foster, Bowman, Kessler, Caruth and Palumbo - **Authorizing counties and municipalities to issue revenue bonds for public projects secured by Lottery Revenue** - Introduced 01/20/10 - To Finance

SB 331 By Sen. Foster - **The purpose of this bill is to clarify the circumstances under which a member may qualify for total and permanent disability retirement under the provisions of the West Virginia Public Employees Retirement System and the state Teachers' Retirement System-** Introduced 01/21/10 - To Pensions then Finance - To Finance 01/26/10

SB 332 By Sen. Foster - **The purpose of this bill is to make technical changes to the Emergency Medical Services Retirement Act; to alphabetize definitions; to define "employer error", "participating public employer" and "retirant"; to clarify the definitions of "early retirement age" and "required beginning date"; to specify procedures for the transfer of contributions from the Public Employees Retirement System to the Emergency Medical Services Retirement System for those who were not an emergency medical services officer on the effective date of the article; to clarify the actuarial valuation period; clarify the employer contribution amount; to specify procedures for the correction of errors; to provide an onset date for receipt of disability benefits; and to provide for the termination of disability benefits when a retirant refuses to submit to a medical examination or provide their physician's certifi-**

**ation of continued disability - Introduced 01/21/10 - To Pensions then Finance - (original same as H. B. No. 4182 - similar to H. B. No. 4020) - To Pensions 01/21/10**

**SB 333 By Sen. Foster-The purpose of this bill is to clarify the authority of the West Virginia Consolidated Public Retirement Board to determine the participating employer contribution rate under the provisions of the Deputy Sheriff Retirement System and to remove the ten and one-half percent cap on total employer contributions paid by the county commissions and concurrent employers -- Introduced 01/21/10 - To Pensions then Finance - (original same as H. B. No. 4180) - To Pensions 01/21/10**

**SB 334 By Sen. Williams and White - Requiring write-in candidates pay filing fee - Introduced 01/21/10 - To Judiciary then Finance - (original similar to H. B. No. 2657) - To Judiciary 01/21/10**

**SB 335 By Sen. Kessler, Edgell and Plymale - Increasing number of Marshall County Park and Recreation Board members - Introduced 01/22/10 - To Government Organization - (original same as H. B. No. 4039)**

**SB 342 By Sen. Kessler, Foster, Barnes, Browning, Deem, Jenkins, Laird, Palumbo, Stollings, Williams, Yost, Chafin, Unger and Plymale - Relating to Division of Corrections' criminogenic risk and need assessments - Introduced 01/25/10 - To Judiciary - (original same as H. B. No. 4171)**

**SB 345 By Sen. Tomblin (Mr. President) and Caruth [By Request of the Executive] -The purpose of this bill is to mandate that the Tax Commissioner undertake a study of the telecommunications industry for the purpose of making recommendations with respect to amendments to the state telecommunications tax. The bill authorizes the Tax Commissioner to order the disclosure of certain information by persons engaged in the telecommunications service business or a related business and includes confidentiality protections for any information so disclosed.-Introduced 01/25/10 - To Finance - (original same as H. B. No. 4183)**

# Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 3

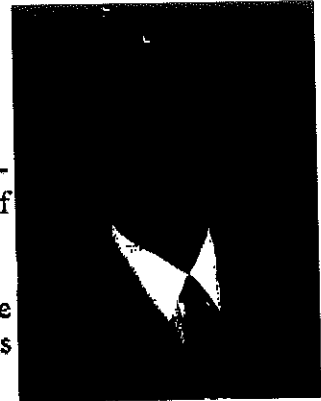
February 4, 2010

## 2010 Legislative Update Week 3 .....

### Congressman Rahall speaks to West Virginia County Commissioners...

County Commissioners from across the state had the opportunity to share meaningful dialogue with U. S. Rep. Nick Joe Rahall during the 2010 Legislative meeting of the County Commissioners' Association of West Virginia.

The Congressman graciously reserved time in his busy schedule to stop by the Charleston Marriott Tuesday morning, to address county commissioners' concerns regarding the vulnerable future of West Virginia's coal economy.



CCAWV President Brad Tuckwiller said, "We were very pleased that Congressman Rahall made time to speak to our County Commissioners' Association. The Congressman responded to comments delivered to him the day before by several County Commissioners, indicating their citizens were questioning whether he was effectively representing W.Va.'s coal interests in the nation's energy discussions. Congressman Rahall recognized the County Commissioners' Association meeting as an opportunity to deliver his message directly to our state-wide group, who are the eyes and ears of their counties and can relay his words to the state's residents."

Congressman Rahall's work for coal spans his entire 33 years in Congress and includes championing clean coal technology and carbon capture and sequestration, as well as ensuring health benefits and safety for coal miners and their families. Rahall said that coal mining and removal methods have always been under attack but, "we cannot let the extremes on both sides of the issue keep us from reaching a meaningful compromise." He reminded commissioners that he is a supporter of coal and understands its importance to the state and the nation and continues to share that message in Washington. He also shared information on two proposed bills with multiple sponsorships that would have detrimental effects on the coal industry and that, through his leadership position on relevant committees; he has been able to keep them off committee agendas.

Clay County Commissioner Fran King thanked the Congressman for coming to Clay last December, in the midst of a snow storm and major power outages, to visit the county's largest coal mining operation facing closure due to EPA's hold on their mining permit. Some five hundred Clay County miners feared losing their jobs and the County's fragile economic future was further jeopardized. While this permitting issue was eventually resolved and the permit released, Commissioner King expressed the frustration of trying to meet EPA requirements while feeling like the target was always moving.

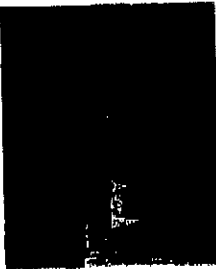
Congressman Rahall acknowledged that EPA still needs to get their act together and that there are problems with the process. He told commissioners that he has communicated this message repeatedly to EPA Administrator Lisa Jackson, and continues to have dialogue with the agency to look for solutions.

Commissioner Jay Powell, Pleasants County interjected that while we all know and agree that coal is of major importance to West Virginia future, we must remind the country of the importance of coal in providing affordable energy to the whole nation. "It's much broader than just West Virginia's well-being, he said, it's the nation's well-being at stake."

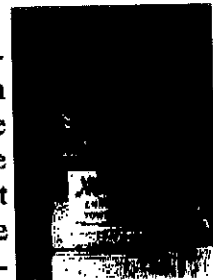
Commissioner Art Kirkendoll, Logan County, invited those who oppose surface mining to come look at reclamation sites in his county. "Without mountaintop removal mining, southern West Virginia would have little flat land to development. We have some excellent examples of the economic development that can occur on properly reclaimed mining sites. The growing backlog of coal mining permit applications is putting thousands of jobs and the economic stability of thousands of families at risk," he said.

"Maybe we haven't done enough to help get the message across, said Commissioner Jinks Hinkle, Nicholas County. "If Congressman Rahall needs our help and support, I for one stand ready to go to Washington. I think I can speak for most County Commissioners' in this Association, if you need our help Congressman, we'll be there."

### Legislative Leadership spends time with County Commissioners at CCAWV Annual Leg Conference...



Senate President Earl Ray Tomblin, Speaker of the House Rick Thompson, Senate Finance Chairman Walt Helmick, Senate Judiciary Chairman Jeff Kessler, House Finance Chairman Harry Keith White, and House Judiciary Chairman Tim Miley round out the list of esteemed legislative leadership that shared their thoughts and concerns for the State of West Virginia and its local county governments this past weekend at the County Commissioners' Association of West Virginia's legislative conference held in Charleston.

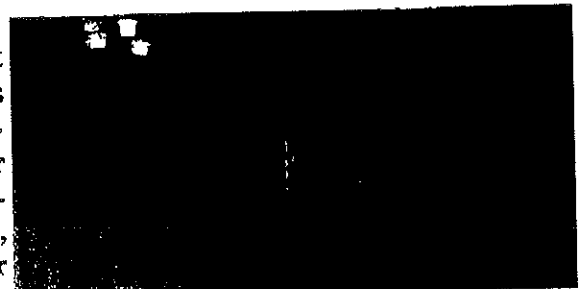


Finance Chairs, Senator Helmick & Delegate White, joined the group of county commissioners from around the state at their opening session on Sunday evening, sharing financial forecasts, economic concerns, and legislative predictions. Each touched on OPEB liabilities for state and local governments, proposed amendments to West Virginia's Constitution, coming increases in employer contributions to PERS, and other financial issues that may be on the horizon.



Monday afternoon, Senate President Tomblin opened the session on legislative forecasts, followed by House Speaker Thompson, Senate Judiciary Chairman Kessler and House Judiciary Chairman Miley.

The President and the Speaker each shared their thoughts about the economy in general, county liabilities for employee benefits and other Commissioner responsibilities currently at the forefront as issues pending in their respective chambers. Speaker Thompson also talked about his efforts in making the House legislative proceedings more accessible to the public. To that end, he has enabled live streaming audio webcast of the House floor and committee sessions. Individuals can listen in to the discussion by going to "WV Legislature Live" <http://www.legis.state.wv.us/live.cfm> on the internet.



All four speakers acknowledged the county financial responsibility for regional jails as a big burden on county budgets.



Senate Judiciary Chairman Kessler zeroed in on different ways the legislature could work with counties to impact and control these jail costs. He shared his thoughts on being "smart on crime" and a willingness to review sentencing laws to reach this goal. He asked for the association's help in promoting this approach.

House Judiciary Chairman Miley spent some time enlightening commissioners on potential changes coming to the judiciary arena, intermediate courts, chancery (business) courts, changes to magistrate courts, along with an overview explanation of the House passed ethics bill, sharing with commissioners those issues in the legislation that will apply to their offices.

While the President and the Speaker had to hustle back to the capital to conduct legislative business, both Judiciary Chairmen were able to work in some additional time for commissioner Q & A.

Following the session on legislative forecasts, CCAWV was privileged to have policy level, decision-makers join us to give clarification and answer concerns on issues of keen interest to CCAWV members.

Regarding announced increases in the employer contributions to the Public Employers' Retirement System, Deputy Director of PERS, Terasa Miller, supplied information and answered questions regarding the CPRB's decision.

Speaking to the issue of the Governor's proposed constitutional amendment (SJR 11) to allow the legislature to give authority to county commissions to deal with personal property taxes on manufacturing and industrial inventory and equipment, WV State Tax Commissioner Chris Morris gave explanation and answered questions.



Property Tax Consultant Jerry Knight joined us to explain and answer questions regarding proposed changes to the Board of Equalization and Review process in SB 401.

Ted Cheatham, Director of the Public Employees Insurance Agency joined us on Tuesday morning to explain the many challenges and details of OPEB (other post employment benefits) and to answer numerous questions that continue to arise.

Also on Tuesday morning, Mr. Mark Muchow, Deputy Secretary of Tax and Revenue enlightened us on economic statistics, trends, and forecasts for the State of West Virginia and its local governments and how that ultimately affects county revenue projections.

Our final presenter for the conference was Ms. Jane O'Keffe, Consultant for the Rural Schools Coalition/PILT efforts at the national level. The Rural Schools Coalition works with the National Association of Counties to seek funding full allocations or both rural school funding and payment in lieu of tax funding (PILT) which affects several WV counties.

The three day legislative conference was well attended and succeeded in providing relevant and timely information from multiple sources. Commissioners were able to make capital visits on Monday morning and hosted a well-attended legislative reception on Monday evening for legislators, key staff, state agencies, and CCAVW partners and friends. To those commissioners who could not attend because of scheduling conflicts, you missed a great opportunity for a wealth of information and we missed you.

### Active House Bills

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** - Introduced 01/13/10 - To Roads and Transportation then Judiciary - To House Judiciary 01/21/10 - On 2nd reading, House Calendar 02/01/10

\*4039. By Del. Varner and Ferro - **Increasing the number of persons that may be appointed to the Marshall County Park and Recreation Board** - Introduced 01/15/10 - To Government Organization - (Original same as SB 335) - Passed House 01/29/10 - Effect from passage

4171. By Del. Miley, Wooton, Barker, Moore, Shook, Ferro, Ellem, Schoen and Sobonya - **Relating to criminogenic risk and needs assessments** - Introduced 01/25/10 - To Judiciary - (Original same as SB 342) - On 1st reading, House Calendar 02/01/10

### House Bills Introduced 1/27/2010 – 2/4/2010

4190. By Del. Poling, D., Caputo, Ellem, Longstreth, Phillips, Klempa, Lawrence, Skaff, Poore, Eldridge and Guthrie - **Clarifying an exception that allow sheriffs to collect property taxes in more than two installments (FN)** - To Finance

4247. By Del. Frazier, Marshall, Poore, Swartzmiller and Ferro - **Providing counties the discretion to accompany an electronic poll book with a printed poll book** - To Judiciary

4222. By Del. Poling, D., Evans, Ellem, Eldridge, Skaff, Rowan, Guthrie, Hatfield and Wells - **Exempting antique motor vehicles from personal property taxes (FN)** - To Roads and Transportation then Finance

4217. By Del. Hamilton and Stagers - **Requiring the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures** - To Political Subdivisions then Judiciary

4251. By Del. Reynolds - **Requiring election officials, poll clerks and poll workers to vote in the precincts where they are registered to vote** - To Judiciary

4252. By Del. Spencer, White, Campbell, Miley, Boggs, Poling, M., Caputo, Morgan, Moore, Martin and Guthrie - **Reducing state income taxes for state and federal retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes (FN)** - To Pensions and Retirement then Finance

4253. By Del. Perdue, Hamilton, Morgan, Guthrie and Poling, M. - **Increasing the barrel tax on nonintoxicating beer (FN)** - To Finance

- 4264. By Del. Reynolds - Requiring the manually counting of ballots in five percent of the relevant precincts in only contested elections - To Judiciary**
- 4267. By Del. Miller, J., Blair, Cowles, Overington and Duke - Creating a mandatory grace period for the payment of water and sewer bills - To Political Subdivisions then Judiciary**
- 4278. By Del. Reynolds - Allowing the Supreme Court of Appeals to establish a uniform bail schedule - To Judiciary**
- 4295. By Del. Moore, Walters, Reynolds and Azinger [By Request of the Division of Banking] - Relating to the gathering and reporting of residential mortgage foreclosure data and statistics - To Banking and Insurance then Judiciary**
- 4298. By Del. White, Campbell, Michael and Ross [By Request of the Public Employees Insurance Agency] - Exempting certain employers and employees from the requirements of the insurance provisions of chapter thirty-three of this code (FN) - To Banking and Insurance then Finance**
- 4299. By Del. White, Campbell, Michael and Ross [By Request of the Public Employees Insurance Agency] - Providing that nonstate retired employees who have worked for their last nonstate employer for less than five years are responsible for their entire premium cost (FN) - To Banking and Insurance then Finance**
- 4300. By Del. White, Campbell, Michael and Ross [By Request of the Public Employees Insurance Agency] - Prohibiting the imposition of preexisting condition limitations on employees under the West Virginia Public Employees Insurance Act, and limiting the occasions upon which employees may enroll or make benefit changes - To Banking and Insurance then Finance**
- 4301. By Del. White, Campbell, Michael and Ross [By Request of the Insurance Commission] - Clarifying that surviving spouses and dependents of deceased public employees may only participate in major medical group plans (FN) - To Banking and Insurance then Finance**
- 4303. By Del. White, Campbell, Michael and Ross [By Request of the Public Employees Insurance Agency] - Clarifying that the Public Employees Insurance Agency Finance Board may offset annual retiree premium increases (FN) - To Finance**
- 4304. By Del. Miley, Wooton, Barker, Moore, Shook, Ferro, Ellem, Schoen and Sobonya - Requiring certain participation in the Motor Vehicle Test and Lock Program - To Judiciary then Finance - [Interim Bill]**
- 4309. By Del. Michael - Authorizing the Town of Moorefield, the Hardy County Commission, and Hardy County's largest corporate user of public wastewater facilities to construct and maintain a state of the art regional wastewater treatment plant - To Political Subdivisions then Judiciary - [Local Bill]**
- 4314. By Del. White and Campbell [By Request of the Tax and Revenue Department] - Establishing the valuation of motor vehicles and motorcycles for property tax assessment purposes based on "clean load" and "clean trade-in" values (FN) - To Judiciary then Finance**

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4321. By Del. White, Campbell, Martin and Michael - **Relating to underwriting of nonstate employer groups by the Public Employees Insurance Agency** - To Judiciary

4334. By Del. Doyle, Overington, Campbell, Blair, Morgan, Michael and Mahan - **Providing general rules for all county and municipal referendum votes** - To Judiciary then Finance

4335. By Del. White, Campbell and Kominar [By Request of the Tax and Revenue Department] - **Relating to the business registration tax (FN)** - To Finance

### Senate Bills Introduced 1/27/2010 – 2/4/2010

360. By Sen. Foster - **Creating Smoke Free WV Act** - Introduced 01/27/10 - To Health and Human Resources then Finance - To Health and Human Resources 01/27/10

374. By Sen. Foster - **Limiting county commissions' mortgage recording tax** - Introduced 01/28/10 - To Government Organization then Finance - To Government Organization 01/28/10

376. By Sen. Minard, Jenkins, McCabe and Plymale - **Relating to residential mortgage foreclosure data** - Introduced 01/28/10 - To Banking and Insurance

383. By Sen. Unger, Browning, Fanning, Jenkins, K. Facemyer, Stollings, Boley, White, Kessler, Hall, Williams, D. Facemire, Snyder, Sypolt, Oliverio, Minard, Yost, Plymale and Edgell - **Increasing Enhanced 911 Wireless Tower Access Assistance Fund allocation** - Introduced 01/28/10 - To Judiciary then Finance - (original similar to H. B. No. 2683) - To Judiciary 01/28/10

395. By Sen. Jenkins, White and Williams - **Allowing counties' discretion on printed poll book use** - Introduced 01/29/10 - To Government Organization then Judiciary - (original same as H. B. No. 4247) - To Government Organization 01/29/10

397. By Sen. Snyder, Unger and Chafin - **Creating single dwelling residential housing index and multiplier** - Introduced 01/29/10 - To Judiciary then Finance - To Judiciary 01/29/10

399. By Sen. Kessler, Chafin, Sypolt, Williams and Foster - **Relating to magistrates' election by division** - Introduced 01/29/10 - To Judiciary - (original similar to H. B. No. 3012)

401. By Sen. McCabe, Wells, Prezioso, K. Facemyer, Boley, Plymale, Fanning, Minard, Edgell, Jenkins, Chafin and Foster - **Relating to ad valorem property taxes- Changes to Board of Equalization & Review**- Introduced 01/29/10 - To Finance

426. By Sen. Kessler, Chafin and Stollings - **Exempting certain real property owners from natural resources property assessment** - Introduced 02/01/10 - To Natural Resources then Finance - To Natural Resources 02/01/10

429. By Sen. Prezioso and Plymale - **Allowing municipalities impose excise tax on transfer of real estate** - Introduced 02/01/10 - To Judiciary then Finance - To Judiciary 02/01/10

430. By Sen. Foster, Unger, Chafin, Plymale, Kessler, Yost and Prezioso - **Increasing retirement income exemption for certain state and federal retirees** - Introduced 02/01/10 - To Finance -

(original same as H. B. No. 4252)

434. By Sen. Barnes - **Requiring Consolidated Public Retirement Board report certain liabilities to municipalities** - Introduced 02/02/10 - To Pensions then Finance - To Pensions 02/02/10
437. By Sen. McCabe, Foster, Green, Wells, Edgell, D. Facemire, Plymale, Tomblin (Mr. President), Browning, Jenkins, Unger, White, Chafin and Prezioso - **Creating WV Voluntary Employee Retirement Accounts Program** - Introduced 02/02/10 - To Pensions then Finance - (original similar to H. B. No. 3156) - To Pensions 02/02/10
438. By Sen. Unger, Jenkins, Fanning, Plymale, White, Barnes, Palumbo, McCabe, D. Facemire, Laird, Foster, Edgell, Kessler and Wells - **Creating misdemeanor offenses of driving while using text-based message device** - Introduced 02/02/10 - To Transportation and Infrastructure then Judiciary - (original similar to H. B. No. 4013) - To Transportation and Infrastructure 02/02/10
439. By Sen. Helmick, McCabe, Unger and Plymale - **Relating to Tax Procedure and Administration Act penalties** - Introduced 02/02/10 - To Finance
440. By Sen. Helmick, McCabe, Unger, Chafin and Plymale - **Relating to certain motor vehicles and motorcycles valuation** - Introduced 02/02/10 - To Transportation and Infrastructure then Finance - To Transportation and Infrastructure 02/02/10
442. By Sen. Helmick and Unger - **Clarifying PEIA Finance Board may offset certain annual retiree premium increases** - Introduced 02/02/10 - To Pensions then Finance - (original same as H. B. No. 4303) - To Pensions 02/02/10
443. By Sen. Kessler, Foster, Barnes, Browning, Deem, Palumbo, Williams, White, Green, Jenkins, Unger, Plymale, D. Facemire, Yost and Wells - **Requiring certain DUI offenders participate in Motor Vehicle Alcohol Test and Lock Program** - Introduced 02/02/10 - To Judiciary - (original same as H. B. No. 4304)
446. By Sen. Helmick, Kessler, Unger and Plymale - **Clarifying deceased public employees' survivors participate in major medical group plans only** - Introduced 02/02/10 - To Judiciary then Finance - (original same as H. B. No. 4301) - To Judiciary 02/02/10
447. By Sen. Helmick, Kessler, McCabe, Unger and Plymale - **Providing certain nonstate retirees responsible for PEIA costs** - Introduced 02/02/10 - To Government Organization then Finance - (original same as H. B. No. 4299) - To Government Organization 02/02/10
449. By Sen. Helmick, Kessler, Minard, Unger and Plymale - **Relating to PEIA preexisting conditions limitations** - Introduced 02/02/10 - To Judiciary then Finance - (original same as H. B. No. 4300) - To Judiciary 02/02/10
450. By Sen. Helmick, Minard and Unger - **Exempting certain public employers and employees from requirements of certain insurance provisions** - Introduced 02/02/10 - To Banking and Insurance then Finance - (original same as H. B. No. 4298) - To Banking and Insurance 02/02/10

456. By Sen. White - **Creating misdemeanor offense of disturbing peace** - Introduced 02/03/10 - To Judiciary then Finance - To Judiciary 02/03/10
458. By Sen. Helmick, McCabe, Tomblin (Mr. President), Browning, White, Chafin and Stollings - **Distributing minimum share of severance tax to coalbed methane-producing counties** - Introduced 02/03/10 - To Energy, Industry and Mining then Finance - To Energy, Industry and Mining 02/03/10
460. By Sen. Helmick, McCabe and Unger - **Relating to business registration tax** - Introduced 02/03/10 - To Finance
461. By Sen. Helmick, McCabe and Minard - **Relating to administration of sales and use tax** - Introduced 02/03/10 - To Finance
463. By Sen. Tomblin (Mr. President) (By Request) - **Relating to public records management and preservation** - Introduced 02/03/10 - To Judiciary then Finance - To Judiciary 02/03/10

# Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 4

February 10, 2010

## 2010 Legislative Update Week 4 .....

### Deputy Sheriffs' Retirement Cap Bills

SB 333 and HB 4180 the bill removing the cap on the employer contribution for the Deputy Sheriffs' Retirement System has passed out of both the House Pension Committee and the Senate Pension Committee. HB 4180 is now in House Finance and SB 333 is in Senate Finance. The Senate Pension Committee amended SB 333 to also require an increase in employee contribution of new hires. Currently deputies pay 8 1/2 %, newly hired deputies after July 1, 2010 would have to pay 9 1/2%. This added provision does not change the effect on counties.

