

AGENDA FOR THURSDAY, MARCH 18, 2010

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

APPOINTMENTS:

- 1. 9:30 a.m. - Pledge of Allegiance
Approval of Minutes
Approval of Purchase Orders
Approval of Accounts Payable
- 2. 9:40 a.m. - Public Comment
- 3. 9:45 a.m. - County Administrator Reports
- 4. 9:50 a.m. - County Commission Reports
- 5. 10:00 a.m. - Joe Sacchet - Presentation of the Berkeley/Jefferson Day Report Center's Grant Proposal
- 6. 10:15 a.m. - Approval of Small Cities Block Grant - Mountain Water System
- 7. 11:00 a.m. - Jennifer S. Maghan - County Clerk's Report
- Approval of Poll Worker's List
- 8. 11:15 a.m. - Margaret Cogswell - Hospice "Building a Dream" Project - Request for Resolution of Support
- 9. 11:30 a.m. - Legal Update and Report - (Stephanie Grove)
- Department Heads Overtime Policy
- Compensation for Department Heads - Discussion/Action
- 10. 12:00 p.m. - Kellie Boles - Jefferson County Farmland Protection Board -Change to the Cooperative Agreement between the JCFPB and USDA-NRCS for the Farm and Ranchland Protection Program and MOU with the West Virginia Agricultural Land Protection Authority

UNFINISHED BUSINESS: (None)

12:15 a.m. - NEW BUSINESS:

- 11. Legislative Issues

- 12. Jefferson County Historical Society - Request for Use of County Meeting Room for Spring Meeting
- 13. Request for Use of County Meeting Room to Receive Public Comment on the Hagerstown Eastern Panhandle Metropolitan Planning Organization's Long Range Transportation Plan
- 14. Set Date and Time for Public Hearing for Zoning Map Amendment (Rezoning) for Property Designated as Tax District Harpers Ferry, Map 9, Parcels 37 and 37.2 - Discussion/Action
- 15. 12:30 p.m. - Break for Lunch

~~~~~ **AFTERNOON SESSION** ~~~~~

- 16. 1:30 p.m. - Mark Schiavone, Director of Capital Planning and Management
  - Inter-Departmental Transfers - Budget Revision 00C - Discussion/Action
  - Request to Amend FY 2010 CIP for the Board of Education - Discussion/Action
  - Budget Revision - Coal Severance Fund - Transfer Funds - Discussion/Action
- 17. 1:45 p.m. - Parks and Recreation Commission -Budget Discussion
- 18. 2:00 p.m. - Jeffrey Polczynski, Director of Communications
  - Review Work Plan
- 19. 2:30 p.m. - Shawna Molina - Council on Aging - Budget Request
- 20. 2:45 p.m. - Jennifer Brockman, Director of Planning and Zoning
  - New Lease Agreement for Color Copier for Planning & Zoning - Discussion/Action
  - Refund Request for Peter Corum for Town Run Commons Variance Request - Discussion/Action
- 21. 3:00 p.m. - Roger Goodwin
  - Bonding Policy Review Committee Recommendation
  - Set Public Hearing Date - Discussion/Action
  - Groundwater Resources Study Project - Discussion/Action

**INFORMATION:**

- 22. Appointments to be made to the Jefferson County Planning Commission on March 25, 2010.
- 23. Appointments to be made to the Jefferson County Development Authority on March 25, 2010.
- 24. Correspondence received from Georgia Dubose concerning a Homelessness meeting on March 23, 2010.
- 25. Correspondence received from the Jefferson County Fire and Rescue Association concerning the election of Ronald Fletcher as president.
- 26. Copy of correspondence sent to Barb Miller from Governor Manchin received expressing appreciation to Ms. Miller and her staff during the severe winter storms.
- 27. Reminder of League of Women Voters breakfast on March 20, 2010.
- 28. Correspondence received from the National Academies of Emergency Dispatch concerning approval of Re-Accreditation as a Center of Excellence.
- 29. Copy of correspondence received from the West Virginia State Police thanking the Jefferson County Maintenance Department for their assistance during the severe winter storms.
- 30. Invitation received from the Shepherdstown Fire Department to meet with the Commission on April 5, 2010, at 7:30 p.m at the Shepherdstown Fire Department.
- 31. First in Your Family newsletter received.
- 32. Classification information received from the County Commissioners' Association.
- 33. Legislative information received from the County Commissioners' Association and the Association of Counties.
- 34. Notice received of the Annual Meeting and Banquet for the Shenandoah Valley Travel Association.
- 35. West Virginia Ethics Reporter received.

- 36. Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.
- 37. Correspondence received from Gil Narro Garcia concerning a public hearing notice.

*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.*

**Nichelle Hosby**

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**From:** Brook E. Tucker [btucker@berkeleycountycomm.org]  
**Sent:** Tuesday, March 02, 2010 9:11 AM  
**To:** nhosby@jeffersoncountywv.org  
**Cc:** Joe Sacchet  
**Subject:** appearance date change before the commission

Joseph Sacchet, Executive Director of the Berkeley/Jefferson Day Report Center requests to change the date to appear before the Jefferson County Commission to March 18<sup>th</sup> 2010.

Thank you. Any questions please feel free to call at the number below.

**Brook Tucker**  
*Administrative Assistant*  
**Berkeley/Jefferson Day Report Center**  
406 South Raleigh St.  
Martinsburg, WV 25401  
304-267-5000 EXT. 3961  
Fax: 304-596-2047  
email: [btucker@berkeleycountycomm.org](mailto:btucker@berkeleycountycomm.org)

**Nichelle Hosby**

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**From:** Joe Sacchet [jsacchet@berkeleycountycomm.org]  
**Sent:** Friday, February 26, 2010 2:05 PM  
**To:** nhosby@jeffersoncountyWV.org  
**Cc:** 'Brook E. Tucker'  
**Subject:** Commission Agenda

I am requesting to be placed on the agenda for the Commission Meeting schedules for 3/11/10—If there is an evening meeting I would request that time or last on the morning meeting—I have to appear in Berkeley at their morning meeting. My purpose is to present to the Commission the Berkeley/Jefferson Day Report Center's Grant Proposal for the 2010/2011 fiscal year. Thank you--Joe

**Joseph Sacchet**  
**Executive Director**  
**Berkeley/Jefferson Day Report Center**  
**304-267-5000 Ext. 3960**  
**Fax 304-596-2047**

# 6

Commission Office Use Only

Date on Agenda: 3/18/10

Appt Time or new Business:  
10:15 am

AGENDA REQUEST FORM

Name: Carol Crabtree

Department or Entity: Region 9

Estimation of amount of time needed for appointment: 15 minutes

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

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

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

Subject: County Commission support of Region 9 application of Small Cities Block Grant for Mountain Water Project

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

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

Commission Office Use Only

Date on Agenda: 3/18/10

Appx Time or New Business: 10:15

AGENDA REQUEST FORM

Name: Suzanne Lawton

Department or Entity: Jefferson County PSD, Jefferson Utilities, and Region 9

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1<sup>st</sup> Choice: March 12<sup>th</sup>

Date Requested - 2<sup>nd</sup> Choice: March 18<sup>th</sup>

If a specific date is needed, please provide reason for specific date: **We need to have the approved resolution submitted to the WV Infrastructure and Jobs Development Council by March 22<sup>nd</sup>.**

Subject: **Small Cities Block Grant for Mountain Water Project**

Please provide the County Commission with a description of your request or presentation, including any background information: **We would like the County Commission to approve a resolution allowing Region 9 to submit an application to the WV Infrastructure and Jobs Development Council.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Resolution to follow next week.**

Attachments: n/a

**TAX**

**JEFFERSON COUNTY  
PUBLIC SERVICE DISTRICT**

340 Edmond Road, Suite A

Kearneysville, WV 25430

Tel 304.725.4847 Fax 304.725.5976

www.jpnsd.com

To: A.C. Commission Office  
From: Sue Lawton  
Dept: PSD  
Tel: 304-725-4647  
Fax: 304-725-5976

Date: 2-17-10  
Time: 10:10 AM  
No. of Pages: 2  
Regarding: appointment for  
County Commission meeting

**Notes:**

Good Morning:  
Please let me know exact time & date of  
our appointment with the Commission.

Thanks, Sue

# SMALL CITIES BLOCK GRANT APPLICATION

## SECTION I

### PROJECT SUMMARY

| Applicant                                                                                                                                                                                                                                                                                                                                                                               |              | Jefferson County Commission                        |                                |                                    |  |                         |  |                     |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------------------------------|--------------------------------|------------------------------------|--|-------------------------|--|---------------------|--|
| Address<br>(Street, City, State, Zip Code)                                                                                                                                                                                                                                                                                                                                              |              | 124 E. Washington Street<br>Charles Town, WV 25414 |                                |                                    |  |                         |  |                     |  |
| Contact Name                                                                                                                                                                                                                                                                                                                                                                            |              | Commissioner Lyn Widmyer, President                |                                |                                    |  |                         |  |                     |  |
| Contact Address<br>(Street, City, State, Zip Code)                                                                                                                                                                                                                                                                                                                                      |              | 124 E. Washington Street<br>Charles Town, WV 25414 |                                |                                    |  |                         |  |                     |  |
| Contact Phone                                                                                                                                                                                                                                                                                                                                                                           | 304-728-3284 | Contact E-Mail                                     | lwidmyer@jeffersoncountywv.org |                                    |  |                         |  |                     |  |
| Project Name                                                                                                                                                                                                                                                                                                                                                                            |              | Mountain Water Project                             |                                |                                    |  |                         |  |                     |  |
| FEIN                                                                                                                                                                                                                                                                                                                                                                                    |              | IJDC #                                             |                                | Rate (4,000 gal.)                  |  | County                  |  | Region              |  |
| Census Tract                                                                                                                                                                                                                                                                                                                                                                            |              | # Persons Served                                   |                                | #LMI                               |  | LMI%                    |  | # Households Served |  |
| Funding                                                                                                                                                                                                                                                                                                                                                                                 |              |                                                    |                                |                                    |  |                         |  |                     |  |
| Type of Funding                                                                                                                                                                                                                                                                                                                                                                         |              | Amount                                             |                                | Source of Funds                    |  | Funding Secured Yes/No* |  |                     |  |
| Small Cities Block Grant Request                                                                                                                                                                                                                                                                                                                                                        |              | \$ 1,500,000.00                                    |                                | Small Cities                       |  | No                      |  |                     |  |
| Other State Grant                                                                                                                                                                                                                                                                                                                                                                       |              | \$ 3,000,000.00                                    |                                | WVIJDC                             |  | No                      |  |                     |  |
| Other State Loan                                                                                                                                                                                                                                                                                                                                                                        |              | \$ 4,650,000.00                                    |                                | WVIJDC                             |  | No                      |  |                     |  |
| Other Federal Grant                                                                                                                                                                                                                                                                                                                                                                     |              | \$ 6,470,000.00                                    |                                | DWTRF Stimulus                     |  | No                      |  |                     |  |
| Other Federal Loan                                                                                                                                                                                                                                                                                                                                                                      |              | \$                                                 |                                |                                    |  |                         |  |                     |  |
| Local Funds                                                                                                                                                                                                                                                                                                                                                                             |              | \$                                                 |                                |                                    |  |                         |  |                     |  |
| Private Funds                                                                                                                                                                                                                                                                                                                                                                           |              | \$                                                 |                                |                                    |  |                         |  |                     |  |
| Other (State Loan)                                                                                                                                                                                                                                                                                                                                                                      |              | \$ 1,750,000.00                                    |                                | DWTRF Loan                         |  | No                      |  |                     |  |
| Other                                                                                                                                                                                                                                                                                                                                                                                   |              | \$ 750,000.00                                      |                                | DWTRF Neg % Loan                   |  | No                      |  |                     |  |
| Total                                                                                                                                                                                                                                                                                                                                                                                   |              | \$18,120,000.00                                    |                                |                                    |  |                         |  |                     |  |
| <b>Project Description</b> (Use additional pages, if necessary.)                                                                                                                                                                                                                                                                                                                        |              |                                                    |                                |                                    |  |                         |  |                     |  |
| See Attachment                                                                                                                                                                                                                                                                                                                                                                          |              |                                                    |                                |                                    |  |                         |  |                     |  |
| To the best of my knowledge and belief, data in this proposal is true and correct, the submission thereof has been duly authorized by the governing body after appropriate citizen participation, and the applicant will comply with the attached assurances and certification, if assistance is provided. <b><i>(Attach resolution authorizing the filing of the application.)</i></b> |              |                                                    |                                |                                    |  |                         |  |                     |  |
| Typed Name: Lyn Widmyer                                                                                                                                                                                                                                                                                                                                                                 |              |                                                    |                                | Title: County Commission President |  |                         |  |                     |  |
| Signature:                                                                                                                                                                                                                                                                                                                                                                              |              |                                                    |                                | Date:                              |  |                         |  |                     |  |

\*If Yes, Must Attach Commitment Letter

# SMALL CITIES BLOCK GRANT APPLICATION

## SECTION II

### ACTIVITY DESCRIPTION

(Complete one form for each Primary Activity)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Activity Name:<br>Jefferson County Mountain Water Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 24 CFR Part 570.<br>(See Federal Regulation governing SCBG program) |
| <p>Describe the Need for this Activity:</p> <p>The Mountain Water Project includes the Keyes Ferry Acres, Harpers Ferry Campsites, and Westridge Hills subdivisions. All three of these subdivisions' existing water distribution systems are constructed in a manner which does not meet existing WV Bureau of Public Health Public Water System Design Standards (64CSR77). Most of the existing lines are two inches or smaller in diameter. Design standards allow a two inch diameter line only for dead ends of lines, and only then for a short length. The design standards also require a six inch water main to provide fire protection to an area, a size requirement met only by a short length of line in the Harpers Ferry Campsite subdivision. Tuberculation caused by the iron and manganese present in the existing water sources of the Keyes Ferry and Harpers Ferry Campsite subdivisions have also led to a decreasing system viability from both a flow and pressure standpoint. Storage is also an issue as the existing tanks provide only a portion of the required capacity from design standards. Additionally, iron, manganese, and radium contamination of the water sources for Keyes Ferry and Harpers Ferry Campsites is also a dire situation. The level of these contaminants exceeds the WBVPH maximums and thereby constitutes a health risk.</p> |                                                                     |
| <p>How does this activity relate to your Community Development and Housing Needs Assessment Plan? (Include copy of the Assessment.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                     |
| <p>If service is being provided outside the applicant's jurisdiction, explain how the applicant's needs are being met by this project.</p> <p>N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                     |

## JEFFERSON COUNTY MOUNTAIN WATER PROJECT PROJECT DESCRIPTION

The Mountain Water Project includes the Keyes Ferry Acres, Harpers Ferry Campsites, and Westridge Hills subdivisions ("Mountain Communities"), located near the City of Charles Town in Jefferson County, West Virginia. The proposed project area is also adjacent to the Virginia State line on the east side of the Shenandoah River. The Mountain Communities are currently served via independent systems serving potable water from groundwater sources. All of the Mountain Communities' systems are owned by Jefferson Utilities, Inc. and operated by Snyder Environmental, Inc., a sister corporation to Jefferson Utilities. The proposed project consists of replacement of each of the existing water systems (distribution and storage systems) as well as construction of a new water treatment plant constructed on the east side of the Shenandoah River. Various ground water source scenarios were considered as alternate options for source water.

The proposed project will provide water service to approximately 356 existing customers in the project area, as well as providing a means to provide water to approximately 450 possible future customers in the project vicinity. These customers will be residential in nature, with each having their own individual water service line and meter.

In order to meet the proposed guidelines for drinking water quality and quantity, a complete replacement of the existing water systems used at the Mountain Communities must occur. This project will install new water lines and appurtenances in accordance with all applicable standards to create a viable water system. This new system will be designed not only to provide potable water to residents, but also to serve their homes with a fire flow minimum of 500 gpm.

The project will also include a main and branch line replacement through all three subdivisions. The water storage tanks, the hydro-pneumatic booster station, and one of the booster pump stations will be installed inside the Westridge Hills subdivision. The other booster pump station will be located in the Keyes Ferry subdivision. The existing well system in Westridge Hills will remain in service and be connected to the new distribution system as a supplemental source of water.

Multiple alternatives are being considered for both the replacement of the existing distribution systems and a new water source. Estimated costs and engineering for each alternative is included in the IJDC application. Each alternative will be examined separately to determine the best course of action.

**SECTION II:**

**Project Budget**

Activity Name: Jefferson County Mountain Water Project

| Cost Category         | SCBG Funds         | Other Funds         | Source of Other Funds | Available (Yes or No) | Total Cost          |
|-----------------------|--------------------|---------------------|-----------------------|-----------------------|---------------------|
| Administration        | \$ 50,000          | \$ 31,500           | Fed Grant             | No                    | \$ 81,500           |
| Arch/Engineer         |                    | \$ 1,536,800        | State Grant           | No                    | \$ 1,536,800        |
| Land Acquisition      |                    |                     |                       |                       |                     |
| Relocation            |                    |                     |                       |                       |                     |
| Demo/Clearance        |                    |                     |                       |                       |                     |
| Construction          | \$1,450,000        | \$13,554,000        | State/Fed Loans/Grant | No                    | \$15,004,000        |
| Housing               |                    |                     |                       |                       |                     |
| Planning Only         |                    |                     |                       |                       |                     |
| *LMI Assessments      |                    |                     |                       |                       |                     |
| Other (GAN Financing) |                    |                     |                       |                       |                     |
| Other                 |                    | \$ 1,497,700        | State/Fed Grant       | No                    | \$ 1,497,700        |
| <b>Total</b>          | <b>\$1,500,000</b> | <b>\$16,620,000</b> |                       |                       | <b>\$18,120,000</b> |

**Water and Sewer**

\*LMI tap fee assistance must be provided to low-income persons/families. If funds are available, it should be provided to moderate-income persons/families.

Attach Cost Estimates and documentation regarding the "Status" of other Funds. If other funds are not currently available for expenditure, list the milestones to be achieved to obtain the other funds and estimated dates when the milestones will be achieved.

| Milestone          | Estimated Start Date | Estimated Completion Date |
|--------------------|----------------------|---------------------------|
| Securing All Funds |                      |                           |
| Design             |                      |                           |
| Acquisition        |                      |                           |
| Permits            |                      |                           |
| PSC Certificate    |                      |                           |
| Bidding            |                      |                           |
| Construction       |                      |                           |

Name of firm\* or individual who completed the cost estimate(s):

Pentree Incorporated

Date of cost estimate(s): February 2, 2010

\*Attach cost estimate from firm or individual.

**Section II continued**

**National Objective**

**ACTIVITY NAME:** Jefferson County Mountain Water Project

|                                     |                                                                                                                                                                                                                                                                                                                                      |                                     |       |                         |        |                     |        |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------|-------------------------|--------|---------------------|--------|
| <b>A.</b>                           | <p><b>BENEFIT TO LOW- AND MODERATE-INCOME PERSONS</b><br/>                 Areawide Benefit: 24 CFR 570.483(b)(1)(l)</p>                                                                                                                                                                                                             |                                     |       |                         |        |                     |        |
|                                     | <p>(1) Must identify the census area most closely approximating activity service area even if you used survey data to qualify your project.</p>                                                                                                                                                                                      |                                     |       |                         |        |                     |        |
| X                                   | <p>For that census area, please provide the following data:</p> <table border="0"> <tr> <td>Total Persons in that census area *</td> <td>1,546</td> <td>Number of LMI Persons *</td> <td>453</td> <td>Percent LMI Persons</td> <td>60.08%</td> </tr> </table> <p><b>*This data will be used on the Final Performance Report.</b></p> | Total Persons in that census area * | 1,546 | Number of LMI Persons * | 453    | Percent LMI Persons | 60.08% |
| Total Persons in that census area * | 1,546                                                                                                                                                                                                                                                                                                                                | Number of LMI Persons *             | 453   | Percent LMI Persons     | 60.08% |                     |        |
|                                     | <p>(2) If income survey was used to qualify service area, check the reason why the survey was undertaken.</p>                                                                                                                                                                                                                        |                                     |       |                         |        |                     |        |
| X                                   | <p>Census area does not coincide with service area. (754 customers)</p>                                                                                                                                                                                                                                                              |                                     |       |                         |        |                     |        |
| X                                   | <p>Census area does not reflect current income of area.</p>                                                                                                                                                                                                                                                                          |                                     |       |                         |        |                     |        |
|                                     | <p><i>Explain methodology of survey, including how sample size was determined, response rate, etc.</i></p>                                                                                                                                                                                                                           |                                     |       |                         |        |                     |        |
|                                     | <p>Attach the income survey information required by income survey guidelines.</p>                                                                                                                                                                                                                                                    |                                     |       |                         |        |                     |        |
|                                     | <p><b>Limited Clientele: 24 CFR 570.483(b)(2) and CFR 570.506(b)(3)</b></p>                                                                                                                                                                                                                                                          |                                     |       |                         |        |                     |        |
|                                     | <p>Explain:</p>                                                                                                                                                                                                                                                                                                                      |                                     |       |                         |        |                     |        |
| a.                                  | <p><b>Housing Activities: 24 CFR 570.483(b)(3)</b></p>                                                                                                                                                                                                                                                                               |                                     |       |                         |        |                     |        |
|                                     | <p>Explain:</p>                                                                                                                                                                                                                                                                                                                      |                                     |       |                         |        |                     |        |
| b.                                  | <p><b>Job Creation or Retention: 24 CFR 570.483(b)(4) and CFR 570.506(B)(5)(6) and (7).</b></p>                                                                                                                                                                                                                                      |                                     |       |                         |        |                     |        |
|                                     | <p>Explain:</p>                                                                                                                                                                                                                                                                                                                      |                                     |       |                         |        |                     |        |
| c.                                  | <p><b>Planning Only: 24 CFR 570.483(b)(5)</b></p>                                                                                                                                                                                                                                                                                    |                                     |       |                         |        |                     |        |
| <b>B.</b>                           | <p><b>ELIMINATION OF SLUMS AND BLIGHT</b></p>                                                                                                                                                                                                                                                                                        |                                     |       |                         |        |                     |        |
|                                     | <p>Areawide Basis: 24 CFR 483(c)(1)</p>                                                                                                                                                                                                                                                                                              |                                     |       |                         |        |                     |        |
|                                     | <p>Spot Basis: 24 CFR 483(c)(2)</p>                                                                                                                                                                                                                                                                                                  |                                     |       |                         |        |                     |        |
|                                     | <p>Planning Only: 24 CFR 483(c)(3)</p>                                                                                                                                                                                                                                                                                               |                                     |       |                         |        |                     |        |
|                                     | <p>Attach documentation by 24 CFR 570.506(b) and by the application instructions.</p>                                                                                                                                                                                                                                                |                                     |       |                         |        |                     |        |
| <b>C.</b>                           | <p><b>URGENT NEED 24 CFR 570.483(d)</b> Explain and attach required documentation.</p>                                                                                                                                                                                                                                               |                                     |       |                         |        |                     |        |

#7

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: Nikki Painter

Department or Entity: County Clerk's Office

Estimation of amount of time needed for appointment: Please add to the County Clerk's timeslot

Date Requested – 1<sup>st</sup> Choice: March 18, 2010

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

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

**Poll workers must be approved by March 23, 2010.**

Subject: **Poll Worker Approval**

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

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

Attachments: **Poll worker and alternate lists**

#7

**Laura Kuhn**

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**From:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**To:** "Laura Kuhn" <laura@jeffersoncountywv.org>  
**Sent:** Tuesday, March 09, 2010 2:44 PM  
**Attach:** AGENDA REQUEST FORM.doc; Poll Worker List Primary 2010.pdf  
**Subject:** Fw: Agenda Request

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

**From:** Nikki Painter  
**To:** [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org)  
**Sent:** Tuesday, March 09, 2010 2:42 PM  
**Subject:** Agenda Request

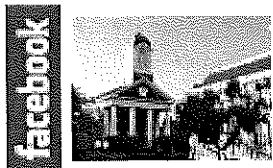
Please add the attached poll worker list to Jennifer's timeslot on Thursday, March 18, 2010. I have also included an agenda request form.

