

**AGENDA FOR THURSDAY, FEBRUARY 25, 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. - Roger Ethier - Water Advisory Committee - Funding Request
- 4. 10:00 a.m. - Development Authority - Discussion of FY10 Accomplishments and FY11 Work Plan
- 5. 10:30 a.m. - Health Department - Discussion of FY10 Accomplishments and FY11 Work Plan
- 6. 11:00 a.m. - Executive Session Meeting with Mr. Bailey, Attorney for the County Clerk Lawsuit
- 7. 11:15 a.m. - Legal Update and Report - (Stephanie Grove)
- 8. 11:30 a.m. - Jennifer S. Maghan - County Clerk's Report  
- Elections Budget 413
- 9. 11:45 a.m. - Break for Lunch
- 10. 1:00 p.m. - Afternoon Session Begins

**UNFINISHED BUSINESS:**

- 11. Approval of Budget Revision 005 to the General Fund  
(Fund 001) - Discussion/Action

**NEW BUSINESS:**

- 12. Legislative Issues
- 13. Request for Use of the County Meeting Room for Census 2010

- 14. Approval of Resolution Authorizing Participation in the Eastern Panhandle HOME Consortium - Discussion/Action
- 15. County Administrator Reports
- 16. County Commission Reports
- 17. 1:30 p.m. - Barbara Miller, Director of Homeland Security and Emergency Management  
- 2010 Snowstorm Update
- 18. 1:40 p.m. - Mark Schiavone, Director of Capital Planning and Management  
- Decision on Automatic Impact Fee Inflation Adjustment - Discussion/Action  
- Email Server Issues - Site License and Archiving - Discussion/Action
- 19. 1:50 p.m. - Kirk Davis, Sr., - Capital Projects Manager  
- Refund to the Capital Outlay Fund - Discussion/Action  
- Reimbursement from Magistrate Court - Discussion/Action
- 20. 2:00 p.m. - Roger Goodwin - Bonding Policy Review Committee - Recommendations and Set Public Hearing Date
- 21. 3:00 p.m. - Roger Goodwin - Engineering - Review of FY11 Work Plan
- 22. 3:30 p.m. - Jennifer Brockman - Planning Commission - Review of FY11 Work Plan
- 23. 4:00 p.m. - Adjourn

**INFORMATION:**

- 24. Appointments to be made to the Historic Landmarks Commission on March 4, 2010.
- 25. Appointment to be made to the Harpers Ferry/Bolivar Public Service District on March 4, 2010.
- 26. Appointments to be made to the Water Advisory Committee on March 4, 2010.
- 27. Memorandum received from the Engineering Department concerning a bond for Harvest Hills Subdivision in the amount of \$1,419,162.

- 28. Notice of a public meeting on Wednesday, March 3, 2010, at 7:00 p.m. for public review and discussion on the proposed plans for the new Jefferson County Judicial Center/Courthouse Annex.
- 29. Correspondence received from the Division of Highways concerning the Statewide Transportation Improvement Program.
- 30. Notice received from the Division of Highways concerning the addition of a road to the state local service system.
- 31. Animal Control report received for January 2010.
- 32. Correspondence received from the United State Department of Agriculture concerning the issuance of Errata Sheet for page 88 of the Lower Shenandoah River Watershed Assessment, Virginia and West Virginia.
- 33. Invitation received to attend the Shepherdstown Fire Department Recognition and Awards Dinner and Dance on March 20, 2010.
- 34. Legislative information received from the County Commissioners' Association.
- 35. Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.

**CORRESPONDENCE:**

- 36. Correspondence received from the Fox Glen Community concerning road conditions.
- 37. Correspondence received from Scott Smiley concerning the Mountain Water System.

*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.*



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Phone: 304/728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304/725-7916



4

February 5, 2010

William Chesley, Chairman  
Jefferson County Development Authority  
151 Packett Drive  
Charles Town, WV 25414

Dear Mr. Chesley,

This letter is to inform you that a meeting has been scheduled with the County Commission on Thursday, February 25, 2010 at 10:00 a.m.

This informal meeting is being scheduled to discuss what you accomplished last year, your FY11 work plan and any new initiatives you would like to pursue if funds are available.

Thank you for your cooperation in advance.

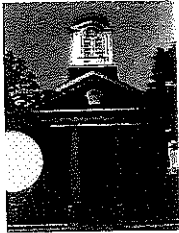
If you have any further questions or need additional information, please contact our office at 304-728-3284.

Sincerely,

Sandy Slusher McDonald  
Acting County Administrator

cc: Tom Bayuzik, Jr., Executive Director

Announcements



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414



Phone: 304/728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304/725-7916

February 5, 2010

Dr. Robert Johnson, Chairman  
Jefferson County Health Department  
P.O. Box 689  
Harpers Ferry, WV 25425

Dear Dr. Johnson,

This letter is to inform you that a meeting has been scheduled with the County Commission on Thursday, February 25, 2010 at 10:30 a.m.

This informal meeting is being scheduled to discuss what you accomplished last year, your FY11 work plan and any new initiatives you would like to pursue if funds are available.

Thank you for your cooperation in advance.

If you have any further questions or need additional information, please contact our office at 304-728-3284.

Sincerely,

Sandy Slusher McDonald  
Acting County Administrator

cc: Amy Jones, Administrator

**Sandy McDonald**

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**From:** "Lyn Widmyer" <lynwidmyer@gmail.com>  
**To:** "Sandy Slusher McDonald" <sandy@jeffersoncountywv.org>  
**Sent:** Thursday, February 11, 2010 11:24 AM  
**Subject:** Agenda item for Feb. 18..

Sandy, lets' talk about these tomorrow when I come by the office (assuming I can cut thru these drifts):

- Executive Session meeting with Mr. Bailey, our attorney in the Meaghan lawsuit (Dale has requested this and I think it is a good idea!)
- Update on snow emergency--if Barb has time, this would be useful for the public to hear.



#8  
*Jennifer S. Maghan*  
*Jefferson County Clerk*

To: Jefferson County Commission

February 19, 2010

Elections Budget 413

Dear Honorable Commissioners:

I would like to thank you for taking such great interest in the Elections Budget 413 which incidentally added several hours of work for our awesome Deputy Clerks, Vivian Fields and Sally Gran, who of course performed their duties without question. It is due to their dedication and attention to detail that the Commission can rely on budgetary documents and rest in comfort knowing that all of our bills, taxes and dues are paid on behalf of this Commission according to law. Our Deputies take the time to work with individual departments and employees to ensure that budgets and personal deductions are handled with the very best possible service. When you question the action of the County Clerk, you are in essence questioning the very employees who ensure that our entire County Government is taken care of and that things are done according to law on behalf of the Jefferson County Commission.

The spreadsheet attached should make it very clear to the Commission that the County Clerk's 413 Elections budget is in great standing considering that our office conducted two unplanned elections that overlapped. Had the elections not have taken place, only 31.14% of our budget would be expended.

While Line 219 must be revised to add to building equipment and rental, it is because the County Commission is responsible for the water, electric and taxes for the storage of the County's Election equipment.

It's truly a great pleasure to be the Clerk of the Jefferson County Commission and I thank you in advance for the support and funding you provide to ensure the good people of Jefferson County the very best of County Government. I look forward to discussing both 402 and 413 further with the Commission during the FY2011 Budget Hearings.

Very Truly Yours,

Jennifer S. Maghan, County Clerk

100 East Washington Street, Charles Town, West Virginia 25414  
304-728-3215 (office) 304-728-1957 (fax)  
[jmaghan@jeffersoncountywv.org](mailto:jmaghan@jeffersoncountywv.org) [www.Jeffersoncountyclerkwv.com](http://www.Jeffersoncountyclerkwv.com)

**413 - ELECTIONS**

	FY 2010 Budget	YTD Expenditures Jan. 2010	Table Games Expenses	Zoning Expenses	Expenses W/O Special Elections	Unencumbered Balance	Expended and Encumbered %
103-SALARY/WAGES	\$ 54,000.00	\$ (20,992.25)	\$ 4,038.45	\$ -	\$ (16,953.80)	\$ 37,046.20	31.40%
104-FICA	\$ 4,836.00	\$ (2,374.89)	\$ 868.11	\$ 552.82	\$ (953.96)	\$ 3,882.04	19.73%
104-001-MEDICARE	\$ 1,131.00	\$ (555.42)	\$ 203.03	\$ 129.28	\$ (223.11)	\$ 907.89	19.73%
105-INSURANCE	\$ 10,544.00	\$ (11,537.39)	\$ 2,447.49	\$ 1,232.76	\$ (7,857.14)	\$ 2,686.86	74.52%
106-RETIREMENT	\$ 7,040.00	\$ (2,750.76)	\$ 721.09	\$ 252.71	\$ (1,776.96)	\$ 5,263.04	25.24%
108-001-OVERTIME	\$ 10,000.00	\$ (3,648.36)	\$ 2,009.44	\$ 1,638.92	\$ -	\$ 10,000.00	0.00%
108-002-P-TIME EX-HELP	\$ 14,000.00	\$ (101,257.50)	\$ 56,694.00	\$ 44,563.50	\$ -	\$ 14,000.00	0.00%
<b>Total Personal Services</b>	\$ 101,551.00	\$ (143,146.57)	\$ 66,981.61	\$ 48,359.99	\$ (27,764.97)	\$ 73,786.03	27.84%

212-PRINTING	\$ 500.00	\$ (338.58)	\$ -	\$ 338.58	\$ -	\$ 500.00	0.00%
214-TRAVEL	\$ 3,000.00	\$ (3,101.23)	\$ 806.30	\$ 598.95	\$ (1,695.98)	\$ 1,304.02	56.53%
216-MAINT/REPAIR-EQUIP	\$ 10,000.00	\$ (94.83)	\$ -	\$ -	\$ (94.83)	\$ 9,905.17	0.95%
218-POSTAGE	\$ 1,500.00	\$ -	\$ -	\$ -	\$ -	\$ 1,500.00	0.00%
219-BLDG/EQUIP RENTL	\$ 12,500.00	\$ (19,725.59)	\$ 1,550.00	\$ 1,150.00	\$ (17,025.59)	\$ (4,525.59)	136.20%
220-ADS/LEGAL PUBL	\$ 2,500.00	\$ (233.24)	\$ -	\$ 328.92	\$ 95.68	\$ 2,595.68	-3.83%
341-MATERIAL/SUPPLIES	\$ 21,792.00	\$ (10,754.99)	\$ -	\$ 9,483.01	\$ (1,271.98)	\$ 20,520.02	5.84%

<b>TOTAL</b>	\$ 51,792.00	\$ (34,248.46)	\$ 2,356.30	\$ 11,899.46	\$ (19,992.70)	\$ 31,799.30	38.60%
<b>Grand Total</b>	\$ 153,343.00	\$ (177,365.03)	\$ 69,337.91	\$ 60,269.45	\$ (47,757.67)	\$ 105,585.33	31.14%

#11

Commission Office Use Only	
Date on Agenda:	2/18/10
Appt Time or New Business:	11:00 - 11:45

OB 2/25/10

### 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.

~~13~~ 13**Laura Kuhn**

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**From:** "Jim & Pam Pitcher" <jppitch@comcast.net>  
**To:** <laura@jeffersoncountywv.org>  
**Sent:** Wednesday, February 17, 2010 10:48 AM  
**Subject:** Conference Room Charles Town Library

Laura,

Per our phone conversation on 2/17/10 I am requesting the use of the conference room at the Charles Town Library on Monday, ~~Feb~~ <sup>March</sup> 22, and also on the 1<sup>st</sup>, 8<sup>th</sup>, and 15<sup>th</sup> of March from 11 a.m. until 1 p.m. for the purpose of recruiting Jefferson County residents as Census Takers for the 2010 Census. Sessions are limited to 25 people at a time. Chairs and tables/desks are required so that individuals can fill out the application forms and take a test. The entire process normally takes two hours to complete. If you have any questions please feel free to contact me via e-mail or at 304-885-4893 or 304-279-9248. Thank you for assisting me in this matter.

OKAY

*Jim Pitcher*  
*Recruiting Assistant*  
*Census 2010 (need work? contact Me)*



CITY OF MARTINSBURG  
WEST VIRGINIA

232 NORTH QUEEN STREET  
P.O. BOX 828  
MARTINSBURG, WEST VIRGINIA 25402  
(304) 264-2131  
Telecopier (304) 264-2136

RECEIVED

February 16, 2010

FEB 18 2010

Sandy Slusher McDonald  
Acting County Administrator  
Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Jefferson County Commission

Dear Ms. McDonald:

The City of Martinsburg has not yet been informed of the FY 2010 allocation of HOME funds for the Eastern Panhandle HOME Consortium. We are basing our plans on the FY 2009 allocation of \$575,000 in HOME funds. I will inform you once we know our FY 2010 allocation. The HOME Consortium will need to approve an annual plan identifying how those funds will be used.


As part of the plan submission, I am requesting that the Jefferson County Commission approve a resolution authorizing participation in the Eastern Panhandle HOME Consortium for the period July 1, 2010 to June 30, 2011. This is the first year of the three year cooperation agreement for FY 2010-2013. A draft resolution is attached for your reference.

**I am requesting that your local governing body approve the resolution no later March 26, 2010.** This will allow us to have all of the participating jurisdictions' resolutions returned to me in time to meet HUD's deadlines for publicizing the draft annual plan on March 31, 2010 and submitting the approved plan and funding request.

Please provide me with **two original copies of your resolution** as requested by the U.S. Department of Housing and Urban Development.

I appreciate your timely assistance in this matter. I will also make an electronic version of the resolution available to you by email. Please call me with any questions you have about this request. Thank you,

Sincerely,

  
Patricia E. McMillan  
HOME Administrator

Attachment

## RESOLUTION

**A RESOLUTION OF THE County Commission OF Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011.**

**WHEREAS**, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

**WHEREAS**, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

**WHEREAS**, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

**WHEREAS**, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

**WHEREAS**, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2010-2011; and

**WHEREAS**, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:**

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, , City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2010 to June 30, 2011 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2010 HOME Investment Partnership Program.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**BY:**

\_\_\_\_\_  
Lyn Widmyer, President  
Jefferson County Commission

**ATTEST:**

\_\_\_\_\_  
Jennifer S. Maghan, County Clerk

## RESOLUTION

**A RESOLUTION OF THE County Commission OF Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011.**

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2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2010 to June 30, 2011 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2010 HOME Investment Partnership Program.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**BY:**

\_\_\_\_\_  
Lyn Widmyer, President  
Jefferson County Commission

**ATTEST:**

\_\_\_\_\_  
Jennifer S. Maghan, County Clerk



**Patricia E. McMillan**  
*Community Development Director*  
*City of Martinsburg*

232 North Queen Street  
P.O. Box 828  
Martinsburg, WV 25402

Office: (304) 264-2131 Ext. 278  
Fax: (304) 264-2137  
[pmcmillan@cityofmartinsburg.org](mailto:pmcmillan@cityofmartinsburg.org)  
[www.cityofmartinsburg.org](http://www.cityofmartinsburg.org)

#18A

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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### 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: 25 February 2010

Date Requested – 2<sup>nd</sup> Choice: 4 March 2010

If a specific date is needed, please provide reason for specific date: My department will need sufficient time to inform the major contractors of a pending fee increase in April should the commission decide to let the automatic inflation adjustment take effect.

Subject: Decision on automatic impact fee inflation adjustment

**Please provide the County Commission with a description of your request or presentation, including any background information:** This issue was discussed during the presentation of the Annual Report on Impact Fees. As per Ordinance, if the Commission does not act otherwise, the automatic inflation adjustment will take effect on 01 April 2010. Considering the continuing sluggish economy and lack of any real inflation staff recommendation is to move to prevent the automatic inflation adjustment from taking effect.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** I move to prevent the automatic inflation adjustment of all impact fee schedules from taking effect on 1 April 2010. This action would serve to maintain all impact fee schedules at their current rate.

**Attachments:** Pages 16-20 of the CY 2009 Annual Report on Impact Fees

### 3. 2009 Inflation Adjustments

#### 3.1. Source Data

The following table is extracted from the BEA data for price indexes, years 2007 and 2008. These represent the most recent price indices and were released on 20 August, 2009. These data constitute the source for the annual inflation adjustments for the 4 impact fee categories currently in effect. This table may be viewed by directing a browser to the URL <http://www.bea.gov/national/nipaweb/SelectTable.asp>, then selecting Table 5.8.4B. As per Ordinance 2003-1, the annual inflation adjustment will be applied on 01 April 2010 unless the County Commission acts to stay these adjustments.

