

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JULY 22, 2010
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

PRESENTATIONS:

1. 10:00 a.m. Angela L. Banks, Assessor
 - Exonerations
 - Discussion - Senate Bill 401
 - Assessor's Website, Online Filing, Mapping/GIS - Powerpoint Presentation
2. 10:30 a.m. Robert Dubose - Harpers Ferry Historic Town Foundation - Request for Support and Financial Assistance for Production of the Play "The Rivalry," in the Fall of 2010 in Harpers Ferry - Discussion/Action
3. 10:45 a.m. Jacquelyn Milliron - Water and Sewer Rate Increases
4. 11:00 a.m. Jennifer S. Maghan - County Clerk's Report
5. 11:15 a.m. Legal Update and Report
 - Stephanie Grove - Women's Club Property Resolution - Discussion/Action
 - Ralph Lorenzetti - Budget Increase - Discussion/Action

6. 11:30 a.m. Mark Schiavone, Director of Capital Planning and Management
 - Approve the Resolution to amend the approved budget - Revision 1 to the General Fund - Discuss/Action
7. 11:45 a.m. Roger Goodwin, County Engineer
 - Westridge Hills - Potable Water Test Wells Project - Discussion/Action

NEW BUSINESS:

8. Legislative Issues
9. Old Standard Quarry Discussion
 - Executive Session
10. Motion to Sign the Letter from the State Highway Department that would Transfer the Grant Funds from the Far-A-Way Farm Property to the "Blunt Property" - Discussion/Action

Break for Lunch

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

11. 1:30 p.m. Distribution of FY11 Funds to Support Fire/Ambulance Services Work Session Roundtable with Fire Departments - Allocation of Funding - Contracts

CORRESPONDENCE:

Correspondence received from Region 9 concerning the draft Eastern Panhandle Regional Hazard Mitigation Plan.

Correspondence received from Kathy Clowe concerning the 340 gateway.

Correspondence received from Mary Lois Gannon-Miller concerning the new website.

Meeting minutes received from the Jefferson County Public Service District.

West Virginia Ethics Reporter received for June 2010.

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

ANNOUNCEMENTS:

Mountain Communities Watershed Plan Meetings:

- Saturday, August 14th, 2010 at 2:00 p.m. - Blue Ridge Elementary Cafeteria
- Tuesday, September 21, 2010 at 7:00 p.m. - St. Andrew's Community Center

County Commissioners' Association Annual Training and In-Service Seminar is scheduled for August 1-3, 2010 and the Board of Director's meeting is July 31, 2010.

Notice received from the Charles Town Planning Commission of a public hearing on July 26, 2010, at 7:00 p.m. on the City's newly drafted 2010 Zoning Ordinance.

Notice of Public Hearing on the Proposed Jefferson County Bonding Policy on August 5, 2010, at 1:30 p.m.

Notice of Public Hearings on the proposed amendments to the Subdivision & Land Development Regulations to be held on August 4, 2010, at 7:00 p.m. at Blue Ridge Elementary School and on August 9, 2010, at 7:00 p.m. at the Charles Town Library.

Invitation received from Hospice of the Panhandle to attend a celebration for the "Building the Dream" capital campaign on Thursday, July 29, 2010, at 5:30 p.m.

News release received concerning public scope meeting dates for the Potomac-Appalachian Transmission Highline (PATH) Right-of-Way Applications Environmental Impact Statement.

Notice received of the Eastern Panhandle GIS Users Group Meeting on August 10, 2010, 8:00 a.m. - 3:30 p.m.

Notice received of teleconferences on Development Storm Water Utilities and Impact Fee Programs.

Notice received of the 7th Annual Blue Ridge Community Picnic on July 24, 2010, 2:00 p.m. - 7:00 p.m.

Notice received of the 2010 Household Hazardous Waste & Electronic Waste Collection Event on July 31, 2010, 9:00 a.m. - 3:00 p.m. at the Jefferson County Fairgrounds.

RECESS

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.

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>7/22</u></p> <p>Appt Time or New Business: <u>10:00</u></p>

AGENDA REQUEST FORM

Name: Angela L. Banks/Victoria Myers

Department or Entity: Assessor's Office

Estimation of amount of time needed for appointment: 30 Minutes

Date Requested – 1st Choice: July 15, 2010

Date Requested – 2nd Choice: July 22, 2010

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

Subject: Assessor's Website, Online Filing, Mapping/Gis

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

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

Attachments:

RECEIVED

JUN 23 2010

Jefferson County Commission

Commission Office Use Only	
Date on Agenda:	7/22
Appt Time or New Business:	10:30

AGENDA REQUEST FORM

Name: Robert DuBose 304-535-2009

Department or Entity: Harpers Ferry Historic Town Foundation

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: July 15, 2010

Date Requested – 2nd Choice: July 22, 2010

If a specific date is needed, please provide reason for specific date: **The events for which we are requesting support start in September, and the time is short in order to rehearse, publicize, and produce our cultural presentations.**

Subject: Support and financial assistance for production of the play "The Rivalry," in the Fall of 2010 in Harpers Ferry.

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

This request is for financial assistance from the Commission in support of the production of the play "The Rivalry," to take place on three weekends in the Fall 2010 in Harpers Ferry. We expect that this production—which follows the 2009 production of "John Brown's Body," with financial support from the Commission and AHA—will be the second act in the effort by the Corporation and Historic Town Foundation of Harpers Ferry to foster a cultural renaissance in Harpers Ferry. We feel that periodic production of world-class drama involving events crucial to the history of our town and County would be an important factor in generating and reviving a spirit of shared enthusiasm for all the citizens of and visitors to our wonderful County. History is our past, present and future.

"The Rivalry," was written by Norman Corwin in 1958 and often performed to great acclaim—most recently last year at Ford's Theatre. It takes place in 1858 as two extraordinary men shared a podium in seven Congressional districts in Illinois. Abraham Lincoln and Stephen Douglas, the nation's most charismatic orators, debated for 36 hours with an energy that hypnotized the nation. The debates were conducted in a fever of partisanship as the press vilified or glorified the opponents, depending on which side they took. As the nation listened, Douglas, cocky and brisk, fought for the rights of the separate states to make their own choice on the question of slavery. Abraham Lincoln, an unknown small town lawyer, fought for the equality of human beings and the conviction that the nation could not endure half slave, half free. Mrs. Douglas, who accompanied her husband on the tour, serves as both performer and narrator of the play. It is she who puts the whole in perspective. As she begins to lose her distrust for her husband's opponent, she sees in him the greatness that our nation so desperately needed.

Because Harpers Ferry and Charles Town are so linked to John Brown, the anti-slavery and Niagara movements, and the Civil War, we believe this play has special significance for this area. Those who appreciate our history or wish to learn more about it will be drawn to this production. The issues still reverberate.

Joe Yates—well-known local actor/producer/director, with an extensive background in theater both locally and in New York City—will direct the play. Its producer will be Mr. Robert DuBose and other members of the Harpers Ferry Historic Town Foundation. Mr. Yates directed and acted in last year's production of "John Brown's Body."

We request from the Commission \$8000 to produce this play, an amount which will help defer the cost of the technical budget, rights to the play, cast and crew, and advertising. We also request that the Council indicate to AHA its support of this project and request that AHA also support the project (the Commission funds would constitute the required match for AHA funds). Our full budget is attached. The play will be performed six times over three weekends at the end of September and first of October at St. John's Episcopal Church in Harpers Ferry.