Thanks,

Nikki Painter  
Chief Deputy Clerk  
Voter Registration & Elections

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100 E Washington St, PO Box 208  
Charles Town, WV 25414  
304-728-3246 Phone  
304-728-1957 Fax  
Visit us online @ [www.jeffersoncountyclerkwv.com](http://www.jeffersoncountyclerkwv.com)



| Charles Town District        |             |                                  |               |                   |
|------------------------------|-------------|----------------------------------|---------------|-------------------|
| Name                         | Telephone # | Address                          | Social Sec. # | Party Affiliation |
| <b>Precinct # 2</b>          |             |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                  |               |                   |
| Violet Lowery                | 725-2604    | 566 Eagle Ave. Charles Town      |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                  |               |                   |
| Stella Robinson              | 725-6363    | 631 Eagle Ave Charles Town       |               | Rep               |
| <b>Supply Clerk</b>          |             |                                  |               |                   |
| Jean Roberts                 | 725-7435    | 404 S. Charles St. Charles Town  |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                  |               |                   |
| Ruth McDaniel                | 725-2128    | 546 Eagle Ave. Charles Town      |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                  |               |                   |
| Karen Kressin                | 724-2721    | 87 Appaloosa Way Charles Town    |               | Rep               |
| <b>Precinct # 3</b>          |             |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                  |               |                   |
| Sharon Sather                | 728-4831    | 66 Cypress Point Dr Charles Town |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                  |               |                   |
| Devona Snyder                | 725-7874    | 110 Cooke St. Ranson             |               | Dem               |
| <b>Supply Clerk</b>          |             |                                  |               |                   |
| Harriet Monroe Miller        | 728-6155    | 201 Cranes Ln. Ranson            |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                  |               |                   |
| Orville Thompson             | 728-6734    | 540 Brooke St. Charles Town      |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                  |               |                   |
| Julia Mae Downing            | 725-9085    | 605 Eagle Ave Charles Town       |               | Rep               |
| <b>Precinct # 4A</b>         |             |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                  |               |                   |
| Mary Mays                    | 725-2863    | 632 S. George St. Charles Town   |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                  |               |                   |
| Phyllis Cadwell              | 725-0788    | 30 Crab Apple Tree Ct #203 CT    |               | Rep               |
| <b>Supply Clerk</b>          |             |                                  |               |                   |
| Rebecca Jones                | 725-5319    | 68 Belvedere Dr Charles Town     |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                  |               |                   |
| Charlotte Gano               | 725-7519    | 485 Jefferson Ave. Charles Town  |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                  |               |                   |
| Marty Freeman                | 725-0470    | PO Box 945 Charles Town          |               | Rep               |

| Charles Town District        |             |                                     |               |                   |
|------------------------------|-------------|-------------------------------------|---------------|-------------------|
| Name                         | Telephone # | Address                             | Social Sec. # | Party Affiliation |
| <b>Precinct # 4B</b>         |             |                                     |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                     |               |                   |
| Janet Jeffries               | 725-4094    | 432 S. Lawrence St. Charles Town    |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                     |               |                   |
| Garland Chrisman             | 728-8138    |                                     |               | Rep               |
| <b>Supply Clerk</b>          |             |                                     |               |                   |
| Vivian Henry                 | 725-0614    | 302 S. George St. Ranson            |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                     |               |                   |
| Karla Eister                 | 725-0737    | PO Box 577 Charles Town             |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                     |               |                   |
| Connor Newlon                | 725-7683    | 315 S. Church St. Charles Town      |               | Rep               |
| <b>Precinct # 6</b>          |             |                                     |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                     |               |                   |
| Dorothy Meyers               | 725-5487    | 804 Morison St. Charles Town        |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                     |               |                   |
| Richard Raymond              | 724-7391    | 17 Brookline Dr. Charles Town       |               | Rep               |
| <b>Supply Clerk</b>          |             |                                     |               |                   |
| Gary Henry                   | 725-0614    | 3025 George St. Ranson              |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                     |               |                   |
| Shirley Wilt                 | 725-2296    | 301 Tall Oak Dr. Charles Town       |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                     |               |                   |
| Eva Alexander                | 676-2577    | 93 Special Orders Ct. Harpers Ferry |               | Rep               |
| <b>Precinct # 7</b>          |             |                                     |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                     |               |                   |
| Thelma Wilt                  | 725-5673    | 105 N. Reymann St. Ranson           |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                     |               |                   |
| Myra Casteel                 | 725-2423    | 139 Fox Run Way Charles Town        |               | Rep               |
| <b>Supply Clerk</b>          |             |                                     |               |                   |
| Charles Henry                | 725-8631    | PO Box 263 Charles Town             |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                     |               |                   |
| Shirley Henry                | 725-8631    | PO Box 263 Charles Town             |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                     |               |                   |
| Charlotte Davis              | 728-8507    | 48 Cornell Dr. Kearneysville        |               | Rep               |

| Harpers Ferry District       |              |                                     |               |                   |  |
|------------------------------|--------------|-------------------------------------|---------------|-------------------|--|
| Name                         | Telephone #  | Address                             | Social Sec. # | Party Affiliation |  |
| <b>Precinct # 12</b>         |              |                                     |               |                   |  |
| <b>Poll Commissioner # 1</b> |              |                                     |               |                   |  |
| Peggy Nicodemus              | 876-3555     | 109 Paint horse Rd Harpers Ferry    |               | No Party          |  |
| <b>Poll Commissioner # 2</b> |              |                                     |               |                   |  |
| Janice Blackford             | 725-1293     | 928 King Lear Dr. Charles Town      |               | Dem               |  |
| <b>Supply Clerk</b>          |              |                                     |               |                   |  |
| Richard Blue                 | 725-2201     | 3767 Flowing Springs Rd. Shen. Jct  |               | Dem               |  |
| <b>Poll Clerk # 1</b>        |              |                                     |               |                   |  |
| Isabelle Ebersole            | 725-1274     | Po Box 34 Shenandoah Jct            |               | Rep               |  |
| <b>Poll Clerk # 2</b>        |              |                                     |               |                   |  |
| Joan Mercer                  | 725-5587     | PO Box 85 Shenandoah Jct.           |               | Dem               |  |
| <b>Precinct # 13A</b>        |              |                                     |               |                   |  |
| <b>Poll Commissioner # 1</b> |              |                                     |               |                   |  |
| Melodie Williams             | 725-7152     | 112 Hilltop Rd Harpers Ferry        |               | Rep               |  |
| <b>Poll Commissioner # 2</b> |              |                                     |               |                   |  |
| Mary Cogle                   | 725-7184     | 857 Mt. Hammond Ln. Charles Town    |               | Dem               |  |
| <b>Supply Clerk</b>          |              |                                     |               |                   |  |
| Mindy Maye                   | 725-0430     | 38 Auburn Ct. Charles Town          |               | No Party          |  |
| <b>Poll Clerk # 1</b>        |              |                                     |               |                   |  |
| Tim Collins                  | 535-2626     | 52 Spring St Harpers Ferry          |               | Rep               |  |
| <b>Poll Clerk # 2</b>        |              |                                     |               |                   |  |
| Linda Housden                | 535-2478     | 57 Fort Hill Rd. Harpers Ferry      |               | Dem               |  |
| <b>Precinct # 13B</b>        |              |                                     |               |                   |  |
| <b>Poll Commissioner # 1</b> |              |                                     |               |                   |  |
| Jack Williams                | 725-7152     | 112 Hilltop Rd Harpers Ferry        |               | Rep               |  |
| <b>Poll Commissioner # 2</b> |              |                                     |               |                   |  |
| Peggy Freeman                | 535-6597     | 175 Cheney St Harpers Ferry         |               | Dem               |  |
| <b>Supply Clerk</b>          |              |                                     |               |                   |  |
| Kim Hotaling                 | 337-884-1092 | 88 Sawmill Ct Charles Town          |               | Dem               |  |
| <b>Poll Clerk # 1</b>        |              |                                     |               |                   |  |
| Jean Dignazio                | 725-3688     | 97 Basset Ln Ranson                 |               | Dem               |  |
| <b>Poll Clerk # 2</b>        |              |                                     |               |                   |  |
| Steve Crowe                  | 724-6404     | 2582 Chestnut Hill Rd Harpers Ferry |               | Rep               |  |

| Harpers Ferry District       |             |                                  |               |                   |
|------------------------------|-------------|----------------------------------|---------------|-------------------|
| Name                         | Telephone # | Address                          | Social Sec. # | Party Affiliation |
| <b>Precinct # 14</b>         |             |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                  |               |                   |
| Julie Ott                    | :676-5952   | 40 Beamer Ln Harpers Ferry       |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                  |               |                   |
| Susanne Koenig               | :725-2927   | 329 Greenwood Dr. Harpers Ferry  |               | Dem               |
| <b>Supply Clerk</b>          |             |                                  |               |                   |
| Jim Eddy                     | :728-7865   | 263 Mara Rose Lane Harpers Ferry |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                  |               |                   |
| Pat Humphreys                | :885-0192   | 377 Pointfield Dr. Harpers Ferry |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                  |               |                   |
| Michael Buscher              | :671-6697   | PO Box 1081 Harpers Ferry        |               | Rep               |

| <b>Harpers Ferry District</b> |              |                                     |               |                   |
|-------------------------------|--------------|-------------------------------------|---------------|-------------------|
| Name                          | Telephone #  | Address                             | Social Sec. # | Party Affiliation |
| <b>Precinct # 15</b>          |              |                                     |               |                   |
| <b>Poll Commissioner # 1</b>  |              |                                     |               |                   |
| Mary Rutherford               | 535-2488     | 61 Spring St Harpers Ferry          |               | Rep               |
| <b>Poll Commissioner # 2</b>  |              |                                     |               |                   |
| Raymond Heslin                | 725-4317     | 23 Supreme Ct. Charles Town         |               | Dem               |
| <b>Supply Clerk</b>           |              |                                     |               |                   |
| Paul Wilt                     | 725-7040     | 103 North Reymann St. Ranson        |               | Dem               |
| <b>Poll Clerk # 1</b>         |              |                                     |               |                   |
| Karen Olden                   | 728-0140     | 267 Huckleberry Ln. Harpers Ferry   |               | Rep               |
| <b>Poll Clerk # 2</b>         |              |                                     |               |                   |
| Catherine Smallwood           | 728-3958     | PO Box 157 Ranson                   |               | Dem               |
| <b>Precinct # 16</b>          |              |                                     |               |                   |
| <b>Poll Commissioner # 1</b>  |              |                                     |               |                   |
| Randolph Ridgeway             | 725-6505     | 663 Chestnut Hill Rd Harpers Ferry  |               | Rep               |
| <b>Poll Commissioner # 2</b>  |              |                                     |               |                   |
| Inez Ridgeway                 | 725-6505     | 663 Chestnut Hill Rd Harpers Ferry  |               | Dem               |
| <b>Supply Clerk</b>           |              |                                     |               |                   |
| Cathryn Jackson               | 728-8510     | 174 Hickory Nut Ln. Harpers Ferry   |               | Dem               |
| <b>Poll Clerk # 1</b>         |              |                                     |               |                   |
| Monte Ridgeway                | 728-7669     | 665 Chestnut Hill Rd. Harpers Ferry |               | Rep               |
| <b>Poll Clerk # 2</b>         |              |                                     |               |                   |
| Debbie Gravatt                | 876-6212     | 505 Engle Moler Rd. Harpers Ferry   |               | Dem               |
| <b>Precinct # 17</b>          |              |                                     |               |                   |
| <b>Poll Commissioner # 1</b>  |              |                                     |               |                   |
| Ramona Thompson               | 728-8039     | Po Box 1269 Harpers Ferry           |               | Rep               |
| <b>Poll Commissioner # 2</b>  |              |                                     |               |                   |
| Sunshine Drummond             | 728-9014     | 408 E. 6th Ave. Ranson              |               | Dem               |
| <b>Supply Clerk</b>           |              |                                     |               |                   |
| Craig Yohn                    | 261-3723     | 218 Devonshire Dr. Charles Town     |               | Dem               |
| <b>Poll Clerk # 1</b>         |              |                                     |               |                   |
| Jerry Williams                | 725-9740     | 78 Bluff Ln Harpers Ferry           |               | Rep               |
| <b>Poll Clerk # 2</b>         |              |                                     |               |                   |
| Bobbie Blok                   | 202-744-4479 | 341 Wren Ln Harpers Ferry           |               | Dem               |

| Kabletown District           |              |                                   |               |                   |
|------------------------------|--------------|-----------------------------------|---------------|-------------------|
| Name                         | Telephone #  | Address                           | Social Sec. # | Party Affiliation |
| <b>Precinct # 19</b>         |              |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                   |               |                   |
| Beverly Raines               | 728-4304     | 125 East View Ct Charles Town     |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                   |               |                   |
| Amber Perkins                | 725-7798     | 710 S. Church St Charles Town     |               | Dem               |
| <b>Supply Clerk</b>          |              |                                   |               |                   |
| Christine Wolf               | 724-8233     | 3 Baltusrol Dr. Charles Town      |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                   |               |                   |
| Kelli Moffett                | 304-995-6338 | 46 Brighton Pl Charles Town       |               | Dem               |
| <b>Poll Clerk # 2</b>        |              |                                   |               |                   |
| James L. Mann                | 725-3202     | 35 Scottie Dr. Charles Town       |               | Rep               |
| <b>Precinct # 20</b>         |              |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                   |               |                   |
| Jerry Sather                 | 728-4831     | 66 Cypress Point Dr. Charles Town |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                   |               |                   |
| Daniel Lutz                  | 725-0966     | 175 Wheatland Rd. Charles Town    |               | Dem               |
| <b>Supply Clerk</b>          |              |                                   |               |                   |
| Lauren Jones                 | 304-886-8685 | 333 Pembroke Way Charles Town     |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                   |               |                   |
| Pamela Carroll               | 725-0030     | 53 Beekman Pl Charles Town        |               | Rep               |
| <b>Poll Clerk # 2</b>        |              |                                   |               |                   |
| Carolyn Wright               | 725-7999     | 276 Hawthornedale Rd. CT          |               | Dem               |
| <b>Precinct # 21A</b>        |              |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                   |               |                   |
| Alicia Rickard               | 703-220-8048 | 93 Clems Dr Ranson                |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                   |               |                   |
| Barbara Smith                | 725-6307     | PO Box 165 Ranson                 |               | Dem               |
| <b>Supply Clerk</b>          |              |                                   |               |                   |
| Devon Engle                  | 886-2588     | 37 Newington Ct. S Charles Town   |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                   |               |                   |
| Donna Beitzel                | 724-7766     | 287 Sawyer Dr. Harpers Ferry      |               | Rep               |
| <b>Poll Clerk # 2</b>        |              |                                   |               |                   |
| Judy Ott                     | 676-5617     | 40 Beamer Ln Harpers Ferry        |               | Dem               |

| Kabletown District           |              |                                    |               |                   |
|------------------------------|--------------|------------------------------------|---------------|-------------------|
| Name                         | Telephone #  | Address                            | Social Sec. # | Party Affiliation |
| <b>Precinct # 21B</b>        |              |                                    |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                    |               |                   |
| Carol Swiger                 | 268-2418     | 200 Robin Ln Harpers Ferry         |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                    |               |                   |
| David Engle                  | 304-886-2588 | 37 Newington Ct, S Charles Town    |               | Dem               |
| <b>Supply Clerk</b>          |              |                                    |               |                   |
| Patricia Blevins             | 725-2234     | 920 General Rogers Rd. Charles T.  |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                    |               |                   |
| Samantha Addesa              | 886-9459     | 109 Porter Way Charles Town        |               | Dem               |
| <b>Poll Clerk # 2</b>        |              |                                    |               |                   |
| Eugene Pearson               | 725-1746     | PO Box 1005 Charles Town           |               | Rep               |
| <b>Precinct # 22A</b>        |              |                                    |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                    |               |                   |
| Trixie Carter                | 728-0900     | 19459 Charles Town Rd HF           |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                    |               |                   |
| Elizabeth Stagner            | 725-7777     | 1453 Shirley Rd. Summit Point      |               | Dem               |
| <b>Supply Clerk</b>          |              |                                    |               |                   |
| Nancy Jo Upwright            | 725-9229     | 12260 Leetown Rd. Kearneysville    |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                    |               |                   |
| Mercie Turner                | 725-4346     | 7933 Summit Pt Rd Charles Town     |               | Rep               |
| <b>Poll Clerk # 2</b>        |              |                                    |               |                   |
| Gerald Dost                  | 304-724-0066 | 732 Turnberry Dr. Charles Town     |               | Dem               |
| <b>Precinct # 22B</b>        |              |                                    |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                    |               |                   |
| Mason Carter                 | 728-0900     | 19459 Charles Town Rd HF           |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                    |               |                   |
| Ed Burns                     | 725-2234     | 307 Wildlife Way Harpers Ferry     |               | Dem               |
| <b>Supply Clerk</b>          |              |                                    |               |                   |
| Nance Briscoe                | 728-2201     | 22 Cloverdale Place Charles Town   |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                    |               |                   |
| Melissa Godwin               | 540-686-5480 | 109 Grouse Knoll Ln Summit Point   |               | Rep               |
| <b>Poll Clerk # 2</b>        |              |                                    |               |                   |
| Roger Dailey                 | 724-7901     | 863 Pheasant Hill Rd. Summit Point |               | Dem               |

| <b>Kabletown District</b>    |             |                                   |               |                   |
|------------------------------|-------------|-----------------------------------|---------------|-------------------|
| Name                         | Telephone # | Address                           | Social Sec. # | Party Affiliation |
| <b>Precinct # 23A</b>        |             |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                   |               |                   |
| Judith Cromwell              | 728-8827    | 254 Turnberry Dr Charles Town     |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                   |               |                   |
| Vickie Drummond              | 728-9014    | 408 E. 6th Ave. Ranson            |               | Dem               |
| <b>Supply Clerk</b>          |             |                                   |               |                   |
| Stephanie Grove              |             | 641 Duncan Field Ln Charles Town  |               | Dem               |
| <b>Richard Gibson</b>        |             |                                   |               |                   |
| Elizabeth Lademan            | 724-2083    | 417 S. Samuel St Charles Town     |               | Rep               |
| <b>Poll Clerk # 2</b>        |             |                                   |               |                   |
| Debra Durst                  | 725-6794    | 6546 Middleway Pike Kearneysville |               | Dem               |
| <b>Precinct # 23B</b>        |             |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                   |               |                   |
| Neil Bellman                 | 279-5200    | 715 Morison St. Charles Town      |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                   |               |                   |
| Metha Crouch                 | 728-1081    | 47 Victoria Lane Charles Town     |               | Dem               |
| <b>Supply Clerk</b>          |             |                                   |               |                   |
| Nora Drish                   | 725-5256    | PO Box 294 Summit Point           |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                   |               |                   |
| Martin Durst                 | 725-6794    | 6546 Middleway Pike Kearneysville |               | Rep               |
| <b>Poll Clerk # 2</b>        |             |                                   |               |                   |
| Marie White                  | 725-7674    | 30 Beekman Place Charles Town     |               | Dem               |

| Middleway District           |             |                                     |               |                   |
|------------------------------|-------------|-------------------------------------|---------------|-------------------|
| Name                         | Telephone # | Address                             | Social Sec. # | Party Affiliation |
| <b>Precinct # 25A</b>        |             |                                     |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                     |               |                   |
| Joan L. Hough                | 725-5025    | 12771 Leetown Rd. Kearneysville     |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                     |               |                   |
| Wanda Hughes                 | 725-3243    | 23 Georgia Ave Charles Town         |               | Dem               |
| <b>Supply Clerk</b>          |             |                                     |               |                   |
| Mary (Rosalie) Ring          | 725-8045    | 277 King St. Kearneysville          |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                     |               |                   |
| H. Lavonne Miller            | 725-7679    | 277 Joe J. Miller Rd. Kearneysville |               | Rep               |
| <b>Poll Clerk # 2</b>        |             |                                     |               |                   |
| Marsha Gardner               | 725-1586    | 259 King St. Kearneysville          |               | No Party          |
| <b>Precinct # 25B</b>        |             |                                     |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                     |               |                   |
| Kenneth Ring                 | 725-8045    | 277 King St. Kearneysville          |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                     |               |                   |
| Joe Miller                   | 725-7679    | 277 Joe J. Miller Rd. Kearneysville |               | Rep               |
| <b>Supply Clerk</b>          |             |                                     |               |                   |
| Nancy Schaffer               | 725-6585    | 504 W Liberty St. Charles Town      |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                     |               |                   |
| Joyce Pifer                  | 725-3678    | 7417 Queen St. Kearneysville        |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                     |               |                   |
| Betty Hills                  | 728-1149    | PO Box 44 Summit Point              |               | Rep               |
| <b>Precinct # 26</b>         |             |                                     |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                     |               |                   |
| John Hancock                 | 725-9339    | 5392 Paynes Ford Rd. Kearney        |               | Dem               |
| <b>Poll Commissioner # 2</b> |             |                                     |               |                   |
| Iris Chrisman                | 725-7800    | 118 Old Leetown Pike Kearneysv.     |               | Rep               |
| <b>Supply Clerk</b>          |             |                                     |               |                   |
| Deborah Longo                | 283-3411    | 146 Paddock Pl Charles Town         |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                     |               |                   |
| Linda Fricke                 | 728-6400    | 154 East St. Kearneysville          |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                     |               |                   |
| Dan Evangelisti              | 728-0334    | 555 Skyline Trail Harpers Ferry     |               | Rep               |

| Middleway District           |             |                                 |               |                   |
|------------------------------|-------------|---------------------------------|---------------|-------------------|
| Name                         | Telephone # | Address                         | Social Sec. # | Party Affiliation |
| <b>Precinct # 27</b>         |             |                                 |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                 |               |                   |
| Robin Carper                 | 725-4522    | 185 Jefferson Terrace Rd Ctown  |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                 |               |                   |
| Brian Hanna                  | 995-6256    | 104 W. 5th Ave Ranson           |               | Dem               |
| <b>Supply Clerk</b>          |             |                                 |               |                   |
| David Painter                | 283-2122    | PO Box 704 Kearneysville        |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                 |               |                   |
| Robyn Painter                | 728-8210    | PO Box 4 Kearneysville          |               | Rep               |
| <b>Poll Clerk # 2</b>        |             |                                 |               |                   |
| Terri Roberts                | 728-8562    | 249 Rural Retreat Dr. Ranson    |               | Dem               |
| <b>Precinct # 28</b>         |             |                                 |               |                   |
| <b>Poll Commissioner # 1</b> |             |                                 |               |                   |
| Robert Trainor               | 724-7033    | 774 Crosswinds Ct Charles Town  |               | Rep               |
| <b>Poll Commissioner # 2</b> |             |                                 |               |                   |
| Barbara Larrow               | 596-0102    | 8 Supreme Court Charles Town    |               | Dem               |
| <b>Supply Clerk</b>          |             |                                 |               |                   |
| Virginia Keeney              | 728-7149    | 1994 Wide Horizon Blvd Kearney  |               | Dem               |
| <b>Poll Clerk # 1</b>        |             |                                 |               |                   |
| Theresa Jenkins              | 725-6929    | 63 Pond Rd. Charles Town        |               | Dem               |
| <b>Poll Clerk # 2</b>        |             |                                 |               |                   |
| Jackie Shadle                | 728-5196    | 405 Paulas Circle Kearneysville |               | Rep               |

| Shepherdstown District       |              |                                  |               |                   |
|------------------------------|--------------|----------------------------------|---------------|-------------------|
| Name                         | Telephone #  | Address                          | Social Sec. # | Party Affiliation |
| <b>Precinct # 31</b>         |              |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                  |               |                   |
| Bruce Fleshman               | 283-7594     | 5388 Shepherdstown Pike Shen Jct |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                  |               |                   |
| Antoinette Ringgold          | 995-9140     | 105 Limited Dr Ranson            |               | Dem               |
| <b>Supply Clerk</b>          |              |                                  |               |                   |
| Anita Fleshman               | 283-7594     | 5388 Shepherdstown Pike Shen Jct |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                  |               |                   |
| Sandra Moffett               |              | 46 Brighton Pl Charles Town      |               | Dem               |
| <b>Poll Clerk # 2</b>        |              |                                  |               |                   |
| Cheryl Huff                  | 725-4989     | 74 Porter Way Charles Town       |               | Rep               |
| <b>Precinct # 32</b>         |              |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                  |               |                   |
| Richard Gibson               | 876-6926     | 243 Rabbits Rest Ln Sheph        |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                  |               |                   |
| Terrri Sizemore              | 270-0877     | 821 N Mildred St 8-104 Ranson    |               | Dem               |
| <b>Supply Clerk</b>          |              |                                  |               |                   |
| Jeff Bresee                  | 728-8247     | 614 Strider Rd Kearneysville     |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                  |               |                   |
| Sharon Canfield-Major        | 876-2935     | 651 Cherry Run Rd. Harpers Ferry |               | Dem               |
| <b>Poll Clerk # 2</b>        |              |                                  |               |                   |
| Carol Gibson                 | 876-6926     | 243 Rabbits Rest Ln Sheph        |               | Rep               |
| <b>Precinct # 33</b>         |              |                                  |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                  |               |                   |
| John Thompson                | 728-8278     | 161 Westwoods Lane Charles Town  |               | Dem               |
| <b>Poll Commissioner # 2</b> |              |                                  |               |                   |
| Bruce Kressin                | 724-2721     | 87 Appaloosa Way Charles Town    |               | Rep               |
| <b>Supply Clerk</b>          |              |                                  |               |                   |
| Sarah Gabrielson             | 676-8444     | 151 Georgia Ave Charles Town     |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                  |               |                   |
| Delores Allen                | 724-6072     | PO Box 141 Kearneysville         |               | Dem               |
| <b>Poll Clerk # 2</b>        |              |                                  |               |                   |
| Claire Gibson                | 202-669-6150 | 116 Wildwood Farm Ln Shen Jct    |               | Rep               |

| Shepherdstown District       |              |                                   |               |                   |
|------------------------------|--------------|-----------------------------------|---------------|-------------------|
| Name                         | Telephone #  | Address                           | Social Sec. # | Party Affiliation |
| <b>Precinct # 34</b>         |              |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                   |               |                   |
| Mike Cenate                  | 728-6120     | 138 Scottie Dr Charles Town       |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                   |               |                   |
| BG Turner                    | 725-4346     | 7933 Summit Point Rd Charles T.   |               | Dem               |
| <b>Supply Clerk</b>          |              |                                   |               |                   |
| Debra Cornwell               | 304-728-4527 | 198 Huntfield Ln Charles Town     |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                   |               |                   |
| Tracey Cenate                | 728-6120     | 138 Scottie Dr Charles Town       |               | Rep               |
| <b>Poll Clerk # 2</b>        |              |                                   |               |                   |
| Jan Offutt                   | 876-3992     | PO Box 1485 Shepherdstown         |               | Dem               |
| <b>Precinct # 35A</b>        |              |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                   |               |                   |
| Harold Stewart               | 725-7164     | 9029 Charles Town Rd CT           |               | Dem               |
| <b>Poll Commissioner # 2</b> |              |                                   |               |                   |
| Trevor Craker                | 703-999-4073 | 1435 Engle moler Rd Harpers Ferry |               | Rep               |
| <b>Supply Clerk</b>          |              |                                   |               |                   |
| Jennifer Schultz             |              | 185 McGuire Cir Harpers Ferry     |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                   |               |                   |
| Margaret Housden             | 876-0686     | 466 Ridge Road Shenandoah Jct     |               | Dem               |
| <b>Poll Clerk # 2</b>        |              |                                   |               |                   |
| George Moxley                | 725-6857     | 56 Starlight Ln Harpers Ferry     |               | Rep               |
| <b>Precinct # 35B</b>        |              |                                   |               |                   |
| <b>Poll Commissioner # 1</b> |              |                                   |               |                   |
| Mary Trice                   | 728-7873     | 44 New Sycamore Cir Apt 102 CT    |               | Rep               |
| <b>Poll Commissioner # 2</b> |              |                                   |               |                   |
| Patrick Coyle                | 728-7365     | 1208 Wide Horizon Blvd Kearney    |               | Dem               |
| <b>Supply Clerk</b>          |              |                                   |               |                   |
| Elizabeth Coyle              | 728-7365     | 1208 Wide Horizon Blvd Kearney    |               | Dem               |
| <b>Poll Clerk # 1</b>        |              |                                   |               |                   |
| Florence Vickers             | 876-6727     | 707 Van Clevesville Rd. Kearney   |               | Rep               |
| <b>Poll Clerk # 2</b>        |              |                                   |               |                   |
| Lisa Migliore                | 728-7922     | 33 Holly Springs Dr. Charles Town |               | Dem               |

Democrat Alternates Primary 2010

| Name            | Phone #  | Address                              | Comments                                       |
|-----------------|----------|--------------------------------------|------------------------------------------------|
| Angela Breeden  | 725-5551 | 1233 Tusawilla Dr. Charles Town      | worked as a poll clerk in Nov & Dec election   |
| Judy Carroll    | 725-1963 | 214 Veronica Ct Charles Town         | worked as a poll clerk in Dec election         |
| Steve Stolipher | 283-0614 | PO Box 37 Rippon                     | not sure if he would be available on a Tuesday |
| Dottie Ott      | 725-2543 | 1510 Flowing Springs Rd Charles Town |                                                |
| Catherine Durst |          | 122 Cambridge Dr. Charles Town       |                                                |
| Patricia Mills  | 725-5489 | 11993 Leetown Rd Kearneysville       | is retired and really wants to work            |
| Linda Briganti  | 724-8871 | 617 S. Seminary St. Charles Town     | worked in the Nov election                     |
| Jennifer Jones  | 886-8685 | 333 Pembroke Way Charles Town        |                                                |
| Deborah Royalty | 728-0191 | 199 Brannon Ln Charles Town          | worked in past elections                       |
| Bill Munday     | 728-2234 | 120 Gloucester Dr. Charles Town      | worked in past elections                       |
| Jim Tower       | 876-8525 | 3439 Bakerton Rd Harpers Ferry       | worked in past elections                       |
| John Sims       | 876-8525 | 3439 Bakerton Rd Harpers Ferry       | worked in past elections                       |

Republican Alternates - Primary 2010

| First Name | Last Name                | Phone#                  | Address                     | City                     | Comments               |
|------------|--------------------------|-------------------------|-----------------------------|--------------------------|------------------------|
| Todd       | Baldau                   | 725-2865                | 182 Coventry Lane           | Harpers Ferry            |                        |
| Myra       | Casteel                  | 725-2423                | 139 Fox Run Way             | Charles Town             |                        |
| Vickie     | Childs                   | 728-0856                | PO Box 255                  | Shenandoah Junction      |                        |
| Edwina     | Donley                   | 876-2168                | 4368 Engle-Moler Road       | Shepherdstown            |                        |
| Robert     | Downs                    | 725-9785                | 144 Heath Drive             | Charles Town             |                        |
| Rosario    | Downs                    | 725-9785                | 144 Heath Drive             | Charles Town             |                        |
| Brian      | Higgs                    | 725-0030                | 53 Beekman Place            | Charles Town             |                        |
| Caitlin    | Klug                     | 728-9731                | 22 Heath Drive              | Charles Town             |                        |
| Jessica    | Klug                     | 728-9731                | 22 Heath Drive              | Charles Town             |                        |
| Crickett   | Morgan                   | 304-725-6670            | PO Box 130                  | Rippon                   |                        |
| Lee Ann    | Morgan                   | 304-671-1036            | PO Box 1142                 | Shepherdstown            |                        |
| Tara       | Morgan                   | 304-876-3665            | PO Box 1142                 | Shepherdstown            |                        |
| Ginny      | Moxley                   | 725-6857                | 56 Starlight Lane           | Harpers Ferry            |                        |
| Stephanie  | Poe                      | 724-7445                | 434 Gap View Blvd           | Harpers Ferry            |                        |
| William    | Poe                      | 724-7445                | 434 Gap View Blvd           | Harpers Ferry            |                        |
| Frankie    | <del>Remaley</del>       | <del>304-728-4549</del> | <del>50 Pleasant Lane</del> | <del>Harpers Ferry</del> | <i>mailed</i>          |
| Tracy      | Rissler                  | 725-2476                | 104 Kabletown Road          | Charles Town             |                        |
| Shirley    | Rockwell                 | 725-4524                | 111 Alla Willow Drive Box 2 | Charles Town             |                        |
| John       | Shoedel                  | 728-5008                | 303 Carriage Drive          | Harpers Ferry            | <i>Frankie's phone</i> |
| Regina     | Smith                    | 728-0553                | 1000 Harry Shirley Road     | Kearneysville            |                        |
| Barbara    | Turton                   | 725-4366                | 183 Locust Hill Drive       | Charles Town             |                        |
| Mary O.    | Vickers                  | 876-6727                | 707 Van Clevessville Road   | Kearneysville            |                        |
| Alicia     | <del>White Rickard</del> | <del>703-220-8048</del> | <del>32 Sawmill Court</del> | <del>Charles Town</del>  | <i>Shirley's phone</i> |
| Ruth       | Lance                    | 434-249-1963            | 219 Charles Street          | Charles Town             |                        |
| Donald     | Boggs                    | 886-6865                | 19219 Charles Town Road     | Harpers Ferry            | <i>John's phone</i>    |
| John       | Guice                    | 304-885-4777            | 204 Pebble Beach Drive      | Charles Town             |                        |
| Norman     | Guice                    | 304-885-4777            | 204 Pebble Beach Drive      | Charles Town             |                        |
| Matthew R  | Sullivan                 | 876-2103                | 3892 Bakerton Road          | Harpers Ferry            |                        |
|            |                          |                         |                             |                          |                        |
|            |                          |                         |                             |                          |                        |
|            |                          |                         |                             |                          |                        |
|            |                          |                         |                             |                          |                        |
|            |                          |                         |                             |                          |                        |

#8



March 4, 2010

Ms. Lyn Widmyer  
Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Dear Ms. Widmyer,

I would respectfully request an appointment with the Jefferson County Commission on Thursday, March 18 at 11:15 a.m. to discuss the Hospice "Building the Dream" project and to seek a resolution of support for the project from the county commission.