If this legislation passes, the Consolidated Public Retirement Board (CPRB) will likely be asked to pass an increase in deputy sheriff's employer contributions in the coming fiscal year (2011)! The Deputy Sheriffs' Fund has dropped to only 65.9% funded. **The actuary of the CPRB has indicated to the Senate Pensions Committee that an approximate 3% increase is needed to fill the hole left by the last 2 year's market slump...**

### HJR 101- Personal Property Tax Amendment

The Governor's proposed constitutional amendment (HJ101) to allow the legislature to give counties authority to exempt personal property tax on new commercial & industrial equipment and inventory will be on the agenda in the House Constitutional Revisions Committee on Wednesday, February 10, 2010 at 2:00 PM. The meeting will take place in the House Judiciary Room. Please let me know if you plan to attend.

Just a reminder....at our business meeting, Monday, February 1, 2010, CCAWV voted to **support the concept of local autonomy in the amendment and to reserve our opinion on any resulting legislation that may come if the amendment passes.**

### HB 4321 - PEIA Underwriting

HB 4321 allows the PEIA director, by rule to establish reasonable underwriting criteria for **non-state employers** participating in the plan, including, but not limited to, minimum participation requirements and minimum contract periods. The bill was scheduled to be on the House Judiciary Committee agenda Tuesday morning at 9:00 am, however with help from Ron Watson and Chunki Angotti, we were able to get the bill pulled from agenda. I then met with the staff attorney and Ted Cheatham, PEIA and expressed our concerns with how wide open this bill is.

He explained that his intentions were to address participation requirements and to write rules to require a certain percentage of employee participation and a certain percentage of employer contribution on the premium to address entities coming "in and out" of PEIA. One of the OPEB recommendations is to require PEIA to provide claims information to participants and that causes risk to those entities left in the non-state pool.

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Cheatham is willing to take the underwriting bill off the table, if we help to kill the bill to require PEIA to provide claims information.

In a meeting of other non-state representatives, we agreed that this bill should not run this year and that we'll be willing to work with PEIA on something for next year that would be limited and would protect those entities participating in PEIA.

### **SB 401 - Changes to Board of Review Process**

Senate Finance is running SB401 next Tuesday (the 16th) at 3:00 pm. This is the bill that will make changes to the board of equalization and review process. As decided at our business meeting on Monday, Feb 9th, CCAWV voted by majority, to support SB 401 as written, while monitoring the bill closely for any changes that would prove negative to the county commissioners' roll in the process.

### **Annexation Bills Introduced**

HB 4360 will require the legislature to establish a committee to study annexation. HB 4381 will modernize language of the statute, give the county commission a first level of review and the circuit court de novo review of the commission's ruling. Both are referenced to House Political Subdivision then House Judiciary.

### **SB 513 - Volunteer & Part-time Firemen Length of Service Award Program**

The purpose of this bill is to permit revenues allocated to volunteer and part-time fire departments to be used for Workers' Compensation premiums and length of service awards. The bill establishes a Volunteer Firefighters Length of Service Awards Program Fund and provides the Insurance Commissioner with the rule-making authority for establishing criteria for awards from the fund. The bill also eliminates the ten percent of the certain premium tax on taxable insurance premiums paid to the Teachers Retirement System Reserve Fund and increases moneys allocated to volunteer and part time fire departments by that same amount. It is referred to the Senate Finance Committee.

### **House Bills of County Interest Introduced February 5-10, 2010**

**HB4352.** By Del. Miley, Brown, Fleischauer, Frazier, Hunt, Manchin, Michael, Moore, Wooton, Hamilton and Ellem - **Authorizing the West Virginia Supreme Court of Appeals to create a Business Court Division within certain circuit court districts** - To Judiciary

**HB4359.** By Del. Poling, D., Klempa, Ferro, Longstreth, Walker, D., Varner, Morgan and Caputo - **Requiring local labor for public construction projects** - To Government Organization then Judiciary

**HB4360.** By Del. Moye, Staggers, Manchin, Campbell, Miley and Doyle - **Relating to a commission to study annexation** - To Political Subdivisions then Judiciary

**HB4362.** By Del. Cowles, Duke, Overington, Blair, Miller, C., Sobonya and Miller, J. - **Eliminating the state excise tax on the privilege of transferring real property, and imposing a new county excise tax for transferring real property** - To Judiciary then Finance

**HB4364.** By Del. Doyle and Duke - **Relating to land use planning** - To Political Subdivisions then Judiciary

**HB4381.** By Del. Moye, Staggers, Manchin, Campbell, Miley and Doyle - **Relating to annexation generally** - To Political Subdivisions then Judiciary

**HB4382.** By Del. Poling, D., Ellem, Longstreth, Frazier, Hamilton, Miley, Caputo and Boggs - Providing for forfeiture of property used in various crimes and the disposition of such property including twenty percent to the Regional Jail Authority to offset per diem rate for every county - To Judiciary

**HB4388.** By Del. Hamilton, Perdue, Louisos, Morgan and Guthrie - Increasing the barrel tax on nonintoxicating beer (FN). Money to be used on alcohol and drug abuse programs - To Judiciary then Finance

**Senate Bills of County Interest Introduced February 5-10, 2010**

**SB481.** By Sen. Minard, Jenkins, Unger and Chafin - Requiring Library Commission propose legislative rule regarding grants-in-aid distribution - Introduced 02/05/10 - To Government Organization then Finance - To Government Organization 02/05/10

**SB485.** By Sen. Sypolt, Barnes, Yost, Hall, Stollings, Boley and Chafin - Requiring humane officer notify magistrate court of custody of abandoned or neglected animal - Introduced 02/05/10 - To Judiciary

**SB494.** By Sen. Kessler and Chafin - Providing fiduciary commissioner oversight - Introduced 02/05/10 - To Judiciary

**SB513.** By Sen. Chafin, Jenkins, Stollings, D. Facemire, Kessler, Minard, Yost, Williams, Browning and Unger - Creating Volunteer Firefighters Length of Service Awards Program - Introduced 02/09/10 - To Finance

**SB517.** By Sen. Jenkins, Foster, Minard, Stollings, Wells, Caruth, Sypolt, Unger, Plymale and McCabe - Creating Uniform Real Property Electronic Recording Act - Introduced 02/09/10 - To Judiciary

**SCR18.** By Sen. Caruth and Deem - Requesting Joint Committee on Government and Finance study prevailing wage laws' economic impact - Introduced 02/05/10 - To Labor then Finance - To Labor 02/09/10

5 pages

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE**

**Friday, February 12<sup>th</sup>, 2010**



**HAPPY VALENTINE'S DAY! ♥**

**Capitol Quotes:**

*"I'm coming to see you, Elizabeth." Sen. Kessler quoting a line from the old TV show Sanford & Son when a "trash" bill prohibiting landfill disposal of computer & electronic equipment was being discussed*

*"I'm failing 4<sup>th</sup> grade math." Sen. Jenkins, on an amendment he proposed asking for both the average & mean of housing values to be reported to the Legislature annually, when he actually meant average & median*

*"You watched the Super Bowl. Hell, I read briefs." Supreme Court Justice Ketchum during a House Finance discussion of intermediate appellate courts, arguing that it was not needed because all appeals are reviewed*

*"You can't turn the war on poverty into a war on the impoverished." Del. Perdue in a heated floor debate on Del. Blair's bill to drug test all welfare recipients*

*"Is there a desire to ask any other technical – slash – argumentative questions? Chairman Miley to the Judiciary Committee after a long round of contentious questions*

*"Could businesses sell their personal property to a business in Ohio for \$1 and then buy it back for \$1 and have it be considered 'new'?" Del. McGeehan during a discussion of what constituted new equipment in the constitutional amendment on personal property taxation*

*"Somewhere down the road, it will all be exempt." Del. Frazier, pointing out that old equipment is eventually replaced by new and in a matter of a few years there could be no commercial or industrial business personal property left on the tax rolls*

*"Could the Legislature identify other alternative taxes to replace the money?" Del. Doyle, in further discussion of the option to exempt business personal property*

*"This is like the frog in the water where you turn the heat up a little at a time. It would behoove us to identify an alternative to replace the revenue." Del. Doyle on the constitutional amendment*

①

As you can see from the quotes regarding the Governor's proposed constitutional amendment to allow the Legislature to authorize counties the option to exempt commercial & industrial business personal property taxes, there was a long and lively discussion in House Constitutional Revisions Committee. Because the amendment allows a county option and applies only to equipment that is new to the tax rolls as of a certain date as set by the county, the WVACO has followed the neutral position of the County Commissioners' Association and has been at the same time pointing out concerns and considerations for the Legislature. I raised concerns at a public hearing and I was asked to speak to the bill during the committee meeting. I emphasized specifically the need for authority to replace revenue or to have the enabling legislation provide permanent replacement revenue. According to Mark Muchow, State Director of Revenue, "only" \$280 million in personal property taxes could be affected. I objected to the argument that new economic development growth will be enough to replace the revenue, stating that "If you take it off, they will come," is not enough assurance. While there were many questions and concerns raised by the committee, it was reported out to House Finance unanimously. It appears at this time that the will of the Legislature is to put the issue out for a vote of the people. It is a very difficult situation when the amendment itself does nothing but provide authority and the message being sent by the Governor's office, Tax Dept., and WV Development Office is that personal property tax on business is our biggest obstacle to economic growth. They do acknowledge that there would be many issues to be addressed in enabling legislation if the amendment passes the voters.

Senate Judiciary reported out a Governor's Bill, Committee Substitute for SB 218, which would allow for early parole in restricted circumstances, based on completion of rehab programs and risk & needs assessments. This bill came from one of the recommendations of the Governor's Commission on Prison Overcrowding.

HB 4321, a PEIA bill which would allow the PEIA Finance Board to promulgate rules relating to underwriting of non-state participants, including minimum participation requirements, has been postponed this year at the request of our "non-state working group." We are concerned that we don't know enough about what the rules would say and what their impact would be so have requested that we work on it through the year with PEIA for the 2011 session and they have agreed. Possible requirements could be a 50% minimum participation rate for all non-state PEIA participants (insurance industry standard) and minimum contributions by employer. Currently, there are no minimum participation or contribution standards.

*For those of you attending the WVACO Annual Meeting and 50<sup>th</sup> Anniversary Celebration, have a safe trip to Charleston! We're looking forward to seeing you and expecting (weather permitting!) attendance of over 400 county officials from all over the state and 35 exhibitors. We have a great line-up of workshops and speakers Sunday including Service President Tomblin, House Speaker Thompson, Beth Vorhees, host of "The Legislature Today," and Valerie Brown, President of the National Association of Counties. Other highlights include a Golden Anniversary luncheon at the Governor's Mansion and an encore performance by The Esquires!*

The following bills were introduced from Friday, Feb. 5<sup>th</sup> through Thursday, Feb. 11<sup>th</sup>:

|     |          |                                                                                                                                                                                                            |                      |
|-----|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 487 | Kessler  | Establish 20 consecutive minutes for lunch and 15 min. per 4 hours for rest break                                                                                                                          | Labor<br>Finance     |
| 490 | Kessler  | Relating to domestic violence protective orders; make them last longer; 2 <sup>nd</sup> & subsequent violations of order a felony                                                                          | Judiciary            |
| 491 | Laird    | Create Unintentional Pharmaceutical Drug Overdose Fatality Review Team; includes sheriff & prosecutor                                                                                                      | H & HR<br>Gov Org    |
| 493 | McCabe   | Create the 21 <sup>st</sup> Century Business Technologies Property Valuation Act; specify method for valuation of property used in 21 <sup>st</sup> century business technology & procedures for assessors | Econ Dev<br>Finance  |
| 494 | Kessler  | Provide oversight of fiduciary commissioners by county clerks & commissions; reporting required                                                                                                            | Judiciary            |
| 513 | Chafin   | Create volunteer firefighter length of service awards program                                                                                                                                              | Finance              |
| 517 | Jenkins  | Create Uniform Real Property Electronic Recording Act; authorizes county clerk to accept electronic documents for recording                                                                                | Judiciary            |
| 532 | Kessler  | Repeal sections 44-2-2 and 3 requiring fiduciary commissioners publish notice                                                                                                                              | Judiciary<br>Finance |
| 533 | Kessler  | Revise statutory language regarding child sexual abuse to add that offense may be committed by allowing as well as procuring                                                                               | Judiciary            |
| 534 | Kessler  | Require practitioners report suspected controlled substance prescription fraud to law enforcement; provide immunity                                                                                        | H & HR<br>Judiciary  |
| 535 | Kessler  | Relating to fleeing law enforcement involving DUI                                                                                                                                                          | Judiciary            |
| 537 | Snyder   | Authorize portion of real property transfer tax collected by counties that is sent to state be kept by counties; phased out to state over 5 yr period                                                      | Gov Org<br>Finance   |
| 540 | Facemire | Provide incentive for recruitment of poll workers by reducing federal adjusted income for purposes of WV personal income tax                                                                               | Judiciary<br>Finance |
| 549 | Browning | Telecommunication & other services such as cable lines laid when trenches are dug by public service districts for new utility lines                                                                        | Trans &<br>Inf       |
| 550 | Laird    | Establish a driver's license restoration program for persons whose motor vehicle license has been cancelled, suspended or revoked                                                                          |                      |

|            |            |                                                                                                                                                                                                   |                               |
|------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 4352       | Miley      | Create Business Court Division within judicial circuits that serve population in excess of 75,000                                                                                                 | Judiciary                     |
| 4354       | Miley      | Include any injunctive relief & protective orders issued under 48-5-608 in those sections that allow law-enforcement officers to seize weapons in possession of domestic violence respondents     | Judiciary                     |
| 4355       | Miley      | Felony to disarm probation & parole officers                                                                                                                                                      | Jud / Fin                     |
| 4360       | Moye       | Create commission to study annexation; include elected officials from counties & municipalities; deliver recommendations to Legislature no later than Dec. 1, 2010                                | Poli Sub<br>Judiciary         |
| 4361       | Miley      | Remove provisions that prohibit sharing domestic violence information with other governments                                                                                                      | Judiciary                     |
| 4362       | Cowles     | Eliminate state transfer tax; impose new county transfer tax; provide that tax be used for county's own purposes and for jail fees                                                                | Judiciary<br>Finance          |
| 4364       | Doyle      | Zoning ordinance means either "euclidean zoning ordinance" (traditional) or "noneuclidean zoning ordinance" (nontraditional)                                                                      | Poli Sub<br>Judiciary         |
| 4372       | Miley      | Correct cross-reference in pretrial diversion agreement section of WV Code                                                                                                                        | Judiciary                     |
| 4379       | Martin     | Update terms & procedures for required reports; replace "accident" with the word "crash;" crash reports are now sent to Div of Highways instead of DMV                                            | Roads &<br>Trans<br>Judiciary |
| 4381       | Moye       | Modernize annexation statute; give county commission 1 <sup>st</sup> level of review; give circuit court de novo review of commission's ruling                                                    | Poli Sub<br>Judiciary         |
| 4382       | Poling     | Provide for forfeiture of property used in crimes & its disposition; care of property in Law Enf. Custody                                                                                         | Judiciary                     |
| HJR<br>104 | Overington | Calculate homestead exemption based on average cost or value of residential property by county                                                                                                    | Const Rev<br>Finance          |
| HJR<br>105 | Caputo     | 100% Homestead exemption for totally disabled veterans                                                                                                                                            | Const Rev<br>Finance          |
| 4388       | Hamilton   | Increase barrel tax on beer; funds used for alcohol & drug abuse treatment programs                                                                                                               | Judiciary<br>Finance          |
| 4390       | Ross       | Information obtained from landowners by assessors and corrections in landbook of previous year with regard to reporting requirements of farm property be made every 5 years instead of every year | Poli Sub<br>Finance           |

|      |          |                                                                                                                                                                   |                      |
|------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 4405 | Manchin  | Replace a citizen member on the PEIA Finance Bd with a representative for political subdivisions                                                                  | Poli Sub<br>Gov Org  |
| 4414 | Morgan   | Updating references from commissioner of accounts to the fiduciary commissioner                                                                                   | Gov Org<br>Judiciary |
| 4422 | Miley    | Clarify that law enforcement may remove weapons possessed after service or notice of protective order but before actual hearing (bill requested by Supreme Court) | Judiciary            |
| 4439 | Cann     | Require applications for farmland valuation every 5 years unless property is sold                                                                                 | Judiciary            |
| 4449 | Shott    | Assess mandated mine safety equipment for property tax purposes at salvage value                                                                                  | Energy<br>Finance    |
| 4452 | White    | Provide recruitment incentive for poll workers by reducing federal adjusted gross income for WV state income tax purposes                                         | Judiciary<br>Finance |
| 4458 | Campbell | Authorize counties & municipalities issue revenue bonds secured by lottery revenue                                                                                | Poli Sub<br>Finance  |

The legislative web site is a great tool. You can find the text of all bills and create your own personal bill-tracking list that is updated automatically. You can also listen to the House floor sessions and committee meetings through live audio streaming available on the web site. Go to: [www.legis.state.wv.us](http://www.legis.state.wv.us)

TO: ALL COUNTY OFFICIALS ATTENDING WVACO ANNUAL MEETING  
RE: MEETING REMINDERS!