**Table 12. Price Indices and Cost of Living Adjustment**

Table Line	Fee Category	Structure Class	Price Index CY 07	Price Index CY 08	Differential (Inflation Adjustment)
35	School	State and Local – Educational	113.999	119.213	1.0457
36	Law	State and Local – Public Safety	113.700	115.524	1.0160
43	Parks	Conservation and Development	110.755	116.444	1.0514
36	Fire	State and Local – Public Safety	113.700	115.524	1.0160

Source: Bureau of Economic Analysis, US Department of Commerce.

#### 3.2. Inflation Adjustment – Schools

**Table 13. Inflation Adjustment - Schools**

Residential Development	2009 Impact Fee	2010 Adjusted	Differential
Single Family	\$11,358	\$11,877	\$519
Town home/Duplex	\$8,560	\$8,952	\$392
Multi-family	\$6,306	\$6,594	\$288

### 3.3. Inflation Adjustment – Law Enforcement

Table 14. Inflation Adjustment - Law Enforcement

Residential Development	2009 Impact Fee	2010 Adjusted	Differential
Single Family	\$262	\$266	\$4
Town home/Duplex	\$200	\$203	\$3
Multi-family	\$197	\$200	\$3
Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2009 Impact Fee	2010 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$126	\$128	\$2
Commercial/Shopping Center 25,001 – 50,000 SF	\$117	\$119	\$2
Commercial/Shopping Center 50,001 – 100,000 SF	\$101	\$103	\$2
Commercial/Shopping Center 100,001 – 200,000 SF	\$87	\$88	\$1
Commercial/Shopping Center over 200,000 SF	\$75	\$76	\$1
Office/Institutional 10,000 SF or less	\$58	\$59	\$1
Office/Institutional 10,001 – 25,000 SF	\$47	\$48	\$1
Office/Institutional 25,001 – 50,000 SF	\$40	\$41	\$1
Office/Institutional 50,001 – 100,000 SF	\$34	\$35	\$1
Office/Institutional over 100,000 SF	\$29	\$29	\$0
Business Park	\$33	\$34	\$1
Light Industrial	\$18	\$18	\$0
Warehousing	\$13	\$13	\$0
Manufacturing	\$10	\$10	\$0

### 3.4. *Inflation Adjustment – Parks & Recreation*

**Table 15. Inflation Adjustment - Parks & Recreation**

Residential Development	2009 Impact Fee	2010 Adjusted	Differential
Single Family	\$752	\$791	\$39
Town home/Duplex	\$575	\$605	\$30
Multi-family	\$566	\$595	\$29

### 3.5. Inflation Adjustment – Fire & EMS

Table 16. Inflation Adjustment - Fire & EMS

Residential Development	2009 Impact Fee	2010 Adjusted	Differential
Single Family	\$698	\$709	\$11
Town home/Duplex	\$533	\$542	\$9
Multi-family	\$525	\$533	\$8
Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2008 Impact Fee	2010 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$2,353	\$2,391	\$38
Commercial/Shopping Center 25,001 – 50,000 SF	\$2,182	\$2,217	\$35
Commercial/Shopping Center 50,001 – 100,000 SF	\$1,909	\$1,940	\$31
Commercial/Shopping Center 100,001 – 200,000 SF	\$1,653	\$1,680	\$27
Commercial/Shopping Center over 200,000 SF	\$1,418	\$1,441	\$23
Office/Institutional 10,000 SF or less	\$1,098	\$1,116	\$18
Office/Institutional 10,001 – 25,000 SF	\$889	\$903	\$14
Office/Institutional 25,001 – 50,000 SF	\$758	\$770	\$12
Office/Institutional 50,001 – 100,000 SF	\$551	\$560	\$9
Office/Institutional over 100,000 SF	\$548	\$557	\$9
Business Park	\$618	\$628	\$10
Light Industrial	\$338	\$343	\$5
Warehousing	\$240	\$244	\$4
Manufacturing	\$185	\$188	\$3

### 3.6. Residential Fee Totals – Inflation Adjusted

The Impact Fee Procedure Ordinance (2003-1) indicates that unless the Commission act to prevent these adjustments from taking effect, they automatically apply on the first day of April (c.f. §6(B) *et seq*). If the County Commission does not act to prevent the inflation adjustments listed in Table 17 from going into effect, the fee schedule listed in the table below will apply on 01 April 2010. Commercial fee schedules are always determined by the Impact Fee Coordinator on a case by case basis and thus may not easily be condensed into a summary table.

**Table 17. Maximum Fee Schedule - 01 April 2010**

Residential Development	Impact Fee Category	Current Impact Fee per Dwelling Unit	01 April 2010 Impact Fee per Dwelling Unit
Single Family	Schools	\$11,358	\$11,877
	Law Enforcement	\$262	\$266
	Parks & Recreation	\$752	\$791
	Fire & EMS	\$698	\$709
	<b>TOTAL</b>	<b>\$13,070</b>	<b>\$13,644</b>
Town home/Duplex	Schools	\$8,560	\$8,952
	Law Enforcement	\$200	\$203
	Parks & Recreation	\$575	\$605
	Fire & EMS	\$533	\$542
	<b>TOTAL</b>	<b>\$9,868</b>	<b>\$10,301</b>
Multi-family	Schools	\$6,306	\$6,594
	Law Enforcement	\$197	\$200
	Parks & Recreation	\$566	\$595
	Fire & EMS	\$525	\$533
	<b>TOTAL</b>	<b>\$7,594</b>	<b>\$7,923</b>

#18 B

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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**AGENDA REQUEST FORM**

**Name:** F. Mark Schiavone

**Department or Entity:** DCPM

**Estimation of amount of time needed for appointment:** 10 min

**Date Requested – 1<sup>st</sup> Choice:** 25 February 2010

**Date Requested – 2<sup>nd</sup> Choice:** 4 March 2010

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

**Subject:** eMail server issues – site license and archiving

**Please provide the County Commission with a description of your request or presentation, including any background information:** We have determined that we are running our email server w/o a valid license. A review of the current accounts indicates that we will require a license for 250 users. This license will bring us into legal compliance and will reactivate technical support and upgrades (we are 2 full versions behind). The County lacks any email archiving capability. A price quote is attached to add this application to the current email server. Two motions are required – one to approve the software purchase and another to move sufficient monies within Dept 428.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** I move to approve the purchase of a 250-seat site license for our eMail Server and to approve the purchase of archiving software for 250 users. Funds in the amount of \$4,173.30 to come from Dept 428 (Data Processing).

I move to approve the modification of the budget for dept 428 by moving \$2,700 from Contracted Services to Computer Software.

**Attachments:** Quotes from the current vendor for our eMail server for site license and archiving purchases.



**Ipswitch Inc.  
Messaging Division**

Thank you for your interest in **Ipswitch Messaging software**.  
This Quote -- **RCAQ00050382**-- is valid till 03/18/2010  
Fed ID # 04-312-9831.

**QUOTATION**

**From:** Belinda Krueger  
**Phone:** (706) 312-3587  
**Email:** bkrueger@imailserver.com  
**To:** Charlotte Hernandez Velez  
**Company:** Jefferson County Commission  
**Address:** 124 E. Washington Street

Charles Town, WV 25414 USA  
**Email:** helpdesk@jeffersoncountywv.org  
**Phone:** 304-728-3284  
**Fax:**  
**Date:** 02/16/2010

753 Broad St  
Suite 200  
Augusta, GA 30901  
Order Line: (706) 312-3530  
Fax: (706) 312-0899

<u>Product Description</u>	<u>Price</u>	<u>Discount</u>	<u>Quantity</u>	<u>Amount</u>
MT-6420-0011 IMail Premium v11 - 250 User License Reinstatement SN: CP2X-00200101 Expires: 2/21/2008	1,899.00	10%	1	1,709.10
<b>Sub Total:</b>				\$1,709.10
<b>Total Fees:</b>				\$1,709.10

Applicable sales tax will be charged on shipments to customers residing in California, Florida, Georgia, Louisiana, Massachusetts, Michigan, Rhode Island, Texas, Utah and Wisconsin. If claiming a tax exemption due to exempt or reseller status, please provide a Sales Tax Exemption or Reseller Certificate for the state in which you are claiming the exemption.

**PAYMENT OPTIONS**

Purchase Order # \_\_\_\_\_  
Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Bill To Address \_\_\_\_\_  
City State Zip/Postal Code \_\_\_\_\_

VISA  MasterCard  AMEX  
Credit Card Number \_\_\_\_\_ Expiration (MM/YY) \_\_\_\_\_  
Name on Card (exactly) \_\_\_\_\_  
Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Bill To Address \_\_\_\_\_  
City State Zip/Postal Code \_\_\_\_\_

Check (please enclose) Check Number: \_\_\_\_\_

Order online: <http://www.imailserver.com>

1-706-312-3530

Fax your order to: 1-706-312-0899

Mail your order to: Ipswitch, Inc.  
753 Broad St. Suite 200  
Augusta, GA 30901 USA

## Ipswitch, Inc. Ordering & Payment Procedures

### Fast Order Processing:

Orders may be processed via telephone, fax, email or mail to:

Ipswitch, Inc.  
753 Broad St.  
Suite 200  
Augusta, GA 30901  
Phone: 706-312-3530  
Fax: 706-312-0899  
Email: [MessagingOrders@ipswitch.com](mailto:MessagingOrders@ipswitch.com)

Orders: Ipswitch accepts company Purchase Orders, VISA, Master Card, American Express, check and Wire Transfer of Funds  
Shipping: FOB Origin. All orders processed within 24 hours and shipped electronically.

### Payment Information:

Check or Money order payment, make checks payable to "Ipswitch, Inc.", reference quote number RCAQ00050382, and send to:

Ipswitch Inc.  
10 Maguire Rd.  
Suite 220  
Lexington, MA 02421  
Please pay in US \$

**Note:** To ensure receipt and expedited processing of your payment, please be sure the remittance address is printed in black or blue ink and also includes the four digit zip code extension -- 3726 -- in the address as shown above.

International and Domestic Wire Transfer and ACH/EFT payments should be directed to:

Wachovia Bank, N.A.  
1 Boston Place  
Boston, MA 02108  
ABA# 0211-0110-8  
ACCT# 2000031629047  
SWIFT CODE # PNBUS3NNYC  
Please pay in US \$

\*\*\*Please Note\*\*\*\*

All wire transfers and ACH/EFT payments must reference Ipswitch invoice numbers.  
Please direct all inquiries to Accounts Receivable at: (781) 676-5836  
Payment Terms: Net 30 Days in US dollars



Ipswitch Inc.  
10 Maguire Rd  
Suite 220  
Lexington, MA 02421



**Ipswitch Inc.  
Messaging Division**

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**Address:** 124 E. Washington Street  
  
Charles Town, WV 25414 USA  
**Email:** helpdesk@jeffersoncountywv.org  
**Phone:** 304-728-3284  
**Fax:**  
**Date:** 02/16/2010

753 Broad St  
Suite 200  
Augusta, GA 30901  
Order Line: (706) 312-3530  
Fax: (706) 312-0899

Product Description	Price	Discount	Quantity	Amount
ML-6320-0175 Mail Archiva 250 Users SN: CP2X-00200101 Expires: 2/21/2008 Purchase price include 12 months services	2,738.00	10%	1	2,464.20
<b>Sub Total:</b>				\$2,464.20
<b>Total Fees:</b>				\$2,464.20

Applicable sales tax will be charged on shipments to customers residing in California, Florida, Georgia, Louisiana, Massachusetts, Michigan, Rhode Island, Texas, Utah and Wisconsin. If claiming a tax exemption due to exempt or reseller status, please provide a Sales Tax Exemption or Reseller Certificate for the state in which you are claiming the exemption.

**PAYMENT OPTIONS**

Purchase Order # \_\_\_\_\_  
Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Bill To Address \_\_\_\_\_  
City State Zip/Postal Code \_\_\_\_\_

VISA  MasterCard  AMEX  
Credit Card Number \_\_\_\_\_ Expiration (MM/YY) \_\_\_\_\_  
Name on Card (exactly) \_\_\_\_\_  
Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
Bill To Address \_\_\_\_\_  
City State Zip/Postal Code \_\_\_\_\_

Check (please enclose) Check Number: \_\_\_\_\_

Order online: <http://www.imailserver.com>

1-706-312-3530

Fax your order to: 1-706-312-0899

Mail your order to: Ipswitch, Inc.

753 Broad St. Suite 200

Augusta, GA 30901 USA

## Ipswitch, Inc. Ordering & Payment Procedures

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Ipswitch, Inc.  
753 Broad St.  
Suite 200  
Augusta, GA 30901  
Phone: 706-312-3530  
Fax: 706-312-0899  
Email: [MessagingOrders@ipswitch.com](mailto:MessagingOrders@ipswitch.com)

Orders: Ipswitch accepts company Purchase Orders, VISA, Master Card, American Express, check and Wire Transfer of Funds  
Shipping: FOB Origin. All orders processed within 24 hours and shipped electronically.

### Payment Information:

Check or Money order payment, make checks payable to "Ipswitch, Inc.", reference quote number RCAQ00050383, and send to:

Ipswitch Inc.  
10 Maguire Rd.  
Suite 220  
Lexington, MA 02421  
Please pay in US \$

**Note:** To ensure receipt and expedited processing of your payment, please be sure the remittance address is printed in black or blue ink and also includes the four digit zip code extension -- 3726 -- in the address as shown above.

International and Domestic Wire Transfer and ACH/EFT payments should be directed to:

Wachovia Bank, N.A.  
1 Boston Place  
Boston, MA 02108  
ABA# 0211-0110-8  
ACCT# 2000031629047  
SWIFT CODE # PNBpus3nny  
Please pay in US \$

\*\*\*Please Note\*\*\*\*

All wire transfers and ACH/EFT payments must reference Ipswitch invoice numbers.  
Please direct all inquiries to Accounts Receivable at: (781) 676-5836  
Payment Terms: Net 30 Days in US dollars



Ipswitch Inc.  
10 Maguire Rd  
Suite 220  
Lexington, MA 02421

# 19 A

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
--

AGENDA REQUEST FORM

Name: Kirk Davis, Sr

Department or Entity: Capital Projects

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1<sup>st</sup> Choice: 2/25/10

Date Requested – 2<sup>nd</sup> Choice: 3/4/10

If a specific date is needed, please provide reason for specific date: **None**

Subject: **Refunding the Capital Outlay Account**

Please provide the County Commission with a description of your request or presentation, including any background information: **To request the County Commission transfer \$1,000,000.00 from the savings account to the active checking account to fund future projects for FY2010 & FY2011.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve the transfer of \$1,000,000.00 from the savings account to the active checking account for the purpose of refunding the Capital Outlay Account.**

Attachments:

<b>Balance in Account</b>	<b>\$181,316.01</b>
<b>Projects to complete</b>	
JC 901- Courtroom	-\$20,000.00
JC 707 - Ambulance Building	-\$30,000.00
<b>Actual Sub Total</b>	<b>\$131,316.01</b>
<b>Money used from Account other than Budgeted Projects</b>	
Visitor Center	\$30,000.00
JCESA - F.F. & E	\$50,000.00
JCESA - Mortgage Funds	\$100,000.00
<b>Projected Saving Spent</b>	<b>\$180,000.00</b>
<b>Future Projects FY2010 &amp; FY2011</b>	
JC608 Architectual & Engineering Fee	\$700,000.00
JC10-01 Courthouse Exterior	\$250,000.00
JC10-02 Hunter House Ramp & Rehab	\$60,000.00
JC10-03 Energy Grant	\$25,000.00
County Contingency 10%	\$100,000.00
<b>Total Fund Required</b>	<b>\$1,135,000.00</b>
<b>Account Reserved Savings</b>	<b>-\$131,316.01</b>
<b>Amount Required from this Account</b>	<b>\$1,003,683.99</b>

4198

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
--

**AGENDA REQUEST FORM**

Name: Kirk Davis, Sr

Department or Entity: Capital Projects

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: 2/25/10

Date Requested – 2<sup>nd</sup> Choice: 3/4/10

If a specific date is needed, please provide reason for specific date: None

Subject: **Reimbursement from Magistrate Court**

Please provide the County Commission with a description of your request or presentation, including any background information: **To explain the reimbursement from the Supreme Court of Appeals for services based on the West Virginia Code § 50-3-4 (c)(1).**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve the deposit of \$673.01 to the Magistrate Court Fund and to be used in accordance with the provisions of Rule 8 of the Administrative Rules for Magistrate Courts.**

Attachments:

AGENCY: SUPREME COURT  
TOTAL: \$673.01

WARRANT #: 1007873182  
DATE: 01/29/10

TRANSACTION INVOICE  
ID NUMBER &

PAYEE  
REFERENCE

PURCHASE  
ORDER

AMOUNT

I010348669 WV 50-3-4 FY10

\$673.01

**RECEIVED**

FEB 12 2010

Jefferson County Commission

If you have questions concerning the above, please call 304-558-0145.