Thank you so much in advance for your consideration of this request.

Sincerely yours,

Margaret Cogswell, RN, CHPCA  
CEO

# HOSPICE OF THE PANHANDLE, INC.



Serving Berkeley, Hampshire, Jefferson & Morgan Counties  
122 Waverly Court, Martinsburg, WV 25403  
PH: (304) 264 0406 • (800) 345-6538 • FAX: (304) 264-0409

TO: Sandy McDonald  
FAX: 304-725-7916  
FROM: Margaret Cogswell  
DATE: 3/4/10  
TIME FAXED: 4:50 pm  
NUMBER OF PAGES: COVER + 1  
MESSAGE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Hospice of the Panhandle Provides . . .

- In-home services for people who are living with life-limiting illness.
- A program that focuses on quality of life--making each day the best it can be
- Help for family members and caregivers.
- State of the art pain and symptom management.
- Information, education, and support from professional and volunteer staff.
- A service that is covered by Medicare, WV Medicaid and most private insurers.
- Bereavement services for any person coping with the death of a loved one.

For information about hospice or bereavement services or volunteer opportunities with Hospice of the Panhandle call (304) 264-0406 or (800) 345-6538.

**IMPORTANT:** This facsimile transmission is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agency responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U. S. Postal Service. Thank you very much.

#10

|                            |
|----------------------------|
| Commission Office Use Only |
| Date on Agenda:            |
| Appt Time or New Business: |

**AGENDA REQUEST FORM**

Name: Kellie Boles

Department or Entity: Jefferson County Farmland Protection Board

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: March 17, 2010

Date Requested – 2<sup>nd</sup> Choice: March 25, 2010

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

**Subject: Change to the Cooperative Agreement between the JCFPB and USDA-NRCS for the Farm and Ranchland Protection Program (FRPP) and MOU with the WEST VIRGINIA AGRICULTURAL LAND PROTECTION AUTHORITY.**

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

In February of 2008, the County Commission wrote a letter to the WV Agricultural Land Protection Authority (WVALPA) in opposition to moving toward a "single-point agreement" between WVALPA and USDA-NRCS rather than the existing Cooperative Agreement between USDA-NRCS and the Jefferson County Farmland Protection Board directly. USDA-NRCS and the WVALPA is moving toward the "single-point agreement" for 2010 FRPP funding. Significant changes have been made to the 2008 proposed "single-point agreement". The JCFPB will meet on Monday, March 15, 2010 to discuss the best course of action to move forward.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **A consensus of support of the recommendation of the Jefferson County Farmland Protection Board concerning the "single-point agreement" between the WVALPA and USDA-NRCS and the subsequent Memorandum of Understanding between the JCFPB and the WVALPA.**

Attachments: **2008 Letter of Opposition/Proposed Cooperative Agreement/Proposed MOU**

Bob Baird  
West Virginia Agricultural Land Protection Authority  
1900 Kanawha Blvd. East  
Charleston, WV 25313

Dear Mr. Baird:

The Jefferson County Commission would like to take this opportunity to express its concern over the pursuit of a single Cooperative Agreement between the WV Agricultural Land Protection Authority and USDA-NRCS for FRPP funds.

We understand the value of such an agreement for county Farmland Protection Boards with limited funds or limited applications in queue. If any single county received only one application and the easement was not able to be closed, the Authority, acting as the "Entity", would be permitted to redistribute the money to another county within West Virginia. The Federal dollars can not be moved from entity to entity within a given year, but can be moved from one property to another under the same entity in a given year or over a period of years. Overall, a larger percentage of money awarded to West Virginia would be disbursed under a single agreement.

In the current draft of the 2007 Farm Bill the proposal is to develop a system by which entities applying for FRPP funds must qualify based on years of operation, paid staff, proven record of closing, holding and monitoring easements. Transitioning to a Single Agreement between The Authority and USDA-NRCS conceptually allows County Farmland Protection Boards with limited or no experience to apply for Federal FRPP dollars. However, the Authority does not have the years of experience or the proven record of closing, holding and monitoring easements in order to be designated as a "Qualifying Entity" to receive the FRPP funds. The Jefferson County Farmland Protection Board currently has operated for seven years, successfully closing and annually monitoring easements on nineteen properties, with an active board and paid staff. Shifting to a Single Agreement generates uncertainty of West Virginia receiving Federal FRPP funds due to the inability of the Authority to be deemed a qualified entity.

Also in the current draft of the 2007 Farm Bill, it is proposed to remove the decision making ability, on selection of properties to fund, out of USDA-NRCS's hands and into the "Entities" hands or the State's hands. If the Authority has the Single Agreement with NRCS, and the wording remains in the Farm Bill, this would give the Authority, as the State and as the "Entity" the ability to select properties to fund with Federal dollars. This lends itself toward a unified statewide farmland protection program, which is contrary to WV Code, which currently allows individual County Commissions, through the county Farmland Protection Boards, to develop farmland protection plans unique to each county.

Lastly, it is a concern of the Jefferson County Commission that moving to a Single Agreement would result in additional legal counsel and additional board sign off and approval of each easement. Currently, the lengthy closing process in Jefferson County involves review and approval by the Jefferson County Prosecuting Attorney's Office, the Jefferson County Farmland Protection

Board attorney, the JC Farmland Protection Board, the JC Planning Office, the JC Commission and the required non-governmental co holder board (i.e. The Land Trust of the Eastern Panhandle). Review and approval by USDA-NRCS legal counsel is an added step when the Federal FRPP funds are part of the closing process. It is logical to assume that going to a Single Agreement would require approval of easements by the Authority, adding additional oversight and giving the Authority jurisdiction over the county Boards, therefore, eliminating autonomy of county Farmland Protection Boards.

In the event that the Authority would not need to review and approve each easement, the Authority would simply act as the go-between for NRCS and the county board, therefore eliminating NRCS-County Board direct contact. Eliminating direct USDA-NRCS, JC Farmland Protection Board contact is of great concern, the relationship between the two entities has been invaluable in the past, working out intricacies of easement negotiations.

The WV Agricultural Land Protection Authority was formed in part, to assist inexperienced county Boards and to hold easements in WV counties without farmland protection boards. Our request is for counties with qualified farmland protection boards, like Jefferson County, to be encouraged to apply directly to USDA-NRCS for FRPP funds and for the Authority to be available to apply through for county Boards with limited applications and/or limited funds.

**Memorandum of Understanding**  
**Between**  
**The YOUR County Farmland Protection Board**  
**And**  
**The West Virginia Agricultural Land Protection Authority**

This Memorandum of Understanding (Agreement) is made and entered into by the parties as follows:

**Introduction**

The Legislature of the State of West Virginia recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the State of West Virginia through the 2000 passage of the Voluntary Farmland Protection Act. The Legislature declared that agriculture is a unique life support industry, and recognized the need to prevent the irreversible loss of agricultural land. The legislature authorizes the state of West Virginia and its counties so desiring to protect agricultural land and woodland as open-space land, to develop programs and to accept qualifying properties voluntarily entered into the program.

The YOUR County Farmland Protection Board (FPB) is a county unit of government established to provide landowners with an opportunity to voluntarily protect agricultural land in YOUR County by the voluntary placement of conservation or preservation easements on eligible property.

The West Virginia Agricultural Land Protection Authority (State Authority) is a public state agency created under West Virginia Code §8A-12-1 through §8A-12-21 and is authorized to hold conservation or preservation easements anywhere in the state of West Virginia.

Both the FPB and the State Authority are "Holders" as defined under West Virginia Code §20-12-1 through §20-12-8, and are empowered to hold perpetual conservation and preservation easements.

## **Purpose of the Agreement**

To date, 17 counties in West Virginia have created farmland protection boards (FPBs) and programs, as well as implemented a real estate transfer tax to fund conservation easement purchases. Since 2002, over \$16 million in USDA-NRCS (NRCS) matching funds and over \$20 million in local funds have been committed to close easements on approximately 11,000 acres in West Virginia through these county programs. Counties have various levels of funding and applications both regionally and from year to year. If one county is unable to close an easement that has Federally awarded monies, and due to inadequate availability of funds or alternate applications is also unable to re-allocate these funds within the county program, the Federal funds must be returned to the Commodity Credit Corporation and are lost to the West Virginia farmland protection effort. It is anticipated that approximately \$1.5 million in Federal monies that have been awarded since the inception of the farmland protection programs will have been lost to WV.

Due to its unique position of being able to close easements anywhere within the state of West Virginia, the State Authority is able to facilitate the ability of the NRCS to reallocate these monies to another county that has a more in-depth application pool and potentially more local match.

THEREFORE, in order to more fully ensure that West Virginia continues to be allocated its share of Federal matching farm and ranchland protection funds and that Federal funds awarded to a county farmland protection program that is then unable to close an easement within the required time frame can be re-allocated to an alternate county program, this agreement is entered into by the FPB for any Federal awards under the 2010 Cooperation Agreement:

IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE PARTIES THAT:

1. **Parties to the Conservation Easement.** The FPB will be the Holder and primary Grantee for each conservation easement. The State Authority will be a Co-holder to the conservation easement; and the NRCS will be a third-party beneficiary to the easement.
2. **Responsibility for Conservation Easement Process and Closing.** The FPB is responsible for all details, negotiations and costs in closing the conservation easement, including, but not limited to, completing baseline, survey, and appraisal work; drafting the deed of conservation easement; obtaining subordinations for loans and severed mineral rights; obtaining a closing attorney; obtaining title insurance; completing all paperwork required as a part of sound conservation easement practice or as is required by the NRCS; and communications and reporting to both the NRCS and the State Authority as necessary.

The recorded Deed of Conservation Easement and all exhibits and plats shall be forwarded by the FPB to the State Authority as a co-holder.

It is the intention of the State Authority to allow the NRCS to act as the final repository of the remainder of the substantial volume of documents related to conservation easement closings. In the event that the State Authority determines that its responsibilities need to be met by obtaining the documents, upon written request, other documents related to the completed conservation easement must be sent to the State Authority by the FPB including but not limited to, (1) baseline documentation; (2) appraisal document; (3) any signed IRS Form 8283 evidencing a charitable contribution in connection with the conservation easement; (4) IRS substantiation letter (5) a copy of the title insurance policy; (6) the settlement statement and/or (7) other documents related to the conservation easement.

3. **Deed of Conservation Easement and Documents Required for Closing.** The FPB shall utilize the template for the Deed of Conservation Easement approved by the USDA Office of General Counsel unless approval is granted by both the NRCS and State Authority. The draft Deed of Conservation Easement along with all exhibits shall be provided to the State Authority for their review prior to the closing of the easement.

The FPB shall complete or resolve all items on the model closing checklist as required by NRCS for closing. The State Authority intends to rely on the rigorous process and protocol established by the NRCS in order to close an easement. In a particular case if the State Authority determines that it must engage more directly in order to meet its responsibility, or at the request of NRCS, additional documents compiled during the process leading up to closing may be requested by the State Authority from the FPB. Any such items shall be forwarded to the State Authority upon written request prior to the closing, including but not limited to, (1) baseline documentation; (2) appraisal document; (3) the title insurance binder; (4) the draft settlement statement; (5) subordination agreements; (6) Exhibit K – Confirmation of Matching Funds; (7) NRCS Closing Agent Letter; (8) Conservation Plan; (9) gas leases; and/or (10) other documents required as part of the closing process.

4. **Title Insurance.** The State Authority shall be listed along with the FPB on the title insurance policy issued as required for closing.
5. **Monitoring and Stewardship.** The FPB shall have the primary responsibility for monitoring and stewardship of this Easement and determining if a violation has occurred. These duties may be fulfilled directly by the FPB or through their agent. The FPB is under obligation to report annually to the NRCS on the monitoring of each property awarded with Federal funds. A summary annual report shall be also sent to the State Authority. In the event that the State Authority must complete annual

monitoring of the conservation easement, such costs shall be recoverable from the FPB. Upon request to the FPB, the State Authority or its agent shall be permitted to accompany the FPB on its annual monitoring.

In addition, any correspondence to a landowner or others regarding an actual, perceived or potential violation to the conservation easement shall also be sent to the State Authority.

Any amendment to the Deed of Conservation Easement must be approved by the State Authority as well as the NRCS. All parties shall make every good faith effort to determine a unified course of action. However, in cases where any party disagrees, any request to amend the Deed of Conservation Easement shall be denied.

The FPB is responsible for any costs incurred in enforcing the terms of the Easement, including any attorney's fees and any costs of a suit. The FPB can recover their costs from the landowner or from a third party. The State Authority shall have the right to enforce the terms of the easement if the FPB becomes unable or refuses to enforce the easement, or if the State Authority in consultation with the NRCS determines that the FPB's enforcement action or consent fails to protect the conservation purposes of this easement. In such case where the State Authority individually enforces the terms of the easement due to the failure of the FPB to enforce the easement, such costs are recoverable from the FPB.

6. **NRCS Matching Funds.** The State Authority shall notify the NRCS when the Community Credit Corporation (CCC) funds are to be paid under the 2010 Cooperative Agreement. The FPB must prepare and send to the State Authority a pro forma Form 270 (Request for Advance/Reimbursement of Funds) for use by the State Authority in requesting funds under the combined 2010 Cooperative Agreement. The CCC funds are payable only when the FPB has met all of the closing requirements by the NRCS. Under this agreement, all matching funds shall be advance funds paid to the FPB's Closing Agent by electronic transfer. Such Closing Agent shall hold the funds in escrow for a period not to exceed 14 calendar days.
7. **Time of Closing.** The State Authority must sign each Deed of Conservation Easement approved for closing by NRCS. The State Authority shall, at its discretion, (1) make itself available at a mutually agreed upon time at a site in YOUR County to sign and close the conservation easement; or (2) shall sign and have notarized the signature page from the Deed of Conservation Easement certified as final by the FPB and forward that page to the Closing Agent.

8. **Recording of the Deed of Conservation Easement.** The Deed of Conservation Easement shall be recorded not later than sixty (60) days after closing.
  
9. **Re-allocation Determinations.** FPBs shall be required to periodically report the status of progress toward an easement closing to the NRCS in a format defined by the NRCS. If it appears that a county FPB is unable to close an awarded easement within a required time frame the funds may be re-allocated to another county FPB. The timing of such re-allocation shall be determined by the NRCS, and in addition, the county and easement that such monies are to be re-allocation to shall be made by the NRCS.
  
10. **Entire Contract.** This Agreement contains the entire contractual understandings between the parties. There are no other agreements, statements, promises, or inducements, oral or otherwise, contrary to the terms of this contract.
  
11. **Notices.** All notices or other communications provide by this contract shall be made in writing to the parties at the following addresses (or to such addresses designated in writing by one party to another):

**YOUR County Farmland Protection Board**

Address  
Address

**West Virginia Agricultural Land Protection Authority**

1900 Kanawha Blvd. East  
Charleston, WV 25313

IN WITNESS WHEREOF, the undersigned have executed this contract as of the dates written below:

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Name, Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

YOUR County Farmland  
Board

West Virginia Agricultural  
Land Protection Authority

Agreement No. 73-3D47-10-1

COOPERATIVE AGREEMENT  
BETWEEN THE  
UNITED STATES OF AMERICA  
COMMODITY CREDIT CORPORATION  
ACTING THROUGH THE  
NATURAL RESOURCES CONSERVATION SERVICE  
and the

West Virginia Agricultural Land Protection Authority  
Jefferson County Farmland Protection Board  
Berkeley County Farmland Protection Board  
Morgan County Farmland Protection Board  
Hampshire County Farmland Protection Board  
Mineral County Farmland Protection Board  
Hardy County Farmland Protection Board  
Grant County Farmland Protection Board  
Pendleton County Farmland Protection Board  
Preston County Farmland Protection Board  
Pocahontas County Farmland Protection Board  
Greenbrier County Farmland Protection Board  
Monroe County Farmland Protection Board  
Summers County Farmland Protection Board  
Fayette County Farmland Protection Board  
Nicholas County Farmland Protection Board  
Lincoln County Farmland Protection Board

for the

FARM AND RANCH LANDS PROTECTION PROGRAM

This Cooperative Agreement, made the \_\_\_\_ day of \_\_\_\_\_, 2010 is entered into by and between the **United States of America (the United States)**, acting by and through the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) on behalf of the Commodity Credit Corporation (CCC), the West Virginia Agricultural Land Protection Authority, Jefferson County Farmland Protection Board, Berkeley County Farmland Protection Board, Morgan County Farmland Protection Board, Hampshire County Farmland Protection Board, Mineral County Farmland Protection Board, Hardy County Farmland Protection Board, Grant County Farmland Protection Board, Pendleton County Farmland Protection Board, Preston County Farmland Protection Board, Pocahontas County Farmland Protection Board, Greenbrier County Farmland Protection Board, Monroe County Farmland Protection Board, Summers County Farmland Protection Board, Fayette County Farmland Protection Board, Nicholas County Farmland Protection Board, Lincoln County Farmland Protection Board (herein referred to as the West Virginia Agricultural Land Protection Authority, the County Farmland Protection Boards) for the implementation of the Farm and

Ranch Lands Protection Program (FRPP). The CCC shall utilize the expertise and services of NRCS to administer this program and perform the duties set forth within this Cooperative Agreement. The term “Parties” as used herein refers collectively to the United States, the West Virginia Agricultural Land Protection Authority, and the County Farmland Protection Boards.

## **I. AUTHORITY.**

This Cooperative Agreement is entered into by the United States under the authorities of the Commodity Credit Charter Act, 15 U.S.C. 714 et seq. and Title II, Subtitle E, Section 2401 of the Food, Conservation, and Energy Act of 2008, Public Law 110-234, 16 U.S.C. 3838h and i. In addition to these authorities, this Cooperative Agreement will be administered in accordance with the policies and procedures set forth in the FRPP regulation, 7 CFR part 1491. The CCC administers the FRPP under the general supervision of the Chief of the NRCS who is a Vice President of the CCC.

The West Virginia Agricultural Land Protection Authority is a public state agency created under West Virginia Code §8A-12-1 through §8A-12-21 and is authorized to hold conservation or preservation easements anywhere in the state of West Virginia.

Both the County Farmland Protection Boards and the West Virginia Agricultural Land Protection Authority are “Holders” as defined under West Virginia Code §20-12-1 through §20-12-8 , and are empowered to hold perpetual conservation and preservation easements.

## **II. BACKGROUND AND PURPOSE.**

Section 2401 of the Food, Conservation, and Energy Act of 2008 authorizes the Secretary of Agriculture to facilitate and provide funding for the purchase of conservation easements that are subject to pending offers from eligible State, Tribal or units of local government or nongovernmental organizations for the purpose of protecting the agricultural uses and related conservation values of eligible land by limiting non-agricultural uses of the land. To be eligible, the farm or ranch land must meet one of three criteria: contain prime, unique, or other productive soil; contain historical or archaeological resources; or further a State or local policy consistent with the purposes of the program. The Food, Conservation, and Energy Act of 2008 authorized FRPP funding for fiscal years 2008 through 2012.

**WHEREAS**, the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards and the United States have mutual interests in preventing the conversion of agricultural lands to non-agricultural uses; and

**WHEREAS**, the United States administers the FRPP through NRCS on behalf of the CCC; and

**WHEREAS**, the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards administer a farmland protection program and have pending offers for acquiring agricultural conservation easements from landowners within the West Virginia, and

the United States and the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards have agreed to combine their resources to assure that such areas are protected from conversion to nonagricultural uses.

**THEREFORE**, the parties agree to enter into this Cooperative Agreement.

**III. BENEFITS**

The benefit of this Cooperative Agreement is that funds will be provided to the cooperating entity for the protection of farm and ranch lands from conversion to non-agricultural use. Section 2401 of the Food, Conservation, and Energy Act of 2008 authorizes the Secretary of Agriculture to provide funding for the purchase of conservation easements by eligible State, Tribal or units of local government or nongovernmental organizations. Section 1238I of the Food, Conservation, and Energy Act of 2008 authorizes the Secretary of Agriculture to enter into agreements with eligible entities.

**IV. OBLIGATION OF FUNDS**

Upon execution of this agreement, the United States shall obligate the sum of \$ \_\_\_\_\_ for the acquisition by West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards of conservation easements for the parcels listed on Attachment A. This agreement may be revised to obligate funds in Fiscal Years 2011 and 2012 if the cooperating entity submits parcels that rank high enough to warrant the obligation of funds. The County Farmland Protection Boards must close on the easement acquisition and request payment of this amount in accordance with Part VII of this Cooperative Agreement before the dates in the table below.

| Fiscal Year | Attachment with Associated Parcels | Funds Obligated | Fund Citation |
|-------------|------------------------------------|-----------------|---------------|
| 2010        | A                                  |                 |               |
| 2011        | B                                  | NA              | NA            |
| 2012        | C                                  | NA              | NA            |

| Fiscal Year of Fund Obligation | Attachment with Associated Parcels | Closing Deadline | Payment Request Deadline | Fund Disbursement Deadline |
|--------------------------------|------------------------------------|------------------|--------------------------|----------------------------|
| 2010                           | A                                  | March 31, 2012   | August 31, 2012          | September 30, 2012         |
| 2011                           | B                                  | March 31, 2013   | August 31, 2013          | September 30, 2013         |
| 2012                           | C                                  | March 31, 2014   | August 31, 2014          | September 30, 2014         |

This Cooperative Agreement expires on September 30, 2014.

This Cooperative Agreement is the authorizing document that obligates CCC funds to acquire conservation easements. The United States' contribution for the acquisition of each conservation easement acquired by the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards shall be up to but not more than 50% of the appraised market value of the conservation easement. The United States' contribution cannot be used for closing and related administrative costs incurred by the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards in acquiring the conservation easement. Attachments A, B, and C to this Cooperative Agreement specify the properties on which CCC funds will be used within the state of West Virginia and includes a list with a detailed breakdown of the: (1) name and mailing address of the landowner; (2) number of acres to be acquired; (3) the estimated conservation easement value, and (4) estimated Federal contribution to the estimated conservation easement value. However, nothing in this document obligates the United States or the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards to purchase all or any of the conservation easements parcels listed. There may be further modifications, additions or deletions to the list depending on the prices paid for the conservation easements, the ability to obtain good and clear title, future funding for acquisitions, etc. Additions or deletions to the Attachments A, B, and C will be made by mutual agreement between the Parties to this Cooperative Agreement. Additions to Attachments A, B, and C must have written pending offers and the parcels and the landowners must meet eligibility requirements. The pending offers may be from any year. The additions and deletions must be made by a formal amendment to this cooperative agreement and must contain the same deadlines for closing easements, requesting reimbursement, and certifying payments.

## **V. FEDERAL CONTRIBUTION**

The Federal contribution for parcels must be based on an appraisal of the conservation easement performed by a certified general appraiser in accordance with either the Uniform Standards of Professional Appraisal Practices (USPAP) OR the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) (Interagency Land Acquisition Conference, 2000) AND policies and procedures in the NRCS Conservation Programs Manual, Part 519. The appraisal must have an effective date that is within twelve months of the closing date. For appraisals performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), the appraiser must have completed training in using the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) as well as either eminent domain or conservation easements and have experience in appraising agricultural property with and without conservation easements. For appraisals performed in accordance with the Uniform Standards of Professional Appraisal Practices (USPAP), the appraiser must have completed training in either eminent domain or conservation easements and have experience in appraising agricultural property with and without conservation easements.

The cooperating entities must submit four copies of each appraisal to NRCS no less than 90 days before the proposed closing date for administrative and technical review. Easements will not be closed until administrative and technical reviews are completed on each appraisal and any deficiencies are resolved.

## **VI. COOPERATING ENTITY'S CONTRIBUTION**

The West Virginia Agricultural Land Protection Authority, herein the Cooperating Entity, acting through the designated escrow agent of the County Farmland Protection Board, must disburse 100 percent of the payment, representing the easement purchase price, to the landowner at the time of closing. The County Farmland Protection Board on behalf of the Cooperating Entity must contribute in cash at least 25 percent of the purchase price (appraised fair market value minus the landowner donation) of the easement.

Prior to NRCS accepting the conservation easement and issuing a payment, the County Farmland Protection Board shall self-certify on the NRCS CPA-230, Confirmation of Matching Funds, that the County Farmland Protection Board's share of matching funds has not come from additional donations, payments, loans or fees made by or charged to the Grantor of the Conservation Easement, immediate family members, or organizations controlled by or funded by the Grantor of the Conservation Easement grantor, either through formal or informal agreements.

The County Farmland Protection Board, on behalf of the Cooperating Entity, must make all contributions in accordance with the policies and procedures in the NRCS Conservation Programs Manual, Part 519.

The County Farmland Protection Board must have an appraisal of the conservation easement performed by a certified general appraiser in accordance with the Uniform Standards of Professional Appraisal Practices (USPAP) OR the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) (Interagency Land Acquisition Conference, 2000) AND policies and procedures in the NRCS Conservation Programs Manual, Part 519. The appraisal must have an effective date that is within twelve months of the closing date. For appraisals conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), the appraiser must have completed training in using the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) as well as either eminent domain or conservation easements and have experience in appraising agricultural property with and without conservation easements. For appraisals conducted in accordance with Uniform Standards for Professional Appraisal Practice (USPAP), the appraiser must have completed training in either eminent domain or conservation easements and have experience in appraising agricultural property with and without conservation easements. The Cooperating Entity must make all contributions in accordance with the policies and procedures in the NRCS Conservation Programs Manual, Part 519.

## **VII. PAYMENTS**

The West Virginia Agricultural Land Protection Authority shall notify the United States when the CCC funds are to be paid. CCC funds shall be paid to the West Virginia Agricultural Land Protection Authority, acting through the designated escrow agent of the County Farmland Protection Board, when the United States is provided a copy of the recorded Conservation Easement Deed and the County Farmland Protection Board has paid the landowner(s). Where a County Farmland Protection Board cannot obtain 100 percent of the funds to be paid at closing to the landowner(s) and requires the United States to make its payment at closing rather than on a

reimbursable basis, the County Farmland Protection Board may request a waiver for the United States to pay its share of the Conservation Easement purchase at closing. When a waiver is requested, the County Farmland Protection Board shall notify the United States at least 60 days prior to closing and the United States will make payment to an authorized closing agent via electronic transfer. The closing agent will hold the funds in escrow for a period not to exceed 14 calendar days. Upon receipt of the funds, the closing agent will sign a payment receipt form and return it to the United States. If interest is earned on CCC funds, the closing agent must return any interest earned to the United States.