**ANNUAL MEETING 2010 AGENDA**  
**Making 55 Counties a State - 50 Years Great! 1960 - 2010**  
**Embassy Suites Hotel Feb 14 - 16, 2010**

**SUNDAY, Feb 14 *HAPPY VALENTINE'S DAY!***

9:00 - 5:00 Registration / Exhibits Open

**LEADERSHIP WORKSHOPS - TIMELY TOPICS FOR COUNTY LEADERS!**

3:00 - 4:00 The Future of Health Care Coverage - *Ted Cheatham, PEIA Director*

3:00 - 4:00 Lead the Way with Point & Pay - *Jason Baker*

3:00 - 4:00 Be a Leader in E-Government! *Chris Marr, Community Connect Foundation*

4:00 - 5:00 The Census is Coming! The Census is Coming! *Richard Hartman*

4:00 - 5:00 Going Postal! *Pitney Bowes*

2:00- 4:30 WVACO Board Meeting

6:00-9:00 Presidents' Reception - *Honoring the Past, Building the Future*  
*(We do not formally invite legislators but please feel free to extend an invitation to your area legislators to the Presidents' Reception)*

9:00 Hospitality Suites Open *Sponsored by Software Systems*

**MONDAY, Feb 15 *PRESIDENTS' DAY!***

Full Breakfast Buffet (Embassy Suites)

8:00 - 9:30 Registration

8:45 General Session /State of the Counties Address

Legislative Leaders for Counties - *Remarks from Legislators*

9:45-11:00 "Eat the Apple" Keynote Speaker - *John Sorrenti - John Jay Consulting;*  
*Former WVACO President and Hancock County Commissioner*

11:00 Concurrent Workshop Topics:

MUFSC: Serving the Needs of WV in the 21<sup>st</sup> Century - *Terry Fenger, Director of Marshall University's Forensic Science Center*

Preserving History for the Future - *Joe Geiger, State Archivist*

From Sock Hop to Hip Hop: Managing Generational Differences - *Brent Pauley, Kanawha County Manager*

**A Sign of the Times: Hostility in the Workplace - Chris Tatum, Cabell County Assistant Manager/Administrator**

**The Future of Retiree Health Care Benefits: Can They Continue without Breaking the County? - Shawn Dobson, CEO of Vested Health and Morgan Armstrong, President of Plan Benefit Services**

**We Can't Move FORWARD Until We Mail It BACK! Census 2010: Our Future is in Our Hands - Jo Vaughn, Redistricting Analyst**

**12:15 Luncheon- Speaker: Beth Vorhees, WV Public Broadcasting & Host of The Legislature Today**

**Special Guests: National Association of Counties President Valerie Brown and Jim Spears, Governor's Chief of Staff**

**Member Association Meetings Monday Afternoon**

**7:00-10:00 Legislative Reception - A Golden Past, A Platinum Future  
Featuring The Esquires beginning at 8:00 p.m.**

**9:00 Hospitality Suites Open Sponsored by Software Systems**

**TUESDAY, Feb 16**

**8:30-9 Full Breakfast Buffet**

**9 - 10 WVACO Business Meeting**

**10:30-3:00 Trolleys to Governor's Mansion & Capitol (Greenbrier Street)**

**11:00 - 1:00 GOVERNOR'S GOLDEN ANNIVERSARY RECEPTION  
Light Luncheon Reception at the Governor's Mansion**

**12:00 Board Meeting at Governor's Mansion - State Dining Room**

**1:00 p.m. GOLDEN OPPORTUNITY! A SPECIAL WVACO TOUR OF THE  
NEW STATE MUSEUM AT THE CULTURE CENTER  
Randall Reid-Smith, Commissioner of Culture & History, Tour Guide  
(Meet in Lobby at Culture Center)**

**REMINDER: LAST TROLLEY DEPARTS CAPITOL FROM GREENBRIER AVE. SIDE AT 3:00 PM!!**

**Let's hope for good weather! We look forward to seeing you - have a safe trip!**

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE**  
**Friday, February 5<sup>th</sup>, 2010**



**Capitol Quotes:**

*"They're retiring faster than they're dying." Del. Paxton realizing the significance of the OPEB liability during the House OPEB working group meeting and why it's important to know that there are currently 70 people receiving retirement checks from the State who are 100 years old or more.*

*"For anybody with the caliber of lawyers that business has and the chamber has to make such a broad assertion that is flat-out wrong, is just almost inexcusable." Chief Justice Robin Davis responding to State Chamber's portrayal of WV's appeals process and their push to have an intermediate appellate court, during a presentation to the House & Senate Judiciary Committees*

*"Imagine if you were a major decision-maker...of a major corporation who had come to WV to hear what the Chief Justice has to say. What reaction would you take away from that?" Director of the State Chamber, in response to Chief Justice Davis's remarks*

*"We are out of step with other states." President of the WV Manufacturers' Association, in support of exemptions for business personal property taxes at a public hearing on the proposed constitutional amendment*

*"Are these taxes the cause of a business not investing in WV?" Director of WV Policy Institute, questioning the validity that exempting personal property tax will bring business investment to WV*

The House of Delegates has formed an OPEB working group, much like the Senate did in November, to study the problem of the Other Post Employment Benefit liability and make recommendations. The group, chaired by Del. Kominar, includes Delegates Spencer, Paxton, Duke, Shaver, Anderson, and Campbell.

The Senate group, chaired by Senator McCabe, came out with their recommendations to help manage the OPEB liability. Among them are:

- Move minimum retirement age for PERS & TRS from 55 to 60 for all new hires after July 1, 2011 (legislation needed)
- Increase vesting for retirement benefits for all new hires from 5 to 10 years, beginning July 1, 2011 (legislation needed)

- Increase vesting for retirement healthcare benefits for all new hires from 5 to 15 years, beginning July 1, 2011
- Authorize PEIA to set minimum annual required contribution at level below Annual Required Contribution (ARC); substitute "Annual Contractual Obligation" for "minimum ARC," and specify each participating government entity is required to remit *annual contractual obligation* to Trust Fund (legislation needed)
- Specify in code only unpaid portion of annual contractual obligation is to be reported as current liability on financial statements by each participating governmental entity
- PEIA develop a "Plan C" with different benefit & payment structure to provide more flexibility to plan recipients, i.e., a cafeteria choice plan where participants could choose benefits with various cost structures
- *Ideas specifically for the non-state participants include:*
  - pull non-state participants out of Retiree Health Benefit Trust Fund (legislation needed)
  - non state participants would pay actual costs for retirees
  - non state participants would need to fund their own actuarial study for OPEB liability every two years going forward
  - for past obligations, have PEIA do study on how to separate non-state from state pay-go obligations within the Trust Fund; actuarially establish a lower non-state premium for their Trust Fund obligation (legislation needed)
  - as PEIA reworks data to separate non-state exposure, PEIA will provide utilization data to non-state participants so they can better perform their own health care and claims management assessments and structure benefits accordingly
  - non state participants may consider another court case to review the "detrimental reliance" opinion espoused in the Boothe v. Simms case
  - Clarify the tying / untying of PERS and PEIA for non state participants in PERS but not in PEIA
  - PEIA do a study on authorizing medical savings accounts for non-state participants

*Note: These are ideas for study and discussion only at this time.*

The WV Law Institute presented their study on sentencing to a meeting of both House and Senate Judiciary Committees. Several points were emphasized, including use of drug courts to reduce drug recidivism, the need for statistical data, and support for the Governor's modified presumptive parole bill.

A public hearing was held on the Governor's proposed constitutional amendment to provide the Legislature authority to in turn provide authority to county commissions to exempt commercial and industrial business newly acquired personal property from taxation, or components thereof. Speakers included Jackson County Commissioner Don Stephens who discussed the fairness issue for existing businesses and suggested providing a limited tax break to get a business on its feet, such as a 5 year time period. Other speakers included lobbyists for WVEA, Manufacturers' Association, Business & Industry Council, Affiliated Construction Trades as well as WV's Tax Commissioner and Director of Revenue and the West Virginia Association of Counties. Other Jackson County officials attending were Commissioner Tommy Nutter, Assessor Brian Thomas, and County Clerk Jeff Waybright.

The following bills of interest to counties were introduced from Friday, Jan. 29<sup>th</sup> through Thursday, Feb. 4<sup>th</sup>:

|      |          |                                                                                                                                                                                               |                               |
|------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 4247 | Frazier  | Sec of State bill: Provide counties discretion to accompany an electronic poll book with a printed poll book                                                                                  | Judiciary                     |
| 4251 | Reynolds | Require election officials, poll clerks & poll workers vote in precincts where they are registered                                                                                            | Judiciary                     |
| 4252 | Spencer  | Reduce income taxes for public employees by increasing exemption on retirement income to \$20,000                                                                                             | Pensions<br>Finance           |
| 4258 | Beach    | Require sex offenders verify email & online identity                                                                                                                                          | Judiciary                     |
| 4261 | Williams | Alter criminal penalty for worthless checks; provide procedure for issuing summons out-of-state; allow prosecuting attorney to drop some charges when restitution is made                     | Judiciary<br>Finance          |
| 4264 | Reynolds | Require manual count of ballots in 5% of relevant precincts only in contested elections                                                                                                       | Judiciary                     |
| 4278 | Reynolds | Authorize Supreme Court establish uniform bail schedule                                                                                                                                       | Judiciary                     |
| 4283 | Butcher  | Exempt RVs owned by residents 70 yrs old or more from ad valorem taxation                                                                                                                     | Finance                       |
| 4284 | Spencer  | Protective orders in domestic violence cases include requirement that respondent wear monitoring device                                                                                       | Judiciary                     |
| 4294 | Moore    | Require banks to provide bond or pledge assets to secure county deposits only where amount on deposit exceeds FDIC limits                                                                     | Banking<br>& Ins<br>Judiciary |
| 4295 | Moore    | Information regarding residential mortgage foreclosures reported directly from trustees to Div. of Banking; county clerks report only list reflecting number of residential foreclosure sales | Banking<br>& Ins<br>Judiciary |
| 4299 | White    | Provide that non-state retired employees who have worked for last non-state employer for less than 5 yrs be responsible for entire premium cost                                               | Banking<br>& Ins<br>Finance   |
| 4300 | White    | Prohibit imposition of pre-existing condition limitations on employees in PEIA; limit enrollment opportunities                                                                                | Banking<br>& Ins<br>Finance   |
| 4301 | White    | Clarify that surviving spouses & dependents of deceased public employees may only participate in major medical group plans                                                                    | Banking<br>& Ins<br>Finance   |
| 4303 | White    | PEIA Finance Bd may offset annual retiree premium                                                                                                                                             | Finance                       |

|         |                 |                                                                                                                                                                                                           |                      |
|---------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
|         |                 | increases                                                                                                                                                                                                 |                      |
| 4304    | Miley           | Require participation in interlock program for DUI (same as SB 443)                                                                                                                                       | Judiciary<br>Finance |
| 4314    | White           | Establish value of motor vehicles & motorcycles for property taxes based on "clean load" and clean trade-in" values                                                                                       | Judiciary<br>Finance |
| 4321    | White           | PEIA establish underwriting criteria for nonstate participating employers; can include minimum participation requirements & minimum contract term                                                         |                      |
| 4326    | Fleischauer     | Require preliminary breath analysis for purpose of determining blood alcohol content of surviving driver                                                                                                  | Judiciary            |
| HJR 101 | Governor's Bill | Proposed Constitutional Amendment to give Legislature authority to exempt commercial & industrial business personal property-same as SJR 11                                                               | Const Rev<br>Finance |
| HJR 102 | Lane            | Change homestead exemption to the 1 <sup>st</sup> 50% of the average sale of real property in county over 5 yrs preceding assessment; exempt personal property used in commercial & industrial businesses | Const Rev<br>Finance |
| 4337    | White           | Specify minimum share of coalbed methane severance tax revenue be distributed to producing counties                                                                                                       | Energy<br>Finance    |
| 4346    | Campbell        | Make it felony to drive vehicle while under influence of alcohol or controlled substances that causes seriously bodily injury to another person                                                           | Roads<br>Judiciary   |

|                                          |         |                                                                                                                                                                                                                                                              |                              |
|------------------------------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 395                                      | Jenkins | Allow counties' discretion on printed poll book use                                                                                                                                                                                                          | G O / Jud                    |
| 397                                      | Snyder  | Create a single dwelling residential housing index & multiplier; includes requirements for Tax Commissioner to annually report information                                                                                                                   | Snyder<br>Unger              |
| 399                                      | Kessler | Provide that county magistrates run for election in numbered divisions similar to circuit judges                                                                                                                                                             | Judiciary                    |
| 401<br>(this is revision of 2009 SB 484) | McCabe  | Revise time frames for assessments of real & personal property, notices & appeals. Establish a board of equalization & review in fall of tax year as alternative to February. Authorizes circuit court to remand case back if court finds record inadequate. | Finance                      |
| 426                                      | Kessler | Exempt 100 acres or less of contiguously connected real property from payment of increased assessment as natural resources property on reserve coal properties, unless owner is business entity                                                              | Natural Resources<br>Finance |
| 430                                      | Foster  | Increase public employees retirement income                                                                                                                                                                                                                  | Finance                      |

|     |         |                                                                                                                                                                                                                                               |                        |
|-----|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|     |         | exemption to \$20,000                                                                                                                                                                                                                         |                        |
| 440 | Helmick | Establish valuation of motor vehicles & motorcycles for property tax assessments based on "clean load" & "clean trade-in" values                                                                                                              | Trans & Inf<br>Finance |
| 442 | Helmick | Clarify PEIA Finance Bd may offset annual retiree premium increases                                                                                                                                                                           | Pensions<br>Finance    |
| 443 | Kessler | Require persons convicted of DUI & who are on probation or other conditional release for DUI participate in interlock program; establishes conditions for participation                                                                       | Judiciary              |
| 446 | Helmick | Clarify deceased public employees' survivors participate in major medical group plans only                                                                                                                                                    | Judiciary<br>Finance   |
| 447 | Helmick | Non state retired employees who have worked for their last non-state employer for less than 5 yrs are responsible for their entire premium cost for coverage                                                                                  | Gov Org<br>Finance     |
| 449 | Helmick | Prohibit imposition of pre-existing condition limitations for PEIA; limit occasions for enrollment                                                                                                                                            | Judiciary<br>Finance   |
| 455 | Hall    | Persons arrested for felony submit DNA sample                                                                                                                                                                                                 | Judiciary              |
| 458 | Helmick | Distribute minimum share of severance tax to coalbed methane-producing counties                                                                                                                                                               | E I & M<br>Finance     |
| 463 | Tomblin | Records Mgnt & Preservation Bd for county government allocate at least 50% of funds for grants (currently cannot allocate more than 50%)                                                                                                      | Judiciary<br>Finance   |
| 471 | Kessler | Increase circuit clerks' copying charge from 50 cents to \$1.00                                                                                                                                                                               | Judiciary<br>Finance   |
| 472 | Kessler | Replace the requirement that annual reports of contributions to regional airport authorities by counties & municipalities be published in newspapers with requirement that those reports be posted on the internet & otherwise made available | Gov Org<br>Finance     |
| 474 | Unger   | Adoption of green building standards for construction or renovation of public buildings over 50,000 sq ft.                                                                                                                                    | Trans & Inf<br>Finance |
| 475 | Helmick | Allow PEIA to establish reasonable underwriting criteria for nonstate employers, including minimum participation requirements                                                                                                                 | Pensions<br>Finance    |

Article about  
Constitutional  
Amendment  
Public Hearing

# Some worry about new tax decrease

By Lawrence Messina  
The Associated Press

The West Virginia Association of Counties has given its guarded blessing to a proposal meant to free business inventory and equipment from property tax.

But that group and others remain concerned about the resulting loss of revenue, particularly because at least two-thirds of all property tax proceeds benefit public schools.

"I'm very concerned about the impact on the position with public education," said the president of the West Virginia Education Association, told lawmakers Wednesday. "We don't want to see tax dollars away."

State and others split at a House of Delegates public hearing on a measure sponsored by Gov. Joe Manly.

The measure comes from an ongoing study commissioned by the governor's Tax Modernization Task Force. It could be the first of a series of tax changes for business property that the economic development secretary, state Tax Commissioner Chris Morris said.

Our business property taxes are well above the national average, Morris told lawmakers. West Virginia's industrial personal property taxes are significantly higher than our border state.

Manly wants lawmakers to allow voters a chance to amend the state constitution, which closely oversees property taxes.

If voters approve, the Legislature could allow counties to decide which classes of non-real estate property to exempt. The tax break would not extend to public utilities, it would also apply to new businesses and equipment added to the rolls.

Such provisions would win over the county association. Executive Director Paula Hamilton said. But she said lawmakers must be aware that the exemption is limited to non-real estate related items. Businesses might be able to get some exemptions to reduce their property tax bills.

It's a do-or-die problem with businesses avoiding personal property taxes in that manner, Hamilton said.

Manly's proposal would allow counties to pursue alternative revenue sources if the revenue losses Hamilton said, such as some would have to match the 1.5 percent growth rate that counties have seen from non-real estate property in each of the last three years.

Counties raised around \$34 million from taxes on non-real estate property last year, she said, adding that the figure includes taxes on personal vehicles.

Her own forecasts warn of a 1.5 percent shortfall in education funding by 2013. Public schools have laying off 3,000 teachers and 4,700 school service workers, Lee said, and he questioned the wisdom in our state the proposed tax break.

6

5 pages

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE**  
**Friday, January 29<sup>th</sup>, 2010**



**Capitol Quotes:**

*"Start from scratch... well, not all the way back to Adam & Eve." Sen. Kessler to Acting Secretary of Military Affairs & Public Safety Joe Throckmorton on how to present the Prison Overcrowding Report*

*"If you build it they will come not only applies to ball fields in Iowa but prisons as well." Senator Laird in response to the prison overcrowding report, relating concern that building a new prison would lead to a one-dimensional solution*

*"I want to remind everybody that when we go live, all the sidebar conversations will be heard around the world." Chairman White to the Finance committee members, reminding them that house committee meetings and floor sessions are now streamed live over the world-wide web. (you can listen to them by going to [www.legis.state.wv.us](http://www.legis.state.wv.us))*

*"Resist the poster children." Supreme Court Administrator Canterbury to Senate Judiciary, advising caution when they craft sentencing laws*

*"If it goes fast and makes loud noise, I like it!" Governor Manchin speaking to Charleston Vandavia Rotary on the motorcycle trips that he has taken*

The Prison Overcrowding Reports from both the Governor and the Supreme Court will be getting some legislative attention this session. In a presentation to Senate Judiciary Committee, Acting Secretary of Military Affairs & Public Safety Joe Thornton reported that the correctional system expands by roughly three inmates per day. The Governor's report recommends expansion of the number of cells by the construction of a new 1,200 prison facility and expansion of 300 additional beds at St. Mary's Correctional Facility. The Supreme Court's report disagrees on the two expansion recommendations but there is agreement on other aspects of containing prison population growth. Many of the recommendations in both reports would require legislative action to implement, including any funding for expansion.

Part of the Supreme Court's disagreement with expansion of prison facilities is the pricetag of over \$200 million. It was emphasized that they did not think prisons should be built *at this time* in order to give the other 12 recommendations time to make a difference. The Court's report also recommended a group home type facility for the old

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and sick inmates with life sentences/no mercy so their health care could be covered by medicare (currently no insurance, medicare, or medicaid will cover incarcerated persons).

We had the opportunity to meet with the Director of the Consolidated Public Retirement Board (CPRB) regarding the employer contribution increase for FY '11 to 17% from 11%. We still don't have a means of lessening it or preventing it but we have a better understanding, at least. The 6% increase will result in an additional \$76 million in FY '11 from all PERS participants. The losses are spread out until 2035 so in a sense the \$76 million represents a phase-in of what is currently a \$900 million loss in invested funds. By law, the CPRB must calculate the contribution using numbers available on July 1, 2009, so the numbers are a "snapshot" at that time and cannot take into account any market gains (or losses) that might occur in the last six months of the calendar year. The CPRB must make its decision on employer contributions in January so the actuaries do their calculations between July and December to have the figures ready by January. It was explained that statistics for the non-states are kept separately from the state's. Two distinctions that make the political subdivisions different from the state are that they tend to hire more women which raises the mortality rate and they tend to hire older people who then contribute to the retirement system for fewer years. This was pointed out to explain that the state's political subdivisions would not necessarily be better off to have an entirely separate system. The CPRB looked at options such as "smoothing" which smooths out the highs and lows of the market (think of "income averaging") and they considered simply putting off the increase, both of which were considered unwise decisions. As of July 1, 2009, PERS was 65.9% funded.

*The Legislature Today* on WV PBS featured a segment on homestead exemptions and interviewed Berkeley County Commissioner Ron Collins who discussed the eastern panhandle's difficulties with rising home values while the homestead exemption has remained at \$20,000 in the Constitution for decades. A report to the Legislature commissioned by Sen. Snyder showed that the average home value in WV is \$110,000. 36 counties fall below the average and 6 of those counties have an average home value under \$50,000 with the lowest average value coming in at just \$18,000. The discussion centered around setting the homestead exemption as a percentage of value due to the disparity of home values around the state.