REMOVE DOCUMENT ALONG THIS PERFORATION

CTL# 25659406

THIS WARRANT HAS MULTIPLE SECURITY FEATURES TO DETER FRAUD AND COUNTERFEITING  
VOID UNLESS PRESENTED FOR PAYMENT WITHIN SIX MONTHS

**State of West Virginia**

Important remittance information on top panel

Remitter: SUPREME COURT

Questions? Contact: MICHAEL K. PROOPS at 304-558-0145

STATE WARRANT # **1007873182**

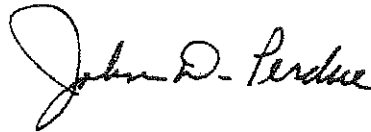
JANUARY 29, 2010

PAYEE JEFFERSON CO COMMISSION

\*\*\*\*\*\$673.01\*\*

1007873182

WEST VIRGINIA TREASURY



STATE TREASURER



STATE AUDITOR

⑈ 1007873182⑈ ⑆ 051902322⑆ 0005270537822⑈

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

STEVEN D. CANTERBURY  
ADMINISTRATIVE DIRECTOR



ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0832  
(VOICE) 304/558-0145  
(TTY) 304/558-4219  
(FAX) 304/558-1212  
www.state.wv.us/wvsca/

February 2, 2010

**RECEIVED**

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

FEB 12 2010

RE: Magistrate Court Surplus Account

**Jefferson County Commission**

Dear Commissioners Morgan, Widmyer, Manuel, Noland & Surkamp:

In accordance with West Virginia Code §50-3-4, we are pleased to send you the enclosed amount of \$673.01. These proceeds are to be placed in your county magistrate court fund and used in accordance with the provisions of Rule 8 of the Administrative Rules for Magistrate Courts (copy enclosed).

In 2000, West Virginia Code §50-3-4(c)(1) was enacted by the Legislature to establish a magistrate court surplus account whereby monies received from counties that exceed collections of \$15,000 per magistrate are distributed to counties that do not exceed such collection totals.

Based on the formula contained in West Virginia Code §50-3-4(c)(1), we have determined that Jefferson County is eligible to receive the amount reflected on the enclosed check.

If you have any questions, please contact either Janie Moore, Director of the Division of Magistrate Court Services, or me. Thank you for your attention to this matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Steven D. Canterbury".

Steve Canterbury  
Administrative Director

enclosure

pc: Chief Judge David H. Sanders  
Magistrates Boober, Rissler & Senseney

## RULE 8. EXPENDITURES FROM MAGISTRATE COURT FUND

A county may appropriate and spend from the magistrate court fund such sums as may be available for providing the following services:

(a) Bailiff for Magistrate Court. The county may charge the fund \$35.00 per day for each day a bailiff is needed in magistrate court, and the sheriff may charge the fund \$.15 per mile for transporting prisoners from magistrate court to the county or regional jail. Sums for bailiff services and mileage may properly be charged only after a voucher for the same has been submitted to, and approved by, the chief judge or his designee.

(b) Magistrate Court Office Rental.

(1) Privately Owned Facilities. The county may charge the fund the actual rental expenses incurred in obtaining office space for the magistrates and their support staff.

(2) County Owned Facilities.

(A) Rate. The county may charge the fund an annual rate of \$6.00 per square foot, payable in monthly installments, which will include the cost of utilities and the monthly base telephone rate.

(B) Improvements to Heating and Air-Conditioning. If the magistrate court system is housed in county-owned buildings and the heating and air-conditioning systems in the space allocated to the magistrate court system are not adequate, the supervising circuit judge may direct the county commission to improve or replace the systems, and may charge the costs, on a pro rata basis, to the fund.

(c) Utilities and Telephone Service in Magistrate Offices.

(1) General. The county may charge the fund the actual cost for providing utilities and telephone service for the magistrate court system.

(2) Long-Distance and Paging Expense. All long-distance calls made on behalf of the magistrate court system may be charged to the fund and are not included in the \$6.00 per square foot rental cost. The cost of paging system for magistrates is considered an extension of the long-distance telephone service, and the cost of the system may be charged to the fund.

(d) Telephone Service in Magistrates' Homes. The base monthly telephone bill for telephones in the homes of magistrates is a reimbursable expense to the magistrate, paid by the county and chargeable to the magistrate court fund. The base monthly rate shall include only the cost to lease a basic service telephone on a single private line.

Reimbursement may be made for the base monthly charge only, and magistrates may not be reimbursed for long-distance charges, extension telephones, or other ancillary services. Magistrates may be reimbursed only upon completion of a "Certification of Entitlement" stating the telephone number of such personal telephone and affirming that it is a listed number available to the general public. Such "Certification of Entitlement" shall be filed with the Administrative Director of the Supreme Court of Appeals, who shall provide the certification with the signed approval of the Administrative Director to the county commission of each magistrate's county.

(e) Janitorial Services. The cost of providing janitorial services and cleaning supplies in either a county-owned or leased building may be charged to the fund.

(f) Parking. If parking for the magistrate court staff and the public is otherwise unavailable, then the cost of providing adequate parking spaces for the public and the staff of the magistrate court may be charged to the fund.

(g) Exceptions. Whenever unique circumstances justify exceptions to any provision of this rule, such exceptions may be made in writing by the Administrative Director to any county commission.

[Effective July 1, 1988; amended effective January 1, 1989; August 1, 1991; January 1, 1992.]

#20

**Laura Kuhn**

---

**From:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**To:** "Laura Kuhn" <laura@jeffersoncountywv.org>  
**Sent:** Friday, January 15, 2010 9:30 AM  
**Subject:** Fw: Public Hearing - Bonding Policy Revisions

FYI

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

**From:** Roger Goodwin**To:** 'Becky Burns'**Cc:** 'Sandy McDonald'; 'Jefferson County Engineering Dept.'; 'Roger Goodwin, Chief County Engineer'**Sent:** Thursday, January 14, 2010 3:11 PM**Subject:** Public Hearing - Bonding Policy Revisions

Becky,

At the January 14, 2010 County Commission meeting, the County Commission directed that a public hearing be held soon after presentation of the Bonding Policy Review Committee's report and recommendations to them. The presentation workshop is on February 25<sup>th</sup>. Since I am going to be out of town on March 11<sup>th</sup>, this leaves Thursday, March 4<sup>th</sup> or Thursday, March 18<sup>th</sup>.

I don't know if this needs to be advertised or just posted on the county web site. In any event, the final document needed for public hearing will only be available after the County Commission gives us their input and any revisions on February 25<sup>th</sup>. Please work out with Sandy McDonald, Interim County Administrator, when we should put this on the agenda. Keep in mind that we are trying to get the recommendations approved in time for Larry Rosenberg to be allowed to "toll" the bond on his two projects before letters of credit expire.

We will need to complete the agenda request form and provide the final Bonding Policy Review Committee recommendations document for agenda purposes.

Thanks!

Roger Goodwin, P.E.  
Chief County Engineer  
Jefferson County Engineering Dept.  
116 East Washington Street, Suite 100  
Charles Town, WV 25414

304-728-3257

## MEMORANDUM

### Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission

FROM: Roger Goodwin, P.E., Chief County Engineer

DATE: February 17, 2010

SUBJECT: Land Development Bonding Policy – Proposed Revisions

#### Introduction:

On May 7, 2009, Mike Wiley and Carla Coffey appeared before the County Commission, on behalf of the local land development and building industry, and proposed changes to the County Commission's bonding policy. In Mr. Wiley's presentation to the County Commission, he presented the driving force behind the proposed changes and stated that:

*"...the Bonding Policy was last updated in December 2000. In the following 8½ years, several of JCCEP's members have experienced some difficulties with the Policy regarding acceptable surety forms and timeframe of renewals. In addition, given the state of the economy, it's becoming much more difficult for developers to obtain sureties acceptable to the County since lenders have increased their scrutiny on renewing sureties and making development loans through tough underwriting conditions, including reduced loan-to-value amounts, terms of loans, and adding curtailments. Given this concern, there may be a possibility of some developers defaulting on current sureties or renewals.*

*We believe it is the right time to re-evaluate the current Policy through formation of an ad hoc committee composed of members most familiar with the Policy..."*

As a result of the presentation and request, "the County Commission directed that a committee be formed, headed by Roger Goodwin, Chief County Engineer, to review the current bonding policy and determine if amendments to the policy may be beneficial to both the County, lending institutions and the development community. A committee was formed consisting of the following people:

Roger Goodwin, Chief County Engineer  
Becky Burns, Bonding Administrator  
Stephanie Grove, Assistant Prosecuting Attorney  
Kirk Davis, Project Manager  
Tim Pownell, Centra Bank  
Mike Wiley, Vice President of Development, The Wormald Companies  
Carla Coffey, Director of Planning & Engineering, Arcadia Building Company

Discussion:

The Bonding Policy Review Committee met five times to discuss and consider proposed changes to the bonding policy. In doing so, the committee set out to review the following issues that were presented to the County Commission:

1. Allow additional development construction surety forms, including performance bonds; and
2. Streamline the surety review and renewal policy by authorizing staff to administratively approve sureties and standard agreements, with Commissioner's sign-off as a ministerial duty; and
3. Increase the time frame between surety renewals; and
4. Revise the permitted surety reduction requests; and
5. Add a provision to allow deferral of construction and temporary release of (construction bonds) and sureties.
6. Ascertain the need to revise the policy name to avoid confusion of acceptable forms of surety.

In the process of discussing and reviewing the above issues, the committee worked to:

1. **Better understand the provisions of the current bonding policy:**

The Subdivision Ordinance, Appendix A, Section 1.5, Bonding, requires that the bond shall be a minimum of 115% of the cost of all site improvements, and states:

*"Satisfactory bonding and surety shall be submitted, approved and in place prior to recordation of the final plat. Bonding shall be provided in accordance with the County Commission of Jefferson County's bonding policy."*

The current bonding policy (see Appendix A) requires the developer to post a bond to ensure that the site improvements are constructed as required under the approved Preliminary Plat. The developer gets 2-1/2 years to complete the site improvements; however, staff can approve an additional 1-1/2 year time extension, for a total of 4 years, provided certain items under the bonding policy are met. Currently, any time extensions beyond the 4 years must be approved by the County Commission on a case-by-case basis.

The bond shall be in an amount equal to 115% of the estimated cost of the site improvements. Under the current bonding policy, the bond shall be secured by:

- Irrevocable Letter of Credit from any bank within 150 miles of Charles Town, WV; or
- Cash-In-Escrow at any bank within 150 miles of Charles Town, WV; or
- Irrevocable Letter of Commitment from any bank in Jefferson County, WV.

Over the past eight years, the surety provided on more than 98% of projects has been in the form of a Letter-of-Credit; all other projects have provided cash-in-escrow surety. The developer shall renew the surety 30 days prior to its expiration; otherwise the Bonding Administrator will seek permission from the County Commission to "call-in" the bond/surety and place it in escrow at a local bank.

The developer may seek a reduction in the bond amount as construction of the required site improvements progresses. The developer is responsible for fixing or repairing any site improvements that fail prior to final release of the construction bond.

**2. Find out if performance/surety bonds are acceptable in other jurisdictions:**

The following jurisdictions accept performance/surety bonds as a means of securing a bond on land development projects:

- A. Berkeley County, West Virginia – Surety bonds are accepted. Ashley Duvall (304-265-1963) in the planning department handles the bonding.
- B. Washington County, Maryland – Surety bonds are accepted. Tina Rupert (240-313-2254) stated that they prefer surety bonds since they do not expire. The link to their policy detailing acceptable surety is:

[http://washco-md.net/washco\\_2/pdf\\_files/legal/s-3.pdf](http://washco-md.net/washco_2/pdf_files/legal/s-3.pdf)

C. Fredrick County, Maryland – Surety bonds are accepted for projects over \$100,000. Rhonda Greenhold (301-600-1147) is the bond estimator.

D. Montgomery County, Maryland – Surety bonds are accepted.

E. Fredrick County, Virginia – Surety bonds are accepted. Mark Cheran (540-665-5651) in the planning department is in charge of their bonding requirements. The link to their requirements is:

[http://www.co.frederick.va.us/planning/APPLICATIONS/pdfs/Monetary\\_Guaranty\\_Procedure\\_Package.pdf](http://www.co.frederick.va.us/planning/APPLICATIONS/pdfs/Monetary_Guaranty_Procedure_Package.pdf)

F. Loudon County, Virginia – Surety bonds are accepted and their requirements can be found at the following link:

<http://inter4.loudoun.gov/controls/speerio/resources/RenderContent.aspx?data=68b08f2606e54661a08f1128b52b0bd7&tabid=310>

G. City of Winchester, Virginia – Surety bonds are accepted, however, they are reviewed and approved by the City Attorney on a case-by-case basis. Timothy Youmans, Planning Director, (540-667-1815) is responsible for subdivision bonding and surety.

3. **Educate ourselves about the role surety bonds play in construction projects and the pro's and con's of Letters of Credit (LOC) versus a Performance/Surety Bonds:**

This was achieved by obtaining information (see Appendix B) from the Surety Information Office (SIO) located in Washington D.C., [www.sio.org](http://www.sio.org).

A surety bond is a three-party agreement where the surety company assures the obligee (typically the project owner, or in this case, the Jefferson County Commission) that the principal (most often the contractor) will perform a construction contract. Surety bonds in construction are referred to as contract surety bonds. Surety bonding is a careful, rigorous, and professional process in which surety companies prequalify contractors and then assure project owners that these contractors are capable of performing the contract according to its terms and conditions and that they will pay certain laborers, subcontractors, and suppliers associated with the project. Table – 1, on the next page, is a comparison provided by SIO of the differences between surety bonds and letters of credit:

Table 1  
**Surety Bonds Vs. Bank Letters of Credit**

<b>Definitions</b>	
<p><b>Surety Bonds</b></p> <ul style="list-style-type: none"> <li>• A <b>three-party agreement</b> among the surety, the <i>obligee</i> (the project owner), and the <i>principal</i> (the contractor).</li> <li>• A performance bond <b>protects the owner from non-performance and financial exposures</b> should the contractor default.</li> <li>• A payment bond, aka labor and material bond, <b>protects certain subcontractors, laborers, and material suppliers against nonpayment by the contractor.</b></li> </ul>	<p><b>Bank Letters of Credit</b></p> <ul style="list-style-type: none"> <li>• A bank letter of credit (LOC) is a <b>cash guarantee to the owner</b>, who can call on the LOC on demand. The LOC converts to a payment to the owner and an interest-bearing loan for the contractor.</li> <li>• The <b>performance</b> of the contract has <b>no bearing</b> on the bank's <b>obligation to pay</b> on the letter of credit.</li> </ul>
<b>Prequalification</b>	
<p><b>Surety Bonds</b></p> <ul style="list-style-type: none"> <li>• A surety company and producer assess the contractor's business operations, financial resources, experience, organization, existing workload and its profitability, and management capability to <b>verify the contractor is capable of performing the contract.</b> The purpose is to avoid default.</li> </ul>	<p><b>Bank Letters of Credit</b></p> <ul style="list-style-type: none"> <li>• The banker examines the quality and liquidity of the collateral in case there is a demand on the letter of credit. If the banker is satisfied that the <b>contractor can reimburse the bank if demand is made upon the LOC</b>, there is no further prequalification.</li> </ul>
<b>Borrowing Capacity</b>	
<p><b>Surety Bonds</b></p> <ul style="list-style-type: none"> <li>• Performance and payment bonds are usually issued on an unsecured basis and are usually provided on the construction company's financial strength, experience, and corporate and personal indemnity. The issuance of bonds <b>does not diminish the contractor's borrowing capacity</b> and may be viewed as a credit enhancement.</li> </ul>	<p><b>Bank Letters of Credit</b></p> <ul style="list-style-type: none"> <li>• Specific liquid assets are pledged to secure bank LOCs. Bank LOCs diminish the contractor's line of credit and appear on the contractor's financial statement as a contingent liability. The contractor's cash flow in funding initial stages of construction and retention amounts throughout a contract term can be adversely affected.</li> </ul>