All Conservation Easement Deeds used by the County Farmland Protection Boards must be approved by NRCS prior to purchase of the conservation easement. All conservation easement deeds or templates must be submitted to NRCS 90 days before the intended closing date of the first parcel for which the deed will be used. Deeds prepared with an approved template must be reviewed for compliance with the template and approved by NRCS.

In order to obtain payment of FRPP funds, the West Virginia Agricultural Land Protection Authority will submit Form SF-270 (Request for Advance/Reimbursement of Funds), and the information specified below to the West Virginia NRCS State Office. Prior to submitting the SF-270 for an advance of funds, the County Farmland Protection Board must also request a copy of closing agent requirements from the United States and ensure that the closing agent meets these requirements. The West Virginia Agricultural Land Protection Authority may submit the Form SF-270 prior to closing when a payment is issued at closing, after all the deeds have been recorded and the landowner has been paid, or on a quarterly basis for each quarter that Conservation Easement Deeds have been recorded and the landowner(s) have been paid.

At a minimum, the following information shall be included in, or attached to, the SF-270, prior to NRCS accepting the conservation easement and disbursing payment: (1) the name of the West Virginia Agricultural Land Protection Authority; (2) this Cooperative Agreement number; (3) Conservation Easement numbers (if applicable); (4) landowner name; (5) landowner's tax identification number (TIN) or social security number; (6) total amount of dollars paid the landowner for each conservation easement, specifying the CCC share and the non-CCC share of the Conservation Easement cost; (7) term of conservation easement; (8) acres acquired for each Conservation Easement; (9) Tax Identification Number (TIN) for West Virginia Agricultural Land Protection Authority; (10) Federal Information Processing Standards (FIPS) number for West Virginia Agricultural Land Protection Authority; (11) bank routing number and account number for desired deposit location; (12) copy of the recorded Conservation Easement Deed(s) for each easement; and (13) NRCS CPA-230, Confirmation of Matching Funds for each easement; and (14) a copy of the ALTA title insurance policy for each Conservation Easement.

## **VIII. CONSERVATION EASEMENT REQUIREMENTS.**

The County Farmland Protection Boards shall ensure that conservation easements acquired under this agreement:

1. run with the land in perpetuity or the maximum allowable under State law, where State law prohibits a permanent easement.

2. protect agricultural use and related conservation values by limiting nonagricultural uses of the land;
3. provide for the administration, management, and enforcement of the Conservation Easement by the County Farmland Protection Boards ;
4. require management of highly erodible land on the property in accordance with a conservation plan that is developed utilizing the standards and specifications of the NRCS field office technical guide, 7 CFR part 12. The following paragraphs shall be included in all Conservation Easements acquired using FRPP funds:

As required by section 1238I of the Food Security Act of 1985, as amended, the Grantor, his heirs, successors, or assigns, shall conduct agricultural operations on highly erodible land on the Protected Property in a manner consistent with a conservation plan prepared in consultation with NRCS and the Conservation District. This conservation plan shall be developed using the standards and specifications of the NRCS Field Office Technical Guide and 7 CFR part 12 that are in effect on the date of this Conservation Easement Deed. However, the Grantor may develop and implement a conservation plan that proposes a higher level of conservation and is consistent with the NRCS Field Office Technical Guide standards and specifications. NRCS shall have the right to enter upon the Protected Property, with advance notice to the Grantor, in order to monitor compliance with the conservation plan.

In the event of noncompliance with the conservation plan, NRCS shall work with the Grantor to explore methods of compliance and give the Grantor a reasonable amount of time, not to exceed twelve months, to take corrective action. If the Grantor does not comply with the conservation plan, NRCS will inform Grantee of the Grantor's noncompliance. The Grantee shall take all reasonable steps (including efforts at securing voluntary compliance and, if necessary, appropriate legal action) to secure compliance with the conservation plan following written notification from NRCS that (a) there is a substantial, ongoing event or circumstance of non-compliance with the conservation plan, (b) NRCS has worked with the Grantor to correct such noncompliance, and (c) Grantor has exhausted its appeal rights under applicable NRCS regulations.

If the NRCS standards and specifications for highly erodible land are revised after the date of this Conservation Easement Deed based on an Act of Congress, NRCS will work cooperatively with the Grantor to develop and implement a revised conservation plan. The provisions of this section apply to the highly erodible land conservation requirements of the Farm and Ranch Lands Protection Program and are not intended to affect any other natural resources conservation requirements to which the Grantor may be or become subject.

5. where parcels are being enrolled in FRPP based on historical and archaeological resources include, at minimum, a paragraph identifying standards and guidelines for treatment and maintenance of these resources is required within the deed. These guidelines should be based on the Secretary of the Department of the Interior's Standards and Guidelines for Historic Preservation. The County Farmland Protection Boards will ensure that title restriction to protect any historical and archaeological structure(s) is appended to the Conservation Easement Deed and included in any succeeding transfers; and

6. include the following "Right of Enforcement" provision:

Under this Conservation Easement, the United States is granted the right of enforcement in order to protect the public investment. The Secretary of the United States Department of Agriculture (the Secretary) or his or her assigns, on behalf of the United States, may exercise this right of enforcement under any authority available under State or Federal law if the County Farmland Protection Board fails to enforce any of the terms of this Conservation Easement, as determined in the sole discretion of the Secretary.

7. include the following "General Indemnification" provision:

**"General Indemnification.** Grantor shall indemnify and hold harmless the United States, its employees, agents, and assigns for any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, and costs of actions, sanctions asserted by or on behalf of any person or governmental authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs, and reasonable attorneys' fees and attorneys' fees on appeal) to which Grantee may be subject or incur relating to the Protected Property, which may arise from, but are not limited to, Grantor's negligent acts or omissions or Grantor's breach of any representation, warranty, covenant, agreements contained in this Conservation Easement Deed, or violations of any Federal, State, or local laws, including all Environmental Laws."

8. include the following "Environmental Warranty" provision:

**"Environmental Warranty.** Grantor warrants that it is in compliance with, and shall remain in compliance with, all applicable Environmental Laws. Grantor warrants that there are no notices by any governmental authority of any violation or alleged violation of, non-compliance or alleged non-compliance with or any liability under any Environmental Law relating to the operations or conditions of the Property. Grantor further warrants that it has no actual knowledge of a release or threatened release of Hazardous Materials, as such substances and wastes are defined by applicable federal and state law.

Moreover, Grantor hereby promises to hold harmless and indemnify the Grantee and the United States against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with the release or threatened release of any Hazardous Materials on, at, beneath or from the Protected Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Protected Property. Grantor's indemnification obligation shall not be affected by any authorizations provided by Grantee or the United States to Grantor with respect to the Protected Property or any restoration activities carried out by Grantee at the Protected Property; provided, however, that Grantee shall be responsible for any Hazardous Materials contributed after this date to the Protected Property by Grantee.

"Environmental Law" or "Environmental Laws" means any and all Federal, state, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building and land use as may now or at any time hereafter be in effect.

"Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials and any other element, compound, mixture, solution or substance which may pose a present or potential hazard to human health or the environment."

9. include provisions regarding the amount of impervious surfaces permitted on the Property, in accordance with the NRCS Conservation Programs Manual, Part 519.
10. include signature of a responsible NRCS official on the Conservation Easement Deed, accepting the property interest of the United States.
11. Include other terms that may be required by OGC or FRPP policy, such as a general indemnification clause and hazardous materials warranty.
12. Address the following permitted uses of the Protected Property by the Grantor in the Conservation Easement Deed. Other permitted uses may be added if they do not conflict with the conservation values of the Protected Property. For further explanation of these provisions, see the NRCS Conservation Programs Manual, Part 519.64 B. 7.
  - a. Agricultural Production - the production, processing, and marketing of agricultural crops for the purposes consistent with the terms of the Conservation Easement Deed.

b. Forest Management and Timber Harvest - forest management and timber harvesting shall be performed in accordance with a written forest management plan consistent with the Conservation Easement Deed.

c. Wetland Pond Restoration and Creation - permitted if it is consistent with the terms and purposes of the Conservation Easement Deed.

d. Non-developed Passive Recreation and Educational Activities - permitted if it does not impact the soils and the agricultural operations and is consistent with the purpose of the Conservation Easement

e. Customary Rural Enterprises - permitted on the Protected Property and in the buildings constructed and maintained for the agricultural use of the Protected Property. Customary rural enterprises that require their own buildings are prohibited.

f. Agri-tourism - -Low impact agri-tourism activities are permitted, such as farm tours, work experiences, field trips, petting zoos, corn mazes, and hay rides.

g. Roads - permitted if they are already in place and any new roads necessary to carry out the agricultural operations on the Protected Property.

h. Fences - may be maintained and replaced and new fences installed if they are necessary for agricultural operations on the Protected Property or to mark boundaries of the Protected Property.

i. Oil and Gas Exploration and Extraction - allowed if the method of extraction is from another parcel, or is limited in the number of wells (one per farm or ranch on farms and ranches of under 320 acres and one per 320 acres for farms and ranches larger than 320 acres) and the amount of disturbance associated with each well including access roads and construction disturbance (one acre per well), and thus has minimal impact on the Protected Property.

13. Include the following prohibited uses of the Protected Property and any other prohibited uses necessary to protect the conservation values of the Protected Property. The following activities may be prohibited subject to qualification. Other provisions may be added when they are necessary to protect the conservation values of the Protected Property. The introduction to this section of the Conservation Easement Deed must include a statement that all activities that are inconsistent with the purposes of the Conservation Easement are prohibited. For forms further explanation of these provisions, see the NRCS Conservation Programs Manual, Part 519.64 B. 6.

a. Industrial or Commercial Uses - prohibited unless expressly permitted for agricultural purposes.

b. Construction on the Protected Property - limited to structures and improvements that support the agricultural use of the Protected Property.

c. Mining – prohibited, except for limited mining to the extent that the materials mined (e.g. sand, gravel, or shale) are used for agricultural operations on the Protected Property. In that case, extraction must be limited to a small, defined area or acreage.

d. Motorized Vehicle Use - prohibited except to support agricultural use, forestry, habitat management, law enforcement and public safety, or conservation uses of the Protected Property, and the residential and recreational uses permitted by the conservation easement deed,

e. Granting of easements for utilities and roads – prohibited when the utility or road will adversely impact the conservation values of the easement deed, including the land's use for agriculture.

f. Waste and Dumping - prohibited. Composting and storage of manure and other agricultural wastes produced on the farm or ranch is permitted.

g. Signage – prohibited except for signs to identify the farm or ranch, signs to advertise products or services provided by the farm or ranch, and signs to identify the farm or ranch as a participant in FRPP and the Local Grantee's program. Conservation easement deeds should specify limitations on sign size.

h. Subdivision – generally prohibited unless required by state or local regulations to construct residences for employees working on the Protected Property.

i. Surface Alteration – prohibited unless it is in accord with general agricultural uses of the Protected Property.

## **IX. RESPONSIBILITIES.**

### **A. Those of the United States -**

1. The United States, by and through the NRCS, shall provide technical and other services required to assist the landowner in developing an appropriate conservation plan in accordance with 7 CFR part 12. To ensure that the conservation plan is implemented in accordance with 7 CFR part 12, the NRCS will be provided the opportunity to conduct periodic field visits on lands that are enrolled in the FRPP and associated lands owned or managed by the landowner which are also subject to 7 CFR part 12.

2. The CCC shall, subject to the availability of funds, disburse the appropriate funds to the West Virginia Agricultural Land Protection Authority in accordance with Part IV and VII of this Cooperative Agreement.

3. Prior to NRCS accepting the conservation easement and processing the payment, NRCS shall: ensure that a conservation plan for highly erodible lands is developed in accordance with 7 CFR part 12 and that an AD-1026 has been filed; obtain approval of the conservation easement deed or Conservation Easement Deed template from the National Headquarters of the NRCS; and acquire: a signed letter from the closing agent indicating that the agent meets FRPP closing agent requirements, an executed NRCS CPA-230, Confirmation of Matching Funds, and a copy of the title commitment.

4. NRCS shall conduct administrative and technical reviews of appraisals in accordance with NRCS Conservation Programs Manual, Part 519.

5. NRCS shall certify payment for all conservation easements for parcels listed on each attachment acquired by the fund disbursement deadline for each attachment..

B. Those of West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards:

1. The County Farmland Protection Boards shall perform necessary legal and administrative actions to ensure proper acquisition and recordation of valid Conservation Easement Deeds.

2. The County Farmland Protection Boards shall pay all costs of conservation easement procurement and will operate and manage each conservation easement in accordance with the County Farmland Protection Boards' programs, this Cooperative Agreement, and 7 CFR part 1491. The United States shall have no responsibility for the costs or management of the conservation easements purchased by the County Farmland Protection Boards unless it exercises its rights under a Conservation Easement Deed. The County Farmland Protection Boards shall indemnify, and hold the United States harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the County Farmland Protection Boards in connection with its acquisition and management of the conservation easements acquired pursuant to this Cooperative Agreement. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the County Farmland Protection Boards' agents, successors, assigns, employees, contractors, or lessees in connection with the acquisition and management of the conservation easements acquired pursuant to this Cooperative Agreement which result in violations of any laws and regulations which are now or which may in the future become applicable.

3. Non-governmental organizations shall continue to meet the requirements specified in Title II, Subtitle E, Section 2401 of the Food, Conservation, and Energy Act of 2008. The Act states that eligible organizations are "any organization that—

- (A) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;
- (B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under 501 (a) of that Code;
- (C) is described in section 509 (a)(1) or (2) of that Code; or
- (D) is described in section 509(a) (3) of that Code and is controlled by an organization described in section 509 (a) (2) of that Code.”

4. The County Farmland Protection Boards shall address in each Conservation Easement Deed in which CCC funds are used as part of the acquisition the permitted/prohibited uses set forth in Part VIII of this Cooperative Agreement.

5. Prior to payment certification, the County Farmland Protection Boards shall ensure that all lands for which a conservation easement has been acquired will have a conservation plan, as described in Part VIII of this Cooperative Agreement.

6. The County Farmland Protection Boards shall prohibit all non-agricultural uses of the encumbered properties, except for recreational uses, such as hiking, hunting, fishing, boating, horseback riding to the extent those activities do not conflict with the purpose of Section 2401 of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110 – 234).

7. At a minimum, the County Farmland Protection Boards shall monitor FRPP Protected Properties on an annual basis to ensure that the Conservation Easement Deeds are being implemented according to the deed provisions. An annual report of the status of acquired Conservation Easements and Conservation Easements pending acquisition will be submitted to the NRCS representative at the State level. The NRCS representative will define the format of this report.

8. In acquiring Conservation Easements, the County Farmland Protection Boards shall ensure that the title to the lands or interests therein shall be unencumbered or, if encumbered by outstanding or reserved interests, the County Farmland Protection Boards shall ensure that any outstanding interests are subordinated to the Conservation Easement Deed or that any exceptions from this subordination requirement are approved by the NRCS and are consistent with the purposes of the Farm and Ranch Lands Protection Program. The County Farmland Protection Boards shall provide to NRCS a copy of the title commitment or title report 90 days before the intended closing date and any other requested documentation related to title so that NRCS can review the title commitment to ensure that there are no encumbrances that would allow non-agricultural use of the property that are not acceptable to NRCS. The County Farmland Protection Boards shall assure that proper title evidence is secured.

9. The County Farmland Protection Boards shall have an appraisal conducted on the Protected Property prior to NRCS accepting an interest in the Conservation Easement. The appraisal shall be conducted by a certified general appraiser and shall conform to the Uniform

Standards of Professional Appraisals Practices OR the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 2000).

10. The West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards shall not use FRPP funds to place an easement on a property in which the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards' employee or board member, with decision-making involvement in matters related to easement and acquisition and management, has a property interest. The West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards shall not use FRPP funds to place an easement on a property in which a person who is an immediate family member or household member of an employee or board member, with decision-making involvement in matters related to easement acquisition and management, has a property interest. Further, the West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards agree to generally conduct itself in a manner so as to protect the integrity of conservation easement deeds which it holds as well as avoid the appearance of impropriety or actual conflicts of interests in its acquisition and management of conservation easements.

11. The County Farmland Protection Boards agree that it will not at any time, when a County Farmland Protection Board is named as a Grantee on the Conservation Easement Deed, seek to acquire the remaining fee interest in the Protected Property. Likewise, if a County Farmland Protection Board enters into an agreement with another entity to manage/monitor the Conservation Easement, and the entity seeks to acquire the underlying fee, the County Farmland Protection Board agrees to immediately terminate such a relationship and arrange for an uninterested party to manage/monitor the Conservation Easement.

12. When a conservation plan violation is reported to the County Farmland Protection Board by NRCS, after all administrative and appeal rights have been exhausted by the landowner in accordance with 7 CFR part 12 and 7 CFR part 614, the County Farmland Protection Board shall implement easement enforcement procedures.

13. Paragraphs 2, 3, 6, 7, 10, 11, and 12 of this Section shall survive the termination or expiration of this agreement.

## **X. GENERAL PROVISIONS.**

A. The term of this Cooperative Agreement shall be from the date of the last signature affixed hereto through September 30, 2014.

If Conservation Easements on all the parcels listed on Attachments A, B, and C or the replacements for those parcels are not closed or reimbursement is not requested by the dates indicated in Section III, any remaining funds will be released from this obligation unless the Cooperative Agreement is extended for specific Conservation Easements, as provided for in paragraph X(C).

B. No assignment in whole or in part shall be made of any right or obligation under this Cooperative Agreement without the joint approval of the United States, West Virginia Agricultural Land Protection Authority, and the County Farmland Protection Boards. Nothing herein shall preclude the United States, the West Virginia Agricultural Land Protection Authority, or the County Farmland Protection Boards from entering into other mutually acceptable arrangements or agreements, except as identified in Part IX of this cooperative agreement. Such documents shall be in writing, reference this Cooperative Agreement, and shall be maintained as part of the official Cooperative Agreement file.

C. This Cooperative Agreement may be amended or modified by written amendment signed by the authorized officials of the United States, the West Virginia Agricultural Land Protection Authority, and the County Farmland Protection Boards. The Cooperative Agreement may only be extended with the permission of the Deputy Chief for Programs of the Natural Resources Conservation Service and only if extenuating circumstances occur with the individual Conservation Easements for which an extension is requested.

D. The United States may terminate this Cooperative Agreement if the United States determines that the West Virginia Agricultural Land Protection Authority or the County Farmland Protection Boards have failed to comply with the provisions of this Cooperative Agreement or if it determines that it is in the best interests of the United States to terminate. In the event that this agreement is terminated for any reason, the financial obligations of the parties will be as set forth in 7 CFR parts 1403, 3016 and 3019, as applicable.

E. This Cooperative Agreement constitutes financial assistance and, therefore, falls under the Uniform Federal Assistance Regulations at 7 CFR parts 3015, 3016 and 3019. For the purposes of administering this Cooperative Agreement, the procedures set forth at 7 CFR parts 3015, 3016 and 3019 as well as OMB Circular A-122 apply, as applicable.

1. 7CFR, Part 3017, Government Debarment and Suspension;
2. 7CFR, Part 3021, Government-wide Requirements for a Drug-free Workplace;
3. 7CFR, Part 3052, Audits of Institutions of Higher Learning and Non-Profit Institutions;
4. 2CFR, Part 215, Uniform Administrative Requirements (Grants and Agreements with Institutions of Higher Learning, Hospitals, and Other Non-profit Organizations);
5. Office of Management and Budget (OMB) Circulars A-110 and A-122, Cost Principles for Non-Profit Organizations; and
6. Treasury Circular 1075, Withdrawal of Cash from Treasury for Advance under Federal and Other Programs

F. It is the intent of the United States to fulfill its obligations under this Cooperative Agreement. However, NRCS cannot make commitments in excess of funds authorized by law or made administratively available. If NRCS cannot fulfill its obligations under this Cooperative Agreement because of insufficient funds, this Cooperative Agreement will automatically terminate.

G. The West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards shall give CCC, the United States, or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this Cooperative Agreement.

H. The West Virginia Agricultural Land Protection Authority and the County Farmland Protection Boards agree to comply with all applicable Federal, State, and local laws.

I. If any recipient of Federal funds under this Cooperative Agreement materially fails to comply with the terms of this Cooperative Agreement, the United States reserves the right to wholly or partially recapture funds from the recipient provided in accordance with applicable regulations.

J. This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same legal instrument.

DRAFT

**XII. PRINCIPAL CONTACTS.**

The United States representative for this Cooperative Agreement is:

Kevin Wickey, State Conservationist  
Natural Resources Conservation Service  
on behalf of the Commodity Credit Corporation  
1550 Earl Core Road  
Morgantown, WV 26505  
304.284.7540

The West Virginia Agricultural Land Protection Authority's representative for this Cooperative Agreement is:

Lavonne Paden, Director  
West Virginia Agricultural Land Protection Authority  
Street Address  
City, State Zip Code  
Phone Number

The \_\_\_\_\_ County Farmland Protection Board's representative for this cooperative agreement is:

\_\_\_\_\_, Director County Farmland Protection Board

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, West Virginia \_\_\_\_\_ Zip Code

\_\_\_\_\_  
Phone Number

IN WITNESS WHEREOF, the following authorized representatives of the United States, the West Virginia Agricultural Land Protection Authority, and the County Farmland Protection Boards have executed this Cooperative Agreement.

The West Virginia Agricultural Land Protection Authority

By: Lavonne Paden, Director, West Virginia Agricultural Land Protection Authority

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by Lavonne Paden, Director, West Virginia Agricultural Land Protection Authority.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County Farmland Protection Board

By: Chair Person

\_\_\_\_\_ County Farmland Protection Board

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to-wit:

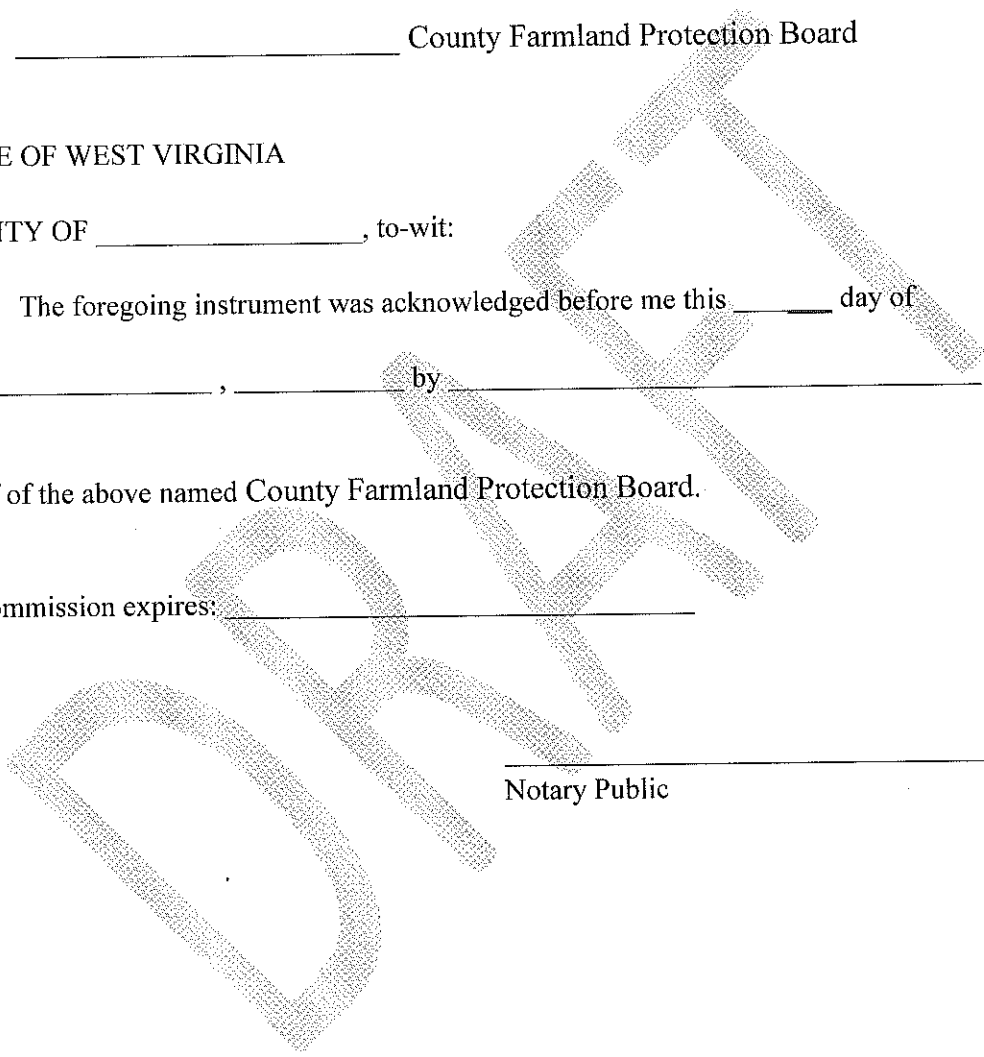
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_, Chairman on

behalf of the above named County Farmland Protection Board.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



UNITED STATES OF AMERICA  
COMMODITY CREDIT CORPORATION

By: Kevin Wickey, USDA-NRCS State Conservationist, WV

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_ by, Kevin Wickey, USDA-NRCS State  
Conservationist, WV.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



#12

# JEFFERSON COUNTY HISTORICAL SOCIETY

P. O. Box 485

Charles Town, West Virginia 25414

Organized May 21, 1927

*Magazine published annually since 1985.*

*Regular meetings in May and November.*

*Book collection housed in Charles Town Library.*

*Relics on loan in County Museum, Charles Town.*

March 5, 2010

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

VIA Fax

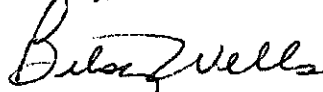
Dear Commissioners:

The Jefferson County Historical Society requests permission to hold their spring meeting in the Community Meeting Room on the lower level of the library. We would like to use the room from 1pm to 4pm, Sunday, April 11, 2010. We have used this room for meetings in the past.

If you have any questions, you can reach me at 304-725-6598 or 304-676-9055.

Thank you,

Sincerely,



Betsy Wells  
Corresponding Secretary

*3.5.10 @ 2:50 pm  
Planning says room is available  
NH*

# 13

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

**AGENDA REQUEST FORM**

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 18, 2010

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

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Request for use of county meeting room to receive public comment on the Hagerstown Eastern Panhandle Metropolitan Planning Organization's Long Range Transportation Plan**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approval of use of the County Meeting room on Wednesday, March 31, 2010**

**Nichelle Hosby**

---

**From:** Sandy McDonald [sandy@jeffersoncountywv.org]  
**Sent:** Tuesday, March 09, 2010 9:46 AM  
**To:** Nichelle Hosby  
**Subject:** Fw: Meeting room

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

**From:** Eckard, Debra S.  
**To:** 'Sandy@jeffersoncountywv.org'  
**Sent:** Tuesday, March 09, 2010 9:22 AM  
**Subject:** Meeting room

Hi Sandy,

I would like to request the use of the basement of the old Charles Town library for a public meeting to be held on Tuesday, March 30<sup>th</sup> or Wednesday, [REDACTED] from 6:30 to 9:00 p.m. The day would be contingent upon the availability of the room. The purpose of the public meeting is to receive public comment on the Hagerstown Eastern Panhandle Metropolitan Planning Organization's (HEPMPO) Long Range Transportation Plan.

Due to time constraints set by the Federal government, we are working on a tight time schedule. Public notices must be placed in newspapers prior to the public comment period and we must try to get these in the paper as soon as possible. Anything you can do to expedite approval of the room would be greatly appreciated. If it is possible, could you please check on the availability of the room and get back to me so the ads can be sent out by noon on Thursday (March 11<sup>th</sup>). Thank you very much for your assistance in this matter.