And on the subject of property tax, the Governor's proposal for a constitutional amendment authorizing the Legislature to exempt commercial and industrial business personal property taxes, or components thereof, has been changed to a new proposal: *authorizing the Legislature to authorize County Commissions to have the option of exempting the same types of taxes.* Besides county authorization (should the amendment pass and should it be further authorized by the Legislature), the big difference between the original SJR 11 and the new proposal is that the revised proposed amendment would apply *on a going forward basis only.* Only new equipment, inventory, or whatever other personal property was authorized to be exempt would be affected. In effect, if a county enacted this exemption, it would freeze that type of personal property revenue and the exemption would apply only to new equipment, inventory, etc.

Bills of interest to counties introduced from Thurs., Jan. 21<sup>st</sup> through Thurs., Jan. 28<sup>th</sup>.

|      |                 |                                                                                                                                 |                             |
|------|-----------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 4150 | Miley           | WV Partnership to Promote Community Well-Being Act; county officials on the board; emphasis on substance abuse treatment        | Judiciary<br>Finance        |
| 4151 | Doyle           | Provide procedure for disclosure of birth parents to an adoptee; circuit clerk provides form                                    | Judiciary                   |
| 4155 | Varner          | Permit revenues allocated to VFDs to be used for workers comp premiums & length of service awards                               | Judiciary<br>Finance        |
| 4158 | Butcher         | Create neighborhood crime watch programs                                                                                        | Jud / Fin                   |
| 4167 | Miley           | Create DHHR Safety & Treatment Fund (SB 341)                                                                                    | Jud / Fin                   |
| 4169 | Swartzmiller    | Technical correction to statewide voter registration list                                                                       | Judiciary                   |
| 4170 | Miley           | Uniform Collateral Consequences of Conviction Act                                                                               | Judiciary                   |
| 4171 | Miley           | DOC use risk & needs assessments (same as SB 342)                                                                               | Judiciary                   |
| 4173 | Morgan          | Making property crimes valued at \$1000 a felony                                                                                | Judiciary                   |
| 4175 | Miley           | Amend community notification & disclosure provisions of Sex Offender Registration Act; develop risk assessment scale            | Judiciary<br>Finance        |
| 4177 | Stowers         | Dedicate 5% of coal severance tax to county of origin                                                                           | Finance                     |
| 4180 | Spencer         | Give authority to determine employer contribution rate in Deputy Sheriffs Retirement System to Retirement Bd; remove 10.5% cap  | Pensions<br>Finance         |
| 4182 | Spencer         | Relating to EMS Retirement System                                                                                               | Pens / Fin                  |
| 4183 | Governor's Bill | Require study of telecommunications tax; require disclosures                                                                    | Judiciary<br>Finance        |
| 4184 | Moore           | Governor's Committee on Crime, Delinquency & Corrections establish standards for mandatory training to prevent racial profiling | Judiciary<br>Finance        |
| 4185 | Staggers        | Authorize employment of deputy sheriffs beyond age 65 if approved in writing by sheriff                                         | Pensions<br>Finance         |
| 4190 | Poling          | Clarify exception that allows sheriffs to collect property taxes in more than two installments                                  | Finance                     |
| 4200 | Martin          | Create WV Community Empowerment Transportation Act; county commission could impose user fees to fund transportation projects    | Roads &<br>Trans<br>Finance |
| 4204 | Guthrie         | Use Crime Victims fund to fill-in portion of property damage deductible caused by uninsured driver                              | Judiciary<br>Finance        |
| 4207 | Phillips        | Unlawful to harass by electronic mobile devices                                                                                 | Jud / Fin                   |

|      |                    |                                                                                                                                                                                                                                  |                       |
|------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 4217 | Hamilton           | Require WV E 911 Council propose dispatch procedures for all counties                                                                                                                                                            | Poli Sub<br>Judiciary |
| 4222 | Poling             | Exempt antique motor vehicles from personal property taxes                                                                                                                                                                       | Roads<br>Finance      |
| 237  | McCabe             | Authorize counties & municipalities to issue revenue bonds secured by lottery revenue for constructing or acquiring public projects                                                                                              | Finance               |
| 316  | Minard             | Secretary of State rules for satellite early voting                                                                                                                                                                              | Judiciary             |
| 317  | Minard             | SOS rules for vote by mail pilot project                                                                                                                                                                                         | Judiciary             |
| 318  | Minard             | SOS rules for vote by mail pilot project phase 2                                                                                                                                                                                 | Judiciary             |
| 326  | Kessler            | Place hearings requested by driver who is contesting revocation of license on DUI charge before court of jurisdiction; make findings beyond reasonable doubt on criminal charges and preponderance of evidence on administrative | Judiciary             |
| 330  | Kessler            | Create WV Partnership to Promote Community Well-Being; board includes county officials; repository of data related to substance abuse                                                                                            | Judiciary<br>Finance  |
| 332  | Foster             | EMS Retirement System Act; among other provisions, employer contribution capped at 10.5%                                                                                                                                         | Pensions<br>Finance   |
| 333  | Foster             | Give authority to Cons. Public Retirement Bd to set employer contribution rate for Deputy Sheriffs' retirement system; remove 10 ½% cap                                                                                          | Pensions<br>Finance   |
| 334  | Williams           | Require write-in candidates pay filing fee                                                                                                                                                                                       | Jud / Fin             |
| 339  | Williams           | Correct invalid code reference related to voter registration list                                                                                                                                                                | Judiciary             |
| 340  | Kessler            | Create Uniform Collateral Consequences of Conviction Act                                                                                                                                                                         | Judiciary             |
| 341  | Kessler            | Create DHHR Safety & Treatment Fund; transfer fund from DMV                                                                                                                                                                      | HHR<br>Finance        |
| 342  | Kessler            | Encourage DOC to use criminogenic risk & need assessments; require parole board review risk & need assessments when making parole determination                                                                                  | Judiciary             |
| 345  | Governor's<br>Bill | Require Tax Commissioner undertake study of telecommunications tax; disclosure required                                                                                                                                          | Trans&Inf<br>Finance  |
| 348  | Kessler            | Revise Sex Offender Registration (see HB 4175)                                                                                                                                                                                   | Judiciary             |
| 351  | Foster             | Require anti-racial profiling training for law                                                                                                                                                                                   | Judiciary             |

|     |         |                                                                                                                                                                                                         |                           |
|-----|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
|     |         | enforcement (see HB 4184)                                                                                                                                                                               | Finance                   |
| 352 | Unger   | Create WV Community Empowerment Transportation Act; among other provisions allows county commissions impose user fees for construction & maintenance of roads                                           | Trans & Inf<br>Finance    |
| 354 | Kessler | Replace term "accident" with "crash" in reports                                                                                                                                                         | Judiciary                 |
| 362 | Jenkins | Prohibit providing false info to obtain controlled substances prescription                                                                                                                              | Judiciary                 |
| 374 | Foster  | Limit county commissions' mortgage recording tax to not more than \$1 per \$1,000                                                                                                                       | Gov Org<br>Finance        |
| 375 | Foster  | Create Uniform Real Property Electronic Recording Act providing for recording of electronic real property by county clerks                                                                              | Judiciary<br>Finance      |
| 376 | Minard  | Streamline reporting of mortgage foreclosure data by having it come directly from trustees; county clerks must report list reflecting number of residential mortgage foreclosures filed in given period | Banking & Insurance       |
| 383 | Unger   | Increase annual allocation of moneys from wireless E911 fee to subsidize construction of wireless towers from \$1 million to \$2 million                                                                | Judiciary<br>Finance      |
| 385 | Minard  | Require banks to provide bond or pledge assets to secure county deposits only where the amount of deposits exceeds FDIC limits                                                                          | Banking & Ins/<br>Gov Org |

ARE YOU PART OF OUR COUNTY OFFICIALS' GROUP EMAIL LISTSERVES?  
 WVACO HAS SEPARATE LISTSERVES FOR COMMISSIONERS, COUNTY CLERKS,  
 CIRCUIT CLERKS, PROSECUTORS, SHERIFFS AND ASSESSORS. IT IS A GREAT  
 MEANS OF SHARING INFORMATION WITH YOUR FELLOW OFFICIALS AS WELL  
 AS GETTING QUESTIONS ASKED & ANSWERED. THE COUNTY LEGISLATIVE  
 LINE IS ALSO BEING SENT OUT ON THE LISTSERVES IN ADDITION TO THE  
 FAXED VERSION. IF YOU ARE NOT A CURRENT PARTICIPANT BUT WOULD LIKE  
 TO BE, EMAIL [MARY@WVACO.ORG](mailto:MARY@WVACO.ORG) AND ASK TO BE INCLUDED IN YOUR  
 COUNTY OFFICE'S LISTSERVE

(5)

To: All County Commissioners' & Staff  
From: Vivian Parsons  
Date - 2-9-10  
F.Y.I.



State of West Virginia

Office of the State Auditor  
Glen B. Gainer III  
State Auditor  
www.wvsao.gov

Building I, Room W-100  
Charleston, West Virginia 25305  
Telephone: (304) 558-2251  
FAX: (304) 558-5200

200 West Main Street  
Clarksburg, West Virginia 26301  
Telephone: (504) 627-2415  
FAX: (304) 627-2417

February 2, 2010

To All County Officials and Assistants

Budget Training Workshops

West Virginia State Auditor Glen B. Gainer III, through his Local Government Services Division, will be conducting two County Budget Workshops. The first will be held at the conclusion of the WVACO annual meeting at the Embassy Suites Hotel in Charleston on Tuesday, February 16th at 1:30 p.m.

The second workshop will be held on Tuesday, February 23rd at the State Auditor's Clarksburg office. It will also begin at 1:30 p.m. There will be limited space for the Clarksburg location, therefore, we encourage as many people as possible to attend the Charleston session.

Anyone involved in county budgeting is urged to attend these sessions. They will focus on the actual preparation of the budget using the electronic format that we have available on-line.

If you plan on attending either of these sessions, please notify us by sending an email to: Karen.Drain@wvsao.gov. Please let us know which session you plan to attend and the names of the individuals who will be with you no later than Wednesday, February 10.

Sincerely,

Ora L. Ash, Director  
Local Government Services



Comcast Cable  
200 Cresson Boulevard  
P.O. Box 989  
Oaks, PA 19456

# 22

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

**RECEIVED**

JAN 28 2010

For the Quarter Ended December 31, 2009

**Jefferson County Commission**

|                          |                           |
|--------------------------|---------------------------|
| Basic                    | \$1,067,712.41            |
| Pay                      | \$89,936.88               |
| Digital                  | \$272,690.52              |
| Commercial               | \$1,620.80                |
| PPV & VOD                | \$47,279.85               |
| Installation             | \$19,352.89               |
| Net Ad Sales             | \$71,857.69               |
| Shopping                 | \$8,738.69                |
| Other                    | \$18,703.15               |
| Total Revenue            | <u>\$1,597,892.88</u>     |
| Bad Debt / Write Off     | (\$35,026.02)             |
| Total Franchise Fee Base | <u>\$1,562,866.86</u>     |
| Franchise Fee Percentage | 5.00%                     |
| Franchise Fees           | <u>\$78,143.34</u>        |
| Add Fee on Fee           | \$3,907.17                |
| Total Payment Due        | <u><u>\$82,050.51</u></u> |

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

  
Kathleen McGill  
Financial Analyst



COMCAST FINANCIAL AGENCY CORPORATION  
 A Comcast Cable Communications Group Company  
 1701 JFK Boulevard  
 Philadelphia, PA 19103-2838

REMITTANCE ADVICE

No. 209714029

Date : 25-JAN-10

Vendor Name : JEFFERSON COUNTY OF

Vendor No. : 258321

| INVOICE NO.  | INVOICE DATE | DESCRIPTION | DISCOUNT AMOUNT | NET AMOUNT |
|--------------|--------------|-------------|-----------------|------------|
| Q409CNTYJE   | 15-JAN-10    | 2-FFKM02509 | 0.00            | 82,050.51  |
| <b>TOTAL</b> |              |             | 0.00            | 82,050.51  |

THE FACE OF THIS DOCUMENT HAS A MULTI COLORED BACKGROUND - NOT A WHITE BACKGROUND



COMCAST FINANCIAL AGENCY CORPORATION  
 A Comcast Cable Communications Group Company  
 1701 JFK Boulevard  
 Philadelphia, PA 19103-2838

No. 209714029  
 56-1544 / 441  
 675528343

Date 25-JAN-10  
 Void After 180 Days

\$ \*\*\*\*\*82,050.51

Pay Eighty-Two Thousand Fifty Dollars And 51 Cents\*\*\*\*\*

To The Order Of JEFFERSON COUNTY OF WV  
 PO BOX 250  
 CHARLESTOWN, WV 25414  
 United States

Authorized Signature

*David A. Scott*

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

209714029 04415443

675528343

# VALLEY VIEWS

FEB 8 2010  
Jefferson County Commission

Potomac  
Valley  
Audubon  
Society

Volume 28, Issue 5

January 2010

## PVAS Watershed Program Receives Funding

As soon as the new year begins, we know it is time for the spring watershed program! This year's program is being funded by two generous grants from the WV Department of Environmental Protection (WVDEP) and Friends of the Cacapon River ([www.cacaponriver.org](http://www.cacaponriver.org)). Over 735 fourth grade students are participating in the spring program. (320 others participated in the program last fall.) Participating schools this spring are Tomahawk Intermediate, Morgan Academy, and St. Joseph's Parish School in Berkeley County and South Jefferson, North Jefferson, TA Lowery, and Shepherdstown Elementary in Jefferson County. Thanks to the generous support of Friends of the Cacapon River, Warm Springs Intermediate and Pleasant View Elementary in Morgan County will also be participating.

In the program students learn the basics of what watersheds are and how native plants can create buffer zones that protect rivers

See *Watershed*, Page 7

## Summer Camp Offers New Surprises and a New Location!

It's almost time to register for Audubon Discovery Camp and some new and exciting sessions have been planned for this coming summer! For campers ages 6-11, "Earth Artist" is back with its emphasis on recycled art projects and it will be joined by 2 sessions of "Dirt!" Everything your favorite camper would like to know and experience about getting "down and dirty" will be covered in the session. "Camp Survivor" is returning (of course!) Each of these sessions will be offered twice at Yankauer.

See *Summer Camp*, Page 5

## We Still Need Your Help With Our Annual Appeal!

As this is being written in mid January, PVAS's annual fund-raising appeal—which was launched on December 1—has raised nearly \$20,000.

That's a great result in the current economic climate! It's considerably more than we'd raised at a comparable date last year. The number of our contributors is up, too—117 families and individuals have given at this point.

Thanks to all of you who have contributed so far.

But we've still got a long way to go.

Our annual appeal period runs through the end of March.

If you haven't contributed yet, please consider doing so now. A return envelope is included with this newsletter for your convenience (be sure to add your own postage).

## Christmas Bird Count Report

By Bob Dean, Compiler

The heavy mid-December snow forced the postponement of this year's Jefferson County Christmas Bird Count from December 19 to the 27<sup>th</sup>.

Although the new date didn't fit with some people's schedules, there were some new participants who helped swell the number of participants to 19. They accumulated 57 party-hours and

442 party-miles plus 4.75 hours of owling over 36.5 miles of count circle roads. Temperatures ranged from 23-49 degrees F. There was no precipitation, and the snow cover was 4-12 inches under mostly clear skies with light winds.

A total of 12,001 birds representing 76 species were tallied, including record high numbers of American green-winged teal, Cooper's hawk, red-shouldered hawk, great-horned owl, yellow-bellied sapsucker, northern flicker, Carolina wren, song sparrow, and swamp sparrow. There were also 5 species seen during count week (3 days before and 3 days after the count) which were not seen on the count.

See *Race for the Birds*, Page 5

See *Christmas Bird Count*, Page 4

## "This Race is for the Birds!" Returns to the Trails

This year's 9<sup>th</sup> annual race, on April 24, will be quite different from previous years. Dr. Mark Cucuzella, a PVAS member and one of the founders of the very successful Freedom's Run launched last fall, approached us about finding ways to grow the race to include more people and events.

With Dr. Cucuzella's help, PVAS has been the beneficiary of several new committee members who helped with the Freedom's Run, all of whom are sharing their knowledge and skills to make this year's "This Race is for the Birds" bigger and better than ever

Potomac Valley Audubon Society is people dedicated to preserving, restoring, and enjoying the natural world through education and action.

# President's Perch



Hello everyone:

Thanks to all of you who've helped make our annual fundraising appeal such a success so far.

We know this is a tough time to be asking for contributions. But we must ask because your contributions are essential to our operations.

In the end, last year's annual appeal raised about \$28,500. Right now, we've raised about 70 percent of that amount. We'd like at least to match last year's total this year and based on the response we've had so far we're hopeful that we can—but we've only got until the end of March to do it.

So if you've been planning to give but just haven't gotten around to it, we hope you'll do so soon.

Or if you haven't really thought about giving, we hope you'll consider it.

Your support really does matter. As you read this newsletter, look at all the different services PVAS is providing to the community. Here are just a few examples:

- Our programs for area school children are continuing to grow. Our fourth grade program—which teaches youngsters about the importance of protecting our streams and rivers—is beginning its seventh year and expanding into new schools!
- We're continuing to expand our popular Audubon Discovery summer day camp for children. New offerings this summer will include additional camp sessions at a new location in southern Jefferson County and a special session for older children that will focus on Chesapeake Bay watershed issues and include a trip to the Eastern Shore
- Our Potomac Valley Master Naturalist Program is going strong, and will begin its third year of instruction shortly.
- We hope to begin work this summer on restoring the old stone cottage at our Eidolon Nature Preserve in Morgan County, so we can use the structure for educational programming.

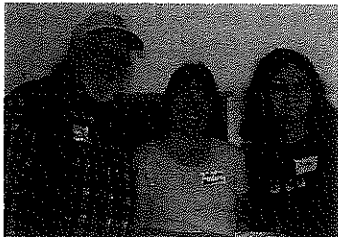
The funds we raise through our annual appeals are critical to sustaining these kinds of activities.

Please do help if you possibly can.

—Peter Smith

## Friends of the Cacapon River Donate to PVAS

Friends of the Cacapon River board members Ron Wilson and Cindy Reiffen present Kristin Alexander with a \$3,000 check to support PVAS' Watershed Education Initiative in Morgan County. The group is sponsor-



ing the program for all fourth grade classes at Warms Springs Intermediate School and Pleasant View Elementary this year.

## Wee Naturalist Program

The Wee Naturalist Program will double its offerings in 2010. This year, the program will be offered on the third Wednesdays and Thursdays at the Yankauer Preserve.

The program is designed for pre-school aged children (ages 3-5) and an adult to come to the Yankauer Preserve and explore nature as a team under the guidance of a PVAS instructor from 9:30 to 11 a.m. The parent/child teams explore and orient themselves to the preserve and pavilion independently first, then are led through a variety of activities that change with the seasons.

The programs are offered the third Wednesday and Thursday of each month excluding May, June and July. February's program will be "Loving the Outdoors" and March's theme is "Let's Go Outside!" Registration forms and additional information such as monthly themes can be found on PVAS' website. The program is \$8 for a parent/child team for one session, or \$7 if a family signs up for three or more sessions at once. Pre-registration is required and space is limited.

This program was piloted last year with support from the Eastern West Virginia Community Foundation: Two Rivers Giving Circle. Suzi Taylor, who developed and piloted the programs, will continue to delivering the programs this year. Suzi has a degree in Environmental Education from Slippery Rock University and is a past camp director for Audubon Discovery Camp. She also designed the Nature Discovery Backpacks and Teacher Kits for PVAS.

Please contact Suzi Taylor with any questions or to register at 301-432-1908.

## Master Naturalists 2010 Course

As we begin 2010, we start the fourth year for the Potomac Valley Master Naturalist Program. Classes will begin in March and continue monthly until October. The deadline for submitting applications was January 15. Twenty people from the PVAS service area will be chosen for the 2010 class.

To become certified as a WV Master Naturalist, each participant must complete 64 hours of classroom time and 30 hours of volunteer work are required. Volunteer activities often include leading interpretive walks at Yankauer or Eidolon Nature Preserves, assisting state biologists with research, giving presentations to school children and other groups or helping with contact booths at fairs and festivals. Participants have two years to complete their certification.

The tentative schedule for this year is: March 20-21 (overnight), April 17, May 1, June 12, July 17, August 14, September 18, October 2, October 3 (PVMN Annual Meeting and Service Project)

The Master Naturalist Program is sponsored by the West Virginia Division of Natural Resources and is designed to help individuals increase their understanding and appreciation of the natural world while helping to serve their communities and the environment.