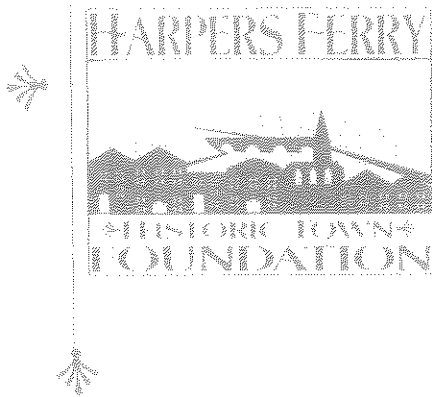
Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

***Resolved*, That the Jefferson County Commission contribute \$8000 to the Harpers Ferry Historic Town Foundation for the purpose of producing the play "The Rivalry" in Harpers Ferry this Fall; and**

***Resolved*, that the Commission recommends that the Arts and Humanities Alliance (AHA) of Jefferson County support the production of this play with a financial subvention and assistance with publicity and other help as may be appropriate and needed.**

Attachments:

- 1) Letter to the Commission signed by Harpers Ferry Mayor James Addy and Historic Town Foundation President Alfred Alsdorf.
- 2) Budget for the production of "The Rivalry."



Creating Legacies Inspiring a New American Future

June 23, 2010

To the Jefferson County Commission:

This letter is a request for financial assistance from the Commission for support of the production of the play "The Rivalry," to take place on three weekends in the Fall 2010 in Harpers Ferry. We expect that this production—which follows the 2009 production of "John Brown's Body"—will establish an annual historical drama event in Harpers Ferry to which both Jefferson County citizens and visitors to the Town will enjoy.

"The Rivalry," written by Norman Corwin, takes place in 1858 as two extraordinary men shared a podium in seven Congressional districts in Illinois. Abraham Lincoln and Stephen Douglas, the nation's most charismatic orators, debated for 36 hours with an energy that hypnotized the nation. The debates were conducted in a fever of partisanship as the press vilified or glorified the opponents, depending on which side they took. As the nation listened, Douglas, cocky and brisk, fought for the rights of the separate states to make their own choice on the question of slavery. Abraham Lincoln, an unknown small town lawyer, fought for the equality of human beings and the conviction that the nation could not endure half slave, half free. Mrs. Douglas, who accompanied her husband on the tour, serves as both performer and narrator of the play. It is she who puts the whole in perspective. As she begins to lose her distrust for her husband's opponent, she sees in him the greatness that our nation so desperately needed.

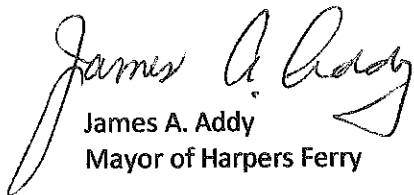
Because Harpers Ferry and Charles Town are so linked to John Brown and the anti-slavery and Niagara movements, we believe this play has special significance for this area. Those who appreciate our history or wish to learn more about it will be drawn to this production.

Joe Yates—with an extensive background in theater both locally and in New York City—will produce the play. Joe produced and acted in last year's moving production of "John Brown's Body."


JOE YATES
HARPERS FERRY
WEST VIRGINIA

We request from the Commission \$8000 to produce this play, an amount which will help defer the cost of the technical budget, rights to the play, cast and crew, and advertising. Our full budget is attached. The play will be performed six times over three weekends at the end of September and first of October at St. John's Episcopal Church in Harpers Ferry.

Sincerely yours,



James A. Addy
Mayor of Harpers Ferry



Alfred Alsdorf
President, Harpers Ferry Foundation

BUDGET
For
Production of "The Rivalry"

Technical support	\$1500
Set, costumes, supplies	\$2000
Rights and administrative costs	\$ 500
Cast and crew for 6 performances	\$5000
Advertising	\$5000
Miscellaneous	\$2000
Total cost	\$16,000

Commission Office Use Only	
Date on Agenda:	7/22
Appt Time or New Business:	10:45

AGENDA REQUEST FORM

Name: Jacquelyn Milliron

Department or Entity: Jefferson County Resident

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: July 22, 2010

Date Requested – 2nd Choice: July 15, 2010

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

Subject: **Water and Sewer Rate Increases**

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

To make the JCC aware of two water and sewer rate cases that will force <3,000 existing customers to pay for about \$45 million in new infrastructure projects that have no positive impact or effect on the status of their water and sewer product. These projects are being facilitated through the Public Service Commission of West Virginia by Jefferson Utilities Inc. and Jefferson County Public Service District simultaneously via a "shared ratepayer customer base". The majority of the same customer base has already suffered 124% increase in water tariffs. An unknown, but large, number of that same customer base will experience a 63% increase in sewer rates to the now public/private partnership of JCPSD and JUI. The average family will be forced to pay about \$250 per month for water and sewer. Both public and private entities have demonstrated a lack of empathy and have used powerful means beyond an ordinary citizen like myself to ensure the success of new projects in a surplus housing market situation. Common sense, integrity, and foresight have been abandoned and will likely cause civil unrest.

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

I am requesting that the JCC uphold West Virginia Law which states in Section 24-2-2b, that "notwithstanding any other provision of this code to the contrary, rates are discriminatory if, when considering the debt costs associated with a future water or sewer project which would not benefit existing customers, the commission establishes rates which ensure that the future customers to be served by the new project are solely responsible for the debt costs associated with the project."

Also, this is a request that the Jefferson County Commission ask for intervener status in Water Rate Case No. 10-0974-PC-W-42T and Sewer Rate Case No. 09-0347-PSD-PC-CN.

Attachments:

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

Name: Stephanie Grove

Department or Entity: Legal

Estimation of amount of time needed for appointment: 15 min

Date Requested - 1st Choice: July 22, 2010

Date Requested - 2nd Choice: _____

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

Commissioner Nigmyer requested that I put the resolution on the agenda for this date

Subject:

Women's Club Property Resolution

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

A resolution to dispose of the Women's Club property and determine the rights of the cities and county

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

I move that we approve the resolution as drafted

Whereas the property located at 423 South George Street, Charles Town, WV can no longer be sustained by the Women's Club;

And, whereas, the property at 423 South George Street, Charles Town, WV is rapidly deteriorating and subject to vandalism;

And, whereas, funds from the sale of the property could be used to support historic and art-related programs in Jefferson County;

And, whereas, the cities of Charles Town and Ranson and the County of Jefferson may have all have been granted an interest in the property on behalf of the citizens of Charles Town, Ranson and Jefferson County;

And, whereas, the cities of Charles Town and Ranson, and the County Commission of Jefferson County intend to file a suit to quiet to title in the Circuit Court of Jefferson County to determine the extent of each entity's interest in the property;

Now, therefore, be it resolved that Charles Town, Ranson and County Commission of Jefferson County do hereby agree to dispose of the property and use the proceeds to establish an account to support historic and art-related programs;

And, be it further resolved, the cities of Ranson and Charles Town and Jefferson County do hereby direct the Ranson City Attorney to draft an agreement and institute the necessary legal proceedings to carry out this mission as quickly as possible.

Signed:

Peggy Smith
Mayor, Charles Town

Dave Hamill
Mayor, Ranson

Lyn Widmyer
President, Jefferson County Commission

Commission Office Use Only

#5B

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Ralph Lorenzetti

Department or Entity: Prosecutors Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1st Choice: July 22, 2010

Date Requested - 2nd Choice: _____

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

A specific date is needed so the necessary information for the office is submitted & requested promptly.

Subject:

Budget Increase

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

Mr. Lorenzetti is requesting a budget increase due to the needs of the office at this current time.

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

I move that we approve the budget increase for 2010/2011 time frame for necessary matters within the office.

Memorandum


To: Jefferson County Commission
From: Ralph A. Lorenzetti, Jr., Prosecuting Attorney
Date: July 1, 2010
Subject: Budget Revision

Dear Commissioners,

The next two weeks I will be either on vacation or at the National District Attorney's Association Summer Conference. Assuring there may be some additional funds available when the final Budget numbers become available, I would request to address the Commission on Thursday, July 22nd.