*Debra Sue Eckard  
Administrative Assistant  
Washington County Planning Dept.  
Washington County Administrative Annex  
80 West Baltimore Street  
Hagerstown, MD 21740  
240-313-2437*

*Path - 30  
PBA - 31*

*NH 3/9/10 12:10 PM*

*The meeting room is available at 6<sup>30pm</sup> on 3-31-10*

*4m @ 1:07 PM*

**Sandy McDonald**

**From:** "Lyn Widmyer" <lynwidmyer@gmail.com>  
**To:** "Sandy Slusher McDonald" <sandy@jeffersoncountywv.org>  
**Cc:** "nsmoot" <nsmoot@journal-news.net>; "Richard Belisle" <richardb@herald-mail.com>; "Toni Milbourne" <toni@spiritofjefferson.com>  
**Sent:** Saturday, March 13, 2010 10:47 AM  
**Subject:** Announcement of Public meeting and review of regional transportation plan  
 For Immediate Release  
 Contact: Bob Gordon 240-313-2081

## NEWS RELEASE

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) has announced the availability of the Draft Long Range Transportation Plan (LRTP). The HEPMPO is a federally designated regional transportation Planning Organization that includes Washington County, MD; Berkeley and Jefferson Counties in WV; and a small portion of Franklin County, PA. The LRTP evaluates current and projected regional transportation needs for the tri-state region for the next twenty-five years. Conclusions developed from this study will impact future decisions on development and funding of projects related to highways, freight, bicycle and pedestrian facilities, and transit operations for both the short and long term planning periods.

Because portions of the regional planning area are part of EPA designated non-attainment areas for air quality standards, an Air Quality Analysis (AQA) has also been produced relating to the financially constrained projects identified in the LRTP. The public comment period for the AQA will run concurrent with the comment period for the LRTP.

Three identical public workshop meetings will be held throughout the region to introduce the draft documents, answer questions, and take comments. The meetings will be held from 7:00 pm to 8:30 pm at the following locations:

**Tuesday, March 30, 2010 – Berkeley County, WV** – Robert C. Byrd Health Sciences Building Auditorium, 2500 Foundation Way, Martinsburg, WV  
**Wednesday, March 31, 2010 – Jefferson County, WV** – Charles Town Library Conference Room, 200 E Washington St., Charles Town, WV  
**Thursday, April 1, 2010 – Washington County, MD** – University System of Maryland at Hagerstown, 32 West Washington Street, Second Floor, Hagerstown, MD

Copies of the draft LRTP and AQA are available on-line at the study website [www.hepmo.com](http://www.hepmo.com); on display at the Washington County Free Library, Martinsburg-Berkeley County Free Library, Charles Town Library, the three County Commission offices; and the City government offices; or electronic copies may be requested from the MPO offices located at 33 W. Washington Street, Suite 402, Hagerstown, MD 21740; Phone 240-313-2080. Business hours are 7:30 am to 4:00 pm.

The public comment period for the draft documents will begin on Tuesday, March 16, 2010 and end at 4:00pm EST on Friday, April 16, 2010. Questions and comments should be directed to Robert S. Gordon at 240-313-2081. Comments on the plan can be submitted on-line at [www.hepmo.com](http://www.hepmo.com).

#14

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

**AGENDA REQUEST FORM**

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 18, 2010

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

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Set date and time for public hearing for Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map 9, Parcel 37 and 37.2 regarding Bakerton and 340**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **to hold a public hearing on April 15, 2010 at 7:00 p.m. regarding a Zoning Map Amendment (Rezoning) for property designated as Tax District Harpers Ferry, Map 9, Parcel 37 and 37.2 - 340 and Bakerton**

**NOTICE OF PUBLIC HEARING  
ZONING MAP AMENDMENT**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (Rezoning) for property designated as Tax District Harpers Ferry, Map 9, Parcel 37 and 37.2 - 340 and Bakerton. The hearing will be held on Thursday, April 15, 2010, at 7:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

Anyone wishing to provide comment may do so at this meeting or by email at [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

**By Order of The County  
Commission of Jefferson County  
Lyn Widmyer, President**

# 16 A

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

**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:** 18 March 2010

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

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

**Subject:** Budget Revision 00C

**Please provide the County Commission with a description of your request or presentation, including any background information:** Several small budget revisions are proposed as part of BR 00C. This is an internal set of revisions which do not require involvement of the State Auditor's Office.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** I move to approve the revisions to the General Fund budget as presented in the attached materials.

**Attachments:** Memorandum outlining specifics of revisions. Supplementary materials documenting the need for revisions.

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

F. Mark Schiavone  
 Director  
 Impact Fee Coordinator

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

**MEMORANDUM**

TO: County Commission  
 FROM: F. Mark Schiavone  
 DATE: Thursday, March 11, 2010  
 SUBJECT: Budget Revision 00C

The following revisions to the General Fund are proposed. In all cases the revision does not affect a department total and therefore do not require involvement of the State Auditor's Office.

| Department      | Revision                                                                                                                                                                                                                                   | Reason                                                                                   |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 424 Cap't Plann | (1) Reduce contracted services \$2,200<br>(1) Increase materials/supplies \$2,200                                                                                                                                                          | Purchase dedicated photocopier.                                                          |
| 439 Planning    | (1) Reduce salary/wages \$4,000<br>(1) Increase overtime \$4,000<br>(2) Reduce Printing \$5,000<br>(2) Increase Maintenance/repair of equipment by \$5,000<br>(3) Reduce computer software \$3,000<br>(3) Increase Material/Supply \$3,000 | See attached note from Department Head                                                   |
| 428 Data        | (1) Reduce Professional Services \$25,000<br>(2) Increase Main/Rep Equip \$25,000                                                                                                                                                          | This line was under funded in FY 2010 and the FY2009 ACS bill wasn't paid until FY 2010. |
| 451 Zoning      | Reduce Contracted Services \$1,000<br>Increase Court Cost/Damages \$1,000                                                                                                                                                                  | To accommodate a court-ordered payment of \$1,000.                                       |
| 428 Data        | (1) Reduce Contracted Services \$2,700<br>(1) Increase Computer Software \$2,700                                                                                                                                                           | Already approved 25 Feb 10.                                                              |

**F. Mark Schiavone**

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Tuesday, March 02, 2010 6:24 PM  
**To:** 'F. Mark Schiavone'  
**Cc:** 'Julia Quodala'  
**Subject:** proposed amendment to FY10 Zoning Budget

Mark –

Attached is a proposed amendment to the Zoning Budget for FY 2010. As you know, we have been ordered to pay \$1,000 in legal costs on a court case. The proposed amendment recommends transferring \$1,000 from “Contracted services” to “court Costs/Damages”. This is necessary so that this bill can be paid out of the appropriate line item.

Please let me know if you need anything else.

Thanks

Jennie

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

| Account Number            | Description               | 2010 Budget as Amended (7/23/09) | Requested Transfers | Requested Amendment 03/02/10 |
|---------------------------|---------------------------|----------------------------------|---------------------|------------------------------|
| 001-451-01-103-000-GG-000 | ZONING SALARY AND WAGES   | 77,170.00                        |                     | 77,170.00                    |
| 001-451-01-104-000-GG-000 | ZONING FICA EXPENSE       | 4,784.54                         |                     | 4,784.54                     |
| 001-451-01-104-001-GG-000 | ZONING MEDICARE EXPENSE   | 1,118.97                         |                     | 1,118.97                     |
| 001-451-01-105-000-GG-000 | ZONING GROUP INSURANCE    | 28,495.00                        |                     | 28,495.00                    |
| 001-451-01-106-000-GG-000 | ZONING RETIREMENT         | 8,488.70                         |                     | 8,488.70                     |
| 001-451-01-108-001-GG-000 | ZONING OVERTIME           | 0.00                             |                     | 0.00                         |
| 001-451-01-108-002-GG-000 | ZONING PTIME/EXTRA HELP   | 0.00                             |                     | 0.00                         |
|                           |                           | <u>120,057.21</u>                |                     | <u>120,057.21</u>            |
| 001-451-02-212-000-GG-000 | ZONING PRINTING           | 3,000.00                         |                     | 3,000.00                     |
| 001-451-02-214-000-GG-000 | ZONING TRAVEL             | 1,000.00                         |                     | 1,000.00                     |
| 001-451-02-216-000-GG-000 | ZONING MAIN/REP EQUIPMENT | 500.00                           |                     | 500.00                       |
| 001-451-02-217-000-GG-000 | ZONING MAIN/REP AUTO      | 0.00                             |                     | 0.00                         |
| 001-451-02-218-000-GG-000 | ZONING POSTAGE            | 0.00                             |                     | 0.00                         |
| 001-451-02-219-000-GG-000 | ZONING BLDG/EQUIP RENTS   | 0.00                             |                     | 0.00                         |
| 001-451-02-220-000-GG-000 | ZONING ADS/LEGAL PUBS     | 3,000.00                         |                     | 3,000.00                     |
| 001-451-02-221-000-GG-000 | ZONING TRAIN/EDUCATION    | 1,000.00                         |                     | 1,000.00                     |
| 001-451-02-222-000-GG-000 | ZONING DUES/SUBSCRIPTIONS | 500.00                           |                     | 500.00                       |
| 001-451-02-223-000-GG-000 | ZONING PROFESSIONAL SVCS  | 1,000.00                         |                     | 1,000.00                     |
| 001-451-02-229-000-GG-000 | ZONING COURT COST/DAMAG   | 0.00                             | +1,000.00           | 1,000.00                     |
| 001-451-02-230-000-GG-000 | ZONING CONTRACTED SERVCS  | 1,000.00                         | -1,000.00           | 0.00                         |
| 001-451-02-240-000-GG-000 | ZONING-REFUNDS/REIMBURSMT | 0.00                             |                     | 0.00                         |
|                           |                           | <u>11,000.00</u>                 |                     | <u>11,000.00</u>             |
| 001-451-03-341-000-GG-000 | ZONING MATERIAL/SUPPLY    | 2,000.00                         |                     | 2,000.00                     |
| 001-451-03-343-000-GG-000 | ZONING AUTO SUPPLIES      | 0.00                             |                     | 0.00                         |
| 001-451-03-353-000-GG-000 | ZONING COMPUTER SOFTWARE  | 1,000.00                         |                     | 1,000.00                     |
|                           |                           | <u>3,000.00</u>                  |                     | <u>3,000.00</u>              |
| 001-451-04-459-000-CP-000 | ZONING CAP/OUTLAY-EQUIP   | 2,000.00                         |                     | 2,000.00                     |
|                           |                           | <u>2,000.00</u>                  |                     | <u>2,000.00</u>              |
|                           | <b>451 TOTALS</b>         | <b>136,057.21</b>                |                     | <b>136,057.21</b>            |

**F. Mark Schiavone**

**From:** Jennifer Brockman [jbrockman@jeffersoncountywv.org]  
**Sent:** Monday, March 01, 2010 5:38 PM  
**To:** mschiavone@jeffersoncountywv.org  
**Cc:** 'Julia Quodala'  
**Subject:** FY10 proposed budget amendment

Mark –

I spoke to you a number of months ago about my concern about being over-budget on certain line items. Attached is my proposed amendment to this year's (FY 2010) Planning Department budget to correct this issue. If you would like the proposed changes formatted in another way, please let me know.

My basic issues are as follows:

- 1) Planning Overtime (001-439-01-108-001-GG-000) is over budget, in part, because when we were short staffed, hourly staff members were working more overtime and, in part, because as we have been training new staff, multiple people have been required to attend after hours meetings, doubling the need for overtime on those dates. In addition, Zoning overtime has been coming out of the Planning budget (this has been changed in the FY 2011 budget). Because Seth was not hired until September, there should adequate funds in the Planning Salary and Wages (001-439-01-103-000-GG-000) line item this year to allow the transfer of \$4,000 to cover this budget deficit.
- 2) Planning Maintenance and Repair (001-439-02-216-000-GG-000) is over-budget because of the number of copies that were required during our zoning ordinance outreach in the fall 2009 and color copies required during the on-going subdivision regulations amendments. Because we did not do these copies out of office, the Planning Printing budget (001-439-02-212-000-GG-000) has sufficient funds to transfer \$5,000 to Maintenance and Repair.
- 3) Historically, computer equipment and major supplies have been taken out of Capital/Outlay-Equipment. We have been informed that these items should come out of Planning Material and Supplies. The high turnover of staff has resulted in the need for new or upgraded equipment – computers and printers. The Planning Computer Software line item has more budgeted than is likely to be needed. Therefore the request is to transfer \$3,000 from Computer Software (001-439-03-353-000-GG-000) to Planning Materials/Supply (001-439-03-341-000-GG-000).

If you need anything else, please let us know. Do I need to put this on the CC agenda or will you handle that?

Thanks  
 Jennie

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

| Account Number            | Description               | 2010 Budget as amended<br>(7/23/09) | Requested Transfers | Requested Amendment<br>03/01/10 |
|---------------------------|---------------------------|-------------------------------------|---------------------|---------------------------------|
| 001-439-01-103-000-GG-000 | PLANNING SALARY AND WAGES | 226,000.00                          | -4,000.00           | 222,000.00                      |
| 001-439-01-104-000-GG-000 | PLANNING FICA EXPENSE     | 14,105.00                           |                     | 14,105.00                       |
| 001-439-01-104-001-GG-000 | PLANNING MEDICARE EXPENSE | 3,298.75                            |                     | 3,298.75                        |
| 001-439-01-105-000-GG-000 | PLANNING GROUP INSURANCE  | 66,458.50                           |                     | 66,458.50                       |
| 001-439-01-106-000-GG-000 | PLANNING RETIREMENT       | 25,025.00                           |                     | 25,025.00                       |
| 001-439-01-108-001-GG-000 | PLANNING OVERTIME         | 1,500.00                            | +4000.00            | 5,500.00                        |
| 001-439-01-108-002-GG-000 | PLANNING PTIME/EXTRA HELP | 0.00                                |                     | 0.00                            |
|                           |                           | <u>336,387.25</u>                   |                     | <u>336,387.25</u>               |
| 001-439-02-212-000-GG-000 | PLANNING PRINTING         | 9,000.00                            | -5,000.00           | 4,000.00                        |
| 001-439-02-214-000-GG-000 | PLANNING TRAVEL           | 5,000.00                            |                     | 5,000.00                        |
| 001-439-02-216-000-GG-000 | PLANNING MAIN/REP EQUIPMT | 3,000.00                            | +5,000.00           | 8,000.00                        |
| 001-439-02-217-000-GG-000 | PLANNING MAIN/REP AUTOS   | 0.00                                |                     | 0.00                            |
| 001-439-02-218-000-GG-000 | PLANNING POSTAGE          | 0.00                                |                     | 0.00                            |
| 001-439-02-219-000-GG-000 | PLANNING BLDG/EQUIP RENTS | 0.00                                |                     | 0.00                            |
| 001-439-02-220-000-GG-000 | PLANNING ADS/LEGAL PUBS   | 4,000.00                            |                     | 4,000.00                        |
| 001-439-02-221-000-GG-000 | PLANNING TRAIN/EDUCATION  | 5,000.00                            |                     | 5,000.00                        |
| 001-439-02-222-000-GG-000 | PLANNING DUES/SUBSCRIPTNS | 4,000.00                            |                     | 4,000.00                        |
| 001-439-02-223-000-GG-000 | PLANNING PROFESSIONAL SVC | 28,000.00                           |                     | 28,000.00                       |
| 001-439-02-229-000-GG-000 | PLANNING COURT COST/DAMAG | 0.00                                |                     | 0.00                            |
| 001-439-02-230-000-GG-000 | PLANNING CONTRACTED SVCS  | 2,000.00                            |                     | 2,000.00                        |
| 001-439-02-236-000-GG-000 | PLANNING REFUND ERROR PYT | 0.00                                |                     | 0.00                            |
|                           |                           | <u>60,000.00</u>                    |                     | <u>60,000.00</u>                |
| 001-439-03-341-000-GG-000 | PLANNING MATERIAL/SUPPLY  | 5,000.00                            | +3,000.00           | 8,000.00                        |
| 001-439-03-343-000-GG-000 | PLANNING AUTO SUPPLIES    | 0.00                                | 0.00                | 0.00                            |
| 001-439-03-353-000-GG-000 | PLANNING COMPUTER SFTWRE  | 4,000.00                            | -3,000.00           | 1,000.00                        |
|                           |                           | <u>9,000.00</u>                     |                     | <u>9,000.00</u>                 |
| 001-439-04-459-000-CP-000 | PLANNING CAP/OUTLAY-EQUIP | 10,000.00                           |                     | 10,000.00                       |
|                           |                           | <u>10,000.00</u>                    |                     | <u>10,000.00</u>                |
|                           | <b>439 TOTALS</b>         | <b>415,387.25</b>                   |                     | <b>415,387.25</b>               |

REPORT DATE 03/11/2010  
 SYSTEM DATE 03/11/2010  
 FILES ID A

JEFFERSON COUNTY COMMISSION  
 GENERAL FUND  
 EXPENDITURE LEDGER

PAGE 1  
 TIME 09:48:54  
 USER MSCHIAVONE

| ACCOUNT NUMBER/DESCRIPTION                         | POST | JRNL. | TRANS | REF.   | VENDOR | CHECK  | TRANSACTION DESCRIPTION    | DEBIT    | CREDIT | BALANCE  |
|----------------------------------------------------|------|-------|-------|--------|--------|--------|----------------------------|----------|--------|----------|
| --TRANSACTION--                                    | DATE | NO.   | DATE  | NUMBER | NUMBER | NUMBER | VENDOR NAME                |          |        |          |
| * BEGINNING BALANCE                                |      |       |       |        |        |        |                            |          |        | .00      |
| 001-428-02-216-000-GG-000 DATA PROC MAIN/REP EQUIP |      |       |       |        |        |        |                            |          |        |          |
| VR 7925842 -001 07/2009 04213 07/06/2009 7925842   |      |       |       |        | 18033  | 059230 | OPTCL LIBRARY DATASERVER   | 1338.00  |        |          |
|                                                    |      |       |       |        |        |        | IBM CORPORATION            |          |        |          |
| VR 427915 -001 08/2009 04230 07/28/2009 427915     |      |       |       |        | 10069  | 059362 | MAINT B/A/DASH/ASSETS/PSA  | 11689.91 |        |          |
|                                                    |      |       |       |        |        |        | ACS GOVERNMENT SYSTEMS     |          |        |          |
| VR 447660 -001 09/2009 04269 09/18/2009 447660     |      |       |       |        | 10069  | 059725 | MAINT B/A/DASH/ASSETS/PSA  | 11923.70 |        |          |
|                                                    |      |       |       |        |        |        | ACS GOVERNMENT SYSTEMS     |          |        |          |
| VR 0926675 -001 10/2009 04294 10/06/2009 0926675   |      |       |       |        | 18033  | 059971 | OPTICAL LIBRARY DATASERVER | 1338.00  |        |          |
|                                                    |      |       |       |        |        |        | IBM CORPORATION            |          |        |          |
| VR SI9617 -001 11/2009 04321 11/02/2009 SI9617     |      |       |       |        | 28017  | 060184 | LYR MAINT HARD/SOFTWARE    | 15093.49 |        |          |
|                                                    |      |       |       |        |        |        | SOFTWARE SYSTEMS, INC      |          |        |          |
| VR 7904997 -001 11/2009 04321 07/06/2009 7904997   |      |       |       |        | 18000  | 060152 | MAINT LINE MATRIX PRINTER  | 283.80   |        |          |
|                                                    |      |       |       |        |        |        | INFOPRINT                  |          |        |          |
| VR 1027066 -001 01/2010 04366 01/03/2010 1067066   |      |       |       |        | 18033  | 060637 | OPTICAL LIBRARY DATASERVER | 1338.00  |        |          |
|                                                    |      |       |       |        |        |        | IBM CORPORATION            |          |        |          |
| TOTAL VOUCHERS PAYABLE                             |      |       |       |        |        |        |                            | 43004.90 | .00    |          |
| TOTAL DATA PROC MAIN/REP EQUIP                     |      |       |       |        |        |        |                            | 43004.90 | .00    |          |
| ** ACCOUNT TOTALS                                  |      |       |       |        |        |        |                            | 43004.90 | .00    |          |
| *** ENDING BALANCE                                 |      |       |       |        |        |        |                            |          |        | 43004.90 |
| * BEGINNING BALANCE                                |      |       |       |        |        |        |                            |          |        | .00      |
| TOTAL LEDGER BEGINNING BALANCE                     |      |       |       |        |        |        |                            |          |        | .00      |
| TOTAL PERIOD TRANSACTIONS & ENDING BALANCE         |      |       |       |        |        |        |                            | 43004.90 | .00    | 43004.90 |

REPORT DATE 03/11/2010  
 SYSTEM DATE 03/11/2010  
 FILES ID A

JEFFERSON COUNTY COMMISSION  
 LEDGER

PAGE 2  
 TIME 09:48:54  
 USER MSCHIAVONE

SUMMARY PAGE INFORMATION

ERRORS DETECTED: 0  
 END OF REPORT

#16 B

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

**Name:** F. Mark Schiavone

**Department or Entity:** DCPM

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

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

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

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

**Subject:** Request to amend FY 2010 CIP for the Board of Education

**Please provide the County Commission with a description of your request or presentation, including any background information:** The current FY 2010 CIP for the BOE lists a project as County-Wide Expansion of School Facilities. The requested amount of funding for FY 2010 was \$750,000. A series of expansion projects were approved by the SBA and the local share, funded by impact fees, exceeds this amount. The total request for funding for this year, using impact fees, comes to \$2,700,000. This request will permit expansion at South Jefferson and Blue Ridge Elementary schools. This request is supported by the Impact Fee Coordinator.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** I move to amend the FY 2010 CIP for the Board of Education by increasing the current year request for the project listed as County-Wide Expansion of School Facilities from the original amount of \$750,000 to \$2,700,000.

**Attachments:** Letter from Superintendent Susan Wall dated 5 March 2010.

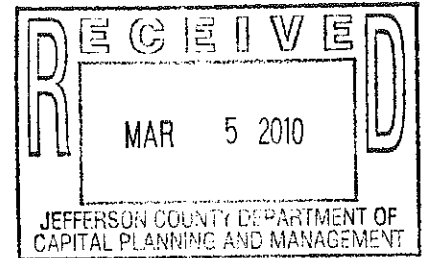
# Jefferson County Schools

110 Mordington Avenue  
Charles Town, WV 25414  
(304) 725-9741  
(304) 724-5311 Fax

Superintendent:  
Susan K. Wall

Board Members:  
Peter Dougherty, Pres.  
Gary Kable, Vice Pres.  
Mariland Lee  
Alan Sturm  
Scott Sudduth

March 5, 2010



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

Dear Mr. Schiavone:

The Jefferson County Board of Education requests that the current FY 2010 CIP be amended to change the request line for the project listed as Countywide Expansion of School Facilities from the amount of \$750,000 to \$2,700,000 to sufficiently fund the project request.

We look forward to continuing a productive and cooperative relationship with the Jefferson County Commission.

Sincerely,

Susan K. Wall  
Superintendent

SKW/mt

# K C

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

**AGENDA REQUEST FORM**

**Name:** F Mark Schiavone

**Department or Entity:** DCPM

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

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

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

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

**Subject:** Revision 002 of Coal Severance Fund (002)

**Please provide the County Commission with a description of your request or presentation, including any background information:** When the Coal Severance Fund was initially revised in July 2009, the \$80,000 grant reimbursement was inadvertently subtracted from the expected FY 2010 project cost. This has resulted in the line used to fund this project being overextended even though the project is essentially on budget. Recommend moving \$40,000 from Dept 401 to Dept 986 – both are County Commission departments.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** Move to approve the resolution to revise the Coal Severance Fund. This would be the second revision to that fund.

**Attachments:** Request for Revision to Approved Budget (SAO office)

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

Fax: 627-2417

Person To Contact Regarding  
 Budget Revision:

**F. Mark Schiavone**

Phone: **(304) 728-3337**  
 Fax: **(304) 724-2178**

**REQUEST FOR REVISION TO APPROVED BUDGET**

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

Jefferson County Commission  
 GOVERNMENTAL ENTITY

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

Charles Town 25414  
 CITY ZIP CODE

CONTROL NUMBER

**2010**  
 FY  
**002**  
 FUND  
**2**  
 REV. NO.  
**1**  
 PG. OF NO.

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

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | APPROVED AMOUNT | DEBIT (INCREASE) | CREDIT (DECREASE) | REVISED AMOUNT |
|----------------|---------------------|-----------------|------------------|-------------------|----------------|
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |

NET INCREASE/(DECREASE) Revenues

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

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | APPROVED AMOUNT | DEBIT (DECREASE) | CREDIT (INCREASE) | REVISED AMOUNT |
|----------------|---------------------|-----------------|------------------|-------------------|----------------|
| 401            | County Commission   | 193,483         | 40,000           |                   | 153,483        |
| 986            | Co Comm Cap/Outlay  | 275,000         |                  | 40,000            | 315,000        |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |
|                |                     |                 |                  |                   |                |

NET INCREASE/(DECREASE) Expenditures

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

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

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

RESOLUTION

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

SUBJECT: The revision of the Coal Severance (Fund 002) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 002, a copy of which is entered as part of this record.

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

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

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

**Nichelle Hosby**

---

**From:** Shawna Molina [jccoadirector@frontiernet.net]  
**Sent:** Monday, March 08, 2010 11:21 AM  
**To:** nhosby@jeffersoncountywv.org  
**Cc:** mhosby@jeffersonCountywv.org  
**Subject:** Jefferson County Council on Aging, Budget meeting with Commission

Greetings,  
Could you please schedule a Commission meeting for me to present the JCCOA proposed funding request to the Commission? Thank you in advance

*Shawna Molina, CPRP  
Executive Director  
Jefferson County Council on Aging  
www.jccoa.org  
(304) 724-7110 (office)  
(304) 725-9500 (fax)*

The information is intended to be for the use of the individual or entity named above and therefore not shared. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify me by telephone at (304) 724-7110 immediately.

Commission Office Use Only

#20 A

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 18, 2010

Date Requested – 2<sup>nd</sup> Choice: March 25, 2010

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

**Our current copier is on its last legs. The new copier is to be delivered upon receipt of the lease agreement. The old copier will be used as a trade-in.**

Subject: **New Lease Agreement for color copier for Departments of Planning and Zoning**

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

**Departments of Planning and Zoning require a new color copier for all daily activities. Lease agreement needs approval prior to delivery of copier.**

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

**I move to approve the attached lease agreement for the acquisition of a new copier for the Departments of Planning and Zoning. I further authorize the disposition of the old copier as a trade-in.**

Attachments:

**Proposed Lease Agreement  
Proposed Equipment Removal Tag**

CERT # 000823

Tape to  
Trade-In Unit



## Equipment Removal Tag

**Customer Name:** COUNTY OF JEFFERSON DEPT OF PLANNING &  
**Location:** Zoning 2nd Fl  
116 E Washington St  
Charles Town, WV 25414-1004

### *Instructions*

Tape this form to the following Trade-In Unit:

**Manufacturer:** Canon  
**Model:** Imagerunner C3220  
**ERC Code:** 67A

### **Please prepare the unit for pick-up as follows:**

- Remove Toner / Developer from the unit
- Disconnect Sorter / Finisher
- Consolidate all accessories that will accompany the unit during shipment
- De-install from the network, if connected
- Confirm that all accessories are owned and may be traded

**Note:** *Attach a copy of this form to all accessories*

#### Authorized Signature

Xerox or its agent is hereby authorized to remove the equipment identified herein.

Signer: \_\_\_\_\_

Telephone: (304)724-6291

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

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

#### CAUTION

Xerox will **NOT**  
remove  
non-Xerox  
equipment  
without this tag.