The program fee is \$300 per person for the full course of instruction and includes all classes, materials, supplies, and a Master Naturalist binder. There is no homework or testing in the program other than encouraging students to learn more on their own through individual projects. Learn more at the PVAS website: [www.potomacaudubon.org](http://www.potomacaudubon.org).

## Don't Miss Special February Program at NCTC!

PVAS will not present a program of its own at the National Conservation Training Center during February.

Instead, on Wednesday, February 10, we are cosponsoring with NCTC a special presentation on the past, present and future of the Chesapeake Bay.

The presenter will be author and environmentalist Ned Tillman.

The program will be held in the Byrd Auditorium at 7:00 p.m.

Admission will be free.

Tillman is a lifelong resident of the Chesapeake Bay watershed and an active sportsman and environmentalist. He has enjoyed a career in the environmental industry, and now advises organizations on how to become more sustainable.

Tillman received a BA from Franklin and Marshall College and a MS from Syracuse University in earth and environmental sciences. He has been on the staff of The Johns Hopkins University and the University of Maryland and president of Target Environmental, Columbia Technologies, and Growth Adventures.

He has served as chair of the Howard County Conservancy, the County Environmental Sustainability Board, and the Maryland Geothermal Energy Commission.

He is the author of *The Chesapeake Watershed; A Sense of Place and A Call To Action* (Alan C. Hood & Company, 2009). For more information, see the book's website at [www.thechesapeakewatershed.com](http://www.thechesapeakewatershed.com).

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## Hartgroves Memorial Donations Top \$1,000

When former PVAS President Bill Hartgroves passed away last October, his widow Jean asked that donations be made in his name to our Eidolon Nature Preserve in Morgan County.

Bill had friends all over the country, and checks came in from as far away as Oregon, California, and Florida.

In all, we received 23 Eidolon donations totaling \$1,120 in Bill's name. These funds will be a big help to us as we begin to tackle the job of restoring the stone cottage at Eidolon, hopefully next summer.

Thanks to those who donated, and many thanks to Jean Hartgroves for thinking of PVAS in this way.

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## Great Backyard Bird Count Coming Up

Mark your calendars for the 2008 Great Backyard Bird Count, which is set for the Presidents' Day weekend, February 15-18.

The count, now in its 13th year, is an annual four-day event that involves bird watchers of all levels in counting birds and reporting their results.

Collectively, this effort provides a mid-winter snapshot of the numbers, kinds, and distribution of birds across the continent.

The count provides an excellent opportunity to engage children in birdwatching because it revolves around a highly interactive website that's easy and fun to use and chock full of information about birds and birding.

Here's how the count works:

Participants count birds for as little or as long as they want during the four-day period.

Then they submit their counts online at the Great Backyard Bird Count website, using an online checklist, and they can see immediately how their results fit in.

As the count progresses, they can use the website to see what's being reported from their own towns or anywhere else in the U.S. and Canada. They can also see how this year's numbers compare with those from previous years.

Participants may also enter a digital photography contest by submitting photos taken during the count to the website. A panel of judges chooses the best photos and those and other photos are posted on the website's photo gallery section.

All participants are entered in a drawing for prizes that include bird feeders, binoculars, books, CDs, and many other birding products.

The count has a scholarly purpose, too: scientists analyze the results and post summaries highlighting the year's trends and findings.

Last year's count made history, breaking records for the number of checklists submitted and the number of birds reported. Participants sent in 93,629 checklists tallying 11,550,200 birds of 619 species.

The Great Backyard Bird Count is managed by the Cornell University Ornithology Laboratory and the National Audubon Society, with sponsorship from Wild Birds Unlimited.

To find out more, go to the GBBC website at [www.birdcount.org](http://www.birdcount.org).

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## Wildlife-tracking Trip Set for February 20

PVAS is sponsoring a special winter wildlife-tracking field trip at Capapon State Park the morning of Saturday, February 20.

There is no fee, and anyone with an interest is invited to attend.

This will be a family-friendly event and a great educational outing for children in particular.

Park naturalist, Kelly Smith will lead the trip, and show how to identify wildlife signs of all kinds.

Tracking involves much more than looking for footprints. Other signs of animal activity can include marks left on trees, shrubs and ground by rubbing, chewing and scratching; remains of prey; and droppings, or scat.

Winter is the best time to look for such signs, whether there is snow on the ground or not.

Participants will meet at the entrance to the Park Lodge at 10:00

a.m. The total time of the trip will be about two hours.

Pre-registration is recommended but not required. To pre-register or for more information contact Kelly Heldreth at [kheldreth@hotmail.com](mailto:kheldreth@hotmail.com) or 304-229-6229.

If there has been a major snow the day before or weather is especially inclement that day, call 304-676-3397 to make sure the trip is still on.

Those who participate should be sure to dress warmly and wear sturdy footwear.

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## Three Birding Trips Set for February

PVAS has organized three birding trips for the month of February. There are no fees and anyone with an interest is welcome to participate. Here's the schedule:

- February 6: Trip to the Shenandoah River and Country Club Road Ponds in Jefferson County. Meet at 8:00 a.m. in the parking lot in front of the Martin's Supermarket in the Jefferson Crossroads shopping Center off Route 340 just east of Charles Town. This trip will concentrate on wintering waterfowl; possible highlight species include hooded and common mergansers, redheads, wood ducks, buffleheads, gadwalls, and pied-billed grebes. The trip will mostly involve driving from place to place by car, with not much walking. For more information contact Nancy Kirschbaum at 304-876-6881 or [nancyk500@comcast.net](mailto:nancyk500@comcast.net).
- February 13: Trip to the Delaware-Maryland Eastern shore, with the Baltimore Bird Club. Meet at 9:30 a.m. at the Lewes-Cape May Ferry passenger lot. This trip will cover the area from Cape Henlopen to Ocean City and offer good opportunities to see loons, gannets, sea ducks, great cormorants and purple sandpipers. Razorbills, red-breasted and brown-headed nuthatches are possible. Participants should bundle up; this trip is usually brutally cold and windy. The trip may be extended one or two days, with overnights in the area, if participants want. For more info contact Nancy Kirschbaum at the phone number or email shown above.
- February 18: Trip to Flowing Springs Park and Altona Marsh in Jefferson County. Meet at 8:00 a.m. at the Home Depot parking lot in the Potomac Towne Shopping Center on Route 9 northeast of Charles Town. Possible highlight species include wood duck, Wilson's snipe, rusty blackbird, and white-crowned sparrow. The trip will include walking about four miles on sometimes rough terrain and railroad tracks. For more info contact Sandy Sagalkin at 301-432-6847 or [monsansagalkin@myvactv.net](mailto:monsansagalkin@myvactv.net).

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## Join Writers Group

The Potomac Valley Nature Writers' Group (PVNWG) formed in early 2009 to promote the art and appreciation of *nature writing*. This genre of literature explores and celebrates the natural world and our relationship within it.

The PVNWG Readers' Club meets on the first Sunday of each month to discuss the previous month's book selection. Titles for

2010 include *Winter World* by Bernd Heinrich, *Owls and Other Fantasies* by Mary Oliver, *Naturalist* by E.O. Wilson, and *Small Wonders* by Barbara Kingsolver.

The Readers' Club currently convenes in members' homes. Individuals interested in joining may attend a first meeting as a guest of a current member.

Aspiring nature *writers* are also encouraged to contact PVNWG. A goal for 2010 is to form a writer's group to complement the Readers' Club.

For more information and/or to attend the Readers' Club as a guest, go to <http://potomacvalleynaturewritinggroup.blogspot.com/> or contact Sandra Bloom, [pvnaturewriters@gmail.com](mailto:pvnaturewriters@gmail.com)

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## Christmas Bird Count (continued from page 1)

Matt Orsie's party found the only ring-necked ducks, ruddy ducks, American coots, Virginia rails, and rusty blackbird on the count; Stan Corwin-Roach's party found the only barred owl; Jenny Eaton's party the only eastern phoebe; and Jaime Gregory the only purple finches.

Both the Potomac and Shenandoah Rivers were high and muddy from snowmelt the previous day, which probably shortened the waterfowl list a bit. Such hoped-for species as American pipit and Lapland longspur, which had been reported recently in the area, failed to appear, and no shrikes were reported.

The Berkeley-Morgan county count, held on January 2, provided a contrast in weather, as the 30-40 mph wind gusts with temps ranging from 21-26 degrees F created conditions more favorable for hibernation than birding. The 21 intrepid participants garnered 64 species and 8,069 birds that seemed also to be seeking warmth. Many birds were very reluctant to leave cover.

Party-hours totaled 49.5, and party-miles 427, with an additional 4 hours owling over 33.5 miles of circle roads hemmed in by up to 8 inches of snow. Streams were open, but ponds and other standing waters were mostly frozen. There was no precipitation during the count, save a few errant flakes.

Stan Corwin-Roach's party got a vesper sparrow as well as a lark sparrow that is visiting his feeders for the third year in a row. Jenny Eaton's party had the only American green-winged teal, killdeer, Wilson's snipe, eastern phoebe, and purple finches. Lynne Wiseman's party counted the only pied-billed grebes; Nancy and Elliot Kirschbaum had the only brown-headed cowbirds; and Matt Orsie's group tallied the only great blue heron, great horned owls, and winter wrens.

Only the yellow-rumped warbler was encountered in record high numbers, primarily as a result of the large flock that was seen dripping from the lower branches of some streamside silver maples onto the bank of Back Creek for a late evening drink before going to roost. They were in the company of many eastern bluebirds which were going to water at the same spot.

Many thanks to Nancy and Elliot Kirschbaum and Stan and Sarah Corwin-Roach for hosting the tally rallies for the Jefferson and Berkeley-Morgan county counts, respectively. And to PVAS for their generous underwriting of both counts.

*Race for the Birds* (continued from page 1)

before. Suzy Munnis, who was on the PVAS race committee last year, and her husband James have agreed to be the co-directors of the race this year and are doing a fantastic job.

The group's idea is to mix things up a little and have a variety of distances and options for participants. Thus, the day will have four different events: a 4+ mile run, a 7+ mile run, a 2 mile jog/walk (self-timed), and a 1-mile children's "Fun Run." All events will take advantage of the beautiful trails at NCTC through its fields and forests along the Potomac River.

All are encouraged to pre-register for the race on active.com by April 14<sup>th</sup>. Pre-registration prices will be as follows: 2 Mile jog/walk: \$13 (self-timed); 4.9 Mile race: \$18; 7.7 Mile race: \$23; Kids Fun Run: FREE. Those who register the day of the race will be charged an extra \$2. PVAS members will be given a \$2 discount.

Adult prices include free t-shirts while supplies last, and all participating children will get a prize.

Another big change this year is that the race will have its own website: [www.RacefortheBirds.org](http://www.RacefortheBirds.org). The website will have information about PVAS, NCTC, course maps, a link to active.com to register, and other exciting elements. Stay tuned! We hope to have it fully launched by the end of February.

*Summer Camp* (continued from page 1)

"Earth Artist" and "Camp Survivor" will also be offered for one week each at a new location in southern Jefferson County. CraftWorks at Cool Spring (on Lloyd Rd near South Jefferson Elementary School) is hosting Audubon Discovery Camp at CraftWorks and our hope is that families in the area who have traveled the distance to Yankauer in the past will enjoy having Discovery Camp closer to home.

Older campers (ages 10-13) will have several choices at Yankauer Preserve. "Dirty Jobs" will focus on cool activities like animal scat, vernal pools, growing bacteria, slime molds, and anything else we can think of that's gross! "Wildlife CSI" will allow campers to learn more about threatened and endangered wildlife through studying animal skulls and skins and a variety of scientific investigations.

## Coming Soon: Summer Camp Scholarships

Wind and snow may be swirling outside, but we're already thinking about our summer camp scholarship program!

Proceeds from our annual fall birdseed sales support this program, which helps several young people to attend summer camps each year.

Last year the camps for which scholarships were available included the following: Burgundy Center for Wildlife Studies, Oglebay Institute Junior Nature Camp, Trout Unlimited Conservation and Fishing Camp, West Virginia State Conservation Camp, and our own Audubon Discovery summer day camp at Yankauer.

Start thinking now about eligible youngsters, and be sure to encourage them to apply. For further details about specific camps, dates, ages, and application forms, watch future issues of *Valley Views* and check our web site, [www.potomacaudubon.org](http://www.potomacaudubon.org).

Kathryn Henry will once again be our summer camp scholarship coordinator. You may contact her at 304-876-6681, or at [dhenny@myexcel.com](mailto:dhenny@myexcel.com).

Campers entering 5<sup>th</sup> and 6<sup>th</sup> grades can also choose "Kids In The Bay" which includes watershed activities at Yankauer, then an overnight visit to Echo Hill Outdoor School on the Eastern Shore, including a boat trip on the Chesapeake Bay. Although the price for this session is higher than the others, the price covers all costs at Yankauer, the outdoor school, transportation to the Eastern Shore, 5 meals, and one-night's lodging.

A Junior Counselor-in-Training session will be offered for ages 13 and older at Yankauer. The Junior CIT's who successfully complete a week of training, including leading nature games and activities to children, will be able to return for an additional 1 week (at no cost) during this camping season and work as Junior Counselors.

Preschool units will be offered in late May and early June. "Out of the Nest" and "Just for Fledglings" are half-day programs for 3 and 4 year olds and an adult. "First Explorers" will allow 5 year olds, who are entering kindergarten, to try a full week of camp without an adult accompanying them.

Suzi Taylor will be directing the preschool camps and Ellen Murphy will be directing the other sessions. Camp fees for most sessions this year are \$125 per camper per week. Preschool camps (1/2 days) will be \$50. T-shirts (youth and adult sizes) will be available for order at \$10 each and ALL shirts must be preordered to guarantee availability at camp.

The online registration system we used last year will be available in early February. Last year's camper families are already in the system and will only need to update their information before registering for sessions. New campers will complete the full registration form. This year, a credit card will be required to register. PVAS members will be able to register online before the camp sessions are made available to the general public. Notification of the early registration dates will be made by email and posted on our website. (So make sure your PVAS membership is up to date!)

## Egg Hunt at Yankauer

Our third Spring Egg Hunt at the Yankauer Nature Preserve has been scheduled for Sunday afternoon, March 28, from 2-4 p.m. Unlike traditional egg hunt events, this hunt uses eggs colored to resemble real wild bird eggs and includes an opportunity for

children to learn more about birds and their nests. Like past year's successful hunts, children are challenged to find the naturally camouflaged eggs on the trail and discover, in the process, how birds keep their eggs safe from predators. Other activities this year will include the "penguin egg walk" and the "ostrich egg balance challenge."

This year's event will be for children ages 3-6. Eggs will be hidden along two of the preserve's trails. Collected eggs will be "traded in" for a sweet Easter treat. This will be a family-oriented event and parents should plan to go with their children as they walk

on the trail.

Pre-registration for the event is required and the cost is \$5 per child. Registration is limited. A link to the online registration program will be posted on the PVAS website ([www.potomacaudubon.org](http://www.potomacaudubon.org)).

## PVAS Benefits From Shepherdstown Rotary Event

PVAS received a total of \$2,025 from the Shepherdstown Rotary Club's annual Christmas Charity Ball, which was held December 4 at the Shepherdstown Volunteer Fire Department Hall.

This was the third-highest total of any organization participating in the event—only the Animal Welfare Society received more and the Shepherd University Foundation.

In all, the event netted a total of \$28,097 for 20 different Eastern Panhandle nonprofit organizations.

Individual Rotarians help underwrite the Ball by sponsoring tables and contributing funds to cover all of the Ball's food costs. The proceeds from the sale of tickets to each table are then donated to a charity selected by that table's host. There is no fixed price for tickets; instead, attendees were asked to make appropriate contributions.

Each table is also given the opportunity to participate in a silent and live auction, and all the auction proceeds go to the designated charities as well.

PVAS's table was sponsored by PVAS president Peter Smith. Board member Mina Goodrich generously donated items for PVAS to auction.

Thanks are due to Jane Vanderhook, Ed and Helen Moore, Donn and Heather Marshall, Gary and Iris Heichel, and Board members Carolyn Thomas and Susan Brookreson and their spouses for supporting PVAS's participation.

Thanks are also due to Shepherdstown Rotary for making this event possible.

## On the Wings of Dreams Makes Another Donation to PVAS

Shepherdstown's On the Wings of Dreams store presented a check for \$220 to PVAS on January 13.

This is the third year in a row the store has made such a donation. In 2007, owner Laura Rau decided to contribute 3 cents to PVAS for every crystal and mineral the store sells, and the latest check represents the proceeds from all the crystals and minerals sold in calendar year 2009.

The money will be used to further PVAS's educational programs for children.

Shown here, from left to right, are Laura; the store dog, Sedona; and PVAS executive director Kristin Alexander.



On the Wings of Dreams first opened in 1999, and Laura has owned and operated it since January 2003.

"We decided it was time to give something back to the community and to the environment that have so graciously supported us," said Laura. "It makes sense to support a local organization that does such great work to promote environmental awareness. The society's children's programs are a great way to get kids away from the television or computer and back into nature."

"A very special thank you is also in order for the many customers of the shop whose crystal purchases in 2009 contributed to the

PVAS donation."

The store is located at 139 West German Street. In addition to crystals; it offers a wide variety of sterling silver and natural stone jewelry; books and music; incense; sages, shells and prayer feathers; magical and ceremonial herbs; Buddhist, Hindu, Wiccan and Pagan altar pieces; essential oils; and Tibetan and crystal singing bowls. Its website can be found at [www.WingsOfDreamsShop.com](http://www.WingsOfDreamsShop.com).

PVAS greatly appreciates the generosity of Laura and the store's employees, Herb Clark, of Shepherdstown; Holly Johnson, of Capon Bridge; and Kristen Whetzel and Levonne Pettway, of Shepherdstown.

## Dates Set for 2010 Berkeley Springs Fall Birding Festival

The third annual Berkeley Springs Fall Birding Festival has been scheduled for the weekend of September 24-26.

PVAS will once again be sponsoring the festival. As in past years it will include a series of talks, presentations, and field events for beginning and intermediate birders and families with children.

The featured presenter will be naturalist, birding expert and nature writer Dr. Scott Shalaway.

Shalaway, who has a Ph.D. in wildlife ecology from Michigan State University, lives in Cameron, West Virginia. His weekly nature column appears in the *Pittsburg Post-Gazette*, the *Charleston Gazette*, and the *Wheeling News-Register*. He also hosts weekly nature radio shows on stations in Pittsburg and Wheeling.

Judy Webb, of the Nature Niche store in Berkeley Springs, who has organized the previous two festivals, is taking the lead in organizing this year's festival as well.

Full details will be announced later, as the time for the festival draws closer.

## Hog Island Facility Reopening

The National Audubon Society will reopen its legendary Hog Island Camp in Maine on a limited basis during the summer of 2010, offering four adult ornithology sessions and one bird studies session for teens.

Dr. Steve Kress, Audubon's Vice President for Bird Conservation will direct the sessions on behalf of Audubon's Project Puffin Seabird Restoration Program.

Hog Island was closed during the summer of 2009 to permit planning for the future.

This process led to Project Puffin bringing back summer ornithology programs for adults and teens and initiating new programs with Exploritas.

The 330-acre Hog Island camp first opened in 1936, with Roger Tory Peterson as its first bird instructor.

For more information on the summer sessions, visit [www.projectpuffin.org](http://www.projectpuffin.org).

For more information on the spring Exploritas session (the dates for the fall session are not yet set), go to [www.exploritas.org](http://www.exploritas.org) and type "hog island" in the search field.

*Watershed* (continued from page 1)

and streams and, ultimately, the Chesapeake Bay. These students will be growing native grass in their classroom which they will then plant on their school property as an erosion control measure. A field trip to the Izaak Walton League of Berkeley County or the Cacapon River in Morgan County helps the students apply the knowledge they have been learning in the classroom.

A new component of the program, introduced this year, is a new emphasis on technology. Last fall's FLOW (Future Leaders of Watersheds) grant allowed PVAS to purchase 6 handheld water testing units with probes that can be used alone or connected to computers for collecting and analyzing data. These will be beneficial in helping students achieve better technology skills, part of West Virginia's emphasis on 21<sup>st</sup> Century Learning Skills.

Students are evaluated before and after participating in the program to assess changes in knowledge and critical thinking skills. Each student also has a Watershed Journal Workbook which helps them record information and creative journaling assignments for each session.