(Table 1 – Continued)  
**Surety Bonds Vs. Bank Letters of Credit**

<b>Duration</b>	
<p><b>Surety Bonds</b></p> <ul style="list-style-type: none"> <li>• Surety bonds remain <b>in force for the duration of the contract</b> plus a maintenance period, subject to the terms and conditions of the bond, the contract documents, and underlying statutes.</li> </ul>	<p><b>Bank Letters of Credit</b></p> <ul style="list-style-type: none"> <li>• An LOC is usually <b>date specific</b>, generally for one year. LOCs may contain "evergreen" clauses for automatic renewal, with related fees.</li> </ul>
<b>How To Obtain</b>	
<p><b>Surety Bonds</b></p> <ul style="list-style-type: none"> <li>• The <b>contractor obtains the bond through a surety bond producer</b>. A list of surety bond producers is available through the National Association of Surety Bond Producers (NASBP) at <a href="http://www.nasbp.org/">http://www.nasbp.org/</a>.</li> </ul>	<p><b>Bank Letters of Credit</b></p> <ul style="list-style-type: none"> <li>• The <b>contractor obtains the LOC</b> through a banking or lending institution.</li> </ul>
<b>Cost</b>	
<p><b>Surety Bonds</b></p> <ul style="list-style-type: none"> <li>• Generally <b>0.5% to 2% of contract price</b>. Bond is project specific, covers duration of contract.</li> <li>• Included in contractor's bid price.</li> </ul>	<p><b>Bank Letters of Credit</b></p> <ul style="list-style-type: none"> <li>• Cost is generally <b>1% of the contract amount</b> covered by LOC - e.g. if LOC covers 10% of contract, Cost = 1% x (10% x Contract Amount) x years of contract.</li> <li>• Included in contractor's bid price.</li> </ul>

(Table 1 – Continued)

### Surety Bonds Vs. Bank Letters of Credit

Coverage	
<b>Surety Bonds</b> <ul style="list-style-type: none"><li>• Performance bond - <b>100% of the contract amount</b> for project completion.</li><li>• Payment bond - <b>100% of contract amount</b> protects certain subcontractors, laborers, and materials suppliers and protects owner against liens.</li><li>• At least 10% coverage for maintenance of defects the first year after completion.</li></ul>	<b>Bank Letters of Credit</b> <ul style="list-style-type: none"><li>• The LOC may be obtained for any percentage of the contract, but <b>5% to 10%</b> is typical.</li><li>• No protection/guarantee that subcontractors, laborers, and materials suppliers will be paid in the event of contractor default. They may file liens on the project.</li></ul>
Claims	
<b>Surety Bonds</b> <ul style="list-style-type: none"><li>• If the owner declares the contractor in default, the <b>surety investigates</b>.</li><li>• If the contractor defaults, the <b>surety's options</b> are to:<ul style="list-style-type: none"><li>• Finance the original contractor or provide support;</li><li>• Takeover responsibility for completion (up to penal sum of bond);</li><li>• Tender a new contractor; or</li><li>• Pay the penal sum of the bond.</li></ul></li><li>• With payment bonds, the <b>surety pays the rightful claims</b> of certain subcontractors, laborers, and suppliers up to the penal sum of the bond.</li></ul>	<b>Bank Letters of Credit</b> <ul style="list-style-type: none"><li>• The bank will <b>pay on an LOC upon demand</b> of the holder if made prior to the expiration date.</li><li>• There is <b>no completion clause</b> in an LOC. The task of administering completion of the contract is left to the owner.</li><li>• The <b>owner must determine the validity of claims</b> by subcontractors, laborers, and materials suppliers. If there is not enough money from the LOC to pay all of the claims, then the owner has to decide which claims will be paid and which</li></ul>

In summary, Letters of Credit (LOC) must be renewed on an annual basis. If a bank refuses to renew the LOC, then the only option for the County is to call-in the bond; and then, staff must bid the work and manage and oversee the completion of the construction work. However, a surety bond remains in force for the duration, until the work is 100% complete, and does not need renewed. If the County/owner declares the developer/contractor in default, the surety investigates and either completes the work or pays the County/owner the penal sum of the bond. This makes surety bonds an attractive option since staff does not have to deal with annual surety renewals and/or manage the completion of the site work in the event of default by the developer.

4. **Better understand how lending institutions manage their risk in providing surety for land development projects, especially since almost all surety is currently provided by them in the form of an Irrevocable Letter-of-Credit:**

The bank limits its risk by securing the letter of credit with some form of collateral, which is commonly the land to be developed. If the developer defaults and fails to complete the site improvements and the County calls-in the bond, then the bank may foreclose on the land. This leaves a situation where the County may be dealing with the bank over the issue of completing the site work.

5. **Understand the concerns and issues of all stakeholders (i.e., developers, banks & lending institutions, lot owners/HOA's, Jefferson County, etc.), and compile a list/summary of key issues for the committee to discuss and try to resolve, which includes the following:**

Jefferson County:

- Least exposure possible to risk of having to complete subdivisions with insufficient funds.
- Adequate incentive for developers to complete the required work.
- Developers fail to renew Letters of Credit (LOC) in a timely manner. Want more efficient process for dealing with renewal of bond surety.
- Don't want construction draws tied to bond reduction requests.
- Flexibility in staff being able to grant bond time extensions, but still have a "sunset clause".
- Level of risk to county: surety bonds vs. LOC's.
- Surety bonds need to include the 15% contingency amount.
- Surety bond amount needs an automatic inflation escalator.

### Future Lot Owners/HOA:

- Infrastructure installed in accordance with approved Preliminary Plat.

### Developers/Builders:

- Sufficient notification from Bonding Administrator that bond surety is due for renewal.
- Easier way to keep bond surety in place ("Evergreen clause") for extended periods.
- Other bonding option that does not reduce capital resources (bank loans and lines of credit).
- More certainty in bonding & construction completion time extensions beyond the 4 years allowed under the current bonding policy.
- Less costly bonding option.

### Banking/Lenders:

- More notice/lead time for renewing letters of credit (need 90 day minimum).
- LOC's need to be backed by collateral.
- Least financial risk exposure possible with developer/project.

The common themes in the stakeholder issues noted above can be categorized and summarized as follows:

#### Financial Risk

Provide adequate incentive for the developer to complete the required site improvements, and have the least exposure possible to risk of not having sufficient funds or means to complete a project should the developer default.

#### Bonding

Provide for a more efficient bond reduction process and give staff flexibility and discretion in granting bond time extension requests beyond the current 4 year limit.

#### Surety Renewal

Provide more advance notification of surety expiration and renewal

(especially for LOC's) and/or provide for another more user friendly surety option that does not require renewal.

### Surety Bonds

Allow surety bonds as an option for providing bond surety on land development projects, same as some nearby jurisdictions.

### Tolling of Bonding

During periods of economic downturn, provide a process for deferral of construction and temporary full or partial release of construction bonds and surety on projects that are recorded and bonded, but have not started construction of site improvements.

If a process for tolling of construction is not provided, and the developer cannot get the bank to renew the surety/letter-of-credit, then the County may be faced with calling-in the bond and the surety before it expires and then managing completion of the entire project's site improvements. Thereby, incurring and trying to recover the costs of managing the construction project.

6. **Ascertain the need to revise the policy name to avoid confusion of acceptable forms of surety.**

Ironically, the current policy name implies permission of surety form via bond, which is to the contrary; with the policy changes proposed herein, the word "bonding" or "bond" within the policy document should be edited to:

- Clarify that the policy is for provisions of providing surety to complete land development site improvements and not necessarily just a mechanism of providing one form of surety; and
- Replace the words "bonding" or "bond" with "surety", where appropriate.
- Change "Jefferson County Bonding Policy" to "The Jefferson County Land Development Improvements Surety Policy", to more accurately reflect what the policy administers.

## Recommendation:

As a result of our discussion of the issues and our research, the Bonding Policy Review Committee recommends the current bonding policy be amended as follows:

1. Maintain the current bonding policy practice of requiring 15% contingency amount above and beyond the bond's estimated construction cost; and

Set a minimum bond contingency amount of \$15,000 for projects under \$100,000, with the contingency amount remaining in full force until the project's bond is fully released, as incentive for the developer to complete the project; and

For bond estimates equal to or less than \$333,333, the full initial bond contingency amount (\$15,000 min to \$50,000 max) shall remain in force until the project's bond is fully released; and

For bond estimates greater than \$333,333, the initial contingency amount may be reduced in a pro-rated manner along with periodic bond reductions; but, the total bond amount shall never be reduced to less than \$50,000 or 10% of the total original bond amount, whichever is greater, and shall remain in force until the work is 100% complete and the project's bond is fully released.

2. Where practical, seek a means to having a periodic automatic inflationary adjustment to the bond estimate and the bond surety amount in order to better manage the financial risk due to the effects of the time value of money and inflation.
3. Allow surety bonds as a means of posting the bond/surety on land development projects with estimated construction costs equal to or greater than a suggested \$50,000 amount; and have staff develop the policy, forms and legal documents necessary to implement this by using the policy and documents from nearby jurisdictions as the model. The County's attorney shall review and approve all documents prior to staff implementing this type of bonding/surety.
4. Remove "Irrevocable Letters of Commitment" as an option for providing surety since it apparently has not been used and it is not defined and understood as to how this form of surety is intended to work.
5. Add language in the bonding policy to clarify that "all costs incurred in managing completion of a project by the county, due to the default of a developer, shall be recoverable and charged against the bond funds. This includes but is not limited to in-house and/or contracted services".

6. The Bonding Administrator provides 90 days notice (instead of the usual 30 days notice) to the developer and the bank that an irrevocable letter of credit is due to expire and needs to be renewed by the bank. However, failure on the County's part to provide 90 days notice shall not preclude the County from their right to call-in sureties in the form of a letter of credit prior to their expiration. The onus is on the developer to renew the letter of credit before it expires.
7. Add a fee (suggested \$300) for processing bond reduction requests and surety renewals. There currently is no charge.
8. Grant the staff the authority to grant bond time extensions for the initial 5-1/2 year period of the project; beyond that time, the County Commission shall hear requests and grant bond time extensions on a case-by-case basis.
9. Provide a process for tolling the start of construction and for temporary full or partial release of construction bonds and surety on projects that are recorded and bonded but have not started construction of site improvements due to justifiable reasons (i.e., downturn in housing market due to economic conditions, loss of source of project financing/capitol necessary to begin the project, etc.); and

Staff shall develop the policy, forms and legal documents necessary to implement this. The "Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions" (see Appendix C), may be used as a guide, and the County's attorney shall review and approve all documents prior to staff implementing this process; and

The tolling of construction shall require that no construction and installation of site improvements shall be allowed to start until the developer has posted the full bond amount, and that the bond amount shall be in accordance with the bonding unit cost figures in effect at that time; and

The tolling of construction shall require the recording of a document in the County Clerk's office - for purposes of notifying the public through title search - that the lots are restricted from being sold, and that no building permits will be issued on these lots until the developer has restored the full bond amount and the restriction is lifted by the Jefferson County Commission; and

The tolling of construction shall have a sunset provision whereby the lots shall be un-platted (merged) upon expiration of the sunset provision, along with possible forfeiture of any retained bond amount; and

The tolling of construction shall not apply to projects where construction of the site improvements has already begun.

10. Change "Jefferson County Bonding Policy" to "**The Jefferson County Land Development Improvements Surety Policy**", to more accurately reflect what the policy administers.

In summary, the committee believes that:

- Recommendations no. 1, 2, 3, 4 and 5 will reduce the financial risk to the County and provide more incentive to the developer to complete their project; and
- Recommendation no. 6 modifies and makes more efficient an administrative procedure by allowing more processing time and reduces the pressure on staff, the developer, and the bank in getting letters-of-credit renewed prior to their expiration; and
- Recommendation no. 7 helps to cover administrative costs by adding a fee for the cost of processing bond reduction requests and bond surety renewals. There currently is no fee; and
- Recommendation no. 8 provides staff more authority in granting bond time extensions, thus reducing the amount of time staff and the County Commission spends in hearing and processing bond time extension requests; and
- Recommendation no. 3 provides developers another option for providing bond surety that eliminates the issues (e.g., annual surety renewal/expiration, responsibility for managing construction, etc.) associated with letters-of-credit, and therefore appears to be an option that is also beneficial to the County; and
- When developers are unable to get banks to renew their letters-of-credit during hard economic times, recommendation no. 9 provides a way that developers can delay the need to post bond and start construction; thus not putting the County in a position of having to call-in the bond prior to expiration of the surety and expend resources in managing construction on a project where the installation of the required site improvements has not begun; and

- Recommendation no. 10 clarifies the intent of the policy, regardless of the acceptable forms of surety.

## Appendix A

JEFFERSON COUNTY BONDING POLICY  
ADOPTED - MAY 25, 1995  
AMENDED - APRIL 10, 1997  
AMENDED - AUGUST 20, 1998  
AMENDED/EFFECTIVE - DECEMBER 1, 2000

- A. Projects That Require Construction Bonds
1. Approved subdivisions of land requiring infrastructure improvements.
  2. Commercial, industrial, multi-family and institutional projects that require a site plan.
- B. Length of Construction Bonds
1. 2 1/2 years for all improvements.
- C. Extensions of Construction Bonds
1. 1 1/2 years provided:
    - a. All dwelling units are served by a road that is totally improved with exception of the top coat of asphalt;
    - b. All erosion and sediment controls are in place and functioning properly;
    - c. Stormwater Management facilities are in place either as temporary silt traps per plan or as permanent SWM protected from silt from undisturbed areas in the project. The SWM facility itself will be stabilized;
    - d. \$300.00 in fees are paid;
    - e. Surety is re-evaluated to determine if amount is still appropriate;
    - f. Additional surety is added if (e) is not adequate;
    - g. Existing infrastructure shall be reconstructed or redesigned if failing or substandard. ((f) then applies); and,
    - h. Elements of the preliminary plat or site plan that have not been constructed shall be reviewed for compliance with current design standards and said plat or plan shall be modified to meet current standards as required.
- D. After the erosion and sediment control devices have been inspected and approved all subsequent County Engineer inspections shall be \$50.00. County discretionary inspections shall not be assessed the fee.
- E. Approved Sureties are Limited to:
1. Irrevocable Letter of Credit (addendum A) from any bank within 150 miles of Charles Town, West Virginia; or,
  2. Cash-in-Escrow (addendum B) at any bank within 150 miles of Charles Town, West Virginia; or,
  3. Irrevocable Letter of Commitment (addendum C) from any bank in Jefferson County.

- F. Approved surety shall be formatted as shown on the attached sheets unless otherwise approved by the County Administrator and the Planning Director or the County Commission.
- G. Parties other than the owner may provide the surety as allowed in the subsection F above and execute the construction bond; provided, however, that the third party adds their signature to the statement of acceptance on the associated plat.
- H. Bonding arrangements cannot be made prior to Planning Commission approval of project.

After the County Engineer has approved the construction bond amount and approved surety has been presented to the Planning Commission office, the construction bond shall be prepared. Upon notice from the Planning Commission office to the County Commission office that the surety and bond are in accordance with the Jefferson County Commission bonding policy, the Commission President or County Administrator may affix signature to the bond which will constitute acceptance by the County Commission of Jefferson County. All such action shall be reported to the Jefferson County Commission as an agenda information item at their next meeting.

An appeal of this process will adhere to (I.) below of the Jefferson County Bonding Policy adopted May 25, 1995.

- I. To be approved by the County Commission on a Thursday all surety must be submitted to the Planning Commission Office by 5:00 p.m. on the preceding Monday. If the office is closed on such Monday then the deadline is 12:00 p.m. on Tuesday.
- J. The County shall retain the 15% contingency fee on all components until the final release is approved. Except that if a project's required surety has been greater than \$333,333.00 and goes below that amount because of releases, the contingency amount retained will be \$50,000.00 until final release of all bonded items.
- K. In the event that a previously released component fails before the final release, no monies will be released until said component is corrected and approved.

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

ADDENDUM A

BANK NAME  
ADDRESS  
TELEPHONE NUMBER

DATE

County Commission of Jefferson  
110 East Washington Street  
P. O. Box 250  
Charles Town, West Virginia 25414

RE: IRREVOCABLE LETTER OF CREDIT # AMOUNT \$  
NAME OF PROJECT

Sir or Madame:

By this letter, BANK'S NAME hereby establishes an Irrevocable Letter of Credit No. \_\_\_\_\_ and authorizes you to draw on us for the account of PROJECT NAME/BORROWER up to an aggregate amount of \$ \_\_\_\_\_ dollars, subject to the terms and conditions stated herein.