There are several requests I will be making concerning any excess funds from 2009/2010 available for 2010/11. First I believe all county employees deserve a modest pay increase including this office. Second, the lowest paid person in this office should have her salary adjusted from \$20,000 to \$24,000 as a minimum, not including any county wide increase. This employee has been doing an outstanding job for marginal pay. Third, this office needs one additional attorney, i.e. an entry level attorney (\$55-\$65,000 range). This attorney's duties would include 50% duty assisting Stephanie Grove on County legal concerns and 50% on Abuse and Neglect cases. Stephanie Grove would continue as lead on County Legal matters. Steve Groh would continue to work with the various commissions, (50-60% of his time) but would begin assisting during felony cases, which needs assistance due to increased drug and sexual cases therefore, I request to address the commission on July 22nd.

Very Truly Yours


Ralph A. Lorenzetti, Prosecuting Attorney

RAL/MSB

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

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 22 July 2010

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: Need to ensure sufficient time to revise General Fund in the event there are questions. A revision to the General Fund to account for the unreserved fund balance must be made prior to the end of July.

Subject: Revision 001 to the General Fund

Please provide the County Commission with a description of your request or presentation, including any background information: This revision accounts for the unreserved fund balance for the general fund (which was \$2,829,325). Of this amount, \$750,400 was previously budgeted, thus revenues are to be increased by \$2,078,925. This revision also accounts for \$24,382 in open purchase orders. When that amount is accounted for, the remaining \$2,054,543 will be placed in County Commission line 401-05-568 Other Contribution. Any further increases to other departments should be funded from this line.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve the resolution to amend the approved budget. This is revision 1 to the General Fund.

Attachments: (1) SAO Request for Revision to Approved Budget, (2) Draft Resolution for SAO, (3) Summary detail worksheet, and (4) Open Purchase Orders Report.

REQUEST FOR REVISION TO APPROVED BUDGET

CONTROL NUMBER

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

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)

2011
 FY
001
 FUND
001
 REV. NO.
1 of 1
 PG. OF NO.

JEFFERSON COUNTY COMMISSION
 GOVERNMENT ENTITY

Person To Contact Regarding
 Budget Revision: F. Mark Schiavone
 Phone: (304) 728-3337
 Fax: (304) 724-2178

PO BOX 250 124 E. WASHINGTON STREET
 STREET OR PO BOX
CHARLES TOWN 25414
 CITY ZIP CODE

County
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	750,400	2,078,925		2,829,325
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 2,078,925

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	1,100,265	2,066,971		3,167,236
402	County Clerk	825,154	3,340		828,494
405	Prosecuting Attorney	1,472,965	633		1,473,598
424	Courthouse	1,682,148	3,853		1,686,001
425	Other Buildings	710,645	2,568		713,213
712	Communication Center	1,874,093	1,560		1,875,653
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures 2,078,925

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held 22nd June, 2010, the following order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 001, 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, Lyn Widmyer, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and F. Mark Schiavone is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

REVENUES	Unreserved Fund Balance	001-299	Approved	Credit	Debit	FINAL ADJUSTED	Comment
			750,400	2,078,925		2,829,325	Actual UE was \$2,829,325
Revenue Checksums			750,400	2,078,925	0	2,829,325	

EXPENDITURES

Dept	Line	Approved	credit	debit	FINAL ADJUSTED
401 County Comm	0014010222000GG000	16,000		6,500	22,500 Open PO Dues/Subscriptions
	00140103341000GG000	10000		5,928	15,928 Open PO Materials/Supplies
	00140105568000GG000	123000	2,054,543		2,177,543 Unreserved Fund
402 County Clerk	00140203342000GG000	3860		3,340	7,200 Open PO Record books
405 Prosecuting Attorney	00140502216000GG000	4000		633	4,633 Open PO Main/Repair Equip
424 Courthouse	00142402216000GG000	8,500		1,549	10,049 Open PO Main/Repair Equip
	00142402230000GG000	9,500		2,304	11,804 Open PO Contracted Srv
425 Other Buildings	00142502216000GG000	10,000		198	10,198 Open PO Main/Repair Equip
	00142502230000GG000	240,000		2,370	242,370 Open PO Contracted Srv
712 Communication Ctr	00171202230000PS911	2,225		1,560	3,785 Open PO Contracted Srv
Expenditure Checksums		427,085	2,078,925	-	2,506,010

Revenue/Expenditure Check PASSED

SAO	Revenues	Dept/Description	Approved	Credit	Debit	FINAL ADJUSTED
		299 Unreserved Cash Balance	750,400	2,078,925		2,829,325
Total			750,400	2,078,925	-	2,829,325
SAO	Expenditures	Dept/Description	Approved	Credit	Debit	FINAL ADJUSTED
		401 County Commission	1,100,265	2,066,971		3,167,236
		402 County Clerk	825,154	3,340		828,494
		405 Prosecuting Attorney	1,472,905	633		1,473,538
		424 Courthouse	1,682,148	3,853		1,686,001
		425 Other Buildings	710,645	2,568		713,213
		712 Communication Ctr	1,874,093	1,560		1,875,653
Total			7,665,270	2,078,925	-	9,744,195

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: KIRK DAVIS

Department or Entity: COUNTY COMMISSION

Estimation of amount of time needed for appointment: 10 MINUTES

Date Requested - 1st Choice: 22 JULY 2010

Date Requested - 2nd Choice: _____

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

Subject: TO MOVE FUNDS FROM FAR-A-WAY FARMS TO BLUNT PROPERTY. THESE FUNDS WILL BE USED TO PURCHASE THE BLUNT PROPERTY USING THE STATE GRANT PROVIDED BY DOH.

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):

MOTION TO SIGN THE LETTER FROM THE STATE HIGHWAY DEPARTMENT THAT WOULD TRANSFER THE GRANT FUNDS FROM FAR-A-WAY FARM PROPERTY TO THE "BLUNT PROPERTY".



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

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

Joe Manchin III
Governor

April 15, 2010

SUPPLEMENTAL AGREEMENT #2

Mr. Kirk Davis, Sr.
Capital Projects Manager
Department of Capital Planning and Management
Jefferson County Government
114 East Washington Street
Charles Town, West Virginia 25414

Dear Mr. Davis:

Shepherdstown Battlefield
State Project: U319-SHE/P-7.00
Federal Project: TEA-0H22(001)E
Jefferson County

This Supplemental Agreement, executed in duplicate, by and between the West Virginia Department of Transportation, Division of Highways, hereinafter called "Department" and the County Commission of Jefferson County, hereinafter called "Sponsor", supplementing the original Agreement between Department and Sponsor, dated November 6, 2007 and the Supplemental Agreement #1 dated December 15, 2008.

WITNESSETH that,

WHEREAS, the original Agreement provided for the participation of Department and Sponsor in a Project for the acquisition of the Faraway Farm property for future development as a Battlefield Park for the interpretation and commemoration of the September 1862 Battle of Shepherdstown; and

WHEREAS, Supplemental Agreement # 1 provided additional funding for the project; and

WHEREAS, the Faraway Farms property is no longer a viable site for the project; and

WHEREAS; the Old Cement Mill Plant property is available for development and will provide an opportunity for interpretation of the cement mill plant, the site of Boteler's Ford of the Potomac River and the Battle of Shepherdstown;

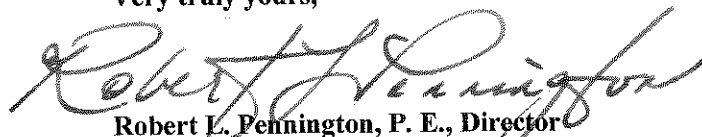
NOW, THEREFORE, Department and Sponsor agree as follows:

1. That the Old Cement Mill Plant property will be acquired instead of the Faraway Farms property for development of a battlefield park and for the interpretation of the cement mill plant, Boteler's Ford and the Battle of Shepherdstown.