**Calendar**

- Feb 6: Birding trip to the Shenandoah River and Country Club Road Ponds
- Feb 7: Nature Writer Group: Mary Oliver's *Owls and Other Fantasies*
- Feb 10: Monthly Lecture: Conservation of the Chesapeake Bay (Byrd Auditorium)
- Feb 13: Birding trip to the Delaware-Maryland Eastern shore
- Feb 18: Birding trip to Flowing Springs Park and Altona Marsh
- Feb 20: Winter wildlife-tracking field trip at Cacapon State Park
- Feb 26: Nature Photographer meeting
- Feb TBA: Winter tree identification field trip at the Yankauer Nature Preserve
- Mar 6: Birding trip to Shannondale Wildlife Management Area and Lake
- Mar 7: Nature Writing Group: E.O. Wilson's *Naturalist* (his autobiography)
- Mar 10: PVAS monthly program Maryland's Wood Duck population
- Mar 17: Birding trip to Fort Frederick State Park in Washington County, MD
- Mar TBA: Field trip to observe the display flight of the American Woodcock
- Mar 26: Nature Photographer meeting
- Mar 28: Annual Spring Children's Egg Hunt at the Yankauer Nature Preserve
- Apr 1: Birding 101 class begins
- Apr TBA: Barbara Kingsolver's *Small Wonders*
- Apr 14: PVAS monthly program: Identifying Spring Warblers by Sight and Song
- Apr 17: Annual Wildflower Festival at the Yankauer Nature Preserve
- Apr 23: Nature Photographers meeting
- Apr 24: PVAS Watershed Program Receives Funding

**JOIN PVAS TODAY!**

We now offer two kinds of memberships:

**1. PVAS Local Membership**

Here's what you get:

- Access to a wide variety of PVAS programs and events for adults and children.
- Discounts for selected chapter activities, like children's summer camps.
- A subscription to PVAS's newsletter and e-mail alerts about events and programs of special interest.
- ALL your dues stay here to support local PVAS efforts!

To become a local member: Enclose a check for \$20 (\$15 for seniors and students). Please make check out to "PVAS." This fee covers membership for everyone in your household for one year.

**2. Dual Membership with National Audubon**

You get all the benefits of PVAS membership plus membership in the National Audubon Society, which includes a subscription to *Audubon* magazine. If you select this option, almost all of your dues will go to National Audubon. To obtain a dual membership, enclose a check for \$20 if you are joining NAS for the first time or \$35 to renew an existing NAS membership (\$15 in either case for seniors and students). Make check out to "National Audubon Society."

**Membership Form**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Phone (optional): \_\_\_\_\_  
 E-mail (optional): \_\_\_\_\_

**Membership Type (check one):**

**PVAS Local Membership** \_\_\_\_\_  
 (For PVAS local membership, check the box following if you do NOT want PVAS to share your contact information with National Audubon: \_\_\_\_\_)

**Dual Membership with National Audubon** \_\_\_\_\_

I'd like to get *Valley Views* by e-mail \_\_\_\_\_ US mail \_\_\_\_\_ (check one)

..... (Audubon chapter code C9ZY540Z)

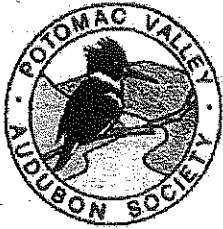
**Clip and mail this form to:**  
 Membership Chair, PVAS  
 PO Box 578  
 Shepherdstown, WV 25443

**Thank you for your support!**



**RED TEXT - DOT ALERT**

If red text or a red dot appears on your mailing label, your membership may have expired and this could be your last issue of *Valley Views*. Take action to renew your Dual membership or Local membership.



Potomac Valley Audubon Society  
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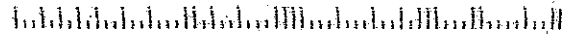
A proud partner of the United Way of  
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 bined Federal Campaign.



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 Charles Town, WV 25414

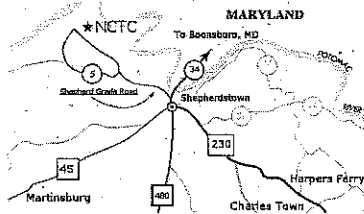
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January 2010

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Volume 28, Issue 5



The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through April, at the US Fish and Wildlife Service National Conservation Training Center (NCTC), Shepherdstown, WV, in the Instructional West Building. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please call any of the board members listed her or see <http://www.potomacaudubon.org>. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Maryland.

**PVAS BOARD**

The PVAS Board meets every other month on the first Wednesday of the month (Sept.-June). Meeting location will be announced prior to meetings. These meetings are open to all PVAS members.

**PVAS Officers and Board Members**

- President: Peter Smith 304 876-1139 ..... psmith@frontiernet.net
- Vice President: Nancy Kirschbaum ..... nancyk500@comcast.net
- Secretary: Mina Goodrich ..... larrymina@peoplepc.com
- Treasurer: Lex Miller ..... pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 ..... wbraun@frontiernet.net
- Board Members-at-Large: Don Briggs ..... ldonaldbriggs@gmail.com
- Susan Brookreson ..... brookre@earthlink.net
- Clark Dixon ..... dixonconsultants@aol.com
- Rob Hoxton ..... rhoxton@hoxtonfinancial.com
- Leigh Jenkins ..... jenkinsleigh@hotmail.com
- Georgia Jeppesen ..... georgia\_jeppesen@comcast.net
- John Reisenweber ..... jreisenweber@centrabank.com
- Carolyn Thomas ..... webethomas@aol.com

**Ex Officio Board Members**

- Diana Mullis 304 267-3482 ..... dianamullis@aol.com

**Emeritus Board Members**

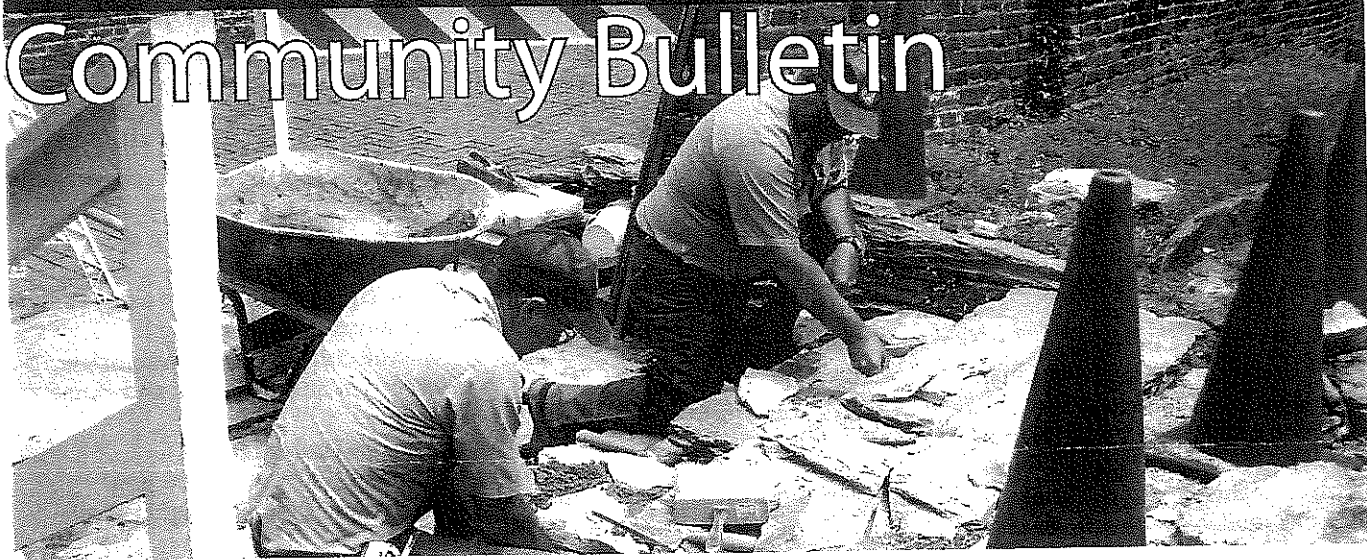
- Jean Neely ..... jeaneefy@comcast.net

**Special Contacts**

- Executive Director: Kristin Alexander 304 676-3397 ..... kaemail730@aol.com
- Web Master: Kathy Bilton ..... kathy@fred.net
- PVAS Wildlife Rescue Coord: Diana Mullis ..... 304-267-3482



# Community Bulletin



## Where Does the Money Go: Entrance Fees at Work

Harpers Ferry was established as a National Monument in 1944 and became a National Historical Park in 1963. In 1986, a congressional act authorized the collection of fees at National Park Service areas. Fees were established at Harpers Ferry in February of 1987.

Park entrance fees support park preservation, education, and maintenance. They are valid for three consecutive days, beginning on the date of purchase, at Harpers Ferry National Historical Park.

Each year, approximately 400,000 visitors explore the history and natural beauty of Harpers Ferry National Historical Park. Restored structures, museum exhibits, wayside exhibits, trails, and educational programs bring

history to life for visitors from all over the United States and the world. As visitation increases throughout the National Park System, providing a safe and memorable experience for all visitors can present quite a challenge. Increasing demands are placed upon existing facilities, and new facilities and services become necessary. In order to keep pace with growing needs, many parks, including Harpers Ferry, participate in the Federal Lands Recreation Enhancement Act (FLREA), which replaced Recreational Fee Demonstration and National Park Pass authorities in 2005.

Under the FLREA, participating parks retain user fees collected, with a percent distributed among parks with the greatest need. With increased funds

available on-site, participating parks have begun to clear a backlog of maintenance projects, so that new projects and services may now be considered.

The benefits of the FLREA are visible at Harpers Ferry National Historical Park. Some improvement projects include:

Carpentry, painting and repairs to the John Brown Museum complex.

Installation of new lights in the John Brown Museum complex.

Creation of historically accurate items to be used in building restoration.

Historic landscaping in the Lower Town.

There are many ways to help and enjoy your national parks. At Harpers Ferry you can:

- Volunteer, maybe become a Volunteer of the Month!
- Donate to the park or Harpers Ferry Historical Association
- Purchase an item at the bookshop (proceeds support park programs.)

Thanks for helping out and being part of our team!

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FEB 03 2010

Jefferson County Commission

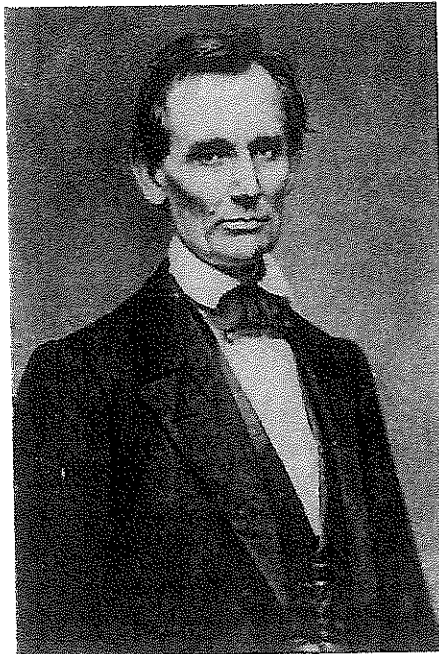
# Black History Month Focuses on Lincoln at Cooper Union

In conjunction with Black History Month, Harpers Ferry National Historical Park is pleased to announce its February 2010 schedule of events.

Throughout the month a special exhibit entitled *Abraham Lincoln at Cooper Union: Prelude to Emancipation* will focus on Abraham Lincoln's 1860 speech against the expansion of slavery.

On February 27, 1860, Lincoln presented his most influential and widely reported pre-presidential address at the Cooper Union Institute in New York City. This speech confirmed Lincoln's suitability as a presidential nominee while reaffirming his opposition to slavery.

This special exhibit will open on Sunday, February 7, 2010, at 2:00 p.m. on the second floor of the John Brown Museum on Shenandoah Street in Harpers Ferry, West Virginia. The pro-



gram will feature a presentation by Mr. Jim Getty as Abraham Lincoln, 16th President of the United States. Mr. Getty's presentation will be followed by a ribbon-cutting ceremony and reception opening this special exhibit.

For additional information, please call the 304-535-6029.

## Spring Schedule of Events

**March 6-7, 2010 - From Citizen to Soldiers: 1860 Camp of Instruction**  
Time: 11:00 a.m. to 4:00 p.m.


**Location: Lower Town**  
**Description:** Harpers Ferry Park invites visitors to witness a special 150th Sesquicentennial Living History event with over 100 Virginia militia associated with the Living History Organization of the Chesapeake Volunteer Guard. They will portray diverse townspeople, men, women, as they react to the militarization of their society and support the evolution of these townspeople into soldiers.

**March 13, 2010 - 19th Century Hot Frame Kitchen Gardening**  
Time: 11:00 a.m. - 4:00 p.m.  
**Location: Lower Town**  
**Description:** Learn how to extend your gardens' growing time from March to the first frost.

**March 27-28 Women's History Month Program: Necessity the Mother of Invention**  
Time: 11:00 a.m. - 4:00 p.m.  
**Location: Lower Town**  
**Description:** See Special exhibits and demonstrations featuring the town's manufacturing and technological advances in health, hearth, and home.

**May 8 - Under Fire**  
Time: 11:00 a.m. - 4:00 p.m.  
**Location: Bolivar Heights Battlefield**  
**Description:** Join Living History Park Rangers and Volunteers to Witness the power of the Federal Artillery that Defended Harpers Ferry. Artillery Demonstrations at 12, 2 and 3.

**May 29-30 - Defend and Protect: Arming the American Soldier**  
Time: 11:00 a.m. - 4:00 p.m.  
**Location: Lower Town**  
**Description:** Special exhibits, historic weapons firing demonstration and programs highlight the Harpers Ferry Armory, technology, invention and how soldiers used these weapons for national defense and exploration. This program investigates how a young republic grew with industrialization, technology, innovation, national expansion, while wrestling with the challenges of mass immigration, free labor versus slavery, and religious prejudice. Visitors are invited to experience the skills necessary to be a musket lock plate armory worker and munitions workers.



National Park Service  
U.S. Department of the Interior

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

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

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-525-6881

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

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

# Jefferson County Public Service District

# 25  
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FEB 03 2010

Jefferson County Public Service District  
Regular Board Meeting  
January 4, 2010

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, January 4, 2009 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; newly appointed Board member, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; Pentree Engineers, John Tuggle and Zane Summerfield; District Legal Counsel, Jim Kelsh, and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:00PM.

Mr. Hankins opened the meeting by welcoming newly appointed Board member, Peter Appignani.

## Public Comments

Dave Kardock, representing the Mayor of Bolivar, commented on the Mountain Water Project and the Golder Report. He also introduced Barbara Humes and Elizabeth Blake to comment. They both decided to hold their comments until the discussion item.

## NEW BUSINESS

### Election of Officers

Mr. Cummins nominated Mr. Hankins to serve as the Chairman and he accepted.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Hankins to appoint Mr. Hankins as Chairman. Approved 2-0. Mr. Appignani abstained from voting.

Mr. Cummins nominated Mr. Appignani to serve as the Treasurer and he accepted.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Hankins to appoint Mr. Appignani as Treasurer. Unanimously approved.

Mr. Appignani nominated Mr. Cummins to serve as Secretary and he accepted.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Hankins to appoint Mr. Cummins as Secretary. Unanimously approved.

## OLD BUSINESS

### Review Minutes of December 7, 2009 Regular Board Meeting

The minutes of the December 7, 2009 regular Board meeting were approved as presented.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the December 7, 2009 minutes as presented. Unanimously approved.

### Clarification of mandatory sewer connection (300 foot) rule

Mr. Kelsh re-drafted the revised policy from the Board's feedback at last months meeting. The Board still had some concerns regarding the options Mr. Kelsh had drafted. Mr. Appignani suggested sending the policy to the Health Department for comments and feedback.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to send the draft sewer connection rule to the Jefferson County Health Department for comments and feedback. After discussion, Mr. Cummins amended the motion to replace the word "standard" with "County Health Department" in item (i) section b) and to add "a County Health Department approved" in item (iii), second paragraph after "may elect to install a". Unanimously approved.

Revised Joint Applications to West Virginia Infrastructure and Jobs Development Council with Jefferson Utilities Incorporated for Mountain Water Project

John Tuggle completed the IJDC preliminary application and sent to the Board prior to the Board meeting, but the Board did not have time to review. In the preliminary application, Pentree has listed the total cost of the project as \$14,450,000 and will use a 50/50 split of loans and grants to cover the debt service. The proposed funding package will be finished up within the next two weeks. Mr. Tuggle stated that Pentree is comfortable with the numbers supplied from Jefferson Utilities' accountant and the draft Golder Report. Mr. Snyder was in the audience and stated that there is a deadline for submitting the application and would like the Board to move forward and not miss another funding cycle. Mr. John Maxey was also in the audience and questioned if it is more cost effective to develop wells than run a line across the mountain. Mr. Tuggle replied by stating that he is not sure if wells on the Mountain will put out more than wells in the Valley. From his professional opinion, the valley is more stable and proven to be the best source. The Board would like to put the IJDC preliminary application on both the Districts and the new Mountain Water Project websites for public review and comment.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to table until next month when the application is complete and the public has had time to review. Unanimously approved.

**NEW BUSINESS**

Discussion of any expenses over budget

Mr. Hankins informed the Board that there are no items over budget.

**Action:** No action taken by the Board.

Disbursements

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve disbursements for Cavaland water expenses in the amount of \$881.01, Glen Haven water expenses in the amount of \$1,346.47, and for the Public Service District expenses in the amount of \$148,365.12. Unanimously approved.

Approve Transfer of \$128.45 from Cavaland Security Deposit Account into Cavaland Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$128.45 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$4,321.22 from Sewer Security Deposit Account into Sewer Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$4,321.22 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

Consider Approval of 2010 Holiday Schedule

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to accept the 2010 holiday schedule as presented. Unanimously approved.

To consider and act upon on a proposed Supplemental Resolution relating to the issuance of the Refunding Sewerage System Bond Anticipation Notes, Series 2010

In November 2009, the Board approved a 6-month extension that was approved by MVB Bank for the BAN which is being used to pay for engineering design work done by Pentree Inc. relating to the Flowing Springs Wastewater Treatment Plant. MVB has now approved another 6-month extension if needed and has renamed the series bond as 2010 since the District will close on the BAN in 2010. The Board now has to approve the Notes Resolution regarding this.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve and authorize the Chairman to execute the Supplemental Resolution entitled:

**SUPPLEMENTAL RESOLUTION AMENDING CERTAIN SECTIONS OF THE NOTES RESOLUTION; REDESIGNATING THE NOTES TO THE REFUNDING SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2010 OF JEFFERSON COUNTY PUBLIC SERVICE DISTRICT; AUTHORIZING AND APPROVING THE SALE AND DELIVERY OF SUCH NOTES TO MVB BANK, INC.; AND MAKING OTHER PROVISIONS AS TO THE NOTES.**

**Unanimously approved.**

Consider Acceptance of the Golder Report for the Mountain Water Project Review Draft  
Brent Waters from Golder Associates reviewed the findings of the report with the Board. The report found that the Valley has an adequate water supply and it is reasonable to take water from the Valley to the Mountain. The Board had comments and concerns with the report. Mr. Cummins felt that with the cost given for the study, it was not sufficient for what answers need to be answered. Mr. Hankins asked Mr. Waters if he would consider answering public questions and concerns once they review the report. Mr. Waters stated he had no problem answering questions as long as within reason. Barbara Humes and Budge Blake, both from the Elks Run Committee, were in the audience and commented on the report.

**Action: No action taken by the Board.**

Discussion and Next Steps on Glen Haven Meeting on December 16<sup>th</sup>  
This item was tabled until next month.

**Action: No action taken by the Board.**

Discussion and Next Steps on Mountain Water Systems Meeting on December 17<sup>th</sup>  
The District and Jefferson Utilities had a public meeting at the Chestnut Hill Church for the proposed upgrades to the existing public water system serving Keyes Ferry Acres, Westridge Hills, and Harpers Ferry Campsites. The Board felt the meeting was a success and now the critical issue is to submit a completed IJDC application.

**Action: No action taken by the Board.**

Discuss WV Funding Stakeholder Group February 2nd Meeting  
The next meeting will be to discuss funding sources for capital improvements for public facilities made necessary by the obligation of nutrient removal requirements is on February 2nd. Mr. Keish is going to use the previous meeting minutes to draft comments on behalf of the District.

**Action: No action taken by the Board.**

Discuss Federal Leadership Committee's meeting Tuesday, January 5<sup>th</sup> at 7pm, Holiday Inn Martinsburg to discuss Draft Chesapeake Bay Strategy

Mr. Hankins is going to attend the meeting and try to provide comments on behalf of the District.

**Action: No action taken by the Board.**

Discuss Filing Comments on Federal Leadership Committee's Draft Chesapeake Bay Strategy due 1/9/2010  
This item was discussed in the above agenda item.

**Action: No action taken by the Board.**

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting. She reminded the Board that she will need a Board member around on pay days to sign her paycheck.