Draws under this Letter of Credit are available by your draft presented to our Bank at its BANK'S LOCATION on or before the January 15 or July 15 of a given year and accompanied by the following documents:

- 1.) A certification executed and signed by a duly authorized member of the County Commission of Jefferson County, West Virginia, that PROJECT NAME/BORROWER has failed to perform its obligation under, and according to, the terms of that certain construction bond agreement, attached hereto and made a part hereof.
- 2.) The Original Letter of Credit.

We hereby agree that drafts under and in compliance with the terms of this Letter of Credit will be duly honored if presented as aforesaid on or before January 15, or July 15 of a given year.

Except as otherwise expressly stated herein, this credit is subject to Uniform Commercial Code and shall be construed under the laws of the State of West Virginia. Any draft upon this Letter of Credit must be marked "Drawn under NAME OF BANK Letter of Credit" for PROJECT NAME/BORROWER dated DATE OF LETTER OF CREDIT.

Very Truly Yours,  
BANK'S NAME

SIGNATURE OF BANK OFFICER  
PRINT BANK'S OFFICER'S NAME  
TITLE  
DATE

ADDENDUM B

ESCROW AGREEMENT

THIS AGREEMENT dated this \_\_\_\_\_ day of \_\_\_\_\_ by and between OWNER/DEVELOPER'S NAME, having its address at OWNER/DEVELOPER'S ADDRESS, party of the first part, and BANK'S NAME, having its address at BANK'S ADDRESS, as Escrow Agent for the County Commission of Jefferson County, party of the second part.

WITNESSETH that the party of the first part has this day deposited with the party of the second part the sum of \_\_\_\_\_ Dollars and \_\_\_\_\_ Cents (\$ \_\_\_\_\_), as security for its undertaking to complete construction of the required erosion and sediment control devices, stormwater management measures, grading, roadways and associated appurtenances to serve PROJECT NAME, as more particularly described in Planning Commission File #\_\_\_\_\_. This construction is to be subject to the supervision and approval of the County Commission of Jefferson County acting by and through the Jefferson County Planning Commission. Construction must be completed by \_\_\_\_\_.

The parties hereto agree that the escrow agent shall hold the respective funds as security for the performance of said undertakings by the party of the first part, and that respective funds may not be released to the party of the first part without the approval in writing of the County Commission of Jefferson County or the Jefferson County Planning Commission.

In case of default, the escrow agent shall be obliged to turn over to the County Commission of Jefferson County the escrowed funds or any part thereof, for the completion of the required installations and improvements.

ATTEST: \_\_\_\_\_ OWNER/DEVELOPER  
NAME OF COMPANY OR INDIVIDUAL

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_

BANK'S NAME

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

Affix Bank Seal

DATE: \_\_\_\_\_

ADDENDUM C

All Letter of Commitments shall contain the following special provisions along with the attached Addendum A.

**Special Provisions:** For infrastructure cost only,  
Loan will be disbursed for the purposes and terms indicated, with restrictions noted in Addendum A.

ADDENDUM A

- 1) Draws, payable to the Borrower, will be made as work progresses.
- 2) Request(s) for draws will be made in writing to the joint attention of  
BANK NAME, and the Director, Jefferson County Planning Commission.
- 3) The Bank's construction inspector or engineer, jointly with concurrence of the Jefferson County Engineer, will inspect the progress of construction. When the requested draw is approved, a joint authorization will be signed by the two representatives and submitted to the Bank to authorize and disburse the requested advance. In the event there is no agreement between the Bank's representative and the County Engineer, the County Engineer's position on the requested draw shall unconditionally prevail.
- 4) Draws up to the cumulative total amount of \$ \_\_\_\_\_, will continue as outlined and jointly approved until the project is completed in accordance with the plans and specifications in the Jefferson County Planning Commission File No. \_\_\_\_\_.
- 5) In the event Borrower fails to perform its obligations under, and according to, the plans and specifications for this project contained in the aforesaid File No. \_\_\_\_\_, the funds remaining from the \$ \_\_\_\_\_, will be withheld from disbursement until the required performance has been fulfilled.
- 6) If the required performance is not fulfilled by the Borrower, the remaining balance of the undischursed \$ \_\_\_\_\_, amount will be subject to the order of the County Commission of Jefferson County, by draft presented to the Main Office of BANK NAME AND ADDRESS \_\_\_\_\_, accompanied by a certification that BORROWERS NAME \_\_\_\_\_, has failed to perform its obligation in accordance with the terms and specifications set forth in the aforesaid File No. \_\_\_\_\_, as approved by the Jefferson County Planning Commission. These draws will be duly honored if presented as aforesaid on or before JANUARY 15 or JULY 15 OF A GIVEN YEAR.
- 7) This is an irrevocable commitment to fund infrastructure costs in the aforesaid amount for the project. Borrower, Bank and County Commission understand and concur that, even in the event of bankruptcy, subject funds will be earmarked for infrastructure costs for this project and will be set aside for that purpose.

8) If this Commitment is not renewed more than 30 days prior to JANUARY 15 OR JULY 15 OF A GIVEN YEAR, the County Commission may draw down any remaining funds and place the same in escrow to be used only for the purpose of completion of the project.

It is expressly understood and agreed this agreement between the Borrower, the County Commission and BANK NAME, replaces the requirement for an irrevocable Letter of Credit separate from this agreement.

The terms and conditions set forth herein have been reviewed and agreed by the following:

\_\_\_\_\_  
BORROWER'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BORROWER'S SIGNATURE

\_\_\_\_\_  
DATE

BANK'S NAME

\_\_\_\_\_  
BANK OFFICER'S SIGNATURE & TITLE

\_\_\_\_\_  
DATE

COUNTY COMMISSION OF JEFFERSON COUNTY

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

\_\_\_\_\_  
DATE

## Appendix B



**Surety Information Office (SIO)**

1828 L Street NW, Suite 720  
Washington, DC 20036-5104  
(202) 686-7463  
(202) 686-3656 Fax  
www.sio.org  
sio@sio.org

*The Surety Information Office (SIO) is the information source on contract surety bonds in public and private construction. SIO offers complimentary brochures and CDs and can provide speakers, write articles, and answer questions on contract surety bonds. SIO is supported by The Surety & Fidelity Association of America (SFAA) and the National Association of Surety Bond Producers (NASBP). All materials may be accessed at [www.sio.org](http://www.sio.org).*



**The Surety & Fidelity Association of America (SFAA)**

1101 Connecticut Avenue NW • Suite 800 • Washington, DC 20036  
(202) 463-0600 • (202) 463-0606 Fax  
[www.surety.org](http://www.surety.org) • [information@surety.org](mailto:information@surety.org)

*The Surety & Fidelity Association of America (SFAA) is a District of Columbia non-profit corporation whose members are engaged in the business of suretyship. Member companies collectively write the majority of surety and fidelity bonds in the United States. SFAA is licensed as a rating or advisory organization in all states, as well as in the District of Columbia and Puerto Rico, and it has been designated by state insurance departments as a statistical agent for the reporting of fidelity and surety experience. SFAA represents its member companies in matters of common interest before various federal, state, and local government agencies.*



**National Association of Surety Bond Producers (NASBP)**

1828 L Street NW • Suite 720 • Washington, DC 20036-5104  
(202) 686-3700 • (202) 686-3656 Fax  
[www.nasbp.org](http://www.nasbp.org) • [info@nasbp.org](mailto:info@nasbp.org)

*The National Association of Surety Bond Producers (NASBP) is the international organization of professional surety bond producers and brokers. NASBP represents more than 5,000 personnel who specialize in surety bonding; provide performance and payment bonds for the construction industry; and issue other types of surety bonds, such as license and permit bonds, for guaranteeing performance. NASBP's mission is to strengthen professionalism, expertise, and innovation in surety and to advocate its use worldwide.*

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# The Importance of Surety Bonds in Construction



## Historical Perspective

Surety bonds have been a valuable tool for centuries. The first known record of contract suretyship was an etched clay tablet from the Mesopotamian region around 2750 BC. According to the contract, a farmer drafted into the service of the king was unable to tend his fields. The farmer contracted with another farmer to tend them under the condition they split the proceeds equally. A local merchant served as the surety and guaranteed the second farmer's compliance.

Suretyship was addressed in the first known written legal code, the Code of Hammurabi, around 1792-1750 BC. A Babylonian contract of financial guarantee from 670 BC is the oldest surviving written surety contract. The Roman Empire developed laws of surety around 150 AD that exist in the principles of suretyship today.

While suretyship has a long history, it wasn't until the 19th century that corporate surety bonds were used. Recognizing the need to protect taxpayers from contractor failure, Congress passed the Heard Act in 1894, which required surety bonds on all federally funded projects. The Miller Act of 1935 (40 U.S.C. Section 270a et. seq.) was the last major change in public sector surety, and is the current federal law mandating surety bonds on federal public works. It requires performance bonds for public work contracts in excess of \$100,000 and payment protection, with payment bonds the preferred method, for contracts in excess of \$25,000. Almost all 50 states, the District of Columbia, Puerto Rico, and most local jurisdictions have enacted similar legislation requiring surety bonds on public works. These generally are referred to as "Little Miller Acts."

## Risky Business

How one evaluates and manages risk on construction projects and makes fiscally responsible decisions to ensure timely project completion is key to success. To gamble on a contractor whose level of commitment or qualification is uncertain or who could become bankrupt halfway through the job can be a costly decision. How can a public agency using the low-bid system in awarding public works contracts be sure the lowest bidder is dependable? How can private sector construction project owners manage the risk of contractor failure?

Surety bonds provide financial security and construction assurance by assuring project owners that contractors will perform the work and pay specified subcontractors, laborers, and material suppliers. A surety bond is a risk transfer mechanism where the surety company assures the project owner (obligee) that the contractor (principal) will perform a contract in accordance with the contract documents.

## Types of Bonds

There are three basic types of contract surety bonds:

The **bid bond** assures that the bid has been submitted in good faith and that the contractor will enter into the contract at the price bid and provide the required performance and payment bonds.

The **performance bond** protects the owner from financial loss should the contractor fail to perform the contract in accordance with its terms and conditions.

The **payment bond** assures that the contractor will pay specified subcontractors, laborers, and material suppliers on the project.

## Financial Security & Construction Assurance

Although surety bonds are mandated by law on public works projects, the use of surety bonds on privately-owned construction projects is at the owner's discretion. Alternative forms of financial security, such as letters of credit and self-insurance, do not provide the 100% performance protection and 100% payment protection of surety bonds nor do they assure a competent contractor. With surety bonds, the risks of project completion are shifted from the owner to the surety company. For that reason, many private owners require surety bonds from their contractors to protect their company and shareholders from the enormous cost of contractor failure. To bond a project, the owner specifies the bonding requirements in the contract documents. Obtaining bonds and delivering them to the owner is the responsibility of the contractor, who will consult with a surety bond producer. Subcontractors may also be required to obtain surety bonds to help the prime contractor manage risk, particularly when the subcontractor is a significant part of the job or a specialized contractor that is difficult to replace.

Most surety companies are subsidiaries or divisions of insurance companies, and both surety bonds and traditional insurance policies are risk transfer mechanisms regulated by state insurance departments. However, traditional insurance is designed to compensate the insured against unforeseen adverse events. The policy premium is actuarially determined based on aggregate premiums earned versus expected losses. Surety companies operate on a different business model. Surety is designed to *prevent* loss. The surety prequalifies the contractor based on financial strength and construction expertise. Since the bond is underwritten with little expectation of loss, the premium is primarily a fee for prequalification services, although sureties also use industry-wide loss costs and loss severity studies to determine premium.

## Prequalification of the Contractor

Sureties are able to accept the risk of contractor failure based on the results of a thorough, rigorous, and professional process in which sureties prequalify the contractor. This prequalification process is an in-depth look at the contractor's business operations. Before issuing a bond the surety company must be fully satisfied, among other criteria, that the contractor has:

- Good references and reputation;
- The ability to meet current and future obligations;
- The experience matching the contract requirements;
- The necessary equipment to do the work or the ability to obtain it;
- The financial strength to support the desired work program;
- An excellent credit history; and
- An established bank relationship and line of credit.

Before issuing a bond, the surety company must be satisfied that the contractor runs a well-managed, profitable enterprise, keeps promises, deals fairly, and performs obligations in a timely manner. Surety bonds have played an important role in the construction industry's success, allowing the industry to sustain its position as one of the largest contributors to the nation's economic stability and growth.

## Contractor Failure

Construction is a risk-filled enterprise, and even capable and well-established contractors can ultimately fail. According to BizMiner, of 850,029 building (non-single-family), heavy/highway, industrial buildings/warehouses, hotel/motel and multifamily home construction, and specialty trade contractors operating in 2004, only 649,602 were still in business in 2006—a 23.6% failure rate. Despite the surety's rigorous prequalification process, sometimes contractor default is unavoidable. However, when a contractor fails on a bonded project, it is the surety company that remedies the default—not the project owner or taxpayers.

### Contractor Failure Rates\* (2004-06)



\*Percentage of non-single-family building, heavy/highway, industrial buildings/warehouses, hotel/motel & multifamily home construction, trade contractors, and operative builders from 2004 no longer in business in 2006.  
Source: BizMiner 2006

In the unfortunate event that a bonded contractor does default, the surety has legal obligations to the project owner and the contractor. First, the owner must formally declare the contractor in default. Then the surety company conducts an impartial investigation prior to settling any claim. This protects the contractor's ability to pursue legal recourse in the event that the owner improperly declares the contractor in default. When there is a proper default, the surety's options often are spelled out in the bond. These options may include the right to re-bid the job for completion, bring in a replacement contractor, provide financial and/or technical assistance to the existing contractor, or pay the penal sum of the bond.

### Bond Rates

Surety bond premiums vary from one surety to another, but can range from one-half of 1% to 2% of the contract amount, depending on the size, type, and duration of the project and the contractor. Typically, there is no direct charge for a bid bond. In many cases, a performance bond incorporates the payment bond and a maintenance period.

When bonds are specified in the contract documents, it is the contractor's responsibility to obtain them. The contractor includes the bond premium amount in the bid and the premium generally is payable upon execution of the bond. If the contract amount changes, the premium may be adjusted for the change in contract price. Contract surety bonds are a wise investment—protecting public owners, private owners, lenders, and prime contractors from the potentially devastating expense of contractor and subcontractor failure.

### Benefits of Bonds

After analyzing the risks involved with a construction project, consider how surety bonds protect against those risks. Owners, lenders, taxpayers, contractors, and subcontractors are protected because:

- The contractor has undergone a rigorous prequalification process and is judged capable of fulfilling the obligations of the contract;
- Contractors are more likely to complete bonded projects than non-bonded projects since the surety company may require personal or corporate indemnity from the contractor;
- Subcontractors have no need to file mechanics' liens on a private project when a payment bond is in place;
- Bonding capacity can increase a contractor's or subcontractor's project opportunities;
- The surety bond producer and underwriter may be able to offer technical, financial, or management assistance to a contractor; and
- The surety company fulfills the contract in the event of contractor default.

Any contractor—whether in business for one year or 100, large or small, experienced or novice—can experience serious problems. Through the years surety bonds have held fast as a comprehensive and reliable instrument for minimizing the risks in construction.

## Appendix C

**Draft Document for Review  
Received 12-30-2009**

**AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** (this "Declaration") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by [INSERT NAME OF PROPERTY OWNER] ("Declarant"), and the COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA (the "County Commission").

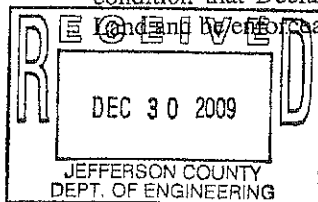
**WHEREAS**, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in **Exhibit A** attached hereto (the "Land"); and

**WHEREAS**, the Land has been legally subdivided (the "Subdivision") into \_\_\_\_\_ (\_\_\_\_) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on \_\_\_\_\_ (the "Subdivision Ordinance"), and as shown on that certain [INSERT NAME OF SUBDIVISION PLAT] recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in [INSERT RECORDING INFO] (the "Final Plat"); and

**WHEREAS**, Declarant posted a bond with the County Commission, in the form of [a letter of credit], in the amount of \$\_\_\_\_\_ (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond - Estimate, dated \_\_\_\_\_ (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on \_\_\_\_\_; and

**WHEREAS**, due to [INSERT REASONS FOR DELAY IN DEVELOPMENT], the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

**WHEREAS**, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission.



**NOW, THEREFORE**, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. **Modification of Original Bonding Obligations.**

(a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following conditions precedent (the "Modification Conditions"):

(i) The Declarant submits to the Department, and the Department approves, a cost estimate for all erosion control and site stability work (the "Site Stability Work") required by the Department to assure that the Land shall not physically deteriorate prior to the commencement of the construction of the Infrastructure Improvements.