# Lease Agreement



Customer: JEFFERSON, COUNTY OF

BillTo: COUNTY OF JEFFERSON  
 DEPT OF PLANNING &  
 Zoning 2nd Fl  
 116 E Washington St  
 Charles Town, WV 25414-1004  
 Negotiated Contract : 071700600

Install: COUNTY OF JEFFERSON  
 DEPT OF PLANNING &  
 Zoning 2nd Fl  
 116 E Washington St  
 Charles Town, WV 25414-1004

## Solution

| Item       | Product Description                                                                                                | Agreement Information                         | Trade Information                              | Requested Install Date |
|------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------|------------------------|
| 1. 3CQ9201 | <b>(3 MTR COLORQUBE 9201)</b><br>- 3hole Punch-ofc Fin<br>- Office Finisher<br>- Customer Ed<br>- Analyst Services | Lease Term: 60 months<br>Purchase Option: FMV | - Canon Imagerunner C3220<br>Trade-In to Xerox | 3/12/2010              |

## Monthly Pricing

| Item       | Lease<br>Minimum Payment | Print Charges                                 |                                        |                                  | Maintenance Plan Features                                                 |
|------------|--------------------------|-----------------------------------------------|----------------------------------------|----------------------------------|---------------------------------------------------------------------------|
|            |                          | Meter                                         | Volume Band                            | Per Print Rate                   |                                                                           |
| 1. 3CQ9201 | \$396.47                 | 1: BW CLR<br>2: CLR LVL2<br>3: CLR LVL3       | All Prints<br>All Prints<br>All Prints | \$0.0060<br>\$0.0290<br>\$0.0790 | - Consumable Supplies Included for all prints<br>- Pricing Fixed for Term |
| Total      | \$396.47                 | Minimum Payments (Excluding Applicable Taxes) |                                        |                                  |                                                                           |

## Authorized Signature

Customer acknowledges receipt of the terms of this agreement which consists of 2 pages including this face page.

Signer: \_\_\_\_\_

Phone: (304)724-6291

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

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

Thank You for your business!  
 This Agreement is proudly presented by Xerox and

**Gary Chrisman**  
 (540)662-2400

For information on your Xerox Account, go to  
[www.xerox.com/AccountManagement](http://www.xerox.com/AccountManagement)



## Terms and Conditions

**INTRODUCTION:**

**1. NEGOTIATED CONTRACT.** The Products are subject solely to the terms in the Negotiated Contract identified on the face of this Agreement, and, for any option you have selected that is not addressed in the Negotiated Contract, the then-current standard Xerox terms for such option.

**PRICING PLAN/OFFERING SELECTED:**

**2. FIXED PRICING.** If "Pricing Fixed for Term" is identified in Maintenance Plan Features, the maintenance component of the Minimum Payment and Print Charges will not increase during the initial Term of this Agreement.

**GENERAL TERMS & CONDITIONS:**

**3. REMOTE SERVICES.** Certain models of Equipment are supported and serviced using data that is automatically collected by Xerox from the Equipment via electronic transmission from the Equipment to a secure off-site location. Examples of automatically transmitted data include product registration, meter read, supply level, Equipment configuration and settings, software version, and problem/fault code data. All such data shall be transmitted in a secure manner specified by Xerox. The automatic data transmission capability will not allow Xerox to read, view or download the content of any Customer documents residing on or passing through the Equipment or Customer's information management systems.

**4. COLORQUBE EQUIPMENT.**

A. ColorQube Equipment identified in the Agreement will have one of the following billing plans:

i. A Tier 2 plan is billed using two meters, each with a **different** Print Charge or Charge per Impression. The meter identified as "BW CLR" counts (i) black and white impressions and (ii) color impressions that have up to 286,000 color pixels (also referred to as Useful Color). The meter identified as "CLR LVL2" counts color impressions with more than 286,000 color pixels.

ii. A Tier 3 plan is billed using three meters, each with a **different** Print Charge or Charge per Impression. The meter identified as "BW CLR" counts (i) black and white impressions and (ii) color impressions that have up to 286,000 color pixels (also referred to as Useful Color). The meter identified as "CLR LVL2" counts color impressions with more than 286,000 color pixels and up to 1,900,000 color pixels (also referred to as Everyday Color). The meter identified as "CLR LVL3" counts color impressions with more than 1,900,000 color pixels (also referred to as Expressive Color).

B. The ColorQube Equipment automatically determines the color pixel count for each impression and records the impression on the appropriate meter.

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

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 18, 2010

Date Requested – 2<sup>nd</sup> Choice: March 25, 2010

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

**N/A**

Subject: **\$100 Refund request for Peter Corum in regards to Town Run Commons variance request.**

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

**11/17/09 – Peter Corum submitted a variance and paid the \$100 fee for Twin Oaks Subdivision (Town Run Commons). The fee should not have been accepted due to the Conditional Use Permit having expired.**

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

**I move to refund the \$100 fee to Peter Corum for the Town Run Commons variance.**

Attachments:

Copy of receipt given to Peter Corum at the time the fee was accepted.

TOPS FORM 48616

**RECEIPT**

DATE 11-17-09

NO. 3408

RECEIVED FROM Twin Oaks Subdivision

ADDRESS \_\_\_\_\_  
One hundred \_\_\_\_\_<sup>00/100</sup> DOLLARS \$ 10000

FOR Variance Request PC Mtg 12-8-09  
ck #2301

| ACCOUNT         |  | HOW PAID    |              |
|-----------------|--|-------------|--------------|
| AMT. OF ACCOUNT |  | CASH        |              |
| AMT. PAID       |  | CHECK       | <u>10000</u> |
| BALANCE DUE     |  | MONEY ORDER |              |

BY Mary P. [Signature]

*CRP*

**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**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Coverage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Surety Bonds</b></p> <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>                                                                                                                                                                                                                                                         | <p><b>Bank Letters of Credit</b></p> <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>                                                                                                                                                                                                                           |
| <b>Claims</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Surety Bonds</b></p> <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> | <p><b>Bank Letters of Credit</b></p> <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 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 undisbursed \$ \_\_\_\_\_, 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

# SIO

## 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.*



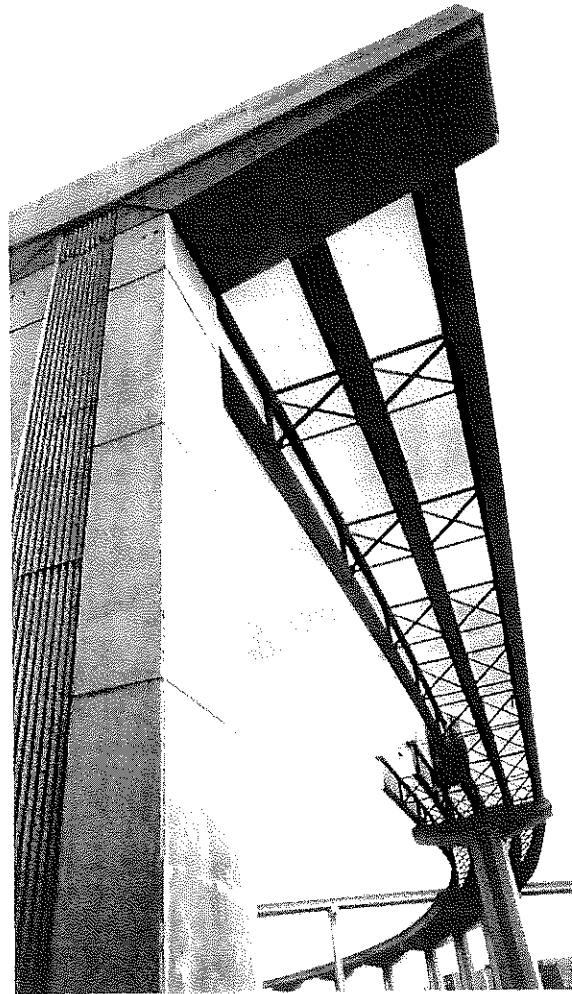
## National Association of Surety Bond Producers (NASBP)

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:

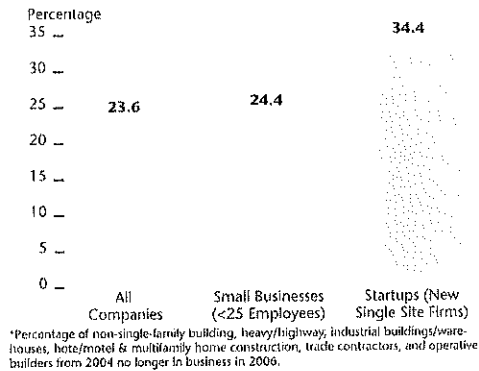
- Good references and reputation;
- The ability to meet current and future obligations;
- The experience matching the contract requirements;
- The necessary equipment to do the work or the ability to obtain it;
- The financial strength to support the desired work program;
- An excellent credit history;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



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").

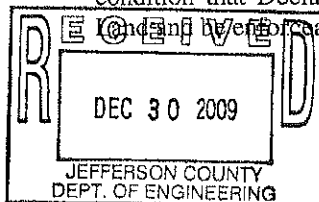
**WHEREAS**, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in **Exhibit A** attached hereto (the "Land"); and

**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



**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]

**Sandy McDonald**

---

**From:** "Roger Goodwin" <rgoodwin@jeffersoncountywv.org>  
**To:** "Becky Burns" <bburns@jeffersoncountywv.org>  
**Cc:** "Sandy McDonald" <sandy@jeffersoncountywv.org>; "Jefferson County Engineering Dept." <engineering@jeffersoncountywv.org>; "Roger Goodwin, Chief County Engineer" <rgoodwin@jeffersoncountywv.org>  
**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>. *The 4th does not allow enough time for advertisement*

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

#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,

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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

#21 C

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 18, 2010

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

If a specific date is needed, please provide reason for specific date: Since I am already scheduled to appear before the Commission on other issues would like to present this to them at this time as well.

Subject: Groundwater Resources Study Project.

Please provide the County Commission with a description of your request or presentation, including any background information: To garner input from the Commission on the RFQ for the Groundwater Resources Study Project.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move acceptance of the Request For Qualifications and Timeline for the Groundwater Resources Study Project as submitted by Mr. Goodwin via his memo dated March 18, 2010.

Attachments: 3/18/2010 Memorandum with Timeline and RFQ attached.

## MEMORANDUM

### Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission

FROM: Roger Goodwin  
Chief County Engineer

DATE: March 18, 2010

SUBJECT: Groundwater Resources Study Project

Attached is the draft Request for Qualifications for the Groundwater Resources Study. The intent of the study is to identify the extent of groundwater resources available for residential and commercial use in Jefferson County and to establish a "water budget". Please review the scope of work and provide me with any comments or revisions by Monday, March 22<sup>nd</sup>.

The selection process for obtaining an Engineering firm to perform the study is controlled by West Virginia state code, *Chapter 5G, "Procurement of Architect-Engineer Services by State and Its Subdivisions"*. Since the anticipated cost of the project is less than \$250,000, the process may follow Section 5G-1-4 (copy attached). A tentative timeline based on this process is as follows on the next page:

**Groundwater Resources Study Project  
Timeline as of 03/02/2010**

|     | Item                                                                                       | Date                          |
|-----|--------------------------------------------------------------------------------------------|-------------------------------|
| 1.  | Finalize the Request for Qualifications.                                                   | March 30, 2010                |
| 2.  | Submit RFQ to newspaper for advertising.                                                   | April 4 <sup>th</sup> – 9th   |
| 3.  | RFQ ad runs in newspapers.                                                                 | April 12 <sup>th</sup> - 16th |
| 4.  | Pre-RFQ submission meeting with Engineering firms.                                         | April 21st                    |
| 5.  | RFQ submittal deadline.                                                                    | April 30th                    |
| 6.  | Distribute RFQ submissions for review & evaluation.                                        | May 3rd                       |
| 7.  | Evaluate & select 3 firms to submit proposals.                                             | May 5th                       |
| 8.  | Contact the 3 engineering firms and schedule a scope of work meeting.                      | May 7 <sup>th</sup>           |
| 9.  | Meet with the 3 firms and finalize scope of work.                                          | May 14th                      |
| 10. | Proposal and price due from engineering firms selected.                                    | May 21st                      |
| 11. | County Commission review of proposal/contract and price; select firm and approve contract. | June 6th                      |
| 12. | Execute contract documents                                                                 | June 10th                     |
| 13. | Send "Notice to Proceed" to engineering firm                                               | June 15th                     |

I am planning on running the Request for Qualifications advertisement on the County's web page and in the following newspapers:

- Spirit of Jefferson
- Martinsburg Journal
- Morgantown Dominion Post
- Charleston Gazette

**REQUESTS FOR QUALIFICATIONS**  
**County Commission of Jefferson County, West Virginia**  
**Request for Professional Engineering Services**  
**Groundwater Resources Study**

**DRAFT**  
**03/18/2010**

The County Commission of Jefferson County is accepting Statements of Qualification from interested qualified professional engineering consulting firms detailing the firm's qualifications, technical expertise, management and staffing capabilities, references, and related prior experience for the purpose of selecting a firm to perform a county-wide groundwater study with the intent of identifying the extent of groundwater resources available for residential and commercial use in Jefferson County. The scope of work includes, but is not limited to, the following:

- An assessment of what related studies, reports and data already exist that provides useful information that can be incorporated into this study and report; and what additional information needs to be obtained to make a county-wide assessment of Jefferson County's groundwater resources.
- Review groundwater information and data that is available from the West Virginia Department of Environmental Protection and information available in a report prepared by Golder Associates.
- Provide mapping of groundwater resource features based on aerial and topographical maps.
- Develop a water budget that shows the total estimated groundwater resources available and the current demands and the excess capacity that exists to serve future residential and commercial development.
- Identify any water quality issues that may affect future utilization of groundwater resources.
- Identify any legal/environmental/regulatory issues that affect future utilization of groundwater resources.
- Provide the applicable standards utilized in the study.
- Provide a written report/analysis with a summary of the findings and guidance on future utilization of groundwater resources for residential and commercial development.

The total cost of the project is anticipated to be less than \$250,000. Therefore, procurement of professional services will be in accordance with West Virginia Code 5G-1-4, et seq. Interested firms shall submit eight copies of their qualifications to:

Jefferson County Engineering Department  
116 East Washington Street, Suite 100  
P.O. Box 716  
Charles Town, WV 25414

All requested information is to be submitted by 3:00 pm, Friday, April 30, 2010.

A meeting for prospective engineering firms will be held at 10:00 am, on Wednesday, April 21, 2010, at the offices of the Jefferson County Engineering Department, 116 East Washington Street, Suite 100, Charles Town, West Virginia. The purpose of the meeting is to give firms the

opportunity to ask questions about the project to aid in preparation of their Qualifications Statement.

Attention is directed to the fact that the proposed study may be undertaken with public funding and all work will be performed in accordance with regulations of all public agencies including Jefferson County, West Virginia, the State of West Virginia, and the federal government.

The County Commission of Jefferson County shall conduct discussions with three or more professional firms solicited on the basis of known or submitted qualifications for the assignment prior to the awarding of any contract. The County Commission of Jefferson County shall evaluate the statements of qualifications and performance data and other material submitted by the interested firms and select a minimum of three firms which, in their opinion, are best qualified to perform the desired services. The County Commission will then meet with the three firms to finalize the scope of services; and then receive proposals and prices from the three firms for completing the scope of services. The selection of a firm will be based on consideration of both qualifications and a fee determined to be fair and reasonable.

The County Commission of Jefferson County will afford full opportunity to women-owned and minority business enterprises to submit a show of interest in response to this request and will not discriminate against any interested firm or individual on the grounds of race, creed, color, sex, age, handicap, or national origin in the award of this contract.

The County Commission of Jefferson County reserves the right to accept or reject any and/or all qualification statements/proposals and to waive any minor impropriety in the selection process.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 25, 2010, or as soon thereafter as the Commission may decide:

**Jefferson County Planning Commission - Three 3-year terms ending March 31, 2013**

**Jefferson County Planning Commission - One unexpired term ending March 31, 2011**

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.

## NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 25, 2010, or as soon thereafter as the Commission may decide:

Jefferson County Development Authority - Four 3-year terms ending April 5, 2013

One Represents County Commission  
One Represents Bolivar  
One Represents Ranson  
One Represents Harpers Ferry

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.

**Sandy McDonald**

---

**From:** "georgia dubose" <georgiad@citlink.net>  
**To:** <FBerryMorgan@aol.com>; "Jim Surkamp" <jim@jimsurkamp.net>  
**Sent:** Thursday, March 04, 2010 8:47 PM  
**Subject:** FW: Homelessness Meeting Re-Scheduled  
 Frances,

Could you kindly circulate this to the other county commissioners, not listed above? I do not have their emails. Thanks,

Georgia+

---

**From:** georgia dubose [mailto:georgiad@citlink.net]  
**Sent:** Thursday, March 04, 2010 8:14 PM  
**To:** 'Richard Kroll'; 'Bob Sabath'; 'Donnie Jane Cardwell'; 'duboserw@citlink.net'; 'dkrickbaum@aol.com'; 'Dan VanBelleghem'; 'Dee-Ann Dixon'; 'Fraim, Betty and Doug'; 'dknupp@hospiceotp.org'; 'Evelyn Taylor'; 'Joanna Marceron'; 'rennyts@aol.com'; 'Melanie McCarley'; 'reversk@gmail.com'; 'Luther & Barbara Osment'; 'Wyman Hall'; 'Bill Willingham'; 'Jim Keel'; 'Michael Seger'; 'PASTORSLAZER@aol.com'; 'Lewis McElfresh'; 'Stacie Rohn'; 'Nancy Marmorella'  
**Cc:** 'Margie Yoe'; 'CHERBEN@aol.com'; 'Katie'; 'Rennyts@aol.com'; 'cmacres@gmail.com'; 'patmcmillan4@aol.com'; 'uwepfrn@comcast.net'  
**Subject:** Homelessness Meeting Re-Scheduled

HOMELESS IN JEFFERSON COUNTY: How Will the Faith Community Respond?

You are someone who has mentioned, either at Jefferson County Community Ministries or at meetings of the South Jefferson County Ministerial Association, that you are concerned about the issue of homelessness in Jefferson County, and wish to consider what actions we can take to find housing, education, training, and other forms of empowerment for people who are currently homeless.

On March 23, 2010, a Tuesday, at 7 p.m., the South Jefferson County Ministerial Association and Jefferson County Community Ministries are sponsoring an informal information-sharing and idea session for work to counter homelessness, at the Board Room of Jefferson County Community Ministries. Coffee, cider, fruit and gingerbread will be provided. (This meeting was originally scheduled for early February, but has been re-scheduled because of repeated snow storms in this area.)

On March 23, there will be information about the Homeless Point In Time Survey that took place in the Eastern Panhandle. The Rev. Melanie McCarley will report on her idea for sheltering homeless people in Jefferson County on nights when there are temperatures below 30 degrees F. The Rev. Georgia DuBose will report on the aims of the Housing Work Group. We will share ideas about possible locations for sheltering chronically homeless people, and for providing transitional housing for people who can, with effective assistance, eventually have their own dwelling places again. We will discuss possible locations for such housing. We will open with prayer and close with prayer, and there will be five minutes of silence for listening for God's guidance half way through the meeting. Come with ideas, a willingness to listen--to God and to others--and hope. Please share this email with others who may be interested.

For more information, call the Rev. Georgia DuBose at 304-535-2009.

"For I was hungry and you gave me food. I was thirsty, and you gave me something to drink. I was a stranger, and you welcomed me. I was naked and you gave me clothing. I was sick and you took care of me. I was in prison and you visited me... Truly I tell you, just as you did it to one of the least of these, who are members of my family, you did it to me." Jesus Christ, Gospel of Matthew, Chapter 25, v. 35 ff

# 3<sup>rd</sup> National Student Safety & Security Conference

April 15-16, 2010 • Orlando, Florida

March 8, 2010

Superintendent  
Security Director  
School Safety Coordinator

Dear Colleague:

## Communities to Respond to School Violence at the 3<sup>rd</sup> National Student Safety and Security Conference

WASHINGTON, DC March 8, 2010 -- The 3rd Annual National Student Safety and Security Conference will be held on April 15-16, 2010 at Four Points by Sheraton Orlando Studio City in Orlando, Florida. The event will feature real-world simulations of community response to school shootings and related tragedies.

It is an event inviting leaders representing every sector of society to model a community process to help stamp out all forms of school violence, including shootings, bullying, dating violence, vandalism, gang activity, and catastrophic events such as school massacres.

In addition, special workshops will explore new community resources to fight teenage suicide, alcohol and drug abuse, and aggressive driving among high school and college students.

Compelling case studies will be presented in the conference, offering new important findings on headline-grabbing incidents of school violence, their cost to society, and how they have impacted local prevention, preparedness, response and recovery processes.

The tabletop exercises, skillfully moderated by risk communicators, will encourage extended audience participation and explore effective methods of communication, coordination and collaboration at the local level.

### Role-playing topics include:

**Response:** activating the emergency response infrastructure, warning signals, student complaints, first response, protecting targets and hostages, types of violence, survival techniques, news by cell phone, regaining control, chain of command, emergency response routes, evacuation procedures, school closings, notifying parents, anticipating escalation, law enforcement information sharing, medical procedures, dealing with the media, reaction on the Internet.

**Recovery:** overcoming fear of returning to class, debriefings, victim needs, survivor needs, families of offenders, call-in lines, grief counseling, health services and resources, statements to students and parents, academic support, investigation procedures, removing names, funerals and anniversaries, signals for closure, how to orient new students and their families.

**Prevention:** School Crime Watch, drug-free zones, gun-free zones, Zero-tolerance messages, gang apparel and student dress codes, mentoring, parent cooperation, law enforcement resources and presentations, information kits and advisories, engaging the business sector, restrictions in hallways, locker areas, bathrooms, parking lots, cafeteria and other high-risk areas.

**Preparedness:** What you can do right now, assessing threat and potential victims, designating crisis planning and crisis management teams, exercising the student safety plan, reviewing civil and criminal options, patrols and security systems, video monitoring, crime maps, creating a school safety who's who, photo ID database, including private sector resources, dealing with outside threats, media relations, legislative actions, town hall meetings, releasing information, crisis kits, preparing the lines of communication, sharing best practices, taking preemptive action.

New-Fields Exhibitions, Inc,  
1101 Pennsylvania Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20004  
Phone (202) 536-5000 Fax (202) 280-1239 [www.New-Fields.com](http://www.New-Fields.com)

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Future fax correspondence from our company call us toll free (877) 485-2242 and follow the prompts.

### 3<sup>rd</sup> National Student Safety & Security Conference

#### Invitation:

In response to the nationwide alarm over youth violence in our schools, the 3<sup>rd</sup> National Student Safety and Security Conference invites high school and university administrators, campus security officers, mental health professionals, emergency management experts, first responders and law enforcers, as well as other experts to meet on April 15-16, 2010 in Orlando. Our purpose is to create an ad hoc multi-sector crisis management consortium during the event, to be studied as a model by communities around the country.

Speakers will help attendees develop effective action plans that are unique to their own communities and engage the widest range of local stakeholders to make our high schools and college campuses safe and secure -- the way learning environments really should be.

The 3<sup>rd</sup> NSSSC is organized by New-Fields Exhibitions, Washington, DC international specialists in emergency planning events and disaster recovery conferences.

We are the organizers of the First & Second National SSSC, attended by high school and university administrators, campus security officers, mental health professionals, emergency management experts, first responders and law enforcers, as well as other experts from around the world. The event was covered by CBS News as well as other leading media networks. Our school safety materials are reviewed by state legislators and experts from various government agencies, private sector and academic community.

For expedited registration and other information, contact 202-536-5000 or email [virginia.blanco@new-fields.com](mailto:virginia.blanco@new-fields.com). To learn more about latest conference developments, please visit: [www.new-fields.com/3rd\\_nsssc](http://www.new-fields.com/3rd_nsssc)

#### REGISTRATION

**Register Today!** Please complete and return via **FAX to 1.202.280.1239**.

Full Conference Pass \$998     Conference Documentation CD \$295

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

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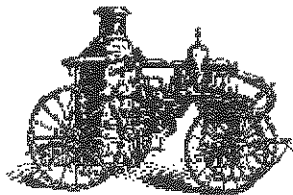
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3<sup>rd</sup> National Student Safety & Security Conference  
1101 Pennsylvania Avenue, NW, 6<sup>th</sup> Floor, Washington, DC 20004  
Phone (202) 536-5000 Fax (202) 280-1239 [www.New-Fields.com](http://www.New-Fields.com)

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**JEFFERSON COUNTY FIRE & RESCUE ASSOCIATION**

#25



**Organized 1959**

February 24, 2010

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

Dear Commissioners,

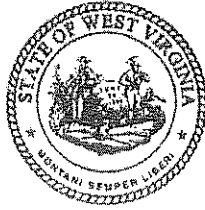
I wish to take this opportunity to advise you that I have stepped down as president of the Jefferson County Fire & Rescue Association. At the Association's February 23<sup>rd</sup> meeting Ronald Fletcher was elected to the position of President.

It has been a pleasure working with the Commission on concerns important to the fire and rescue community and the residents of Jefferson County. If I can be of assistance in any way, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "James E. Watson (Jay)". The signature is written in black ink and is positioned above the printed name.

James E. Watson  
Past President



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

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

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

March 1, 2010

Barb Miller  
147 Second Street  
Shenandoah Junction, WV 25442

Dear Barb:

I wanted to thank you for writing me with your kind words. I was so proud of the hard work that you and your staff did during a very trying time for your region; you did a great job. You and your team served the people of Jefferson County and the Eastern Panhandle in a great way, and I am so pleased with the work you did. To you and your staff, keep up the hard work!

Please let me know if my office can be of further assistance to you for any reason.

With warmest regards,

Joe Manchin III  
Governor

**Nichelle Hosby**

---

**From:** Peter Bradford [pbradfordwv@earthlink.net]  
**Sent:** Monday, February 22, 2010 7:00 AM  
**To:** Nichelle Hosby  
**Cc:** 'Sandy Slusher McDonald'; anncoulter@comcast.net; japiemme@frontiernet.net; kathy@spcworks.org; tburns@svms.net  
**Subject:** Re: CCommBreakfast for League March 20

Nichelle, Confirming that the League of Wowmen Voters Breakfast with the Commissioners is at 9am, March 20 at the Cress Creek Country Club near Shepherdstown.

If you have any questions, or updates, please let us know.

Thank you,

Peter Bradford, President, LWV of Jeff County

540 247 4049

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

From: Nichelle Hosby  
Sent: Jan 19, 2010 2:36 PM  
To: [pbradfordwv@earthlink.net](mailto:pbradfordwv@earthlink.net)  
Cc: 'Sandy Slusher McDonald'  
Subject: CCommBreakfast for League March 20

Mr. Bradford,

Please note that Commissioners Morgan, Widmyer, Manuel and Surkamp will be in attendance.

If there is any change, I will let you know immediately.

Working to serve you better,

Nichelle Hosby  
Administrative Assistant  
PO Box 250  
Charles Town, WV 25414  
Phone: 304-728-3284  
Fax: 304-725-7916



# 28

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6234 Brandenberg  
Austria
- Italian Office**  
Via Donati 29  
Torino, 10121  
Italy

February 26, 2010  
Sandy McDonald  
PO Box 250  
Charles Town, WV 25414

# RECEIVED

MAR 08 2010

Dear Ms. McDonald,  
**Jefferson County Commission**

We have reviewed your agency's application for International Academy Re-Accreditation as a Center of Excellence. After significant discussion I'm pleased to inform you that the Board of Accreditation has voted unanimously to approve **Jefferson County Emergency Communications** for this important recognition. Today will go on record as the official award date.