Consider Engagement of Outside Professional Financial and Accounting Support for the District  
Ms. Lawton informed the Board that there are times when the District needs a CPA familiar with accounting to answer accounting questions regarding the District's financials. The District would like to hire an outside professional for an "on-call" basis. The District now relies on Cox Hollida Price to perform the yearly audit and that limits them as to their ability to advise on other financial issues.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to direct staff to move forward in exploring the possibilities and develop a scope/proposal**

and cost estimate for outside professional financial and accounting support.  
Unanimously approved.

Consider RFP for Inspection Engineering Firms

The District has been with its two (2) existing inspection engineering firms since 2005. The Board has decided to send out a new Request for Proposals (RFP) for inspection services to consider what other firms have to offer.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct staff to notify the two (2) existing inspection engineering firms to terminate/not automatically renew the current contract and re-advertise for inspection engineering firms. Unanimously approved.

Consider Letter from PSD to PSC for Exemption Meter for Lawn Sprinkler for Deerfield Customer

There is currently a complaint case at the PSC filed against Jefferson Utilities (JUI) by a JUI water customer (PSD sewer customer) regarding the cost of installation of a deduct meter. Due to high usage during summer months resulting from watering the lawn, plants, and other outdoor activities, this customer would like Jefferson Utilities to install a meter that would measure how much water was used on the lawn separate from that water that was used in the house and into the sewer. Jefferson Utilities presented the customer with the cost of installation for a deduct meter and the customer then filed a complaint with the PSC due to the high cost. The PSC would now like a letter from the District stating that this deduct meter installation was ok. The Districts current policy and resolution that was passed in October 2004, does not allow deduct meters to be installed. The Board would like District staff to send a letter to Jefferson Utilities stating the Districts current policy and resolution and have Mr. Snyder forward to the PSC.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to direct staff to prepare a letter to Jefferson Utilities stating the Districts current policy and adopted resolution on exemption meters. Unanimously approved.

Odor Control and Proposal from Siemens

The District has been getting complaints from customers about the foul smell of certain pump stations. The District contacted Siemens Water Technologies Corp. to solve the odor and corrosion control problems. Siemens explored the system and sent the District a proposal demonstrating the use of Bioxide treatment. Siemens will install and maintain testing of the system as long as the District purchases the Bioxide at \$2.95 per gallon. With the Districts current financial situation, the Board would like to accept the proposal, but postpone the installation until the Districts rate increase takes effect to cover the expenses.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize staff to accept the proposal by Siemens for the odor and corrosion control contingent upon the rate increase sufficient to cover the expenses. Unanimously approved.

Correspondence  
None discussed.

Public Comments  
None.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to return to public session. Unanimously approved.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct staff to intervene in the Municipal Appeal Case for the Charles Town Ordinance Rate Case. Unanimously approved.

- Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct staff to intervene in the Certificate Application Case for Tuscawilla. Unanimously approved.
- Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize that the Board delegates the Chairman with settlement authority in the January 26, 2010 PSC rate case, # 09-1915-PSD-42T-PC. Unanimously approved.
- Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to adjourn. Unanimously approved.

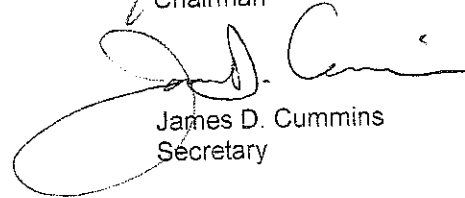
There being no further business at this time, the meeting was adjourned at 12:02AM

The next regular meeting is scheduled for February 1, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins  
Chairman



James D. Cummins  
Secretary

# Jefferson County Public Service District

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## Jefferson County Public Service District Special Board Meeting December 14, 2009

The special meeting of the Jefferson County Public Service District was held at 8:15AM on Monday, December 14, 2009 at the Districts office in Kearneysville. Those in attendance included Chairman, Joe Hankins (by speakerphone); newly appointed Board member, Peter Appignani (by speakerphone); General Manager PSD, Susanne Lawton; and Administrative Assistant, Ashley Wilt.

Chairman Hankins called the meeting to order at 8:19AM.

Approve Transfer of \$50,000 from Future Needs Account into Sewer Operating Account

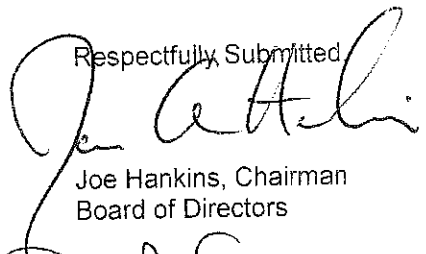
District staff would like the Board to approve the transfer of money to cover the multi-month deficit, payroll, and other expenses.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Hankins to approve the transfer of \$50,000 from Future Needs account into Sewer Operating account. Approved 2-0.

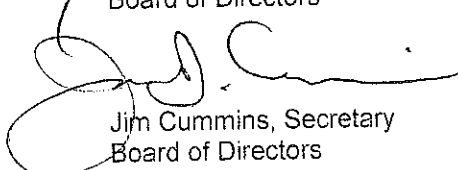
**Action:** Motion made by Mr. Appignani and seconded by Mr. Hankins to adjourn the special meeting. Approved 2-0.

The meeting was adjourned at 8:31AM.

Respectfully Submitted



Joe Hankins, Chairman  
Board of Directors



Jim Cummins, Secretary  
Board of Directors

H 26

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

| <b>Week Ending Date</b>                                  | <b>Week Ending</b>         |
|----------------------------------------------------------|----------------------------|
|                                                          | January 30, 2010           |
|                                                          | FY10                       |
| <b>To be Deposited on:</b>                               | February 5, 2010           |
| <b>Amount Played</b>                                     | <b>57,196,440.64</b>       |
| <b>Amount Won</b>                                        | <b>51,340,047.61</b>       |
| <b>Amount Promo</b>                                      | <b>210,284.00</b>          |
| <b>MWAP Contribution</b>                                 | <b><u>29,481.05</u></b>    |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>5,616,637.98</u></b> |
| <b>Administrative Costs @ 4%</b>                         | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 4%</b>                          | <b><u>224,865.52</u></b>   |
| <b>Net Terminal Revenue</b>                              | <b><u>5,391,972.46</u></b> |
| <b>Surcharge @ 10%</b>                                   | <b>539,197.25</b>          |
| <b>State Share Excess @ 58%</b>                          | <b>312,734.40</b>          |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>226,462.85</b>          |
| <i>Track Share of Capital Reinvestment @ 42% - 95%</i>   | \$ 217,404.34              |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | \$ 9,058.51                |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>4,852,775.21</u></b> |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>2,038,165.59</b>        |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>1,989,637.84</b>        |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>388,222.02</b>          |
| <b>Workers' Compensation Debt Reduction @ 7%</b>         | <b>0.00</b>                |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>24,263.88</b>           |
| <b>Greyhound Development @ .75%</b>                      | <b>36,395.81</b>           |
| <b>Thoroughbred Development @ .75%</b>                   | <b>36,395.81</b>           |
| <b>Racing Commission @ 1%</b>                            | <b>48,527.75</b>           |
| <b>County/Municipality @ 2%</b>                          | <b>97,055.50</b>           |
| <b>3% Funds:</b>                                         |                            |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>66,725.66</b>           |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>18,197.91</b>           |
| <b>Research Challenge Fund @ .5%</b>                     | <b>24,263.88</b>           |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | <b>33,362.83</b>           |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>3,032.88</b>            |
| <b>1% Funds:</b>                                         |                            |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>0.00</b>                |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>0.00</b>                |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>48,527.75</u></b>    |
|                                                          | <b><u>4,852,775.21</u></b> |

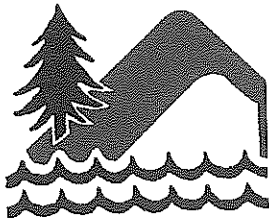
WV LOTTERY  
WEST VIRGINIA LOTTERY  
First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2008

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

| DATE                             | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>12.42% | CHARLES<br>TOWN<br>34.56% | HARPERS<br>FERRY<br>3.65% | RANSON<br>35.06% | SHEPHERDS<br>TOWN<br>14.29% |
|----------------------------------|------------------------------|---------------------------|----------------------|-------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 4 days ending:<br>7/1/09- 7/4/09 | \$ 120,262.42                | \$ 120,262.42             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:                     |                              |                           |                      |                   |                           |                           |                  |                             |
| 07/11/09                         | \$ 168,815.08                | \$ 168,815.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/18/09                         | \$ 160,852.88                | \$ 160,852.88             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/25/09                         | \$ 158,869.08                | \$ 158,869.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/01/09                         | \$ 174,493.08                | \$ 174,493.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/08/09                         | \$ 155,846.74                | \$ 139,408.80             | \$ 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              | \$ 2,964.61               | \$ 28,492.73     | \$ 11,806.64                |
| 08/22/09                         | \$ 152,520.62                | \$ 76,260.31              | \$ 76,260.31         | \$ 9,471.53       | \$ 26,355.56              | \$ 2,783.50               | \$ 26,752.12     | \$ 10,897.60                |
| 08/29/09                         | \$ 160,945.84                | \$ 80,472.92              | \$ 80,472.92         | \$ 9,994.74       | \$ 27,811.44              | \$ 2,937.26               | \$ 28,229.90     | \$ 11,499.58                |
| 09/05/09                         | \$ 161,596.30                | \$ 80,798.15              | \$ 80,798.15         | \$ 10,035.13      | \$ 27,923.84              | \$ 2,949.13               | \$ 28,343.99     | \$ 11,546.08                |
| 09/12/09                         | \$ 172,573.84                | \$ 86,286.92              | \$ 86,286.92         | \$ 10,718.84      | \$ 29,820.78              | \$ 3,149.47               | \$ 30,269.45     | \$ 12,330.40                |
| 09/19/09                         | \$ 140,020.30                | \$ 70,010.15              | \$ 70,010.15         | \$ 8,895.26       | \$ 24,195.51              | \$ 2,555.37               | \$ 24,559.56     | \$ 10,004.45                |
| 09/26/09                         | \$ 138,633.74                | \$ 69,316.87              | \$ 69,316.87         | \$ 8,609.16       | \$ 23,955.91              | \$ 2,530.07               | \$ 24,316.35     | \$ 9,905.38                 |
| 10/03/09                         | \$ 144,572.08                | \$ 72,286.04              | \$ 72,286.04         | \$ 8,977.93       | \$ 24,982.06              | \$ 2,638.44               | \$ 25,357.93     | \$ 10,329.68                |
| 10/10/09                         | \$ 139,301.28                | \$ 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               | \$ 25,804.92     | \$ 10,511.75                |
| 10/24/09                         | \$ 135,163.32                | \$ 67,581.66              | \$ 67,581.66         | \$ 8,393.64       | \$ 23,358.22              | \$ 2,468.73               | \$ 23,707.65     | \$ 9,657.42                 |
| 10/31/09                         | \$ 129,056.60                | \$ 64,528.30              | \$ 64,528.30         | \$ 8,014.41       | \$ 22,300.88              | \$ 2,355.28               | \$ 22,636.54     | \$ 9,221.09                 |
| 11/07/09                         | \$ 127,483.18                | \$ 63,741.59              | \$ 63,741.59         | \$ 7,916.71       | \$ 22,029.09              | \$ 2,326.57               | \$ 22,360.55     | \$ 9,108.67                 |
| 11/14/09                         | \$ 131,919.28                | \$ 65,959.64              | \$ 65,959.64         | \$ 8,182.19       | \$ 22,795.65              | \$ 2,407.53               | \$ 23,138.64     | \$ 9,425.63                 |
| 11/21/09                         | \$ 119,094.10                | \$ 59,547.05              | \$ 59,547.05         | \$ 7,395.74       | \$ 20,578.46              | \$ 2,173.47               | \$ 20,889.11     | \$ 8,509.27                 |
| 11/28/09                         | \$ 144,799.96                | \$ 72,399.98              | \$ 72,399.98         | \$ 8,892.06       | \$ 25,021.43              | \$ 2,642.80               | \$ 25,397.91     | \$ 10,345.96                |
| 12/05/09                         | \$ 102,013.02                | \$ 51,006.51              | \$ 51,006.51         | \$ 6,335.01       | \$ 17,627.85              | \$ 1,861.74               | \$ 17,883.08     | \$ 7,288.83                 |
| 12/12/09                         | \$ 104,921.16                | \$ 52,460.58              | \$ 52,460.58         | \$ 6,515.60       | \$ 16,130.38              | \$ 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              | \$ 1,188.46               | \$ 11,518.30     | \$ 4,692.03                 |
| 12/26/09                         | \$ 108,812.68                | \$ 53,406.34              | \$ 53,406.34         | \$ 6,833.07       | \$ 18,457.23              | \$ 1,949.33               | \$ 16,734.94     | \$ 7,631.77                 |
| 01/02/10                         | \$ 165,980.80                | \$ 92,980.40              | \$ 92,980.40         | \$ 11,548.17      | \$ 32,134.03              | \$ 3,393.78               | \$ 32,617.52     | \$ 13,286.90                |
| 01/09/10                         | \$ 110,040.92                | \$ 55,020.46              | \$ 55,020.46         | \$ 6,833.54       | \$ 19,015.07              | \$ 2,008.25               | \$ 19,301.18     | \$ 7,862.42                 |
| 01/16/10                         | \$ 121,102.58                | \$ 60,551.28              | \$ 60,551.28         | \$ 7,820.47       | \$ 20,926.52              | \$ 2,210.12               | \$ 21,241.39     | \$ 8,652.78                 |
| 01/23/10                         | \$ 139,887.08                | \$ 69,943.53              | \$ 69,943.53         | \$ 8,686.99       | \$ 24,172.48              | \$ 2,552.94               | \$ 24,536.19     | \$ 9,994.83                 |
| 01/30/10                         | \$ 97,055.50                 | \$ 48,527.75              | \$ 48,527.75         | \$ 6,027.15       | \$ 18,771.18              | \$ 1,771.26               | \$ 17,023.53     | \$ 6,934.62                 |
| Subtotal                         | \$ 4,287,646.96              | \$ 2,599,856.24           | \$ 1,687,791.74      | \$ 209,623.78     | \$ 583,300.81             | \$ 61,804.40              | \$ 592,077.33    | \$ 241,185.44               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -



Eastern Panhandle Conservation District  
151 Aikens Center, Suite 1  
Martinsburg, WV 25401  
(304) 263 - 4376 ~ Fax 263 - 4986

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FEB 04 2010

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To: Jefferson County Commission  
City of Ranson  
City of Charles Town  
EPCD Board of Supervisors

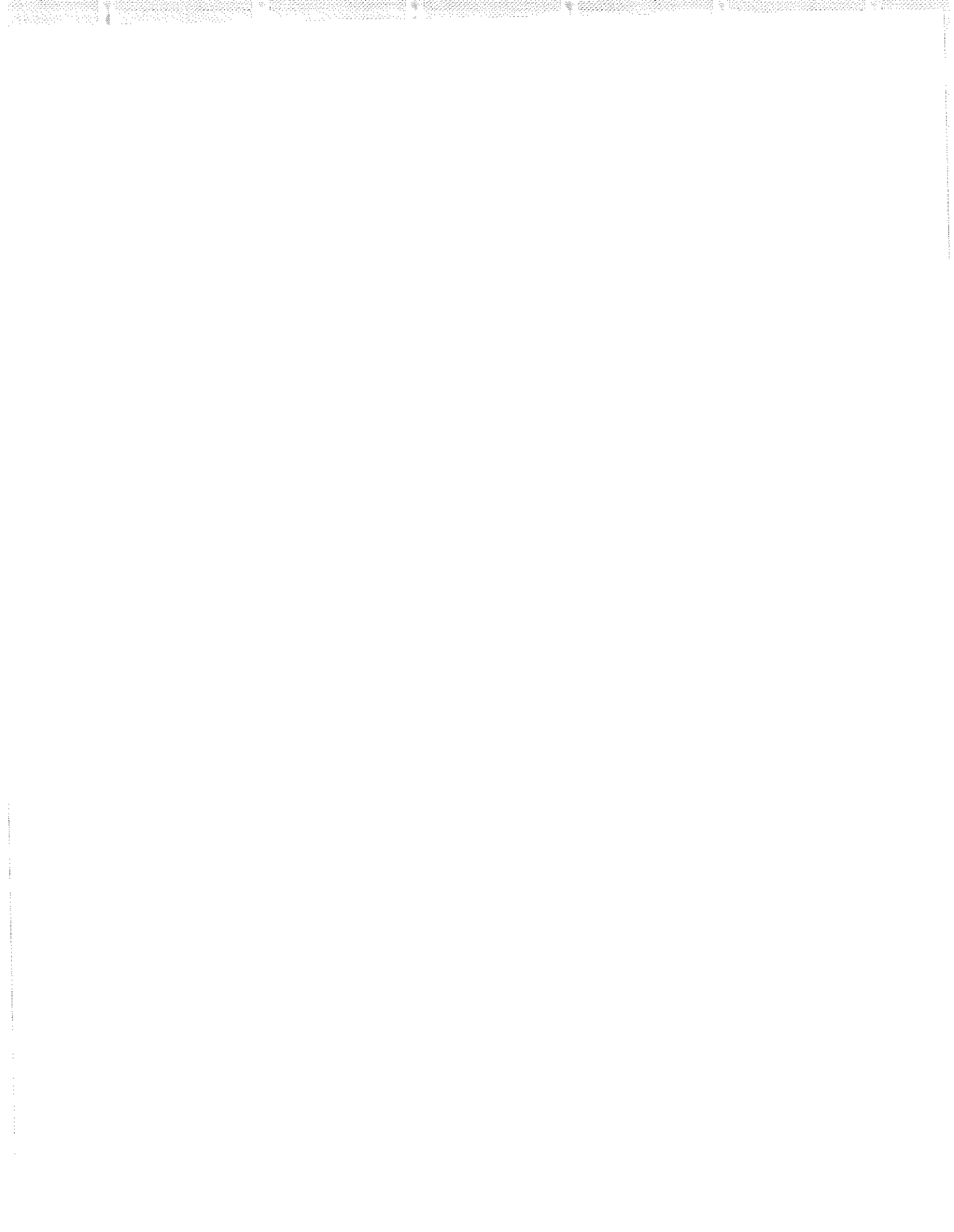
Jefferson County Commission

From: Sherry Duncan, Administrative Officer

Re: 2010 Inspection Schedule

Date: February 1, 2010

The West Virginia Conservation Agency will be inspecting the Evitts Run Channel on April 26. If you are interesting in attending, please contact Sherry Duncan ([sduncan@wvca.us](mailto:sduncan@wvca.us)) by March 1.



#28

Re: Planning Commission Agenda 2-9-10

Delete

Reply

Reply All

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From: gil narro garcia Add to Address Book  
To: planningdepartment@jeffersoncountywv.org  
CC: HFMayor@aol.com, info@jeffersoncountywv.org  
Date: Wednesday, February 03, 2010 11:19:18 AM  
Subject: Re: Planning Commission Agenda 2-9-10

Here you go again. The request for the public hearing on your agenda: "This property is located at the

intersection of Route 340 and Bakerton Rd. and is a total of 9.676 acres. This property is currently zoned Residential Growth and a request has been made by the owners, Shenandoah

Professional Center, LLC, to change the zoning to Residential/Light Industrial/Commercial." denied.

The property in question is an important drainage area for ground water--that is why it is mostly always wet! Also, the property is right on the Bakerton road entrance to the HFN Park. Give me a break! You must demand that an environmental study done by an independent and reliable firm--and I'm not thinking Snyder--before you even consider a public hearing on a zoning change. Finally, you must take into consideration the floodgates you're opening when you start changing residential to commercial zoning on a piecemeal basis, especially on the declared "Main Street" (Hwy 340) designation by the J. County Commission.

Your record of disrespect and disregard for citizens is well established by your approval of the denuding and destruction of the Allstadt Farm land behind the flea market. Most seriously, you've kept citizens in the dark about what the developers are doing to that land.

I have copied the County Commission because this matter is very serious and you appear unable to handle it properly and with regard to the community and the environment.