(ii) Promptly after approval of said cost estimate by the Department, Declarant shall post with the County Commission an approved surety in accordance with the Jefferson County Bonding Policy (the "Bonding Policy") in the amount of 115% of said cost estimate in accordance with the Bonding Policy (the "Site Stability Bond").

(b) Upon satisfaction of the Modification Conditions, the County Commission shall return the Existing Infrastructure Bond to the Declarant and the Original Bonding Obligations shall be deemed modified as follows:

(i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting the Site Stability Bond with the County Commission and complying the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.

(ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than mowing and other routine maintenance required to preserve the

appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the Site Stability Bond to the Declarant.

- (iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's bonding obligations with respect to the Subdivision. The provisions of this Section 2(b)(iii) shall survive termination of this Declaration.

**3. Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.

**4. Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.

**5. Default.**

(a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the

County Commission may exercise any rights and remedies it may have hereunder or applicable law. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.

(b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants or conditions. All of the remedies permitted or available to the County Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including but not limited to its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.

6. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.

7. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

8. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.

9. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration

10 **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant

satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.

[INSERT APPLICABLE SIGNATURES AND ACKNOWLEDGEMENTS]

[DOCUMENT MUST BE IN RECORDABLE FORM]

# 2 4

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 4, 2010, or as soon thereafter as the Commission may decide:

**Historic Landmarks Commission - 2 three year terms ending March 6, 2013**

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.

HISTORIC LANDMARKS COMMISSION

Carmen Weber Creamer  
Locust Grove Farm  
1923 Shirley Road  
Summit Point, WV 25446  
725-7770  
3 years 03/06/2010

John C. Allen, Jr.  
P.O. Box 2006  
Shepherdstown, WV 25443  
3 years 03/06/2010

Michael Musick  
P.O. Box 104  
Harpers Ferry, WV 25425  
535-6918  
3 years 03/06/2011

Don Amoroso  
451 South Hills Drive  
Shepherdstown, WV 25443  
703-330-1626  
3 years 03/06/2012

Martin Burke  
1327 Terrapin Neck Road  
Shepherdstown, WV 25443  
304-876-3883 martinburke@frontiernet.net  
3 years 03/06/2012



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FEB 18 2010

Jefferson County Commission

Sandy Slusher  
County Administrator  
P.O. Box 250  
Charles Town, WV 25414

January 25, 2010

Ms. Slusher,

My term on the Jefferson County Historic Landmarks Commission will come to an end in March of this year. I am writing to inform the County Commission that I would like to continue serving on the landmarks commission and would, therefore, ask to be considered for another three-year term.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. C. Allen, Jr.' with a stylized flourish at the end.

John C. Allen, Jr.  
chairman, JCHLC

1923 Shirley Rd.  
Summit Point, WV 25446

February 12, 2010

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

Dear Commissioners,

I am writing to advise you that I am interested in being considered for another term on the Jefferson County Historic Landmarks Commission. My current term expires on March 6, 2010.

In support of my interest, I would like to cite my 20+ years of professional experience in the field of Cultural Resource Management. I would also state that I have served the Commission for many years in the past, having spent time as a volunteer before becoming a member of the Commission.

I therefore respectfully request that I be appointed to the Jefferson County Landmarks Commission for another term.

Sincerely,

*Carmen W. Creamer*  
Carmen W. Creamer

RECEIVED

FEB 17 2010

Jefferson County Commission

# THE COUNTY COMMISSION OF JEFFERSON COUNTY



P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Phone: 304-728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304-725-7916



February 3, 2010

Carmen Weber Creamer  
1923 Shirley Road  
Summit Point, WV 25446

Dear Ms. Creamer:

Please be advised that your term on the Historic Landmarks Commission will expire on March 6, 2010. Until the County Commission has acted to appoint someone for another three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 4, 2010 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby  
Administrative Assistant

# THE COUNTY COMMISSION OF JEFFERSON COUNTY

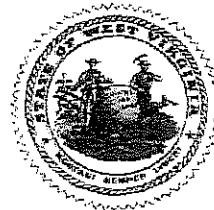


P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Phone: 304-728-3284

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Fax: 304-725-7916



February 3, 2010

John C. Allen  
P.O. Box 2006  
Shepherdstown, WV 25443

Dear Mr. Allen:

Please be advised that your term on the Historic Landmarks Commission will expire on March 6, 2010. Until the County Commission has acted to appoint someone for another three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 4, 2010 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams  
Administrative Assistant

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 4, 2010, or as soon thereafter as the Commission may decide:

**Harpers Ferry/Bolivar Public Service District - 1 unexpired term ending June 30, 2014**

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.

HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

P.O. Box 235  
192 Lake Quigley Drive  
Harpers Ferry, WV 25425  
304-535-2390 Fax 304-535-2524

James A. Addy  
Mayor of Harpers Ferry  
P.O. Box 217  
Harpers Ferry, WV 25425  
w: 535-2206 Fax: 535-6520  
6 years 06/30/2010  
Secretary

Robert J. Hardy  
1343 W. Washington Street  
Harpers Ferry, WV 25425  
h: 535-2450  
6 years 06/30/2012  
Treasurer

Raymond Biller (Vacant)  
P.O. Box 15  
Harpers Ferry, WV 25425  
h: 535-6915  
6 years 06/30/2014  
Chairman

16-13A-3

**Harpers Ferry/ Bolivar PSD**

P. O. BOX 235

192 LAKE QUIGLEY DRIVE

HARPERS FERRY, WEST VIRGINIA 25425

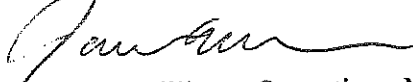
(304)-535-2390 FAX (304)-535-2524

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To: Jefferson County Commissioners

The Harpers Ferry/ Bolivar PSD are writing this letter to you in reference to the passing of Mr. Raymond Biller-Board Chairman. The PSD will need to fill the open spot on the board in a timely fashion, due to the fact that we are currently under construction of our sludge dewatering building. And phase II of construction on the plant upgrade to BNR advanced treatment for Bay standards will be getting under way shortly.

Thanks



James E. Williams-Operations Manager

**RECEIVED**

FEB 18 2010

Jefferson County Commission

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 4, 2010, or as soon thereafter as the Commission may decide:

**Water Advisory Committee- 3 expired terms ending January 31, 2013**

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.

**Jefferson County Commission  
Water Advisory Committee**

<b>Member Name</b>	<b>Email</b>	<b>Address</b>	<b>Phone</b>	<b>Term Expires</b>
Roger Ethier	engnerwbord@hotmail.com	P.O. Box 1392 Shepherdstown, WV 25443	304-283-6196	1/31/2010
Virginia Graf	virginiaoraf@aol.com	2054 Kabletown Road Charles Town, WV 25414	304-728-2829	1/31/2011
Larry Johnson		Chester Engineering 125 Burke Street Martinsburg, WV 25401	304-267-9759	1/31/2010
Dick Latterell		P.O. Box 3609 Shepherdstown, WV 25443	304-876-6072	1/31/2010
Susan Lawton		Jefferson County PSD P.O. Box 430 Charles Town, WV 25414	304-724-7143 304-725-4647	1/31/2011
Dan Riss	tdrtdr@comcast.net	P.O. Box 725 Harpers Ferry, WV 25425	304-535-2432	1/31/2011
Lee Snyder		270 Industrial Blvd. Keameysville, WV 25430	304-725-3915 304-725-9140	1/31/2012
Oscar Stine	oscarstine@frontiernet.net	7633 Flowing Springs Road Shepherdstown, WV 25443	304-876-2009	1/31/2012
Ruth McQuade		63 Juniper Circle Shepherdstown, WV 25443	304-876-6619	1/31/2012
Jane Arnett	jarnett@charlestownutilities.us	832 South George Street Charles Town, WV 25414	304-725-2316	1/31/2012
Robert K. Denton Jr.	rdenton@geococepts-eng.com	19955 Highland Vista Dr, Suite 170 Ashburn, VA 20147	703-726-8030	1/31/2011
Patsy Noland, Commissioner	pnoland@jeffersoncountywv.org	P.O. Box 250 Charles Town, WV 25414	304-728-3284	2011
Lyn Widmyer, Commissioner	lwidmyer@jeffersoncountywv.org	P.O. Box 250 Charles Town, WV 25414	304-728-3284	2011

# 27

**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 *RLG*

DATE: FEBRUARY 16, 2010

SUBJECT: HARVEST HILLS, PHASE II, SECTION I  
LOTS 51-71 & 405-419 & RESIDUE  
FILE #07-01

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FEB 16 2010

JEFFERSON COUNTY COMMISSION

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

Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71 & 405-419 & Residue, which is secured by Letter of Credit #5390299-4601 with United Bank located in Vienna, Virginia in the amount of \$1,419,162.00.

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

RLG:rfb

#28

**NOTICE OF PUBLIC MEETING  
COUNTY COMMISSION OF JEFFERSON COUNTY**

The County Commission of Jefferson County will hold a public meeting on Wednesday, March 3<sup>rd</sup>, 2010 at 7:00 pm in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

At this meeting, there will be public review and discussion on the proposed plans for the new Jefferson County Judicial Center/Courthouse Annex. No decisions will be made at this meeting.

By Order of the County Commission of Jefferson County  
Lyn Widmyer  
President



#29

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • 304/558-3505

Joe Manchin III  
Governor

**RECEIVED**

February 10, 2010

FEB 16 2010

Jefferson County Commission

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2010-2015. One of the requirements to funding any projects with FHWA or FTA funds is that each proposed project undergo a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of proposed amendments to the approved 2010-2015 STIP.

All written comments are to be received no later than March 1, 2010, and should be addressed to:

Mr. Robert L. Pennington, Director  
Program Planning and Administration Division  
West Virginia Division of Highways  
Building 5, Room A-816  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Should you need additional information, please call (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,

*Robert L. Pennington*  
Robert L. Pennington, Director  
Program Planning and Administration Division

RLP:Cb

Attachment

- cc: Mr. Tony Tarone, Federal Transit Administration – w/ attachment
- Mr. Jeff Blanton, Federal Highway Administration – w/ attachment
- Mr. Kevin Burgess, Federal Highway Administration – w/ attachment
- Ms. Susan O'Connell, Division of Public Transit – w/ attachment

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2010-2015  
PROGRAM AMENDMENT FOR 2010

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	TOTAL PHASE COST	FEDERAL DOLLAR COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
MINGO	2011	2	0	4/28/2011	NHS	CON	US119	MILLER CR-BELO RD	RESURF(1.5"), GDRL, DR	S330 119 76800	NH0119174D	\$2,213,280	\$0	(\$1,770,624)
<b>AMD 1 - PROJECT WITHDRAWN, WORK PERFORMED UNDER ERP-0119(341)D</b>														
RALEIGH	2010	0	0	8/28/2010	NHS	CON	WW016	ROBERT C. BYRD DRIVE SIGNAL SYSTEM	REN SIGNALS	U341 16 1686 00	NHG0016214D	\$230,000	\$230,000	
<b>ADM 1 - ADD NEW PROJECT</b>														
RANDOLPH	2010	0	0	5/28/2010	BR	ENG	US219	HOMESTEAD ARCH BR	REPL W/BOX CULV	S342 219 288400	BR0219308D	\$50,000	\$40,000	
<b>ADM 1 - ADD NEW PROJECT</b>														
RANDOLPH	2010	8	0	5/28/2010	BR	ROW	US219	HOMESTEAD ARCH BR	REPL W/BOX CULV	S342 219 288300	BR0219130D	\$134,000	\$0	(\$107,200)
<b>AMD 1 - PROJECT TERMINATED, WORK TO BE COMPLETED WITH PROJECT S342-219-28.84 00</b>														
RANDOLPH	2011	0	0	11/28/2010	BR	ROW	US219	HOMESTEAD ARCH BR	REPL W/BOX CULV	S342 219 288400	BR0219309D	\$134,000	\$107,200	
<b>ADM 1 - ADD NEW PROJECT</b>														
RANDOLPH	2011	8	0	4/28/2011	BR	CON	US219	HOMESTEAD ARCH BR	REPL W/BOX CULV	S342 219 288300	BR0219131D	\$706,600	\$0	(\$564,480)
<b>AMD 1 - PROJECT TERMINATED, WORK TO BE COMPLETED WITH PROJECT S342-219-28.84 00</b>														
RANDOLPH	2011	0	0	9/28/2011	BR	CON	US219	HOMESTEAD ARCH BR	REPL W/BOX CULV	S342 219 288400	BR0219310D	\$706,000	\$564,800	
<b>ADM 1 - ADD NEW PROJECT</b>														
STATEWIDE	2010	0	0	1/28/2010	CMAQ	CON	NAC00	FUSION CENTER MAINTENANCE	MAINTENANCE	T699 ITFC 08 01	CMAQ2008039D	\$125,000	\$100,000	
<b>AMD 1 - ADD NEW PROJECT</b>														

## Federal Transit Administration

### SECTION 5309

Transit Capital Investment Grants and Loans  
Federal Funding (80%)

	<u>FY2009</u>	<u>FY2010</u>	<u>FY2011</u>	<u>FY2012</u>
<p>Various capital assistance projects including but not limited to replacement vehicles, shop and misc. equipment and bus shelters for nonurbanized area transit systems which may include Barbour County Senior Center d.b.a. Here and There Transit, Bluefield Transit System, Central West Virginia Transit Authority, Faimont-Marion County Transit Authority, Community Resources, Inc. d.b.a., Little Kanawha Bus Company, Mountain Transit Authority, Preston County Senior Citizens, Inc. d.b.a. Buckwheat Express, Potomac Valley Transit Authority, TriRiver Transit Authority, Wayne County Community Services d.b.a. Wayne X-Press</p>	*\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
<p>Construct Beckley Intermodal Gateway pursuant to the eligibility provisions for projects listed under section 3030(d)(3) of P.L. 105-178</p>	\$5,417,280			
<p>*New Maintenance /Administrive Building for Bluefield Area Transit</p>	*\$3,000,000			
<p>Construct Colonial Intermodal Facility, Bluefield, WV</p>		\$ 600,000		
<b>Total</b>		<b>13,417,280</b>	<b>\$5,600,000</b>	<b>\$5,000,000</b>

Note: All projects are shown in federal funds only. The 20% local share will be defined when applications are submitted.

\*Potential Economic Stimulus Project should funds become available"

RECEIVED

THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CHARLESTON, WEST VIRGINIA

Jefferson County Commission  
ABSTRACT FROM THE RECORDS OF THE  
COMMISSIONERS ORDERS

DATED

February 2, 2010

DISTRIBUTION

- AC
- DD
- OM
- DR
- CP
- DT
- DISTRICT FIVE
- WV STATE POLICE
- COUNTY COMMISSION

In accordance with provisions of Chapter 17, Article 2A, Section 8, of the Official Code of West Virginia, 1931, as amended, the Commissioner, upon recommendation of the District Five Engineer/Manager, and with the concurrence of the Director of the Program Planning and Administration Division, the Director of the Maintenance Division, and the State Highway Engineer, hereby **ORDERS** the **ADDITION** of the following described section(s) of highway to the **STATE LOCAL SERVICE SYSTEM** in:

**JEFFERSON COUNTY, DISTRICT FIVE**

McGarry Boulevard:


Beginning at a point on CR 8/1, said point being 0.07 mile north of the junction of CR 8/1 and CR 8/2; thence in a northerly direction following McGarry Boulevard a distance of 0.58 mile to an ending point at its junction with CR 9/33, said point being 0.26 mile east of the junction of CR 8 and CR 9/33.

Total length to be added is 0.58 mile.

To be assigned CR 8/4.

Right-of-way width Varies (See Project X319-8/4-0.00).

Entered this 2nd day of February 2010

  
Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

STATE OF WEST VIRGINIA  
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

Given under my hand and seal of the Division of Highways, I do hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways, entered of record on February 2, 2010.