We've confirmed that we have received payment for the ReAccreditation fees, with the exception of any optional presentation ceremony expenses. We currently plan to recognize your agency at this year's Navigator conference in Orlando, FL. There will be no charge for this presentation, but please coordinate details with us if you would like to arrange any additional press conferences or presentations. We can potentially arrange Academy representatives to be available. Please send us a picture/jpeg of your patch, communications center &/or personnel at your earliest convenience.

Congratulations on this accomplishment and keep up the good work! We commend your dedication to improving pre-hospital care.

Sincerely,

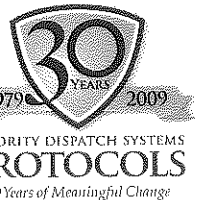
**For the International Academy of EMD Board of Accreditation**

Jeff J. Clawson, M.D.  
Board of Certification, Chair

Carlynn C. Page  
Associate Director

Brian A. Dale  
Board of Accreditation, Chair

cc: Academy Board of Accreditation  
Jeffrey Polczynski



Ms. Carlynn Page

02/18/2010

NAED Associate Director

139 E. South Temple #500

Salt Lake City, UT 84111

Dear Carlynn,

Thank you for the opportunity to process the review of the Jefferson County, WV re-accreditation application. The initial application and follow up documentation satisfied all accreditation points.

It is my pleasure to recommend that Jefferson County, WV be recognized as a re-accredited center of excellence. I applaud the agency for the effort they put forth to ensure that the application was complete.

Regards

A handwritten signature in black ink, appearing to read "J. Lanier". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jim Lanier

NAED BOA Reviewer

2300 SE 38<sup>th</sup> St

Ocala FL 34480

352.209.4206



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Canada J6Z 1Z1

**German Office**  
Brandenberg 34e  
Markstein  
6234 Brandenberg  
Austria

**Italian Office**  
Via Donati 29  
Torino, 10121  
Italy

## FOR IMMEDIATE RELEASE: February 26, 2010

See [www.emergencydispatch.org](http://www.emergencydispatch.org) for information about the International Academies, or call us at: 800-960-6236 or 801-359-6916.

**CONTACT: Carlynn Page, Associate Director**

## Jefferson County Emergency Communications - Awarded Re-Accreditation as an Emergency Medical Dispatch Center of Excellence

SALT LAKE CITY, UT – The International Academies of Emergency Dispatch (IAED) is pleased to formally award Re-Accreditation as an Emergency Medical Dispatch Center of Excellence to **Jefferson County Emergency Communications** – Jefferson County Emergency Communications was the 82<sup>nd</sup> center in the world to be awarded this highest distinction for their comprehensive implementation and compliance with the Medical Priority Dispatch System (MPDS) and associated “20 Points of Excellence.”

The MPDS is the world’s most widely-used 911-type pre-arrival instruction and dispatch-life-support protocol system. With scripted telephone instructions for CPR, airway obstruction relief, hemorrhage control, and childbirth assistance, the MPDS has been credited with helping save thousands of lives. In addition to requiring proper system oversight, medical control and quality improvement programs, Re-Accreditation demands careful MPDS compliance and certification for all emergency call-takers and medical dispatchers.

Earning this Re-Accreditation award is voluntary and involves completing a detailed self-study and analysis. This accomplishment demonstrates to not only each individual within the communications center, but also to the administration, community, and the world, that Jefferson County Emergency Communications is compliant with all international practice standards for Emergency Medical Dispatch (EMD).

*With headquarters based in Salt Lake City, Utah, the International Academies of Emergency Dispatch is a 501(c)(3) non-profit organization comprised of three allied Academies with related programs and standards for emergency Medical, Fire, and Police dispatching. The IAED regularly reviews and updates the Medical Priority Dispatch System (MPDS) protocols for EMD and also maintains protocols and certification standards for Fire and Police Dispatch based on the time-proven MPDS logic structure. The NAED is the public-safety dispatch industry’s leading certifying and standard-setting body, with over 30,000 members in 20 countries.*





#29

*Troop "2" Headquarters*

West Virginia State Police  
409 Industrial Boulevard  
Kearneysville, West Virginia 25430-9425  
Telephone: 304.724.7986 Fax: 304.728.6001  
[www.wvstatepolice.com](http://www.wvstatepolice.com)

*Joe Manchin III*  
Governor

*Colonel Timothy S. Pack*  
Superintendent

February 26, 2010

William Polk,  
Jefferson County Maintenance  
P.O. Box 250  
Charles Town, West Virginia 25414

Dear Sir:

On behalf of the West Virginia State Police and Colonel Timothy S. Pack, I would like to take this opportunity to thank you and your agency for the assistance given to my troopers during the two (02) recent severe winter storms that impacted our area February 5<sup>th</sup>, 6<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup>.

Bill, I would personally like to thank you for dedicating your time and efforts to ensure that our entrances and parking areas were cleared and accessible to both my troopers and the general public.

I sincerely appreciate the continued relationship our agency has with you and the Jefferson County Maintenance Authority and if there is ever a need from your agency that we can be of assistance, please do not hesitate to call upon us.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Blair".

Captain Rob Blair,  
Troop 2 Commander  
West Virginia State Police

EQUAL OPPORTUNITY EMPLOYER

430

March 5, 2010

Jefferson County Commission  
PO Box 9  
Charles Town WV 25414

REC'D MAR 10 2010

Greetings;

In an effort to improve communications between the members of the Shepherdstown Fire Department and the Jefferson County Commission, I would like to invite the members of the County Commission to meet with the members of the Shepherdstown Fire Department prior to the start of the April 2010 Corporate meeting. The meeting is scheduled to be held on April 5, 2010 at 7:30 p.m.

Please contact me with any questions regarding this invitation or to RSVP.

Respectfully,



Dave Donohue, President

REC'D MAR 10 2010



# First in Your Family Completes Ten-Year Initiative with Tremendous Success!

Community steps up to help students become first in their family to attend college

With the last group of students heading off to college this fall, volunteers and donors can take great pride in the difference they made in the lives of many Jefferson County high school students. People from all walks of life contributed their time, professional expertise, and financial support to help promising high school students become first in their family to go to college.

The vision and program format of the Education Sponsorship Program proved to be right on target. The founders, Tom and Dee Taylor, believed it did not take a lot of money to help increase the going-to-college rate in Jefferson County, which was well below the national average. They thought guidance and encouragement, exposure to the broader world,

and stronger academic preparation in high school would enable a larger number of youth to pursue higher education.

Students applied for the Education Sponsorship Program and those selected began the four-year program at the beginning of 9th grade. Volunteers worked with each student throughout high school to ensure they were on track and ready for the college application process.

The Education Sponsorship Program focused on three primary areas:

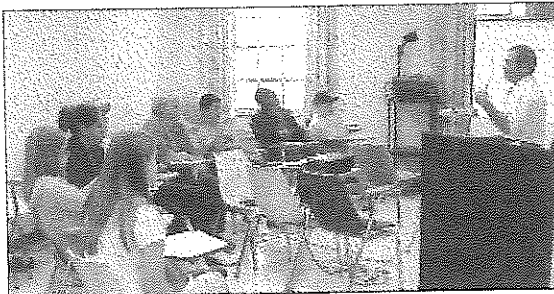
- College Prep Sessions**
- Work Site and Campus Visits**
- Incentive-Based Scholarships**

### Awards Received

- Governor's Service Award*
- Coalition for West Virginia's Children Community Award*
- Rotary International District 7350 Governor's Citation*
- WV Education Association's Pearl S. Buck Memorial Award*



Former Governor Bob Wise presented the Governor's Service Award to Dee and Tom Taylor



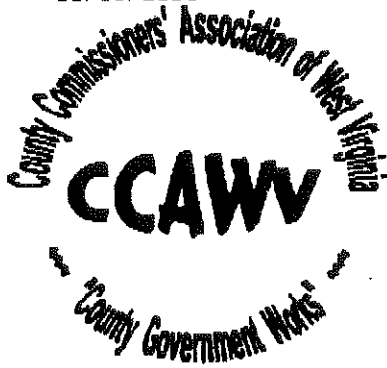
## College Prep Mentoring Sessions

The four-year curriculum developed by *First in Your Family* was designed to prepare first generation college students for a successful transition from high school to college.



Sessions were held in White Hall at Shepherd University.

|            | September                                                       | November                            | January                                     | March                                        | May                                 |
|------------|-----------------------------------------------------------------|-------------------------------------|---------------------------------------------|----------------------------------------------|-------------------------------------|
| 12th Grade | Completing College Applications                                 | Scholarship Applications and Essays | Financial Aid Process                       | Preparing to Go to College - Part 1          | Preparing to Go to College - Part 2 |
| 11th Grade | Choosing a College                                              | SAT Preparation                     | Researching Scholarships                    | Getting Ready for Campus Visits              | Writing Your Student Resume         |
| 10th Grade | Time Management - <i>The 7 Habits of Highly Effective Teens</i> | Assessing Industry Trends           | Interviewing Skills                         | Social Environments, Protocols and Etiquette | Leadership Skills                   |
| 9th Grade  | Developing a Plan for College                                   | Exploring Careers - Computer Lab    | NEFE High School Financial Planning Program |                                              |                                     |
|            |                                                                 |                                     | Unit 1 - Importance of a Financial Plan     | Unit 3 - Creating a Budget                   | Unit 5 - Credit                     |
|            |                                                                 |                                     | Unit 2 - Education and Earning Potential    | Unit 4 - Savings and Investments             | Unit 6 - Insurance                  |



# Fax Message

County Commissioners' Association  
 of West Virginia  
 2309 Washington Street, East  
 Charleston, WV 25311  
 (304) 345-4639 FAX (304) 346-3512



To: All City Commissioners  
 & Staff  
 From: Vivian Parsons

Date: 3-10-2010

# of Pages: 3

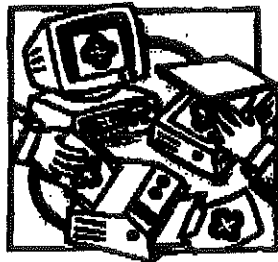
**Comments:**

Hi folks,

Attached are the new County  
 Classifications as determined by  
 the State Auditors Office for 2010.

Hope your budget work is coming  
 along smoothly! Session is almost  
 over, we'll soon know how we fared!

Vivian



**CLASSIFICATION OF COUNTIES**

For 2010 Values - FISCAL YEAR 2010-2011

| COUNTY     | 2008<br>COUNTY<br>CLASS | 2010<br>COUNTY<br>CLASS | TOTAL<br>ASSESSED<br>VALUES |
|------------|-------------------------|-------------------------|-----------------------------|
| Barbour    | 8                       | 7                       | 480,829,628                 |
| Berkeley   | 1                       | 1                       | 5,568,318,407               |
| Boone      | 2                       | 2                       | 1,654,790,679               |
| Braxton    | 6                       | 6                       | 551,338,515                 |
| Brooke     | 4                       | 4                       | 876,399,198                 |
| Cabell     | 1                       | 1                       | 3,849,695,039               |
| Calhoun    | 9                       | 9                       | 269,660,762                 |
| Clay       | 8                       | 8                       | 332,193,847                 |
| Doddridge  | 7                       | 6                       | 510,177,169                 |
| Fayette    | 3                       | 2                       | 1,537,232,060               |
| Gilmer     | 8                       | 7                       | 408,285,511                 |
| Grant      | 4                       | 4                       | 904,940,184                 |
| Greenbrier | 2                       | 2                       | 1,662,917,196               |
| Hampshire  | 2                       | 2                       | 1,575,633,651               |
| Hancock    | 3                       | 3                       | 1,121,362,269               |
| Hardy      | 4                       | 3                       | 1,002,499,326               |
| Harrison   | 1                       | 1                       | 3,675,642,763               |
| Jackson    | 3                       | 3                       | 1,253,789,934               |
| Jefferson  | 1                       | 1                       | 3,792,106,417               |
| Kanawha    | 1                       | 1                       | 9,585,774,155               |
| Lewis      | 4                       | 3                       | 1,107,044,582               |
| Lincoln    | 6                       | 5                       | 606,619,005                 |
| Logan      | 3                       | 2                       | 1,620,701,370               |
| Marion     | 1                       | 1                       | 2,541,945,763               |
| Marshall   | 2                       | 1                       | 2,028,164,658               |
| Mason      | 2                       | 2                       | 1,521,066,355               |
| McDowell   | 4                       | 3                       | 1,086,195,458               |
| Mercer     | 2                       | 1                       | 2,070,650,496               |
| Mineral    | 3                       | 3                       | 1,151,252,744               |
| Mingo      | 3                       | 3                       | 1,265,845,883               |
| Monongalia | 1                       | 1                       | 4,481,085,878               |
| Monroe     | 8                       | 7                       | 423,837,355                 |
| Morgan     | 3                       | 3                       | 1,173,364,701               |
| Nicholas   | 3                       | 3                       | 1,115,668,258               |
| Ohio       | 1                       | 1                       | 2,305,439,772               |
| Pendleton  | 7                       | 7                       | 476,299,558                 |
| Pleasants  | 5                       | 4                       | 717,424,321                 |

**SUMMARY**

|          |    |
|----------|----|
| CLASS 1  | 13 |
| CLASS 2  | 7  |
| CLASS 3  | 14 |
| CLASS 4  | 4  |
| CLASS 5  | 3  |
| CLASS 6  | 3  |
| CLASS 7  | 7  |
| CLASS 8  | 2  |
| CLASS 9  | 1  |
| CLASS 10 | 1  |

# CLASSIFICATION OF COUNTIES

For 2010 Values - FISCAL YEAR 2010-2011

| COUNTY     | 2008<br>COUNTY<br>CLASS | 2010<br>COUNTY<br>CLASS | TOTAL<br>ASSESSED<br>VALUES |
|------------|-------------------------|-------------------------|-----------------------------|
| Pocahontas | 4                       | 3                       | 1,040,334,250               |
| Preston    | 3                       | 2                       | 1,568,214,030               |
| Putnam     | 1                       | 1                       | 3,327,232,699               |
| Raleigh    | 1                       | 1                       | 3,324,076,485               |
| Randolph   | 3                       | 3                       | 1,205,411,901               |
| Ritchie    | 7                       | 6                       | 545,220,501                 |
| Roane      | 7                       | 7                       | 498,891,756                 |
| Summers    | 8                       | 7                       | 426,154,005                 |
| Taylor     | 6                       | 5                       | 677,321,178                 |
| Tucker     | 6                       | 5                       | 614,948,893                 |
| Tyler      | 8                       | 7                       | 424,243,390                 |
| Upshur     | 4                       | 3                       | 1,145,665,727               |
| Wayne      | 3                       | 3                       | 1,419,392,349               |
| Webster    | 8                       | 8                       | 334,462,213                 |
| Wetzel     | 4                       | 4                       | 812,254,045                 |
| Wirt       | 10                      | 10                      | 145,165,158                 |
| Wood       | 1                       | 1                       | 3,579,346,087               |
| Wyoming    | 4                       | 3                       | 1,070,298,664               |

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

**FROM: PATTI HAMILTON**



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

**Capitol Quotes:**

*"Due to recent budget cuts and the rising cost of electricity, gas, and oil, as well as current market conditions, "The Light at the End of the Tunnel" has been turned off. We apologize for the inconvenience. The Government" Quip from the New York State Association of Counties Director on conditions in the state of New York*

*"Are there any job classifications left?" Del. Lane objecting to a bill that adds even more jobs for which penalties are increased if employees are assaulted during course of duties*

*"This amendment is designed to do some harm to this section." Del. Ellem, whose amendment repealed the entire section about being assaulted while performing certain jobs*

On "crossover day", Wednesday, March 3<sup>rd</sup>, a total of 320 bills passed their house of origin and are still alive, out of the nearly 2,080 bills that were introduced. The Senate sent 183 bills to the House while the House sent 137 to the Senate. Bills may still be originated in committee.

A link was sent out on each county officials' listserve to the bill tracking list for WVACO. Some of the bills of interest to counties that are still alive are:

HJR 101 – Constitutional Amendment for Personal Property Tax Exemption is assigned to Senate Judiciary and Finance committees

SB 218 – A Governor's bill that provides for early parole for certain 'non-violent' inmates was taken up in House Judiciary on Thursday and will go to House Finance

SB 232 – Transfer redemption of delinquent land sales from county clerks to State Auditor goes to House Finance

SB 401 – An 'agreed upon' revision to property tax appeals process goes to House

**Finance**

**SB 443 – requiring DUI offenders participate in alcohol test & lock (interlock) goes to House Judiciary and House Finance**

**SB 463 – allows more grant funds to be allocated by Records Management and Preservation Board to counties goes to House Finance**

**SB 471 – increase circuit clerks' copying fee from 50 cents to \$1 goes to House Judiciary and Finance**

**SB 493 – establishes salvage value for "21<sup>st</sup> Century Business Technologies Property" goes to House Finance**

**SB 533 – revises statutory language regarding child sexual exploitation, adding 'allow' goes to House Judiciary**

**SB 616 – revises civil service disciplinary procedures for deputy sheriffs goes to House Veterans Affairs & Homeland Security and House Judiciary**

**HB 4038 – establishes statutory lien on fire insurance proceeds for counties & municipalities to clean up fire debris after total loss goes to Senate Judiciary**

**HB 4352 – establish business courts within existing circuits passed out of Senate Judiciary Thursday and goes to Senate Finance**

**HB 4460 – granting licensed real estate appraisers buy assessors' PF 11 & PF 12 forms for a fee of \$3 to Senate Government Organization and Finance**

**HB 4486 – sheriff send tax tickets & other notifications on property taxes to occupants of those properties when mailing address of taxpayer differs from that of property goes to Senate Judiciary**

**HB 4615 – authorize political subdivisions establish risk pools to insure workers compensation risks goes to Senate Banking & Insurance and Finance**

**HB 4666 – establishes a grant program for substance abuse prevention goes to Senate Health & Human Resources and Finance**

These are just a few of the bills of interest to counties. If you look up a bill on the legislative web site: [www.legis.state.wv.us](http://www.legis.state.wv.us) be sure when checking the bill text that you look at the latest version. The committee substitute can be very different from the introduced version.

# Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 13, Issue 8

March 10, 2010

## 2010 Legislative Update Week 8 .....

**HB 4615** the bill authorizing political subdivisions to establish risk pools to insure their workers' compensation risks passed out of Banking & Insurance Committee this afternoon 3/9, without amendment. Senator Roman Prezioso, moved to request that the 2nd reference to Finance be waived. If Senate Finance Chairman Helmnick agrees, the bill will go directly to the Senate Floor for passage.

**HB 4314** Regarding the valuation of motor vehicles and motorcycles for property tax assessment purposes was amended in the Senate Transportation Committee to include language from HB 4222 that would value antique cars (40 years old & older) as follows: "shall be valued for purposes of ad valorem property taxes at their salvage value, not to exceed \$200.00." According to State Tax Commissioner Chris Morris this amendment would cost counties about \$490,000 state-wide. We are working with Tax to amend the bill back to its original purpose.

**SB 232** - This bill will transfer certain requirements for redeeming delinquent land sales from the county clerks' offices at the county level to WV State Auditor's Office. Fees currently collected by the clerk are increased and will transfer to the State Auditor's office. This bill is endorsed by the County Clerks' Association and is one of their priorities. There is a provision in the bill that if a county clerk chooses to keep the responsibility in the county, along with the fees, the county commission can enter an order to do so and file it with the State Auditor's office by August 1, 2010. The bill passed out of House Finance 3/9 and is on its way to the House floor.

**SB 401** - Changes to Board of Equalization and Review passed out of House Finance 3/8 with only technical cleanup. It goes to the House floor for passage.

**SB 237** - The bill relating to the authorization of municipalities, county commissions and certain boards of education to issue revenue bonds secured by lottery revenue for the purpose of acquiring or constructing public projects. The bill is in House Finance.

**HB 4177** - relating to dedicating five percent of coal severance tax to the county of origin and providing permissible uses for the moneys is in Senate Finance. We need calls of support to the Senate Finance Committee for support.

**HB 4382** - the bill dealing with forfeiture of property used in various crimes that would give 20% of the proceeds collected to the regional jail authority to offset county per diem costs is in Senate Judiciary. We need calls to Senate Judiciary requesting support for this bill.

Following is our tracking list of bills that are still out there that would have county implications...