2. That Sponsor shall submit a certified check, payable to the West Virginia Division of Highways for the sum of fifty thousand dollars (\$50,000), or provide documentation of properly donated property to the Project whose value equals or exceeds the twenty percent (20%) required Project match of fifty thousand (\$50,000) or provide a combination of donated property and a certified check which in total equals or exceeds the required minimum twenty percent (20%) project match of fifty thousand dollars (\$50,000). This transfer of funds, and/or approved documentation of properly donated property, must occur before any invoices are submitted for reimbursement and prior to the acquisition of the designated property.
3. That Sponsor acknowledges that as of the date of this Agreement, no certified check and/or documentation of donated property has been submitted to cover the Sponsors twenty percent (20%) matching funds.
4. That, if funding and time remains after the completion of the property acquisition, the remaining funding may be used for the development and interpretation of the site. Any future development on the site using this grant funding or other State or Federal funding must be approved by the Department prior to design, implementation, or construction.
5. The Sponsor agrees to complete the project by June 30, 2011.
6. That all the terms and provisions contained in the heretofore-referenced original Agreement dated November 6, 2007 and Supplemental Agreement #1 dated December 15, 2008 shall remain in full force and effect except as modified and/or altered by this Supplemental Agreement #2.

If you concur, please sign both Letter Agreement originals. After signing, keep one executed Agreement for your files and return the other to the West Virginia Division of Highways, Building 5, Room A-816, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305.

Very truly yours,


Robert L. Pennington, P. E., Director
Program Planning and Administration Division

RLP:Sw

ACCEPTED: COUNTY COMMISSION OF JEFFERSON COUNTY Date: _____

ATTEST: _____

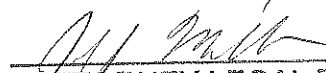
By: _____

Title: _____

Title: _____

Distribution: County Commission of Jefferson County
West Virginia Division of Highways

APPROVED AS TO FORM THIS
18 DAY OF May 20 10


ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF HIGHWAYS



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

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

Joe Manchin III
Governor

April 15, 2010

SUPPLEMENTAL AGREEMENT #2

Mr. Kirk Davis, Sr.
Capital Projects Manager
Department of Capital Planning and Management
Jefferson County Government
114 East Washington Street
Charles Town, West Virginia 25414

Dear Mr. Davis:

Shepherdstown Battlefield
State Project: U319-SHE/P-7.00
Federal Project: TEA-0H22(001)E
Jefferson County

This Supplemental Agreement, executed in duplicate, by and between the West Virginia Department of Transportation, Division of Highways, hereinafter called "Department" and the County Commission of Jefferson County, hereinafter called "Sponsor", supplementing the original Agreement between Department and Sponsor, dated November 6, 2007 and the Supplemental Agreement #1 dated December 15, 2008.

WITNESSETH that,

WHEREAS, the original Agreement provided for the participation of Department and Sponsor in a Project for the acquisition of the Faraway Farm property for future development as a Battlefield Park for the interpretation and commemoration of the September 1862 Battle of Shepherdstown; and

WHEREAS, Supplemental Agreement # 1 provided additional funding for the project; and

WHEREAS, the Faraway Farms property is no longer a viable site for the project; and

WHEREAS; the Old Cement Mill Plant property is available for development and will provide an opportunity for interpretation of the cement mill plant, the site of Boteler's Ford of the Potomac River and the Battle of Shepherdstown;

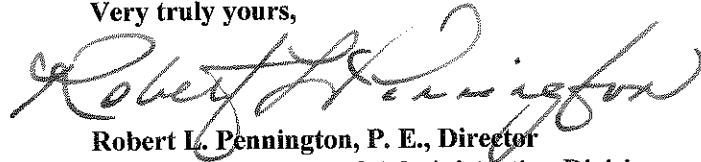
NOW, THEREFORE, Department and Sponsor agree as follows:

1. That the Old Cement Mill Plant property will be acquired instead of the Faraway Farms property for development of a battlefield park and for the interpretation of the cement mill plant, Boteler's Ford and the Battle of Shepherdstown.

2. That Sponsor shall submit a certified check, payable to the West Virginia Division of Highways for the sum of fifty thousand dollars (\$50,000), or provide documentation of properly donated property to the Project whose value equals or exceeds the twenty percent (20%) required Project match of fifty thousand (\$50,000) or provide a combination of donated property and a certified check which in total equals or exceeds the required minimum twenty percent (20%) project match of fifty thousand dollars (\$50,000). This transfer of funds, and/or approved documentation of properly donated property, must occur before any invoices are submitted for reimbursement and prior to the acquisition of the designated property.
3. That Sponsor acknowledges that as of the date of this Agreement, no certified check and/or documentation of donated property has been submitted to cover the Sponsors twenty percent (20%) matching funds.
4. That, if funding and time remains after the completion of the property acquisition, the remaining funding may be used for the development and interpretation of the site. Any future development on the site using this grant funding or other State or Federal funding must be approved by the Department prior to design, implementation, or construction.
5. The Sponsor agrees to complete the project by June 30, 2011.
6. That all the terms and provisions contained in the heretofore-referenced original Agreement dated November 6, 2007 and Supplemental Agreement #1 dated December 15, 2008 shall remain in full force and effect except as modified and/or altered by this Supplemental Agreement #2.

If you concur, please sign both Letter Agreement originals. After signing, keep one executed Agreement for your files and return the other to the West Virginia Division of Highways, Building 5, Room A-816, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305.

Very truly yours,



Robert L. Pennington, P. E., Director
Program Planning and Administration Division

RLP:Sw

ACCEPTED: COUNTY COMMISSION OF JEFFERSON COUNTY Date: _____

ATTEST: _____

By: _____

Title: _____

Title: _____

Distribution: County Commission of Jefferson County
West Virginia Division of Highways

APPROVED AS TO FORM THIS
18th DAY OF May 2010



ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF HIGHWAYS

County Commission Worksession:

July 22, 2010

1:30 p.m.

Distribution of FY11 Funds to support fire/ambulance services

Topics:

- 1. Overview of Draft FY11 County Budget for Emergency Services
- 2. Distribution of funds to local volunteer fire departments

Option 1: County commission contracts with Emergency Services Agency to distribute funds to volunteer fire departments.

Option 2: County Commission continues individual contracts with each volunteer fire department and ESA will distribute any other funds above the contract amount.

- 3. Need for a county-wide fire/EMS fee
 - Review fee structure in neighboring counties and municipalities. What services are covered by the fees?
 - Discuss what percentage of emergency service costs a local fee in Jefferson County might cover: maintain current level of service? Apply to new service levels? Apply to personnel? Equipment?
 - How does a new fee relate to impact fees which provide equipment related to growth?

No action will be taken at this worksession.



RECEIVED

SERVING BERKELEY, JEFFERSON, AND MORGAN COUNTIES

JUL 09 2010

To: Regional Hazard Mitigation Plan Stakeholders
From: Mike Ball, Region 9
Date: July 7, 2010
Subject: Review of Eastern Panhandle Regional Hazard Mitigation Plan

In January of 2009, I attended the first of three meetings for creating regional hazard mitigation plans throughout West Virginia. The concept of regional plans is being promoted by FEMA and the West Virginia Division of Homeland Security and Emergency Management.