**Jefferson County Animal Control**  
 161 Poor House Farm Road Kearneysville, WV 25430  
 Phone: (304) 728-3289 Fax: (304) 728-4889



### January 2010 Activity Report

<u>Dogs Picked Up</u>	
County	24
Charles Town	2
Shepherdstown	0
Ranson	2
Harpers Ferry/Bolivar	0
Dogs Brought In	5
Misc	4
<b>TOTAL</b>	<b>37</b>

<u>Animal Bites Investigated</u>	
County	5
Charles Town	1
Shepherdstown	0
Ranson	0
Harpers Ferry/Bolivar	0
Cat Bites	3
Miscellaneous	2
<b>TOTAL ANIMAL BITES</b>	<b>11</b>

<u>Misc. Complaints Answered</u>	
County	36
Charles Town	3
Shepherdstown	1
Ranson	9
Harpers Ferry/Bolivar	1
<b>TOTAL</b>	<b>50</b>

<u>Check Welfare Complaints Answered</u>	
County	14
Charles Town	3
Shepherdstown	0
Ranson	1
Harpers Ferry/Bolivar	1
<b>TOTAL</b>	<b>19</b>

<u>Wildlife Complaints Investigated</u>	
County	2
Charles town	0
Shepherdstown	0
Ranson	1
Harpers Ferry/ Bolivar	0
Rabies Test Positive	0
Rabies Test Negative	1
<b>TOTAL WILDLIFE COMPLAINTS</b>	<b>3</b>

<u>Aggressive Dog Complaints</u>	
County	16
Charles Town	2
Shepherdstown	0
Ranson	0
Harpers Ferry/Bolivar	0
<b>TOTAL</b>	<b>18</b>

<u>Disposition Report</u>	
Return To Owner	16
Adopted	0
Euthanized	5
Rescued	5
Foster Care	0
Still Here	9
Dec	2
<b>TOTAL</b>	<b>37</b>
Citations/Summons/Warrants Issued	5
Warning Citations Issued	0

<u>Money Collection Report</u>	
Impound/R.T.O /with Boarding	890
Adoptions	40
Owner Surrender	150
Donations	0
Report Fees	0
Reimbursement of vet bill	50
Misc	0
<b>TOTAL</b>	<b>1130</b>

<u>ACO COMPLAINT RESPONSE</u>			
Unit #	Responses	O/C Respon	Total Respons
AC-1	60	0	60
AC-2	2	0	2
AC-3	24	3	28
AC-4	11	0	11

Total Calls responded to in 2009: 1473  
 Total Call responded to in Jan 2009: 138  
 Total Calls responded to in Jan. 2010: 101  
 Total Calls Responded to in 2010: 101

Date	Comp #	Status	In Ticket #	Area	Location	Parvo Vaccine #	Breed	Color	Gender	Run	RTO	Adoption	Reserve	Final	ACQ #
1/5/2010	10-0009	Stray	47576	County	333 Cedar Hill Ln.	10-0005	D-Pek Mix	White	Male	B-6			HWAA		AC-4
1/5/2010	10-0010	Stray	47577	County	18857 Charles Town Rd.	10-0006	D-Lab Mix	Brown	Male	Fos			HWAA		AC-4
1/6/2010	10-0018	Stray	47578	County	Rt 51/Leetown Rd.		D-Chow	Red	Male	B-5				Euth	AC-1
1/6/2010	10-0019	Stray	47579	County	657 New Meadowland Dr.	10-0007	D-Rottl Mix	Blk/Brn	Male	B-4					AC-1
1/8/2010	10-0024	B/I Stray	47580	County	19391 Charles Town Rd.	10-0008	D-Lab Mix	Brn/Wht	Male	B-2			Better Days		AC-1
1/11/2010	10-0029	Stray	47582	County	263 Frankintown Rd.	10-0009	D-Coonhound	Tri Color	Male	B-4					AC-1
1/11/2010	10-0032	Stray	47583	Charles Town	114 W. Liberty St.	10-0010	D-Pit Bull	Tan	Male	B-3					AC-3
1/13/2010	10-0034	Stray	47584	Charles Town	100 Blk N. Charles St.	10-0011	D-Pit Bull	Brindle	Male	B-6					AC-3
1/14/2010	10-0037	Owned	47589	County	Rt. 9	10-0012	D-Rottl Mix	Blk/Tan	Male	B-6					AC-3
1/14/2010	10-0036	Stray	47590	County	118 Saddlebred Ln.	10-0013	D-Cocker Mix	Blk/Wht	Male	B-8					AC-3
1/14/2010	10-0038	Owned	47591	County	9761 Leetown Rd.	10-0014	D-Doberman	Blk/Tan	Male	B-7					AC-1
1/14/2010	10-0038	Owned	47592	County	9761 Leetown Rd.	10-0015	D-Lab	Choc	Male	B-7					AC-1
1/15/2010	10-0039	B/I O/S	47594	County	2188 Darke Ln.		D-Pit Bull	Blk/Wht	Female	B-6					AC-2
1/16/2010	10-0043	Owned	47495	County	135 Sawgrass Dr.		D-Siberian Husky	Grey/Wht	F	B-5					AC-1
1/16/2010	10-0042	Owned	47593	County	2399 Leetown Rd.		D-Pit Bull	Blk/White	Male	B-1					AC-1
1/17/2010	10-0046	Stray	47596	Charles Town	314 S. Lawrence St.		M-DSH Cat	Grey Tabby	M	PR					AC-1
1/18/2010	10-0048	Owned	47597	County	8 Supreme Ct.		D-Jack Russell	Blk/White	M	B-10					AC-1

# In Ticket Log Jan-March 2010

Wednesday, February 17, 2010 2:57:08 PM

Date	Comp #	Status	In Ticket #	Area	Location	Favro Vaccine #	Breed	Color	Gender	Run	RTO	Adoption	Re-home	Euth	AC #
1/22/2010	10-0061	P/U O/S	47599	County	392 Gray Fox Road		D-Lab Mix	Black	F	B-9				Euth	AC-1
1/22/2010	10-0064	Stray	47600	Ranson	210 Fourteenth Street	10-0016	D-Beagle	Brn/Wht	F	B-10			HWAA		AC-1
1/24/2010	10-0071	Stray	47601	County	River Haven Dr.	10-0017	D-Chihuahua	Wht/Tan	F	B-3	RTO				AC-3
1/25/2010	10-0073	B/I Stray	47602	County	Rt. 51	10-0018	D-Staffordshire Terr.	Brn/Wht	F	B-3	RTO				AC-4
1/26/2010	10-0077	Stray	47603	County	Scarlet Oak Dr.	10-0019	D-Samoyed	White	M	B-7	RTO				AC-3
1/26/2010	10-0077	Stray	47604	County	Scarlet Oak Dr.	10-0020	D-Labrador	Black	N	B-7	RTO				AC-3
1/26/2010	10-0080	Stray	47605	Ranson	402 W. 5th Ave.		M-DSH Cat	Tabby	M	Fzr				Euth	AC-4
1/26/2010	10-0086	Owned	47607	County	Rt.9/County Line		D-Lab	Chocolate	M	Fzr				Dec	AC-3
1/27/2010	10-0088	Stray	47608	County	Third St.	10-0021	D-Boxer	Brndl/Wht	M	B-4	RTO				AC-1
1/27/2010	10-0089	Stray	47609	County	19050 Charles Town Rd.	10-0022	D-Cocker Mix	Tan/Wht	F	B-5			Better Days		AC-1
1/26/2010	10-0081	Stray	47606	Ranson	106 N. Buchannon St.		M-DSH Cat	Black	F	Fzr				Euth	AC-2
1/28/2010	10-0091	Owned	47610	County	555 Cattail Run Rd.	10-0023	D-Husky	Blk/Wht/Gray	F	B-7	RTO				AC-3
1/28/2010	10-0091	Owned	47611	County	555 Cattail Rd.	10-0024	D-Hound Mix	Brown	F	B-7	RTO				AC-3
1/29/2010	10-0096	Stray	47612	Ranson	404 Burns St.	10-0025	D-Pit Bull	Tan/White	F	PR			AWS		AC-1
1/31/2010	10-0099	Stray	47613	Charles Town	606 W. Liberty St.		M-DSH Cat	White	M	Fre				Euth	AC-1
1/22/2010	10-0056-7	Owned	47598	County	386 Big Spring Dr.		D-Mastiff Mix	Brindle	M	B-2	RTO				AC-1
1/1/2010	10-0001	Stray	47572	County	1080 Mt Top Trl.	10-0001	D-Pitbull	Brindle/whte	Male	A-3	S/H				AC-3
1/2/2010	10-0004	B/I O/S	47573	County	380 Vance Rd.	10-0002	D-Jack Russell	Tri Color	Male	B-6			Tara's House		AC-3
1/2/2010	10-0005	B/I Stray	47574	Ranson	521 Grassdale St.	10-0003	D-Terrier Mix	Black	Female	B-6	RTO				AC-3
1/3/2010	10-0006	Stray	47575	County	Vinton Ln.	10-0004	D-Dalmation	Blk/Wht	Female	B-3			S. VA Dal R		AC-3



# Jefferson County Health Department

ROBERT E. JONES, M.D.  
HEALTH OFFICER

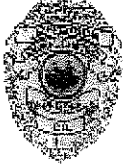


1945 WILTSHIRE ROAD, SUITE 1  
KEARNEYSVILLE, WV 26430  
ENVIRONMENTAL: (304) 728-8416  
FAX: (304) 728-8314  
MEDICAL: (304) 728-8416  
FAX: (304) 728-3318

## Animals sent to the WVOLS Rabies Lab January 2010

1. January 27 Groundhog Negative






**Jefferson County Animal Control**  
 161 Poor Farm Rd Kearneysville, WV 25430  
 Phone: (304) 728-3289 Fax: (304) 728-4889




**Monthly Financial Report**  
**January 2010**

#	Date	In ticket #	Owner's Name	Reason	Total
1		47555	Sonja Valentine	Vet Bill	50.00
2	1-03-2010	47574	Kathleen Hauser	RTO	50.00
3	1-08-2010	47581	Charles Parker	Owner Surr.	50.00
4	1-12-2010	47572	David Haines	RTO	50.00
5	1-13-2010	47584	Joesph Trammell	RTO	50.00
6	1-19-2010	47597	Melissa Stott	RTO	Waived
7	1-19-2010	47591/592	Jearmiah Bruce	RTO	100.00
8	1-15-2010	47594	Edna Brightful	Owner Surr.	50.00
9	1-15-2010	47589	Ed Trask	RTO	50.00
10	1-18-2010	47595	John Funkhouser	RTO	Waived
11	1-19-2010		John Hollida	Adoption	20.00
12	1-20-2010	47598	James McCormick	RTO	50.00
13	1-21-2010	47572	David Haines	RTO	40.00
14	1-22-2010	47599	Laurae Lee Hughes	Owner Surr.	50.00
15	1-25-2010	47601	Debra Goff	RTO	50.00
16	1-25-2010	47668/869	Michael Brown	RTO	200.00
17	1-26-2010	47544	Susan Benjamin	Adoption	20.00
18	1-27-2010	47608	Cammie Jo Kain	RTO	50.00
19	1-27-2010	47603/604	Jeanne Marie Smith	RTO	100.00
20	1-28-2010	47610/611	Amanda J. Gerstell	RTO	100.00
21	1-28-2010	47602	Erica Whetzel	RTO	Waived
				<b>Total</b>	<b>1130.00</b>

**Note: All deposits have to be counted by Animal Control Supervisor and signed for before depositing them.**

Counted By:  Date: 2/1/2010

Supervisor Signature:  Date: 2/1/2010

#32

United States Department of Agriculture



Natural Resources Conservation Service  
1606 Santa Rosa Road, Suite 209  
Richmond, VA 23229-5014

Telephone: 804-287-1691  
Fax: 804-287-1737

RECEIVED

FEB 18 2010

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

Jefferson County Commission

RE: Issuance of Errata Sheet for page 88 of the *Lower Shenandoah River Watershed Assessment, Virginia and West Virginia*

Dear Ms. McDonald:

According to our records, you were sent a bound copy of the above referenced document last fall. Ms. Jill Keihn, Natural Resources Program Manager with the Northern Shenandoah Valley Regional Commission, brought to our attention recently that there was an error in the *Lower Shenandoah River Watershed Assessment, Virginia and West Virginia* publication. Upon further review of our supporting documentation, we agree. The paragraph in question is found on page 88:

*"Water quantity is also a major concern. From projections made by the Northern Shenandoah Valley Planning District Commission, there will be insufficient surface water to meet the needs of the area by 2025. Based on interviews with local well-drillers, the depth to water for drilled wells has increased by about 85 feet in the last 8-10 years. This indicates that the ground water is being removed faster than recharge can occur."*

A copy of an errata sheet is enclosed. The 2<sup>nd</sup> sentence has been deleted from the 2<sup>nd</sup> paragraph of page 88. Please replace page 88 with this errata sheet to make the correction in your copy.

Sincerely,

*Vicky M. Drew*

VICKY M. DREW  
Acting State Conservationist

Enclosure – Errata sheet for page 88



## SUMMARY

### SUMMARY

The Lower Shenandoah River Watershed is one of the less agriculturally significant areas of Virginia with rankings of 30<sup>th</sup>, 42<sup>nd</sup>, and 76<sup>th</sup> in market value of agricultural products sold in the Virginia counties of Frederick, Clarke, and Warren, respectively. Average farm sizes in these counties are 15-28% smaller than the average farm in Virginia. Jefferson County, West Virginia, ranks 7<sup>th</sup> in West Virginia, in market value of agricultural products sold. Its average farm is about 16% smaller than the average farm in West Virginia. Beef operations are the dominant farm type. Hay and row crops are also important. The soils in the watershed are very fertile. Over 92% of the agricultural land is designated as having Prime or Important soils.

The watershed is also rich in other resources. There are about 277 miles of perennial streams and 355 miles of intermittent streams. The area has a wide variety of wildlife, including a number of Threatened and Endangered species. There are 26.4 miles of coldwater streams which support either native or stocked trout.

As of 2001, agriculture accounted for about 46.8% (105,541 acres) of the land use in the watershed. Forest cover, with 88,987 acres, accounted for another 39.5%. Other land uses in the watershed are urban, with 25,542 acres (11.3%), Other (1,652 acres, 0.7%), and Open Water (3,693 acres, 1.6%). Based on the 1992 and 2001 NLCD data, the amount of urban land is rapidly increasing. About 43% of the new urban land is land that was once in agriculture. Forest and Other land uses each represent about 53% and 4% of the acres converted to urban, respectively. This change in land use is expected to continue since the population of the area is forecasted to increase by 31.4% by the year 2030. Preservation of the rural lifestyle, loss of family farms, increases in runoff and erosion, and water quality/quantity issues are a few of the concerns brought about by these changes.

Water quality issues exist for the watershed on regional, state, and local levels. At the regional level, the Lower Shenandoah River represents about 2.3% (352 square miles) of the Chesapeake Bay drainage. One component of the effort to improve water quality in the Bay is the development of Tributary Strategy reports for each of the major drainage basins of the Bay watershed. These reports give broad overviews of measures that should be taken to reduce nutrient and sediment loadings.

At the State level, there are 134.6 miles of streams with impairments that prevent attainment of all the designated uses of the water. About 42% of the impairments are related to fecal coliform or e. coli contamination (56.83 miles). Mercury is the primary impairment on 49.33 miles of the Shenandoah River. Temperature, pH, and benthic macroinvertebrate bioassessments account for the remainder of the impaired stream miles. There are 23 TMDL studies that have either been completed or will be completed by 2020. These reports will be used to direct the implementation of practices to remove the designated impairment.

Local residents are also concerned about water quality. Recent fish kills in the Shenandoah River and the search for the cause have raised awareness of the many potential sources of water quality impairments. Many of the chemicals found in the water originate from industrial discharges and waste water. More common pollutants, such as sediment and nutrients, come from farming, urban construction and runoff, and streambank erosion. Ground water contamination is also occurring. There are 730 observed sinkholes in the valley floor. Many of the activities that cause surface water pollution

## SUMMARY

can also affect ground water when pollutants are washed into sinkholes by overland flow. Local citizen groups have been formed to assist with water quality monitoring, to increase environmental awareness and education, and to identify solutions to point and nonpoint source pollution problems.

Water quantity is also a major concern. Based on interviews with local well drillers, the depth to water for drilled wells has increased by about 85 feet in the last 8-10 years. This indicates that the ground water is being removed faster than recharge can occur.

There is a perception that farming activities are the major causes of the water quality problems in the watershed and in the Chesapeake Bay drainage. However, the changes in land use and the increase in population are indicators that there are multiple activities within the watershed that could have impacts on water quality.