Gil Narro Garcia

881 Elk Run Dr.

Harpers Ferry WV

304-535-2235

[gilnarrogarcia@comcast.net](mailto:gilnarrogarcia@comcast.net)

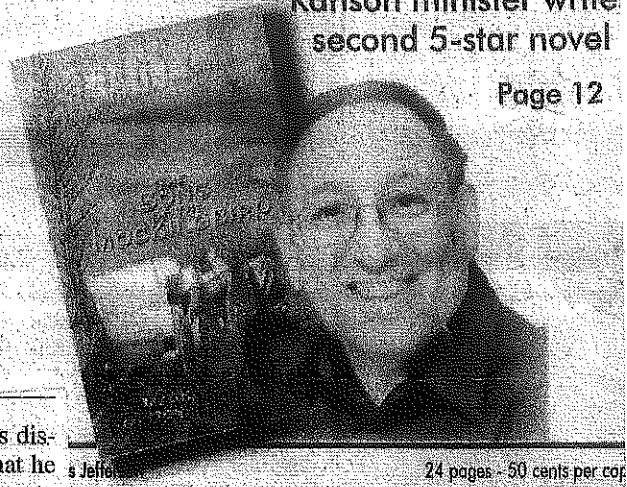
Correspondence

# Opinion

of Jefferson Farmer Advocate

Ranson minister write second 5-star novel

Page 12



January 21, 2010

## DEPUTY

From PAGE 1

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FEB 02 2010

Jefferson County Commission

course were reported within county offices, in squad cars while one or both officers were on duty and in a public park, according to court records.

An investigation was entered into by Boober when the relationship between the two officers fell apart and began to cause animosity in the workplace. Dodson actually filed a written complaint against Edwards which led Edwards to disclose details of the two officers' relationship to the investigating officer, Lt. D.K. Colbert.

When an investigation was held, Edwards was forthcoming with details of the relationship, indicating that it went on between 2005 and 2007. During the investigation by Colbert, both officers were subjected to a polygraph examination. The polygraph examiner indicated that "he did not detect deception in Corporal Edwards' responses but did detect deception in Sergeant Dodson's responses," according to court filings.

Court documents show that "Dodson, by his own admission, made untruthful statements to Lt. [D.K.] Colbert, while he was serving in his official capacity as Sgt. Dodson's supervisor." Court documents also show that Dodson's termination

came as a result of this dishonesty and the fact that he "could not be relied upon to remain professional while in uniform and refrain from involving other employees in matters of a purely personal nature."

As a result of the investigation, Cpl. Edwards received a demotion from corporal to deputy and three days of administrative leave without pay. Sgt. Dodson was deemed to be "not forthcoming" and was terminated by an unexecuted letter issued by Boober and an actual termination by Shirley.

The Civil Service Commission upheld Shirley's termination of Dodson based on facts of the case. An appeal of that agency's ruling was denied by Judge Sanders, who said in his conclusions of the court order that "evidence demonstrates that Sergeant Dodson was not forthcoming during the investigation and by his own admission to a third party, did not truthfully answer questions directed to him by his superior officer." Court documents go on to say that Dodson "has altered his version of the events on three separate occasions."

"The conclusion of the Jefferson County Sheriff's Civil Service Commission that the Sheriff had just cause to support his decision to terminate the Petitioner was proper," Sanders indicated. Sanders therefore denied Dodson's appeal to a higher court.

Jefferson

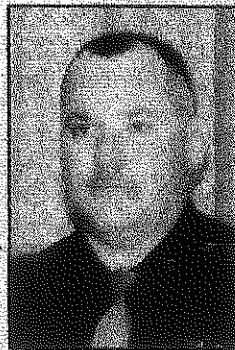
24 pages - 50 cents per copy

## Judge upholds deputy dismissal

### Denies appeal to higher court

CHARLES TOWN -- The termination of a county deputy for inappropriate sexual behavior and failure to tell the truth in the matter was upheld January 6 by Circuit Court Judge David Sanders.

Michael T. Dodson, a sergeant with the Jefferson County Sheriff's Office, filed a request for appeal with the Jefferson County Circuit Court following an initial ruling from the Sheriff's Civil Service Commission which upheld Sheriff Bobby Shirley's decision to terminate Dodson upon taking office in January 2009. Dodson had been terminated by former Sheriff Ed Boober pending an appeal to the Civil Service Commission.



DODSON

Dodson and fellow officer Tracey Edwards, a corporal with the department, were found to be involved in a sexual relationship which was carried on while on duty. Instances of sexual inter-

See DEPUTY page 5

**DO NOT PASS ALONG UNTRUE REPORTS**  
**THE LIVING BIBLE (EXODUS 23 - VERSE 1)**

In reference to your article in the Spirit dated January 21, 2010 concerning the dismissal of Sergeant Dodson from the Sheriff's Department and the Judge upholding that dismissal, We are extremely upset that you reported what was simply relayed to you supposedly by a representative of the Prosecuting Attorney's office and with the approval of the Sheriff of Jefferson County. It has always been our belief that the news media reported the **FACTS** of any story. Several of us wonder if either Sergeant Dodson or his attorney were contacted so they may tell their version. Your article certainly does not sound like it and we believe you missed the mark on this one. In your article you stated Sergeant Dodson was involved in a sexual relationship with a fellow female officer which all occurred while on duty and at several locations. If you had bothered to check your facts through court documents etc. other than relying on someone's saying it happened, you would have learned that during the court hearing, no evidence was provided by the prosecutor to substantiate that claim. This all started because Sergeant Dodson initiated a complaint against the female officer for giving advice to a suspect reference to an illegal search. The female officer became scorned and Sergeant Dodson's complaint turned into an investigation against him. As part of the investigation, Sergeant Dodson we believe was unlawfully forced to submit to a polygraph examination under the threat that if he did not take a polygraph, he would be terminated. We believe he had no choice and his rights were completely violated. During the course of taking the polygraph Sergeant Dodson expressed concerns over some questions and his responses to those questions. Supposedly the examiner became enraged and terminated the test stating "I'll just tell Lt. Colbert of my findings." If this did transpire, that shows no professionalism on the part of the examiner. What else is he going to say, the Sheriff's Department is paying his bill. Interview rooms at the sheriff's department are equipped with an AUDIO recording system so as to protect possible defendants as well as the sheriff's department. A few days after Sergeant Dodson's polygraph examination, he submitted a request for a copy of those audio tapes and was told by then Sheriff Boober that the audio system was NOT WORKING on that day. Seems to us if you were going to discipline an employee, you would want something more concrete on record that simply taking someone's word as the truth. Sounds like a convenient cover-up to us. Sergeant Dodson further WAS NEVER terminated by then Sheriff Boober. Sheriff Boober was awaiting a decision from a review board before he initiated any form of disciplinary action against Sergeant Dodson. If Sergeant Dodson had been terminated by Sheriff-Boober, he would not have been still employed when Sheriff Shirley took office. It is our understanding that Sergeant Dodson never received due process for which he was eventually terminated. If you read the findings of the Deputy Sheriff's Civil Service Commission, you will find their decision states exactly that Sergeant Dodson received no due process as required by law. Who is this third party that Sergeant Dodson was untruthful with. It sounds to us like it could very well be the polygraph examiner. He only testified at the Civil Service hearing and had no direct knowledge of the events in question. Therefore he was only expressing an

opinion. We are under the assumption that courts could not use simple opinions to basically convict people of wrong doing. Without proof the judicial offices, government offices, news media and individuals in general have no respect, integrity or ethics. Lets us talk about integrity and ethics. We know of no other time when the prosecutor's office has deliberately solicited the local news media in an attempt to ruin a persons creditability or career. Perhaps they should take a look at their own integrity and ethics It is suspected this whole article can be tracked back to the Sheriff himself. Some people know he has no integrity OR ethics. If he had the slightest bit of respect integrity or any other decent qualities, he would not have at one time during his career urinated on a suspects hat. You can also read that in the transcripts of Sergeant Dodson's civil service hearing, where he positively admits to the act and further states he was "justified" in doing so. Urinating on a hat is only one of many acts that Sheriff Shirley has rumored to have committed during his law enforcement career. Maybe he should be asked how many times he had sexual relations during his career and while on duty. Unfortunately he is not the only one of the sheriff's staff that have done exactly what they are accusing Sergeant Dodson of having done. When some people achieve a position of authority, they somehow believe that all their indiscretions should be forgotten or forgiven. They fail to realize there are persons still around that remember those indiscretions. While the judge of the Circuit Court has rendered a decision, that doesn't necessarily indicate that further litigation may not be initiated. There are other avenues that quite possibly can or will be pursued. Should those avenues be initiated, you could very well be called upon to justify your actions in publicizing this article. You could also conceivably be held responsible for slandering Sergeant Dodson's name and reputation. If this was such a news worthy story, how is it that no other area news media bothered to report it. We believe you reported a story based on hearsay and never researched the facts .Your newspaper published a story that has caused irreparable damage to Sergeant Dodson's character and creditability. The damage has already been done by merely printing an article which we believe to be not totally factual. Should this be proven to be true, there is absolutely NOTHING you can do to repair the damage you have caused. Sounds to us like possibly some members of a political party are more concerned about the party's reputation and saving the county money rather than doing what is right. The ordinary citizen who attempts to stand up for what they believe is right simply cannot win. Not in this county anyway. There is no "of the people, by the people or for the people". Small town politics at it's ugliest. We demand the general public be aware of events that occur on a fairly regular basis. This may be sent to several institutions throughout the state or may be simply plastered to every windshield of the citizens of the county. See what happens at the next election.

The family and friends of Sergeant Michael Dodson

RECEIVED

JAN 29 2010

To: Jefferson County Public Service District  
Jefferson County Commission  
West Virginia Public Service Commission  
The People of Jefferson County, West Virginia

Jefferson County Commission

Has the Public Service District and the County Commission of Jefferson County forgotten that actions speak louder than any word they may say? I believe they have. For over 25 years the water systems of West Ridge Hills, Keys Ferry Campsites and Keys Ferry Acres have been the subject of un-countable debates, studies and discussion. During that time they were left in such a condition as to be deemed abandoned by Howard Speaks. They were managed into a boil only condition by the Public Service District and Jefferson County Government. They were all but given to Jefferson Utilities (aka Lee Snyder) because the residents were desperate of any kind of positive change. Jefferson Utilities did make immediate positive change in all three communities. They no longer had to boil the water before drinking or using it. In West Ridge Hills a new storage tank provided so much pressure at the bottom pressure reducing valves had to be installed to keep from blowing out parts of the system at the bottom. In Keys Ferry Campsites line and system improvements have created a system that could probably handle lifting the building moratorium in that section. This is of course my opinion.

However in Keys Ferry Acres the story is different. As the largest undeveloped subdivision in Jefferson County (again my opinion) only sections of line have been replaced. When I asked Lee Snyder to provide a specific map of all the lines and improvements I was told that they recently started a repair logging system to track these items. The old way was just to go and fix it. No documentation. Current and future repairs and improvements are now being tracked and well documented. Even Lee Snyder has stated to me that the condition of the system when he took over was much worse than he imagined. Still I wonder what the plan is for the sections of fire hydrant capable line that have been installed but not yet connected. Why lay pipe that does not reach or improve existing customer's service? Why lay a small 2 inch black pipe (very similar to what is in the ground now) next to the larger pipe? I still have not received a solid answer to that set of questions. The "maps" section of <http://74.42.27.154/index.php?page=maps> the Mountain Water System Project website is blank. I did find some maps in the December 2009 Public Meeting power point presentation. However I have not found a true readable map of the existing systems with line routing and specifications anywhere. All I know is if I was running, managing or responsible for the water of the community this information should be at my fingertips.

Now about the politics, the Public Service District and Jefferson Utilities have missed the last opportunity for Federal Stimulus money. Over 7 months was not enough for these two agencies to act. This can only be chalked up to politics. Who put these people in charge? We did but only sort of. The Jefferson County Commission placed Peter L. Appignani on the Public Service District in December 2009. Mr. Appignani who is involved with the Gap View law suit against Jefferson Utilities was approved by Frances Morgan, Jim Surkamp and Lyn Widmyer. Those three did not seem to think that a person who is in litigation with the very agency he is being asked to partner with was not a conflict of interest. It would seem the definition of conflict has changed for the Jefferson County Commission. Because of delays and political blocking by the three aforementioned Commissioners, PSD members Appignani and Cummins, and C.O.B.R.A. lead by John Maxey (very involved in the campaigns of Frances Morgan and Lyn Widmyer along with supporting Jim Surkamp) against Jefferson Utilities management of the water systems. It may be worth noting that the Commission appointed Mr. Maxey into the Jefferson County Planning Commission. Lee Snyder has asked for more money regularly for rate increases and other operating costs. His other privately owned company Snyder Environmental does all the repair and maintenance work for Jefferson Utilities. This appearing conflict is a major part of the fuel behind the people that oppose his management. I too am not comfortable with this arrangement and have told Mr. Snyder so. Another aspect of this puzzle is the person that owns the majority of the undeveloped lots in Keys Ferry Acres is Lee Snyder through Oak Meadow Llc. which were obtained as a part of the deal for taking the Keys Ferry Acres water system. Since Mr. Snyder is a developer this fits that additional part of his business. The development of existing approved subdivision lots in Keys Ferry Acres is due to a water moratorium imposed by the Jefferson County Health Department. Also any work done in Keys Ferry Acres where Mr. Snyder is also responsible for the road maintenance; is done by Snyder Environmental. In this respect the reasons for poor service are almost identical to those provided for poor water service; money. Either there are not enough customers on the water system to cover the costs or not enough residents to pay for the road needs. All of this is created by the inability to build those residences to provide more customers to spread the costs across; which brings us back to the water. When we look at the Maxey, Widmyer, Morgan, Surkamp, Appignani and Cummins stance on future development in Jefferson County you find they oppose development in the Keys Ferry and West Ridge Hills areas even though none of them live there. It seems like an "I've got mine and I don't want you to have yours" mentality. The West Ridge Hills and Keys Ferry communities have been approved for development for over 25 years. One would think that allowing that

approved expansion would then create the needed revenues to resolve the water issue. That does not even mention the added tax revenues to the county. It seems like the county is discriminating against Keys Ferry and West Ridge Hills. The only difference between the areas that can develop of Shannondale and Blue Ridge Acres is water. Are Keys Ferry and West Ridge Hills any less deserving than Shannondale or Blue Ridge Acres? In my opinion, no we are just as deserving. What a mess.

So far the only positive actions have come from Lee Snyder but those come with a steep price. The only actions of everyone else are words and stalling. Words are useless. Actions are needed. Remove Mr. Appignani from the PSD. Either remove management of the water system from JUI as long as Lee Snyder has control or make it so JUI cannot have any dealings with any company owned by Mr. Snyder or his family. Allow wells to be drilled in the West Ridge Hills and Keys Ferry communities just like in Shannondale and Blue Ridge Acres until such time a proper water system is in place to properly support those customers. The increased customer base will help spread the cost out when the system is ready. The septic perk and field requirements will prevent a sizeable number of the lots from being developed. Next, the removal of Mr. Appignani resolves the conflict of interest. Then the changes to JUI management will remove two conflicts; the money circle of JUI and Snyder Environmental; the conflict of Oak Meadow Llc. and JUI ownership. What is more important to Mr. Snyder? Is it the monies to be made developing Keys Ferry and West Ridge Hills? Is it the monies that could be made by Snyder Environmental? Or, is it the monies to be made providing water to Jefferson County? Don't be greedy Mr. Snyder. As for the Jefferson County Commission, you are not representing the will or needs of Jefferson County. I have never heard of so many lawyers being needed because a county keeps suing its self. Quit wasting our money, time and futures on your petty fiefdom building. Remember what your job is and remove your personal feelings. Be professional in your work. That action will get you re-elected.

Regards,  
Scott Smiley

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From: SSmiley [Add to Address Book](#)  
To: gm@jcpsd.com  
CC: treed@jeffersoncountywv.org  
Date: Tuesday, February 02, 2010 3:44:34 PM  
Subject: Letter concerning the PSD

 [PSD Letter 003.docx](#)

Susanne and Tessa,

Please disperse the attached letter to the PSD and JCC members. Thank you very much for your assistance.

Regards,  
Scott Smiley

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FEB 03 2010  
JEFFERSON COUNTY COMMISSION

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FEB 05 2010

JEFFERSON COUNTY COMMISSION

TO:  
Jefferson County Public Service District  
Jefferson County Commission  
West Virginia Public Service Commission

“Buyer beware” is what Mr. Jim Cummins stated to the mountain communities at the February 1<sup>st</sup> Public Service District (PSD) meeting just before casting his “no” vote for sending in the application for funding for repairs to the mountain water systems. Mr. Cummins also stated the letter from the Robert L. Hardy the Mayor of Bolivar representing 1,700 people threatening legal action if the project continued outweighed the 356 people that live on the mountain. So while though Mr. Cummins may not be against growth, he has no spine to stand up for a minority that needs serious assistance. He also seems to feel he is more knowledgeable than the engineers from Golder and questioned the cost estimate by saying it was “low balled” hinting that it was priced to make it more appealing than other alternatives. This brings into stark light Peter L. Appignani’s obvious dislike for Jefferson Utilities (JUI) and Lee Snyder; when in his last statement before casting his “no” vote asked why should the county pay for water to undeveloped lots? Is this any different than when a new subdivision is built? The fact that 356 families need assistance did not seem to matter to him what-so-ever. Let’s not forget the Town of Harpers Ferry delegation that consistently stated that while they were not against the people on the mountain; they could not support this project because they felt they would be adversely impacted. The Jefferson County Commission (JCC) person that was supposed to represent our region to the PSD Lyn Widmyer did not once support the Mountain Water System Project in this session that I noticed. Mrs. Widmyer did state the JCC is looking at funding test wells in West Ridge Hills to check the viability of a water source there. All of this pointing back to the impression that the JCC is more knowledgeable than the engineers. It also points to an underlying unwillingness to support connecting the “valley” to the “mountain” thus perpetuating the division. Even Dale Manuel has stated he does not feel that the “valley” should pay for the repairs or upgrades to the mountain systems. I feel compelled to point out that the JCC appoints all the persons on the PSD. In my opinion they are political appointee’s working toward the JCC’s political agenda. The exception to this is Joseph A. Hankins. Mr. Hankins seems ready to find solutions to problems and road blocks making a positive change. In the end, the JCC is ultimately responsible for the 35 years of failure.

All of this brings to a head three issues in my opinion that are preventing any progress on the Blue Ridge. First, the people of the “valley” while agreeing that the mountain needs help, will not support it if they have to do or pay anything. It seems curious to me that the taxes we all pay for schools seem to be mostly devoted to the “valley”. The mountain communities only have one (1) school on the Blue Ridge, Blue Ridge Elementary. All other schools are located across the river miles away from our homes forcing mass bussing of our children. It took a hotly contended election to get the Jefferson County Sheriff’s Department (JCS D) to put in a substation building last year; a station that is not manned but empty most of the time. Second, the fact that none of the JCC or PSD live on the Blue Ridge and only one PSD member (Appignani – JUI in Gap View) has service either with the PSD (sewer) or JUI (water) means they have no stake in this. They are unaffected by their own decisions. Lastly is the mass hatred of JUI and Lee Snyder. Mr. Snyder in my opinion has brought this upon himself by the circular transfer of funds from JUI and Snyder Environmental (SE) that has been the long standing center of the “where does the money go?” questions. This combined with JUI’s never ending requests for rate hikes make these reasonable and needed questions requiring answers.

#### SOLUTIONS:

- 1) The First Option:
  - a. Per the Code of West Virginia Section 16-13a-1b “Each county commission shall conduct a study of all public service districts which have their principal offices within its county and shall develop a plan relating to the creation, consolidation, merger, expansion or dissolution of such districts...”  
I challenge the Jefferson County Commission to create a separate and independent PSD for the

mountain water systems. The 3 seats on that body will be filled by a representative from each community (West Ridge Hills, Harpers Ferry Campsites and Keys Ferry Acres); that we share the administrative offices and support with existing PSD. The Mountain PSD can hold its meetings at the fire hall close to the residents. Since the "valley" PSD seems completely incapable of action and has conflicts of interest this seems a reasonable request.

- b. JUI surrenders the management of the Mountain Water System (MWS) to a non-Snyder family or business entity or group. Or, JUI agrees not to do business with any Snyder family or business entity or group in regards to the MWS. This will remove the appearance of conflict in regards to how the money is currently spent.

2) The Second Option:

- a. For a cost of \$2,848,000 you could drill 356 \$8,000 wells. That is one well for every person currently on MWS. This is a pittance compared to the monies being considered to source, repair and replace the MWS of \$14,000,000. Not to mention it could be done in approximately 1 year instead of 3 to 5 years with the other plan.
- b. Close and decommission the MWS.
- c. This will make West Ridge Hills, Harpers Ferry Campsites and Keys Ferry Acres the exact same as Blue Ridge Acres, John Brown's Farm, Shamonwood, Wide River Farms, Shannondale and every other mountain subdivision in relation to water and sewer. How about treating us like everyone else? How about admitting that the MWS is not really a valid system?

Most of the people I have spoken to feel helpless resignation that nothing they say or do will make a difference. They feel the rest of Jefferson County has disdain and really does not want to be associated with the "mountain". I challenge you to prove them wrong.

Regards,

Scott Smiley