Hazards and emergencies do not always stop at the border. With 55 counties and over 230 municipalities in the state, the West Virginia Division of Homeland Security and Emergency Management's goal is to consolidate hazard mitigation plans to have documented regional processes for responding to emergencies and mitigating hazards throughout the state. All of the Regional Planning and Development Councils in the state are working to complete these regional plans. At the completion of this project, there will be 11 regional hazard mitigation plans throughout the state.

Enclosed you will find CD-ROM containing a draft of the Regional Hazard Mitigation Plan for the Eastern Panhandle. As a stakeholder in your county's original plan, I am sending you the new regional plan for your review and comments.

This plan was created from the contents of the current hazard mitigation plans from Jefferson, Berkeley and Morgan Counties. Each county's complete and most recently approved plan will be included with this regional plan as an attachment. Nothing has been changed in each county's approved plan. These county plans are not included with this review of the regional plan.

Since the county plans were created and approved, FEMA has added a few new reporting requirements. The data needed to complete these new reporting requirements came from the existing county plans. It was usually a matter of reformatting or restating existing data to complete the new reporting requirements. One area where new data is included in the regional plan is related to repetitive loss data in Section VI. This data was provided by the WV Division of Homeland Security and Emergency Management.

Within the new plan, I have reformatted and restated content from individual county plans into a regional context. It was my goal not to change any factual content as the regional plan was constructed. Part of the review process is to ensure I did not change or misstate anything.

During the creation of this plan, I have submitted drafts of the plan and my Crosswalk review worksheet for periodic review to Roger Jefferson, a State Hazard Mitigation Planner with the WV Division of Homeland Security and Emergency Management. FEMA will approve the final plan.

In conjunction with your review a copy of the regional plan will be placed online for public review and comments.

Make note of the following during the review process:

RECEIVED

- Any typos, spelling and grammatical errors
- Inaccurate information
- Missing information
- Anything you think is questionable or unclear

Let me know if you need additional copies of the draft regional plan or if anyone else in your organization needs to review the plan. I will send more copies.

I want to thank everyone for their assistance in reviewing the plan. Contact me if you have any questions or comments at 304-267-5076 or mball@region9wv.com. Send all comments to my email address back to me by Wednesday, August 11, 2010.

Nichelle Hosby

From: Kathy Clowe [kathyannclowe@yahoo.com]
Sent: Sunday, July 11, 2010 7:15 AM
To: dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org
Subject: 340 Gateway

Your submission:

Your Name: Kathy Clowe

Your Email Address: kathyannclowe@yahoo.com

Subject: 340 Gateway

Message: On Memorial Day weekend there was a mile-long backup at the Route 340 bridge and Harpers Ferry Gap. It's a sign that people want to come here to enjoy the diversity of experiences we have to offer. Now we have to deal with those traffic jams. It's time to deal with the "Gateway" connecting Maryland and Virginia to Charles Town.

Right now there is a crowded, cramped, treacherous road through the gap. Paddlers and rafters are dodging harried motorists. On Sundays, there is a corresponding back up as people return from their weekends in our state. During the week, traffic often gets backed up past the Brunswick exits. We need to create a beautiful, safe entrance to our state.

The County Commission is developing concepts for Route 340 from Harpers Ferry Gap to the Virginia line south of Rippon. But this is more than a local problem. Jefferson county brings millions of dollars to the state in taxes from these tourist dollars.

If the rest of West Virginia wants our tourism and gaming taxes, the Manchin administration needs to engage the federal government to bring federal money and assistance to build a long-term plan for Route 340 that facilitates safe travel and recreational access to the famed Shenandoah River; creates a world-class parkway-style passage through the region Jefferson said was worth a trip across the Atlantic; improves the quality of life for Jefferson County residents; and enables economic and residential development along Route 340 that we can be proud of.

This letter was taken from an editorial in the Observer, but I wholeheartedly agree with the ideas they expressed. As a long term Jefferson county resident, I have felt this way for years, however, they did a better job of expressing them than I can.

Thank you.

Kathy Clowe

Jefferson County Resident and Voter

Sandy McDonald

From: "MaryLois Gannon-Miller" <marialouisa2001@yahoo.com>
To: <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>
Sent: Thursday, July 08, 2010 10:39 AM
Subject: Job Well Done

Your submission:

Your Name: MaryLois Gannon-Miller

Your Email Address: marialouisa2001@yahoo.com

Subject: Job Well Done

Message: Website looks great! Clear and easy to navigate. My compliments to everyone involved in its revamp.

Jefferson County Public Service District

Jefferson County Public Service District Special Board Meeting June 18, 2010

The special meeting of the Jefferson County Public Service District was held at 9:00AM on Friday, June 18, 2010 at the District's office in Kearneysville. Those in attendance included: Secretary, Jim Cummins (by speakerphone); Treasurer, Peter Appignani (by speakerphone); District Legal Counsel, Jim Kelsh (by speakerphone); PSD General Manager, Susanne Lawton; PSD Finance Manager, April Williams; and Administrative Assistant, Ashley Wilt. Also present was Chuck Young from Cox Hollida Price. Mr. Hankins was absent from the meeting.

Treasurer Appignani called the meeting to order at 9:03AM.

Consider Approval of June 7 Regular Board Meeting Minutes

The minutes of the June 7, 2010 regular Board meeting were approved as presented.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the June 7, 2010 minutes as presented. Approved 2-0.

To Consider and Adopt a Supplemental Resolution Supplementing and Amending the Bond Resolution Regarding the Issuance of the Districts Sewer Refunding Revenue Bonds

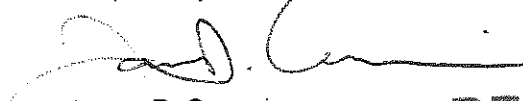
Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to adopt and execute the Supplemental Resolution prepared by Spilman Thomas & Battle, the District's Bond Council, for the refinance of the 1998A sewer bond which Mr. Appignani read into record. Approved 2-0.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to adjourn. Approved 2-0.

There being no further business at this time, the meeting was adjourned at 9:12AM

The next regular meeting is scheduled for July 6, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins
Secretary



Peter L. Appignani
Treasurer

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JUL 09 2010

Jefferson County Commission

Ethics Reporter

Since the Last Reporter

Since the April edition of the *REPORTER*, the West Virginia Ethics Commission published two Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act. The Commission published no Advisory Opinions in May.

At its June 3 meeting, the West Virginia Ethics Commission approved opinions relating to the applicability of the Ethics Act to a county rescue service and the permissibility of a member of the Legislature accepting a prize won at a public reception.

ADVISORY OPINION REPORT

Advisory Opinion 2010-09 concerned the applicability of the Ethics

Act to a county rescue service.

In this case, a county rescue service was originally organized in 1969 as a non-profit organization. The county commission appointed all original members of the organization's board but, under the articles of incorporation, has maintained the power to appoint only three members of the board since the inception. The county is required under state law to provide emergency ambulance services within its borders and may do so through a non-profit organization and by providing funding either directly or through a special levy approved by voters.

The county commission has entered into a contract with the rescue service and pays the organization under that agreement. The county commission also has the approval power over the organization's budgets in exchange for its

provision of funding through a special levy.

In its review of the request, the Ethics Commission examined the provisions of 6B-2-5 and the definitions of public employee and public official as they are applicable to the request for guidance on whether the Ethics Act applies to the county rescue service.

In its opinion, the Ethics Commission ruled that as a non-profit corporation, the county rescue service is not a public entity that is subject to the jurisdiction of the West Virginia Governmental Ethics Act. The Commission ruled that, notwithstanding the county's assistance in the creation and funding of the non-profit organization, it is not a public body. The Commission recounted a litany of previous rulings in this connection dating back to 1990.

Advisory Opinion 2010-11 concerned the

permissibility of a member of the Legislature accepting a prize won at a public reception.