**Figure 60. Agricultural and Recreational Land Use in the Valley**



Credit: Mike Liskey, NRCS, Strasburg, Virginia.



**SHEPHERDSTOWN FIRE DEPARTMENT, INC.**  
8052 Martinsburg Pike • PO Box F • Shepherdstown, WV 25443  
(304) 876-2311 • ShepherdstownFireDepartment.com

**RECEIVED**

February 15, 2010

FEB 18 2010

Jefferson County Commissioners  
PO Box 250  
Charles Town, WV 25414

Jefferson County Commission

Dear Commissioners,

The members of the Shepherdstown Fire Department cordially invite you and your guests to attend our annual Recognition & Awards Dinner and Dance on Saturday, March 20, 2010. This event will begin with a social hour starting at 5:30pm followed by dinner at 6:30, the awards ceremony, and a dance.

Please complete the bottom of this letter and return it via mail by March 5 to:

Shepherdstown Fire Department  
Attn: Jim Locke  
PO Box F  
Shepherdstown, WV 25443

Sincerely yours,

Jim Locke  
2009 Banquet Committee

2009 SFD Awards Banquet Reservation – March 20, 2010

Total # of people attending \_\_\_\_\_

Name(s): \_\_\_\_\_

Jefferson County Commissioners -

RECEIVED  
FEB 17 2010

# Legislative Lineup

# 34

Jefferson County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 5

February 17, 2010

## 2010 Legislative Update Week 5 .....

### 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 passed out of House Finance on Monday morning and is up for passage with the right to amend on the House floor today, Wednesday, February 17, 2010. Because this resolution calls for an amendment to the WV Constitution, it requires a two thirds affirmative vote of the elected members in the House for passage. If it passes in the House, it will then go to the Senate for consideration.

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

Senate Finance passed SB401 on Tuesday (the 16th). This is the bill that will make changes to the board of equalization and review process. There was no discussion on the bill since the stakeholders had reached a consensus position. As decided at our business meeting on Monday, Feb 1st, 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. There were no substantive changes to the bill. It was single referenced in the Senate, so the bill now goes to floor for Senate passage.

### Annexation Bill on Political Subdivision agenda

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. HB 4381 will be on the House Pol Sub agenda on Wednesday, February 17, 2010 @ 1:00 pm. CCAWV is in support of this legislation.

### 911 Wireless Cell Tower Legislation

SB 383 is the bill to increase the annual allocation of moneys from the wireless enhanced 911 fee to be distributed by the Public Service Commission into the Enhanced 911 Wireless Tower Assistance Fund to subsidize the construction of wireless towers from \$1 million to \$2 million. It was on the agenda in Senate Judiciary, yesterday, Tuesday (Feb 16th), but was pulled. The 911 Council oppose this bill and CCAWV membership expressed opposition to this legislation as well.

### Marketable Coal or Coal reserves

Com Sub. SB 103 is a bill that will require, effective July 1, 2010, once a county commission has determined that property apparently subject to reassessment due to increased natural resources property valuation contains no marketable coal or coal reserves that determination shall remain in full force and effect for subsequent reassessment. Provided that, if at a later date the coal is mined, all previous taxes at the increased rate shall be assessed and must be paid together with interest, before any coal on said property may be mined. It passed out of Senate Judiciary and is now in Senate Finance. Need some feedback on this one.

**Training for 911 Dispatchers**

**HB 4217** is on the Political Subdivision Committee at 1:00 pm today (Feb. 17th). This bill requires the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures that shall be adopted by all fifty-five county commissions and their respective 911 call centers within West Virginia.

I have talked with the staff attorney and there will be a "strike & insert" amendment to the bill that will require dispatchers to attend a national training course that will initially cost \$400 per person and then \$90 every 2 years to keep current. I have not seen the amended bill yet, but I am told that the 911 Council is supporting the bill. This bill has a 2nd reference to House Judiciary.

**Lottery Revenue Bond Act on Political Subdivision Committee today (Feb. 17)**

**HB 4458** - The purpose of this bill is to authorize county commissions, municipalities and boards of education that receive lottery revenues to issue bonds secured by such lottery revenues to construct public projects. This will allow county commissions, municipalities and boards of education to construct more public projects which create jobs and stimulate the economy. The bill has a second reference to House Finance.

**HB4432. By Del. Talbott, Eldridge and Ross - Providing for actual costs to be paid for**  
del audits and reduction in costs for certain services

**HB4509. By Del. Swartzmiller, Pethel, Martin, Conn, Poling, D., Boore, Spencer and Boggess [By Request of the State Auditor's Office] - Allowing audits to be published electronically - To Judiciary**

Senate Bills of County Interest Introduced February 11-17, 2010

**SB555. By Sen. Browning - Relating to development of telecommunication and information services by public service providers - Introduced 02/11/10 - To Transportation and Infrastructure**

**SB554. By Sen. Laird and Kessler - Relating to law-enforcement certification and training - The purpose of this bill is to expand the responsibilities of the law-enforcement training subcommittee and rename it the law-enforcement professional standards subcommittee; to clarify the authority to de-certify law-enforcement officers; to establish a database of law-enforcement officers disciplined for certain types of misconduct; to request the proposal of legislative rules to set standards for law-enforcement agencies to report certain types of**

misconduct by officers to the database; and to require that law-enforcement agencies check the database prior to hiring any officer. Introduced 02/12/10 - To Government Organization then Judiciary - To Government Organization 02/12/10

SB556. By Sen. Kessler, Snyder, Williams, Minard and Plymale - Relating to voting procedures. The purpose of this bill is to remove ambiguity in the required hours of municipal elections and to provide for notice to voters of differing times; to correct a conflicting distance limit provided in the voting procedures code from 60 feet to 300 feet; and to modify the complaint procedure code to reflect passage of the Help America Vote Act of 2002, 42 United States Code §§15481 and 15485. - Introduced 02/12/10 - To Government Organization then Judiciary - (original same as H. B. No. 4467) - To Government Organization 02/12/10

SB557. By Sen. Unger - requiring public service districts obtain county commission approval. Introduced 02/12/10 - To Government Organization

SB558. By Sen. Caruth - Developing state real structural program. To Energy, Industry and Mining. Introduced 02/12/10

SB559. By Sen. Bowman - Restricting certain retired state employees from providing legal services. Introduced 02/17/10

SB560. By Sen. McCabe - Extending waiting period for substitution part time employment of public safety officers. Introduced 02/12/10

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

#35

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.06%	SHEPHERD'S TOWN 14.28%
4 days ending: 7/1/09- 7/4/09	\$ 128,262.42	\$ 128,262.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/09	\$ 168,815.08	\$ 168,815.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/09	\$ 160,652.98	\$ 160,652.98	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/09	\$ 158,869.08	\$ 158,869.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/09	\$ 174,493.08	\$ 174,493.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,848.74	\$ 138,408.80	\$ 17,437.94	\$ 2,185.79	\$ 6,026.55	\$ 636.45	\$ 6,117.24	\$ 2,491.88
08/15/09	\$ 182,444.28	\$ 81,222.14	\$ 91,222.14	\$ 10,087.79	\$ 28,070.37	\$ 2,954.61	\$ 28,492.73	\$ 11,606.64
08/22/09	\$ 152,520.82	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,762.12	\$ 10,887.60
08/29/09	\$ 180,945.84	\$ 80,472.92	\$ 80,472.92	\$ 9,994.74	\$ 27,811.44	\$ 2,937.26	\$ 28,229.90	\$ 11,499.56
09/05/09	\$ 161,598.30	\$ 80,798.15	\$ 80,798.15	\$ 10,035.13	\$ 27,923.84	\$ 2,949.13	\$ 28,343.89	\$ 11,546.06
09/12/09	\$ 172,573.64	\$ 86,286.92	\$ 86,286.92	\$ 10,716.84	\$ 29,820.76	\$ 3,149.47	\$ 30,269.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,895.26	\$ 24,195.51	\$ 2,555.37	\$ 24,559.56	\$ 10,004.45
09/26/09	\$ 138,633.74	\$ 69,318.87	\$ 69,318.87	\$ 8,609.16	\$ 23,955.91	\$ 2,530.07	\$ 24,316.35	\$ 9,805.38
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	\$ 138,301.26	\$ 69,850.63	\$ 69,850.63	\$ 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	\$ 2,466.73	\$ 23,707.85	\$ 9,657.42
10/31/09	\$ 129,056.80	\$ 64,528.30	\$ 64,528.30	\$ 8,014.41	\$ 22,300.98	\$ 2,355.28	\$ 22,638.54	\$ 9,221.09
11/07/09	\$ 127,463.18	\$ 63,741.59	\$ 63,741.59	\$ 7,816.71	\$ 22,029.09	\$ 2,326.57	\$ 22,360.55	\$ 9,108.67
11/14/09	\$ 131,919.28	\$ 65,959.64	\$ 65,959.64	\$ 8,192.19	\$ 22,795.85	\$ 2,407.53	\$ 23,138.64	\$ 9,425.63
11/21/09	\$ 119,094.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 20,869.11	\$ 8,509.27
11/28/09	\$ 144,799.96	\$ 72,399.98	\$ 72,399.98	\$ 8,992.08	\$ 25,021.43	\$ 2,642.60	\$ 25,397.91	\$ 10,345.96
12/05/09	\$ 102,013.02	\$ 51,006.51	\$ 51,006.51	\$ 6,335.01	\$ 17,827.95	\$ 1,861.74	\$ 17,893.68	\$ 7,288.63
12/12/09	\$ 104,921.16	\$ 52,460.58	\$ 52,460.58	\$ 6,515.60	\$ 18,130.38	\$ 1,914.81	\$ 18,403.17	\$ 7,496.62
12/19/09	\$ 66,668.78	\$ 32,834.39	\$ 32,834.39	\$ 4,078.03	\$ 11,347.57	\$ 1,198.46	\$ 11,518.30	\$ 4,692.03
12/26/09	\$ 106,812.68	\$ 53,406.34	\$ 53,406.34	\$ 6,833.07	\$ 18,457.23	\$ 1,949.33	\$ 18,734.94	\$ 7,631.77
01/02/10	\$ 185,860.80	\$ 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	\$ 2,009.25	\$ 19,301.18	\$ 8,552.78
01/16/10	\$ 121,102.56	\$ 60,551.26	\$ 60,551.26	\$ 7,520.47	\$ 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	\$ 24,538.19	\$ 9,984.83
01/30/10	\$ 97,055.50	\$ 48,527.75	\$ 48,527.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.26	\$ 17,023.53	\$ 6,834.82
02/06/10	\$ 74,310.26	\$ 37,155.14	\$ 37,155.14	\$ 4,614.67	\$ 12,640.82	\$ 1,358.16	\$ 13,034.02	\$ 5,309.47
<b>Subtotal</b>	<b>\$ 4,361,957.26</b>	<b>\$ 2,637,010.38</b>	<b>\$ 1,724,946.88</b>	<b>\$ 214,238.43</b>	<b>\$ 596,141.63</b>	<b>\$ 62,860.56</b>	<b>\$ 605,111.35</b>	<b>\$ 246,484.91</b>

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$

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

Week Ending Date	Week Ending February 6, 2010 FY10 February 12, 2010
<b>To be Deposited on:</b>	
Amount Played	43,056,716.31
Amount Won	38,603,936.14
Amount Promo	131,610.00
MWAP Contribution	<u>20,806.11</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>4,300,364.06</u></b>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>172,014.58</u>
<b>Net Terminal Revenue</b>	<b><u>4,128,349.48</u></b>
Surcharge @ 10%	412,834.95
State Share Excess @ 58%	239,444.27
Track Share of Capital Reinvestment @ 42%	173,390.66
Track Share of Capital Reinvestment @ 42% - 88%	\$ 166,466.06
Track Share of Capital Reinvestment @ 42% - 4%	\$ 6,924.60
<b>Adjusted Net Terminal Revenue</b>	<b><u>3,715,514.53</u></b>
Racetrack @ 46.50% / 42%	1,560,516.10
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	1,523,360.99
Race Track Purses @ 7% / 14% / 8%	297,241.16
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	18,577.57
Greyhound Development @ .75%	27,866.36
Thoroughbred Development @ .75%	27,866.36
Racing Commission @ 1%	37,155.14
County/Municipality @ 2%	74,310.28
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	51,088.32
Development Office Promotion Fund @ .375%	13,933.18
Research Challenge Fund @ .5%	18,577.57
Capitol Renovation and Improvement Fund @ .6875%	25,544.16
2004 Capitol Complex Parking Garage Fund @ .0625%	2,322.20
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>37,155.14</u>
	<b><u>3,715,514.53</u></b>

The Honorable Commissioner Manuel,

We are writing to you from our community Fox Glen, The last few years we have seen a lot of our neighbors move out because of higher property taxes and other bills going up to keep the house going. We won't make it to the meeting on the 12<sup>th</sup> because of the weather so we hope you can speak for us. A lot of us helped to get the race track re-open and we also helped to get the table games as we were told it would help keep our taxes down and other good things would come out of this. Well what happen, Commissioner Manuel you know all that snow we get that we never got any help from the state trucks, People in our community did what they could do to clean our roads, It has been like this for a long time. We are the last community to get anything done, so we look for you to tell the other commissioners to help get our taxes back down where they should be.

Thank **RECEIVED**

FEB 17 2010 Fox Glen Community

Jefferson County Commission

#35

The Honorable Commissioner Manuel,

We are writing to you from our community Fox Glen. The last few years we have seen a lot of our neighbors move out because of higher property taxes and other bills going up to keep the house going. We won't make it to the meeting on the 12<sup>th</sup> because of the weather so we hope you can speak for us. A lot of us helped to get the race track re-open and we also helped to get the table games as we were told it would help keep our taxes down and other good things would come out of this. Well what happen. Commissioner Manuel you know all that snow we get that we never got any help from the state trucks. People in our community did what they could do to clear our roads. It has been like this for a long time. We are the last community to get anything done. So we look for you to tell the other commissioners to help get our taxes back down where they should be.

Thank **RECEIVED**

FEB 17 2010 Fox Glen Community

Jefferson County Commission

RECEIVED

#36

FEB 18 2010

TO: Jefferson County Public Service District  
Jefferson County Commission

Jefferson County Commission

On February 8<sup>th</sup> of this year the Jefferson County Public Service District (PSD) agreed to send the funding request for improvements to the Mountain Water Systems (MWS). To Mr. James Cummins and Mr. Joseph Hankins I wish to say "thank you" for this effort. While I do not know this to be certain, I feel you stood up to political pressures that would do anything to prevent Jefferson Utilities (JUI) under Lee Snyder from making any improvements to the MWS. To Peter Appignani I wish to say I am not surprised by your "no" vote. I still feel your conflict of interest through the issues between Gap View subdivision and JUI should have prevented your appointment to the PSD. Your actions I feel justify that opinion. I am told that Patsy Noland stated her support for the project and urged it's passing to this I also say "thank you". The three of you that supported this initiative have taken the first step in resolving a 30-year-old issue that affects hundreds of families in a neglected part of Jefferson County. I hope this support does not wane or falter for the forces that have opposed, connived and manipulated anything and everything they will redouble their efforts to defeat this project. The battle has just begun.

Now the Jefferson County Commission (JCC) will need to also show its support. The JCC needs to reconsider Peter Appignani's appointment to the PSD. The clear conflict of interest is evident in his actions concerning any issue pertaining to JUI. I feel Appignani's removal and replacement with a person from the MWS would be appropriate and fair. When has the PSD had a person that was on the MWS on the board? I am not aware of anyone in it's history.

Now to the new solution that funding has been requested for, a water treatment plant drawing from the Shenandoah River. I am assuming this would be similar to the system Charles Town uses. I am also assuming that the location would be the river access and play area in Keys Ferry Acres that currently is owned by Oak Meadow a.k.a. Lee Snyder. Another assumption would be that the treatment plant would remove all pesticides, herbicides, mercury, lead and all other contaminants from the water. This is a concern since the Shenandoah River is not water you would want to drink. Even the eating of fish caught in the river should be kept to a small number due to the pollution. Thus the specifications for this treatment plant should be very stringent. It is my impression that a water treatment plant was and is the most expensive solution of all those presented. If you would share why this was chosen over the other options I am sure the MWS users would be interested. Also, was the amount in grant and additional funding increased to compensate for this change? What if any rate changes were incorporated? If you could provide a link, letter or other communication concerning these specifics it would be appreciated.

The waiting and watching begin anew.

Regards,  
Scott Smiley