Personalized Bill Tracking List

West Virginia Legislature

|        |       |       |             |         |                 |             |         |
|--------|-------|-------|-------------|---------|-----------------|-------------|---------|
| Senate | House | Joint | Bill Status | WV Code | Audits/ Reports | Educational | Contact |
|--------|-------|-------|-------------|---------|-----------------|-------------|---------|

Personalized Bill Tracking List For ccaww2010

| BILL                                                                                        | SHORT TITLE                                                                  | SA<br>(Same As)/<br>SI<br>(Similar To) | LAST ACTION                                              | Committee Reference                                                                                                                                       | Notes                               |
|---------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <u>SR 70</u><br>Committee Substitute (1)<br>Introduced Version                              | Relating to municipalities and counties issuing bonds                        |                                        | 03/04/10 - To House Political Subdivisions In Committee  | House Reference 1 - Political Subdivisions<br>House Reference 2 - Finance<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Finance | Likely Dead/double referenced       |
| <u>HJR 101</u><br>HJR101 SUB.htm<br>hjr101 intr.htm                                         | Commercial and Industrial Tangible Personal Property Tax Exemption Amendment | SA<br>SJR 11                           | 02/18/10 - To Senate Judiciary In Committee              | House Reference 1 - Constitutional Revision<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance              | Governor's Constitutional Amendment |
| <u>SR 175</u><br>Committee Substitute (1)<br>Committee Substitute (2)<br>Introduced Version | Relating to purchase, possession, sale and use of fireworks                  | SI HB<br>4622                          | 03/04/10 - To House Government Organization In Committee | House Reference 1 - Government Organization<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary                                              | Likely Dead/double referenced       |

## Personalized Bill Tracking List

|                                                                                                      |                                                                                                                    |                                |                                                                                           |                                                                                                                                                            |                                    |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
|                                                                                                      |                                                                                                                    |                                |                                                                                           | Senate<br>Reference 2 -<br>Finance                                                                                                                         |                                    |
| <u>SB 218</u><br>Engrossed<br>Version<br>Committee<br>Substitute (1)<br>Introduced<br>Version        | Providing for early parole<br>eligibility for certain inmates                                                      | SA HB<br>4032                  | 03/10/10 - On<br>2nd reading,<br>Special Calendar<br><br>2nd Reading,<br>Special Calendar | House<br>Reference 1 -<br>Judiciary<br>House<br>Reference 2 -<br>Finance<br>Senate<br>Reference 1 -<br>Judiciary                                           |                                    |
| <u>SB 225</u><br>Committee<br>Substitute (1)<br>Committee<br>Substitute (2)<br>Introduced<br>Version | Creating Spay Neuter<br>Assistance Fund                                                                            | SA HB<br>4406<br>SA HB<br>4542 | 03/04/10 - To<br>House<br>Agriculture<br>In Committee                                     | House<br>Reference 1 -<br>Agriculture<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 2 -<br>Finance | Likely Dead/double<br>referenced   |
| <u>SR 232</u><br>Committee<br>Substitute (1)<br>Introduced<br>Version                                | Transferring certain<br>requirements for redeeming<br>delinquent land sales from<br>county clerks to State Auditor | SI HB<br>2937<br>SA HB<br>4136 | 02/25/10 - To<br>House Finance<br>In Committee                                            | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Government<br>Organization<br>Senate<br>Reference 2 -<br>Finance                           | Passed out of House<br>Finance 3/9 |
| <u>SB 237</u><br>Engrossed<br>Version<br>Introduced<br>Version                                       | Authorizing issuance of<br>revenue bonds for public<br>projects                                                    | SA HB<br>4458                  | 02/25/10 - To<br>House Finance<br>In Committee                                            | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Finance                                                                                    | Need calls for support             |
| <u>SB 345</u><br>Committee<br>Substitute (1)<br>Introduced<br>Version                                | Requiring telecommunications<br>tax study                                                                          | SA HB<br>4183                  | 03/09/10 -<br>Completed<br>legislative action                                             | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Finance                                                                                    |                                    |

## Personalized Bill Tracking List

|                                                                                                                  |                                                                                   |            |                                                                                  |                                                                                                                                                          |                                                                                                      |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <u>SB 401</u><br>Committee Substitute (1)<br>Introduced Version                                                  | Relating to ad valorem property taxes                                             |            | 03/10/10 - On 2nd reading, Special Calendar<br><br>2nd Reading, Special Calendar | House Reference 1 - Finance<br>Senate Reference 1 - Finance                                                                                              | CCAWV supports this bill as long as there are no changes negative to the county commissioner process |
| <u>SB 427</u><br>Committee Substitute (1)<br>Engrossed Version<br>Committee Substitute (2)<br>Introduced Version | Renaming and reorganizing Parkways, Economic Development and Tourism Authority    | SA HB 4279 | 03/04/10 - To House Finance In Committee                                         | House Reference 1 - Finance<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Finance                                              | amendment involving county commissioners - want it out                                               |
| <u>SB 447</u><br>Committee Substitute (1)<br>Introduced Version                                                  | Providing certain nonstate retirees responsible for PEIA costs                    | SA HB 4299 | 03/02/10 - To House Banking and Insurance In Committee                           | House Reference 1 - Banking and Insurance<br>House Reference 2 - Finance<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Finance | Likely Dead/double referenced                                                                        |
| <u>SB 448</u><br>Committee Substitute (1)<br>Introduced Version                                                  | Relating to PEIA preexisting conditions limitations                               | SA HB 4300 | 03/02/10 - To House Finance In Committee                                         | House Reference 1 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance                                                            | passed out of House Finance 3/9                                                                      |
| <u>SB 458</u><br>Committee Substitute (1)<br>Introduced Version                                                  | Distributing minimum share of severance tax to coalbed methane-producing counties | SA HB 4337 | 03/04/10 - To House Finance In Committee                                         | House Reference 1 - Finance<br>Senate Reference 1 - Energy, Industry and Mining                                                                          | Paul working on this one                                                                             |

|                                                                                                      |                                                                                  |               |                                                                                           |                                                                                                                                                                                           |                                  |
|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
|                                                                                                      |                                                                                  |               |                                                                                           | Senate<br>Reference 2 -<br>Finance                                                                                                                                                        |                                  |
| <u>SB 492</u><br>Committee<br>Substitute (1)<br>Introduced<br>Version                                | Relating to public records<br>management and preservation                        | SA HB<br>3317 | 03/04/10 - To<br>House Finance<br>In Committee                                            | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 2 -<br>Finance                                                                           |                                  |
| <u>SB 471</u><br>Committee<br>Substitute (1)<br>Introduced<br>Version                                | Increasing circuit clerks'<br>copying charge                                     |               | 03/10/10 - On<br>2nd reading,<br>Special Calendar<br><br>2nd Reading,<br>Special Calendar | House<br>Reference 1 -<br>Judiciary<br>House<br>Reference 2 -<br>Finance<br>Senate<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 2 -<br>Finance                                    |                                  |
| <u>SB 472</u><br>Introduced<br>Version                                                               | Relating to regional airport<br>authorities' reporting<br>requirements           |               | 03/04/10 - To<br>House Political<br>Subdivisions<br>In Committee                          | House<br>Reference 1 -<br>Political<br>Subdivisions<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Government<br>Organization<br>Senate<br>Reference 2 -<br>Finance | Likely Dead/double<br>referenced |
| <u>SB 493</u><br>Committee<br>Substitute (2)<br>Introduced<br>Version<br>Committee<br>Substitute (1) | Creating Twenty-First Century<br>Business Technologies<br>Property Valuation Act |               | 03/03/10 - To<br>House Finance<br>In Committee                                            | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Economic<br>Development<br>Senate<br>Reference 2 -<br>Finance                                                             |                                  |



## Personalized Bill Tracking List

|                                                                       |                                                                                      |               |                                                                      |                                                                                                                                                                                                          |                                                                                                      |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>SB 494</b><br>Committee<br>Substitute (1)<br>Introduced<br>Version | Providing fiduciary<br>commissioner oversight                                        |               | 03/08/10 - To<br>House Judiciary<br>In Committee                     | House<br>Reference 1 -<br>Government<br>Organization<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Judiciary                                                                      |                                                                                                      |
| <b>SB 573</b><br>Introduced<br>Version                                | Allowing audits published<br>electronically with notice to<br>proper authorities     | SA HB<br>4509 | 03/04/10 - To<br>House Judiciary<br>In Committee                     | House<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Government<br>Organization<br>Senate<br>Reference 2 -<br>Finance                                                                       |                                                                                                      |
| <b>SB 578</b><br>Committee<br>Substitute (1)<br>Introduced<br>Version | Relating to public service<br>districts' term appointments                           |               | 03/04/10 - To<br>House Political<br>Subdivisions<br>In Committee     | House<br>Reference 1 -<br>Political<br>Subdivisions<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Government<br>Organization                                                      | This bill reduces PSD<br>board terms from 6<br>years to 3 years.<br>Likely Dead/double<br>referenced |
| <b>SB 584</b><br>Committee<br>Substitute (1)<br>Introduced<br>Version | Relating to powers, duties and<br>responsibilities of Water<br>Development Authority |               | 03/04/10 - To<br>House<br>Government<br>Organization<br>In Committee | House<br>Reference 1 -<br>Government<br>Organization<br>House<br>Reference 2 -<br>Finance<br>Senate<br>Reference 1 -<br>Economic<br>Development<br>Senate<br>Reference 2 -<br>Government<br>Organization | Likely Dead/double<br>referenced                                                                     |

## Personalized Bill Tracking List

|                                                                                           |                                                                                                      |               |                                                                                           |                                                                                                                                                                                                               |                                                                                                                                                 |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>SB 585</u><br>Engrossed<br>Version<br>Introduced<br>Version<br>Introduced<br>Version   | Extending vesting period for subdivision and land development plans                                  |               | 03/10/10 - On<br>3rd reading,<br>Special Calendar<br><br>3rd Reading,<br>Special Calendar | House<br>Reference 1 -<br>Political<br>Subdivisions<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Judiciary                                                                            |                                                                                                                                                 |
| <u>SB 616</u><br>Committee<br>Substitute (1)<br>Introduced<br>Version                     | Relating to civil service for deputy sheriffs                                                        |               | 03/03/10 - To<br>House Veterans'<br>Affairs and<br>Homeland<br>Security<br>In Committee   | House<br>Reference 1 -<br>Veterans' Affairs<br>and Homeland<br>Security<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Government<br>Organization<br>Senate<br>Reference 2 -<br>Finance | This bill would eliminate county commission authority to approve sheriffs' plan for deputies working after hours. Likely Dead/double referenced |
| <u>SB 633</u><br>Introduced<br>Version                                                    | Depositing public funds into certain federally insured accounts                                      | SA HB<br>4656 | 03/10/10 - On<br>2nd reading,<br>Special Calendar<br><br>2nd Reading,<br>Special Calendar | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Banking and<br>Insurance<br>Senate<br>Reference 2 -<br>Finance                                                                                |                                                                                                                                                 |
| <u>SB 635</u><br>Introduced<br>Version                                                    | Requiring State Fire Commission approve certain county and municipal fire ordinances and regulations | SI HB<br>4635 | 03/10/10 - On<br>2nd reading,<br>Special Calendar<br><br>2nd Reading,<br>Special Calendar | House<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Government<br>Organization                                                                                                                  |                                                                                                                                                 |
| <u>SB 657</u><br>Committee<br>Substitute (1)<br>Committee<br>Substitute (2)<br>Introduced | Creating WV Traumatic Brain Injury Act                                                               | SA HB<br>4610 | 03/04/10 - To<br>House Finance<br>In Committee                                            | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Health and                                                                                                                                    |                                                                                                                                                 |

## Personalized Bill Tracking List

|                                                                                                            |                                                                                                                                                      |               |                                                                 |                                                                                                                                                                |                                            |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Version                                                                                                    |                                                                                                                                                      |               |                                                                 | Human Resources<br>Senate<br>Reference 2 - Finance                                                                                                             |                                            |
| <u>SB 095</u><br>Introduced<br>Version -<br>Originating in<br>Committee                                    | Relating to dog and cat rabies' vaccination                                                                                                          | SI HB<br>4407 | 03/04/10 - To<br>House<br>Agriculture<br>In Committee           | House<br>Reference 1 -<br>Agriculture<br>House<br>Reference 2 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Agriculture<br>Senate<br>Reference 2 -<br>Judiciary | Likely Dead/double<br>referenced           |
| <u>HB 4098</u><br>Committee<br>Substitute<br>Introduced<br>Version                                         | Imposing a statutory lien on fire insurance proceeds in the event of a total loss to real property                                                   | SA SB<br>224  | 03/02/10 - To<br>Senate Judiciary<br>In Committee               | House<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Judiciary                                                                                    |                                            |
| <u>HB 4155</u><br>Engrossed<br>Committee<br>Substitute<br>Committee<br>Substitute<br>Introduced<br>Version | Permitting revenues allocated to volunteer and part time fire departments to be used for Workers' Compensation premiums and length of service awards | SI SB<br>513  | 03/10/10 - To<br>Senate On 2nd<br>reading<br>2nd Reading        | House<br>Reference 1 -<br>Judiciary<br>House<br>Reference 2 -<br>Finance<br>Senate<br>Reference 1 -<br>Finance                                                 |                                            |
| <u>HB 4171</u><br>Introduced<br>Version                                                                    | Relating to criminogenic risk and needs assessments                                                                                                  | SA SB<br>342  | 03/09/10 -<br>Senate requests<br>House to concur<br>Concurrence | House<br>Reference 1 -<br>Judiciary<br>Senate<br>Reference 1 -<br>Judiciary                                                                                    |                                            |
| <u>HB 4177</u><br>Engrossed<br>Version<br>Introduced<br>Version                                            | Dedicating five percent of coal severance tax to the county of origin                                                                                |               | 03/04/10 - To<br>Senate Finance<br>In Committee                 | House<br>Reference 1 -<br>Finance<br>Senate<br>Reference 1 -<br>Finance                                                                                        | New revenue for coal<br>producing counties |
| <u>HB 4185</u>                                                                                             | Relating to mandatory                                                                                                                                |               | 03/01/10 - To                                                   | House                                                                                                                                                          | Likely Dead/double                         |

## Personalized Bill Tracking List

|                                                    |                                                                                                                                                                   |           |                                                           |                                                                                                                                                                  |                 |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Committee Substitute Introduced Version            | retirement age of deputy sheriffs                                                                                                                                 |           | Senate Pensions<br>In Committee                           | Reference 1 - Pensions and Retirement House<br>Reference 2 - Finance Senate<br>Reference 1 - Pensions Senate<br>Reference 2 - Finance                            | referenced      |
| HB 4217<br>Committee Substitute Introduced Version | Requiring the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures                                                                 |           | 03/04/10 - To Senate Government Organization In Committee | House<br>Reference 1 - Political Subdivisions House<br>Reference 2 - Judiciary Senate<br>Reference 1 - Government Organization Senate<br>Reference 2 - Judiciary |                 |
| HB 4247<br>Introduced Version                      | Providing counties the discretion to accompany an electronic poll book with a printed poll book                                                                   | SA SB 395 | 02/11/10 - To Senate Government Organization In Committee | House<br>Reference 1 - Judiciary Senate<br>Reference 1 - Government Organization Senate<br>Reference 2 - Judiciary                                               |                 |
| HB 4299<br>Committee Substitute Introduced Version | Providing that nonstate retired employees who have worked for their last nonstate employer for less than five years are responsible for their entire premium cost | SA SB 447 | 03/10/10 - To Senate On 3rd reading 3rd Reading           | House<br>Reference 1 - Banking and Insurance House<br>Reference 2 - Finance Senate<br>Reference 1 - Finance                                                      |                 |
| HB 4314<br>Committee                               | Regarding the valuation of motor vehicles and motorcycles                                                                                                         | SA SB 440 | 03/04/10 - To Senate                                      | House<br>Reference 1 -                                                                                                                                           | Needs amendment |

## Personalized Bill Tracking List

|                                                                                               |                                                                                                  |           |                                                    |                                                                                                                                   |                                                                                             |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-----------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Substitute Introduced Version                                                                 | for property tax assessment purposes                                                             |           | Transportation and Infrastructure In Committee     | Judiciary House Reference 2 - Finance Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance         |                                                                                             |
| <u>HB 4359</u><br>Engrossed Version<br>Committee Substitute Introduced Version                | Requiring local labor for public construction projects                                           | SI SB 675 | 03/10/10 - To Senate On 2nd reading<br>2nd Reading | House Reference 1 - Government Organization House Reference 2 - Judiciary Senate Reference 1 - Labor Senate Reference 2 - Finance |                                                                                             |
| <u>HB 4382</u><br>Engrossed Version<br>Committee Substitute Introduced Version                | Providing for forfeiture of property used in various crimes and the disposition of such property |           | 03/04/10 - To Senate Judiciary In Committee        | House Reference 1 - Judiciary Senate Reference 1 - Judiciary Senate Reference 2 - Finance                                         | This bill would provide some funds to the Regional Jail Authority to offset operating costs |
| <u>HB 4407</u><br>Enrolled Version - Final Version<br>Committee Substitute Introduced Version | Updating the law regarding the rabies vaccinations of dogs and cats                              | SI SB 695 | 03/09/10 - House Message received                  | House Reference 1 - Agriculture House Reference 2 - Judiciary                                                                     |                                                                                             |
| <u>HB 4489</u><br>Committee Substitute Introduced Version                                     | Relating to tax tickets and other required notifications concerning property taxes               |           | 03/03/10 - To Senate Judiciary In Committee        | House Reference 1 - Judiciary Senate Reference 1 - Judiciary                                                                      |                                                                                             |

## Personalized Bill Tracking List

|                                                           |                                                                                                                                                                                                                                  |           |                                                         |                                                                                                                                                          |                                 |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>HB 4541</b><br>Committee Substitute Introduced Version | Authorizing circuit court judges and magistrates to utilize county or municipal jails to detain persons charged with a crime up to ninety-six hours, or, to confine persons convicted of a crime for not more than fourteen days |           | 03/04/10 - To Senate Judiciary In Committee             | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance                           |                                 |
| <b>HB 4515</b><br>Committee Substitute Introduced Version | Authorizing political subdivisions to establish risk pools to insure their workers' compensation risks                                                                                                                           | SA SB 644 | 03/02/10 - To Senate Banking and Insurance In Committee | House Reference 1 - Banking and Insurance<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Banking and Insurance<br>Senate Reference 2 - Finance | This bill passed out of BB: 3/9 |

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

**FROM: PATTI HAMILTON**



**THE COUNTY LEGISLATIVE LINE  
Wednesday, March 10<sup>th</sup>, 2010**

**Capitol Quotes:**

*"There are significant variations over the state. This is just saying 'tell us'." Del. Doyle defending SB 397 which would provide a housing value index of average & median appraised values in each county every year to the Legislature*

*"It's another layer of useless data that's already readily available." Del. Walters, in opposition to SB 397*

*"I know at least 2 people in my district who are antique car collectors and they've never complained to me about their car tax." Sen. Plymale, in opposition to an amendment to HB 4314 which would allow only a maximum value of \$200 on antique cars (value, not tax which would be only a few dollars)*

*"Oh, I remember that bill. That's a good bill." Sen. Kessler on the floor of the Senate after he started to explain a different bill than the one being considered*

*"Is there anyone from the naturopathic community here? A Senator in Sen. Judiciary asking questions about salvia. "Shockingly, no." Committee counsel in response (there was a lot of levity in the committee with the salvia bill but it passed out)*

*"So why would you prepare a fiscal note and inflate it in such a way?" Sen. Browning to the Regional Jail Authority representative, asking about a fiscal note of \$5 million based on assumptions that all counties would start housing offenders short-term, in a discussion of HB 4541*

*"I can't say we support it in the form it's in." Manufacturer's Association President speaking against HJR 101, the personal property tax exemption amendment for commercial and industrial business equipment & inventory*

---

HJR 101, the Constitutional Amendment for Personal Property Tax Exemption, was discussed at length in Senate Judiciary today; no action – it will be sent to the floor and brought back to committee for a vote. The Manufacturers' Association President told the committee that the State of Virginia has a county option and only one county has implemented it. They do not support the county option and would like for relief to be provided to existing companies rather than limiting it to 'new.'



## Shenandoah Valley Travel Association

277 West Old Cross Rd • PO Box 1040 • New Market, VA 22844  
 (540) 740-3132 • Fax (540) 740-3100  
 www.visitshenandoah.org

REC'D MAR 10 2010

# 86th Annual Meeting and Banquet

Tuesday, March 30, 2010 - Salem Civic Center

### In this mailing...

- ❖ Meeting Notice & Registration Form
- ❖ Meeting Proxy
- ❖ 2010 Slate of Officers & Board of Directors
- ❖ 2009 Annual Meeting Minutes

### Annual Meeting Guest Speakers Include...

**Delegate David A. Nutter, Virginia House of Representatives, 7<sup>th</sup> District**  
*Hear a legislative update about all the political goings-on in Richmond and how they affect the tourism industry.*

**Jeremy Harvey, Marketing Director for Loudoun CVB and Social Media Expert**  
*Explore the world of social networking! Find out how Facebook, Twitter and YouTube can help you improve your online marketing presence.*

### SVTA Silent Auction - Come prepared to BID on:

- ✚ Weekend Getaways & Overnight Stays
- ✚ Attraction Tickets & Activity Passes
- ✚ Gift Baskets, Artwork & Specialty Items
- ✚ And so much more!

*Comfort Inn Airport in Roanoke has graciously offered special lodging rates if you wish to stay overnight. See the meeting notice for more details!*

# Ethics Reporter

## Since the Last Reporter

Since the January edition of the **REPORTER**, the West Virginia Ethics Commission has published one Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act.

At its February 4 meeting, the West Virginia Ethics Commission approved an opinion relating to the permissibility of a statewide elected official who has payroll responsibilities authorizing payroll deductions for employees to purchase goods from a company with a state contract.

### ADVISORY OPINION REPORT

Advisory Opinion 2009-12 concerned the

permissibility of a statewide elected official authorizing payroll deductions from state employees for the purpose of purchasing goods from a company with a state contract.

In this case, the statewide official has direct responsibility for overseeing voluntary payroll deductions for state employees. The official also has the authority to approve other voluntary payroll deduction initiatives, provided at least 50 employees agree to participate.

A company has created a program that would facilitate the purchase of goods via the payroll deduction method if the official agrees to include present the opportunity to affected employees. The official has outlined the requirements of participation to the vendor and also informed the vendor that it must inform state employees that no endorsement of the products is being

provided by the State or the official.

In its review of the request, the Ethics Commission examined the provisions of 6B-2-5(b) prohibiting a public official from using their office to produce a private gain for themselves or another.

In its opinion, the Ethics Commission ruled that there would be no violation of the Ethics Act if the official approves the payroll deduction program for the stated purpose of offering products for sale. The statute governing the payroll deduction program specifically authorizes the state official to make such decisions provided all conditions are met for participation.

**TOPICAL INDEX  
UPDATE  
WEST VIRGINIA  
ETHICS  
COMMISSION  
ADVISORY  
OPINIONS**

(Only includes opinions  
published since the  
January edition of  
**THE REPORTER**)

**BOARDS AND  
COMMISSIONS**

NONE PUBLISHED

**BOARDS OF  
EDUCATION**

NONE PUBLISHED

**COUNTY  
GOVERNMENT**

NONE PUBLISHED

**LEGISLATURE**

NONE PUBLISHED

**MUNICIPAL  
GOVERNMENT**

NONE PUBLISHED

**STATE GOVERNMENT**

**2009-12:**  
Permissibility of a  
statewide elected official  
with payroll  
responsibilities

authorizing employee  
deductions for the  
purpose of purchasing  
goods from a company  
with a state contract

**TRADE  
ASSOCIATIONS AND  
LOBBYISTS**

NONE PUBLISHED

WEST VIRGINIA ETHICS  
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Inc.

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

136

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

| DATE                             | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>12.42% | CHARLES<br>TOWN<br>34.56% | HARPERS<br>FERRY<br>3.65% | RAMSON<br>35.08% | SHEPHERDS<br>TOWN<br>14.28% |
|----------------------------------|------------------------------|---------------------------|----------------------|-------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 4 days ending:<br>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                         | \$ 155,846.74                | \$ 138,408.80             | \$ 17,437.94         | \$ 2,165.79       | \$ 6,026.55               | \$ 636.48                 | \$ 6,117.24      | \$ 2,491.88                 |
| 08/15/09                         | \$ 162,444.28                | \$ 81,222.14              | \$ 81,222.14         | \$ 10,087.79      | \$ 26,070.37              | \$ 2,964.61               | \$ 28,492.73     | \$ 11,606.64                |
| 08/22/09                         | \$ 152,520.62                | \$ 76,260.31              | \$ 76,260.31         | \$ 9,471.53       | \$ 26,355.56              | \$ 2,783.50               | \$ 26,752.12     | \$ 10,897.60                |
| 08/29/09                         | \$ 160,945.84                | \$ 80,472.92              | \$ 80,472.92         | \$ 9,994.74       | \$ 27,011.44              | \$ 2,937.26               | \$ 28,229.80     | \$ 11,489.58                |
| 09/05/09                         | \$ 161,596.30                | \$ 80,798.15              | \$ 80,798.15         | \$ 10,035.13      | \$ 27,923.64              | \$ 2,949.13               | \$ 29,343.99     | \$ 11,546.06                |
| 09/12/09                         | \$ 172,573.84                | \$ 86,286.92              | \$ 86,286.92         | \$ 10,716.84      | \$ 29,820.76              | \$ 3,149.47               | \$ 30,269.45     | \$ 12,330.40                |
| 09/19/09                         | \$ 140,020.30                | \$ 70,010.15              | \$ 70,010.15         | \$ 8,685.28       | \$ 24,195.51              | \$ 2,555.37               | \$ 24,559.66     | \$ 10,004.45                |
| 09/26/09                         | \$ 138,633.74                | \$ 69,316.87              | \$ 69,316.87         | \$ 8,609.16       | \$ 23,955.81              | \$ 2,530.07               | \$ 24,316.35     | \$ 9,905.36                 |
| 10/03/09                         | \$ 144,572.08                | \$ 72,286.04              | \$ 72,286.04         | \$ 8,977.93       | \$ 24,982.06              | \$ 2,636.44               | \$ 25,357.93     | \$ 10,329.68                |
| 10/10/09                         | \$ 139,301.26                | \$ 69,650.83              | \$ 69,650.83         | \$ 8,850.61       | \$ 24,071.25              | \$ 2,542.25               | \$ 24,433.44     | \$ 9,953.08                 |
| 10/17/09                         | \$ 147,120.42                | \$ 73,560.21              | \$ 73,560.21         | \$ 9,136.10       | \$ 25,422.41              | \$ 2,684.95               | \$ 25,804.92     | \$ 10,511.75                |
| 10/24/09                         | \$ 135,163.32                | \$ 67,581.86              | \$ 67,581.86         | \$ 8,393.64       | \$ 23,358.22              | \$ 2,466.73               | \$ 23,707.65     | \$ 9,857.42                 |
| 10/31/09                         | \$ 129,056.60                | \$ 64,528.30              | \$ 64,528.30         | \$ 8,014.41       | \$ 22,300.98              | \$ 2,355.28               | \$ 22,636.54     | \$ 9,221.09                 |
| 11/07/09                         | \$ 127,463.18                | \$ 63,741.59              | \$ 63,741.59         | \$ 7,916.71       | \$ 22,029.09              | \$ 2,326.57               | \$ 22,360.55     | \$ 9,108.67                 |
| 11/14/09                         | \$ 131,919.28                | \$ 65,959.64              | \$ 65,959.64         | \$ 8,192.19       | \$ 22,795.65              | \$ 2,407.53               | \$ 23,138.64     | \$ 9,425.63                 |
| 11/21/09                         | \$ 119,094.10                | \$ 59,547.05              | \$ 59,547.05         | \$ 7,395.74       | \$ 20,579.46              | \$ 2,173.47               | \$ 20,889.11     | \$ 8,509.27                 |
| 11/28/09                         | \$ 144,799.96                | \$ 72,399.98              | \$ 72,399.98         | \$ 8,992.08       | \$ 25,021.43              | \$ 2,642.60               | \$ 25,397.91     | \$ 10,345.96                |
| 12/05/09                         | \$ 102,013.02                | \$ 51,006.51              | \$ 51,006.51         | \$ 6,335.01       | \$ 17,627.85              | \$ 1,861.74               | \$ 17,893.08     | \$ 7,288.83                 |
| 12/12/09                         | \$ 104,821.16                | \$ 52,460.58              | \$ 52,460.58         | \$ 6,515.60       | \$ 18,130.38              | \$ 1,914.81               | \$ 18,403.17     | \$ 7,486.62                 |
| 12/19/09                         | \$ 65,668.78                 | \$ 32,834.39              | \$ 32,834.39         | \$ 4,076.03       | \$ 11,347.57              | \$ 1,198.46               | \$ 11,516.30     | \$ 4,692.03                 |
| 12/26/09                         | \$ 106,812.68                | \$ 53,406.34              | \$ 53,406.34         | \$ 6,633.07       | \$ 18,457.23              | \$ 1,949.33               | \$ 18,734.94     | \$ 7,631.77                 |
| 01/02/10                         | \$ 165,960.80                | \$ 82,980.40              | \$ 82,980.40         | \$ 11,548.17      | \$ 32,134.03              | \$ 3,393.78               | \$ 32,617.52     | \$ 13,286.90                |
| 01/09/10                         | \$ 110,040.92                | \$ 55,020.46              | \$ 55,020.46         | \$ 6,833.54       | \$ 19,015.07              | \$ 2,008.25               | \$ 19,301.18     | \$ 7,862.42                 |
| 01/16/10                         | \$ 121,102.56                | \$ 60,551.28              | \$ 60,551.28         | \$ 7,520.47       | \$ 20,926.52              | \$ 2,210.12               | \$ 21,241.39     | \$ 8,652.78                 |
| 01/23/10                         | \$ 139,867.06                | \$ 69,943.53              | \$ 69,943.53         | \$ 8,886.89       | \$ 24,172.48              | \$ 2,552.94               | \$ 24,536.19     | \$ 9,994.93                 |
| 01/30/10                         | \$ 97,055.50                 | \$ 48,527.75              | \$ 48,527.75         | \$ 6,027.15       | \$ 16,771.19              | \$ 1,771.26               | \$ 17,023.53     | \$ 6,934.62                 |
| 02/06/10                         | \$ 74,310.28                 | \$ 37,155.14              | \$ 37,155.14         | \$ 4,814.67       | \$ 12,840.82              | \$ 1,356.16               | \$ 13,034.02     | \$ 5,309.47                 |
| 02/13/10                         | \$ 88,868.00                 | \$ 44,334.00              | \$ 44,334.00         | \$ 5,506.28       | \$ 15,321.83              | \$ 1,618.19               | \$ 15,552.37     | \$ 6,335.33                 |
| 02/20/10                         | \$ 153,892.24                | \$ 76,946.12              | \$ 76,946.12         | \$ 9,556.71       | \$ 26,582.59              | \$ 2,808.53               | \$ 26,992.70     | \$ 10,995.60                |
| 02/27/10                         | \$ 144,048.80                | \$ 72,024.40              | \$ 72,024.40         | \$ 8,945.43       | \$ 24,891.83              | \$ 2,626.89               | \$ 25,266.16     | \$ 10,282.28                |
| 03/06/10                         | \$ 153,873.70                | \$ 76,936.65              | \$ 76,936.65         | \$ 9,555.56       | \$ 26,589.37              | \$ 2,808.20               | \$ 26,989.44     | \$ 10,994.28                |
| Subtotal                         | \$ 4,902,440.00              | \$ 2,907,251.75           | \$ 1,995,188.25      | \$ 247,802.41     | \$ 689,537.04             | \$ 72,824.37              | \$ 699,812.02    | \$ 285,112.41               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

| Week Ending Date                                  | Week Ending<br>March 6, 2010<br>FY10<br>March 12, 2010 |
|---------------------------------------------------|--------------------------------------------------------|
| To be Deposited on:                               |                                                        |
| Amount Played                                     | 92,890,848.87                                          |
| Amount Won                                        | 83,581,197.82                                          |
| Amount Promo                                      | 361,689.00                                             |
| MWAP Contribution                                 | <u>43,234.08</u>                                       |
| Adjusted Gross Terminal Revenue                   | <u>8,804,727.77</u>                                    |
| Administrative Costs @ 4%                         | 0.00                                                   |
| Excess Lottery Fund @ 4%                          | <u>356,169.12</u>                                      |
| Net Terminal Revenue                              | <u>8,548,538.85</u>                                    |
| Surcharge @ 10%                                   | 854,853.87                                             |
| State Share Excess @ 58%                          | 485,815.24                                             |
| Track Share of Capital Reinvestment @ 42%         | 359,038.63                                             |
| Track Share of Capital Reinvestment @ 42% - 98%   | \$ 344,677.08                                          |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ 14,361.55                                           |
| Adjusted Net Terminal Revenue                     | <u>7,693,684.78</u>                                    |
| Racetrack @ 48.50% / 42%                          | 3,231,347.61                                           |
| Lottery Fund @ 30% / 0%                           | 0.00                                                   |
| Excess Lottery Fund @ 0% / 41%                    | 3,154,410.75                                           |
| Race Track Purses @ 7% / 14% / 8%                 | 615,494.78                                             |
| Workers' Compensation Debt Reduction @ 7%         | 0.00                                                   |
| Employee Pension Fund @ 1% / .5%                  | 38,488.42                                              |
| Greyhound Development @ .75%                      | 57,702.64                                              |
| Thoroughbred Development @ .75%                   | 57,702.64                                              |
| Racing Commission @ 1%                            | 76,936.85                                              |
| County/Municipality @ 2%                          | 153,873.70                                             |
| 3% Funds:                                         |                                                        |
| Tourism Promotion Fund @ 1.375%                   | 105,788.17                                             |
| Development Office Promotion Fund @ .375%         | 28,851.32                                              |
| Research Challenge Fund @ .5%                     | 38,488.42                                              |
| Capitol Renovation and Improvement Fund @ .0875%  | 52,894.08                                              |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 4,808.55                                               |
| 1% Funds:                                         |                                                        |
| State Capitol Complex Parking Garage @ 1%         | 0.00                                                   |
| Cultural Facilities and Capitol Resources @ .5%   | 0.00                                                   |
| Capitol Dome and Capitol Improvements @ .5% / 1%  | <u>76,936.85</u>                                       |
|                                                   | <u>7,693,684.78</u>                                    |

P.O. Box 2067  
Charleston, WV 25327



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

---

John C. Musgrave  
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Melissa White ext. 290

---

**Comments:**

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

H37

**Re: Public Hearing Notice**

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[Show Header](#)

From: gil narro garcia [Add to Address Book](#)  
To: [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)  
Date: Friday, March 05, 2010 7:33:38 PM  
Subject: Re: Public Hearing Notice

A "Tuesday, March 9, 2010 at 10:00 a.m."---how convenient to retired persons and the unemployed. Excuse me but such meeting times are outrageous, unless, of course, you are intent on NOT having citizens attend and participate. The least you can do is invite comments and responses to something/some document/ some plan, some, something that you have posted on line! Get it?

Gil N Garcia

Harpers Ferry

304-535-2235

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

**From:** [Jefferson County Alerts](#)  
**To:** [jeffersoncountycommissionalerts@jeffersoncountywv.org](mailto:jeffersoncountycommissionalerts@jeffersoncountywv.org)  
**Sent:** Thursday, March 04, 2010 10:39 AM  
**Subject:** Public Hearing Notice

\*\*\*\*\*Please do not reply to this email. If you have questions or need assistance, please email [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or call the County Commission office at 304-728-3284.\*\*\*\*\*