A legislator was invited to and attended a reception celebrating the success of a public agency located in his district. As a part of the celebration, a random drawing was held for which all in attendance were eligible by placing their business cards in a container. An airline company donated two free travel tickets as one prize and the public agency donated two other tickets using promotional funds from its budget. The legislator's name was randomly drawn as the winner of two airline tickets.

The Ethics Commission examined the provisions of 6B-2-5(b) which prohibit a public official from using their office for private gain, as well as the language of 6B-2-5(c)(1) prohibiting a public official from accepting gifts or other things of value when a regulatory or other

relationship exists between the parties.

The Commission also examined the exemptions to this rule as identified in (c)(2).

The Ethics Commission ruled that the proposed acceptance of airline tickets randomly won by a member of the Legislature while attending the reception would not be permissible. The opinion detailed a number of previous cases involving similar circumstances where public employees won prizes at various meetings and were prohibited from accepting them.

The Commission did make it clear that public employees and officials may accept prizes in situations where the official positions and relationships are not at stake and where the matter exclusively involves private and personal interests.

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

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

**BOARDS AND
COMMISSIONS**

NONE PUBLISHED

**BOARDS OF
EDUCATION**

NONE PUBLISHED

**COUNTY
GOVERNMENT**

2010-09:
Applicability of the Ethics Act to a county rescue service

LEGISLATURE

2010-11:
Permissibility of a member of the Legislature accepting a prize won at a public reception

**MUNICIPAL
GOVERNMENT**

NONE PUBLISHED

June, 2010
Page Three

STATE GOVERNMENT

NONE PUBLISHED

**TRADE
ASSOCIATIONS AND
LOBBYISTS**

NONE PUBLISHED

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**WEST VIRGINIA ETHICS COMMISSION
2010 ADVISORY OPINIONS
INDEXED BY TOPICAL SECTOR
(Includes opinions published through June 3, 2010)**

BOARDS AND COMMISSIONS

2009-14:

Permissibility of a board member of a multi-county agency participating in a decision on a contractual matter affecting the agency where the board member is employed

2010-06:

Permissibility of an attorney serving on the board of a public library when the attorney's firm does business with the library and with the county and city governments that also fund and govern the library

2010-10:

Permissibility of members of a county solid waste authority and their families bidding on the purchase of a building owned by the authority (See also COUNTY GOVERNMENT)

BOARDS OF EDUCATION

2010-03:

Permissibility of a candidate for a board of education having a spouse employed by the board in the event they are elected.

2010-04:

Permissibility of a board of education contracting with a non-profit charitable organization when a member of the board of education serves on the group's board of directors.

COUNTY GOVERNMENT

2010-10:

Permissibility of members of a county solid waste authority and their families bidding on the purchase of a building owned by the authority (See also BOARDS AND COMMISSIONS)

2010-09

Applicability of the Ethics Act to a County Rescue Service

LEGISLATURE

2010-11

Permissibility of a legislator accepting a prize won at a public reception

MUNICIPAL GOVERNMENT

2010-02:

Permissibility of city employees being offered and accepting discounted wireless telephone service from the vendor supplying the city with these services

2010-08:

Permissibility of a city council voting to modify the city charter to extend council members' terms in office

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

2009-13:

Permissibility of an attorney for a state agency representing themselves before their employer on a matter affecting their personal interests

2010-01:

Permissibility of a statewide elected official soliciting funds to underwrite the costs of a national conference of similar state elected officials

2010-05:

Permissibility of a state institution of higher education spending more than \$25 to recognize employee achievements provided that annual total expenditures do not exceed \$25 multiplied by the total number of employees at the institution

TRADE ASSOCIATIONS AND LOBBYISTS

2010-07:

Permissibility of a registered lobbyist not registering to lobby on behalf of a non-profit organization if services are provided without compensation

ADVISORY OPINION NO. 2010-09

Issued On June 3, 2010 By The

2010 JUN -7 AM 9: 26

WEST VIRGINIA ETHICS COMMISSION

SECRETARY OF STATE

OPINION SOUGHT

A member of a County Rescue Service, Inc. (CRS) asks whether the CRS is a public entity whose members and/or employees are subject to the provisions of the Ethics Act.

FACTS RELIED UPON BY THE COMMISSION

The County Rescue Service, Inc. (CRS) was incorporated as a non-profit private organization in 1969.¹ Pursuant to the Articles of Incorporation, the original seven board members were appointed by the County Court (now County Commission); thereafter, only three of the seven are appointed by the County Commission from the active members, and the remaining board members are elected by the active members in good standing.

According to its Articles of Incorporation, CRS does not exercise any executive or legislative power. Instead, its role is to "render immediate temporary aid and ambulance service to the sick and injured; to provide transportation for them when needed", and to otherwise act in furtherance of those two goals.

The Emergency Ambulance Service Act of 1975 requires all county commissions to provide ambulance services for their citizens. W. Va. Code § 7-15-4 reads:

The county commission may provide the service directly through its agents, servants and employees; or through private enterprise; or by its designees; or by contracting with individuals, groups, associations, corporations or otherwise; or it may cause such services to be provided by an authority, as provided for in this article; and any municipality or county, or both, or any two or more municipalities within any county or contiguous counties, or any two or more contiguous counties, or any combination thereof, may create an authority. Such authority shall be created upon the adoption, by the governing body of each participating government, acting individually, of an appropriate ordinance or order. Each authority shall constitute a public corporation....

The County recently adopted a Special Emergency Ambulance Service Fee Ordinance, establishing an ambulance fee and recognizing the CRS and a Municipal Volunteer Fire Department as Emergency Medical Services (EMS) Agencies. Pursuant to the

¹ According to the Secretary of State's Office, the State Tax Department recently revoked the CRC's charter. That fact, however, is immaterial to our analysis and the ultimate outcome herein.

Ordinance, each EMS Agency must submit its annual budget to the County Commission for formal approval of use of collected fees. The Ordinance further provides:

The ... County Commission shall review and approve EMS Agencies' Budgets during the general county budget process. The EMS Agencies shall submit an annual financial report of expenditures to the ... County Commission by August 1st of each year.

Section Two, Page 3.

The County Commission and CRS have a written contract, outlining the County Commission's obligation to render funds and for CRS to provide certain services.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code §6B-2-5. Ethical standards for elected and appointed officials and public employees.

(a) *Persons subject to section.* -- The provisions of this section apply to all elected and appointed public officials and public employees, whether full or part time, in state, county, municipal governments and their respective boards, agencies, departments and commissions and in any other regional or local governmental agency, including county school boards.

The Ethics Act defines "Public Employee" as: "any full-time or part-time employee of any state, county or municipal governmental body or any political subdivision thereof, including county school boards." W. Va. Code § 6B-1-3(j).

The Ethics Act defines a "Public Official" as: "any person who is elected or appointed to any state, county or municipal office or position..." W.Va. Code § 6B-1-3(k).

ADVISORY OPINION

The Ethics Act applies only to public servants, not employees or officials of private corporations, regardless of the service the corporation provides. The Ethics Act defines a public employee as any "any full-time or part-time employee of any state, county or municipal governmental body or any political subdivision thereof, including county school boards." (emphasis supplied) Similarly, public officials include only those persons elected or appointed to a state, county or municipal office or position.

CRS has eight full-time and 20 part-time employees. They are paid by CRS, not the County. CRS is responsible for Workers' Compensation coverage and Social Security contributions for its employees, and all the other obligations associated with an employer. Its contract with the County Commission expressly recognizes that portions of the funds shall be used to pay personnel expenses.

CRS is not a corporation created by state or local authority to carry out a governmental function. It exists independent of state authorization. It was formed as a private entity years before the Emergency Ambulance Service Act was enacted. It is undisputed, however, that the Corporation receives most of its funds from the County. Yet, it is registered with the federal and state governments as a private non-profit corporation.

The Ethics Commission has had many occasions to decide whether a non-profit corporation is subject to the Ethics Act, since the Act does not specifically refer to non-profit corporations.

For example, in AO 90-44, the Commission found that a private Water Association was a private entity; therefore its members were not subject to the Ethics Act. Although subject to state utility regulation and a substantial beneficiary of federal funds, the Association was incorporated as a non-profit private corporation, upon which the IRS conferred tax-exempt status.

Similarly, in AO 90-80, the Commission considered the situation of a private, non-profit hospital where the ownership and operation of the hospital had been transferred from a City to the corporation. Even though City Council appointed all the members of the corporation's board of directors, the Commission wrote:

Although the members of the Board of Directors may be, in the broadest sense of the word, "public officials" due only to the fact that they are "appointed", the provisions of the Act are not applicable because they do not serve in a state, city, or municipal government nor take official action as required by the provisions of the Act. The Hospital is a private, non-profit corporation, and not a political subdivision.

In AO 2001-13, the Commission ruled that a non-profit Corporation that advocated for the rights of persons with disabilities, was designated by the Governor as the agency responsible for administering a particular federal program for the State, and was primarily funded by federal grants was not a public entity. Therefore, its personnel were not subject to the Ethics Act. *See also* AO 2001-22. (Non-profit Corporation providing services to benefit the poor and disadvantaged, receiving federal funding to operate a Senior Citizens Center, and being reimbursed for certain services provided under the federal Medicaid program not a public entity. Likewise, its personnel were not subject to the Ethics Act.)

And, in AO 2003-11, the Commission ruled that a non-profit Corporation that promotes the beneficial use of forest resources and receives State funding to conduct its activities is not a public entity; similarly, its personnel were not subject to the Ethics Act.

The Ethics Act, unlike the Open Meetings Act (OMA), applies only to individuals, not entities. The OMA defines a "public agency" as "any administrative unit of state, county, or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or

any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power.”

The Ethics Commission, through its Committee on Open Governmental Meetings, issues OMA Advisory Opinions. In OMA AO 2008-07, the Committee held that a Convention and Visitors Bureau (CVB) was not subject to the Open Meetings Act. The Committee reviewed whether a CVB was a “public corporation”; if so, it was subject to the Open Meetings Act.

Noting that the term “public corporation” does not appear to be defined anywhere within the West Virginia Code, including the OMA, the Open Meetings Committee looked to its earlier advisory opinions and to the definitions found in Black’s Law Dictionary. In OMA AO 99-13, the Committee determined that a public corporation is a corporation created by state or local authority to carry out a governmental function. Notably, the Legislature did not designate CVBs as public corporations. The Committee concluded that a CVB is not a public corporation, and therefore not subject to the OMA.

In OMA AOs 2008-07 and 99-13, and in the previously referenced opinions that analyzed whether the Ethics Act applies to non-profit organizations, the Ethics Commission never tackled the definition of political subdivision. In light of the foregoing analysis and to provide further guidance, the Commission hereby finds that a public corporation is a political subdivision, for purposes of the Ethics Act.

Under the Freedom of Information Act—over which the Ethics Commission has no jurisdiction—governing body includes “any other body which is created by state or local authority or which is primarily funded by the state or local authority.” W. Va. Code § 29B-1-2. The Ethics Act, however, does not look at an organization’s receipt of state or local funds as a factor in determining whether the organization is a public corporation.

The Ethics Commission is concerned, however, that as more government functions are privatized that those performing those functions are not covered by the Ethics Act; the Commission recognizes that government oversight and transparency in operations are necessary to maintain public confidence in the integrity of the government process.

The receipt of federal, state, and/or local funding subjects a non-profit corporation to government oversight unrelated to the Ethics Act. “In exchange for the grant of corporate status, the state usually expects certain forms of compliance by the organization, such as adherence to rules of operation, an initial filing fee, annual reports, and annual fees.” Hopkins, Bruce R. *The Law of Tax-Exempt Organizations*. John Wiley & Sons, at www.Answers.com (accessed on March 24, 2010).

In West Virginia, non-profit organizations are authorized, *inter alia*, to transact any lawful activity that will aid governmental policy. W. Va. Code § 31E-3-302(14). Further, W. Va. Code § 31E-8-860 prohibits certain transactions between a corporation and any entity in which a director or officer has a financial interest. This provision governs the

applicable conflict of interest standard. W. Va. Code § 31E-7-1 *et seq.* concerns membership, meeting, and voting requirements.

Finally, the IRS maintains a formal process for citizens or others to complain about the activities of non-profit organizations. The IRS investigates complaints alleging, *inter alia*, failure to comply with various legal requirements for non-profits. Additionally, the IRS imposes numerous requirements on non-profit organizations with federal tax exempt status. For example, they must file annual reports demonstrating that they continue to operate for the stated exempt purposes. The following list sets forth further obligations for non-profit organizations:

Filing Requirements:

- Annual Information Returns
- Unrelated Business Income Tax Return
- Employment Tax Returns
- Political Organization Income Tax Return
- Reporting Requirements for a Political Organization
- Donee Information Return
- Information Provided to Donors
- Report of Cash Received
- Public Inspection of Exemption Applications, Annual Returns, and Political Organization Reporting Forms

Required Disclosures:

- Solicitation of Nondeductible Contributions
- Sales of Information or Services Available Free From Government
- Dues Used for Lobbying or Political Activities

Thus, the Commission recognizes that even those non-profits which exist primarily to perform governmental functions are still accountable to the government and the public.

Therefore, for the foregoing reasons, the Commission finds that CRS is not a public entity; therefore its personnel and board members are not subject to the provisions of the Ethics Act.

Nothing in the Ethics Act prohibits the County Commission, however, from conditioning its funding upon the CRS' agreement to comply with the provisions of the Ethics Act. Other laws may govern whether the County Commission may impose this requirement. The County Commission is encouraged to consult with its attorney should it elect to pursue this option. In the alternative or in addition to contracting with the CRS², the County Commission may elect to create an authority, which, pursuant to W. Va. Code § 7-15-4 would be a public corporation subject to the Ethics Act.

² The Attorney General advised the Monongalia County Commission that it has the right to contract emergency ambulance service to a private non-profit corporation even though it had already created an authority to provide such service. The opinion reasoned: "... providing such service by an authority is but one of the options available to the county commission as a means of providing such service." 59 W. Va. Op. Atty. Gen. 190 (June 3, 1982)

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.


Kemp Moton, Chairperson

ADVISORY OPINION NO. 2010-11

Issued On June 3, 2010 By The

WEST VIRGINIA ETHICS COMMISSION

FILED
2010 JUN -7 AM 9:26

SECRETARY OF STATE

OPINION SOUGHT

A **State Legislator** asks whether the Ethics Act prohibits him from accepting a door-prize he won at a public reception?

FACTS RELIED UPON BY THE COMMISSION

Earlier this year, a public regional authority ("Authority") hosted a reception to celebrate the creation of a new airline service to be offered by the Authority. Although the reception was open to the public, the Authority sent invitations to numerous governmental officials.

At the conclusion of the reception, the Authority conducted a door-prize drawing for two pairs of complimentary airline tickets. One set of tickets was donated by the airline company, and the other set of tickets was donated by the Authority. The drawing was open to all attendees at the reception. To participate in the drawing, individuals had to drop a business card into a box. At the end of the reception, two winners were randomly selected. The first winner received the airline-donated tickets and the second winner received the Authority-donated tickets. Based upon information provided, the drawing was conducted in a fair, impartial, and random manner. There is no allegation that the drawing was rigged or otherwise slanted toward a particular individual.

The Requester, an elected member of the State Legislature, was one of the governmental officials attending the reception. Although he believes he may have received an invitation to attend, he is not certain. However, the Authority indicated that typically all members of the Legislature are sent invitations. Notwithstanding, during the course of the reception, the Requester placed his business card into the drawing for a chance to win one of the two sets of plane tickets.

The Requester's business card was selected as the second winner. As a result, he received the two complimentary airline tickets which had been donated by the Authority.

With respect to its donation of tickets, the Authority did not use any of its general public funds. Rather, the Convention & Visitors Bureau (CVB) provided the money to the Authority for the purpose of funding the event, including purchasing the airline tickets. As such, the Authority did not utilize restricted public funds for the prize.

The Requester inquires whether he may keep the two airline tickets.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

W. Va. Code § 6B-2-5(c)(1) states in relevant part:

No official or employee may knowingly accept any gift, directly or indirectly, from a lobbyist or from any person whom the official or employee knows or has reason to know:

- (A) Is doing or seeking to do business of any kind with his or her agency;
- (B) Is engaged in activities which are regulated or controlled by his or her agency; or
- (C) Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his or her official duties.

However, W. Va. Code § 6B-2-5(c)(2) exempts the following items from the prohibitions of subdivision (1):

- (A) Meals and beverages;
- (B) Ceremonial gifts or awards which have insignificant monetary value
- (C) Unsolicited gifts of nominal value or trivial items of informational value;
- (D) Reasonable expenses for food, travel and lodging of the official or employee for a meeting at which the official or employee participates in a panel or has a speaking engagement;
- (E) Gifts of tickets or free admission extended to a public official or public employee to attend charitable, cultural or political events, if the purpose of such gift or admission is a courtesy or ceremony customarily extended to the office;
- (F) Gifts that are purely private and personal in nature; or
- (G) Gifts from relatives by blood or marriage, or a member of the same household

ADVISORY OPINION

In establishing the Ethics Act, the Legislature sought to maintain the public's confidence

in the impartiality and independence of decisions and actions by public officials and employees, and to ensure that all such decisions be made free of undue influence, favoritism or threat at all levels of government. W.Va. Code § 6B-1-2(a).

In accordance with this purpose, public servants may not accept, directly or indirectly, unsolicited gifts from interested persons, unless the gift falls within one of the Act's specific exceptions. W.Va. Code § 6B-2-5(c).

The Commission finds that the complimentary airline tickets constitute a gift to the Requester. Although provided to him for free, the tickets themselves have a value greater than \$25.00, and do not fall within any of the other limited exceptions to the gift prohibitions in the Ethics Act. See W.Va. Code § 6B-2-5(c)(2). Accordingly, the complimentary airline tickets constitute a gift to the Requester subject to the prohibitions of W.Va. Code § 6B-2-5(c)(1).

The Requester, however, inquires whether it is permissible to accept the gift since he did not receive it for merely being a public official, but rather as a door-prize while he was attending a reception open to the public.

The Commission has previously ruled that public employees may not accept a prize won through a drawing at a work-related training conference:

Ordinarily, public servants are prohibited from accepting gifts from vendors who do business, or seek to do business, with their agency. That the requester was one of over 200 people attending the conference where the door prize was won in a bona fide random drawing, and her influence over contracting decisions may be limited, does not create an exception to the prohibition.

Accordingly, the Commission finds that it would violate the Ethics Act for the requester to accept this door prize from a vendor to her agency.

Advisory Opinion 2006-07; See also A.O. 95-20.

With respect to this reception, the Authority invited numerous State, county, local and Congressional public officials to attend. Additionally, the Authority advertised it as an event to which the general public was invited to attend free of charge. The purpose of the event was for the Authority to showcase its new service, and to celebrate the accomplishment with local governmental officials. Although the Requester is uncertain whether he received an actual invitation, the Authority believes it invited all members of the Legislature to the event. Based upon the totality of the facts, it is evident that the Requester appeared in his official capacity at the reception.

Further, the entity providing the tickets is a public agency. While the tickets may have been given to the public agency by the local CVB, the fact that the Requester, an elected public official, is receiving a gift from a public entity that he oversees, controls

and/or regulates creates a significant appearance of impropriety.

The Ethics Act's prohibition against the use of office for private gain is not limited to individuals. A public entity may not use public resources on public officials in order to obtain favorable treatment for the public entity. For example, a State Park may not offer a member of the Legislature a free round of golf or free lodging in anticipation of increased legislative appropriations to the State Park system.¹

The Commission does not believe that the gift was an attempt to influence the Requester. Rather, the drawing was open to all individuals (public and private), and was nothing more than a nice door-prize for those in attendance. Notwithstanding, the Commission is charged with upholding the spirit and intent of the Ethics Act. The Commission finds that allowing the Requester, or any other public servant, to keep the gift under the facts presented opens a window for future malfeasance, and contradicts the clear appearance of impropriety of a having a State Legislator accept a gift from a public agency that receives funding from the Legislature.

Accordingly, the Commission hereby finds that it would be a violation of W.Va. Code §§ 6B-2-5(b) and (c) for the Requester to accept the two complimentary airline tickets which he won at the reception from the Authority.²

In reaching this conclusion, the Commission wishes to make clear that there may be occasions in which the acceptance of a door-prize/ raffle drawing is permissible (i.e. child's soccer team raffle; church raffle). However, given the restrictions of the Ethics Act (especially W.Va. Code § 6B-2-5(c)) acceptance of such gifts should generally be disfavored and avoided when the public servant is acting in his/her official, public capacity. In questionable situations, public servants should contact the Commission for advice prior to accepting such a gift.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq*, and does not purport to interpret other laws or rules. In accordance with W.Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

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JUL 14 2010


R. Kemp Morton, Chairperson

Jefferson County Commission

¹ The Commission takes this opportunity to caution public entities that generally the expenditure of public funds for promotions targeted to public servants is impermissible. In this instance, however, the purpose of the event was to promote the new flight and was targeted to the general public.

² The Commission has previously held in some cases that the Requester could donate the prohibited gift to a charity. See Advisory Opinion 95-20. However, in this situation, regulations may prohibit the transfer of airplane tickets to another individual. Therefore, the Requester should simply return the gift.

WEST VIRGINIA LOTTERY
 First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2011

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.28%
3 days ending: 7/1/10- 7/3/10	\$ 116,402.68	\$ 115,402.68	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 321,134.22	\$ 321,134.22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$

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

Week Ending Date	Week Ending July 10, 2010
To be Deposited on:	July 16, 2010
Amount Played	106,808,163.50
Amount Won	95,552,908.70
Amount Promo	298,797.00
MWAP Contribution	<u>41,268.03</u>
Adjusted Gross Terminal Revenue	<u>10,715,189.77</u>
Administrative Costs @ 4%	428,607.59
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>10,286,582.18</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 99%	\$ -
Track Share of Capital Reinvestment @ 42% - 6%	\$ -
Adjusted Net Terminal Revenue	<u>10,286,582.18</u>
Racetrack @ 46.50% / 42%	4,783,260.71
Lottery Fund @ 50% / 0%	3,085,974.68
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	720,060.75
Workers' Compensation Debt Reduction @ 7%	720,060.75
Employee Pension Fund @ 1% / .5%	102,865.82
Grayhound Development @ .75%	77,149.37
Thoroughbred Development @ .75%	77,149.37
Racing Commission @ 1%	102,865.82
County/Municipality @ 2%	205,731.84
3% Funds:	
Tourism Promotion Fund @ 1.375%	141,440.50
Development Office Promotion Fund @ .375%	38,574.68
Research Challenge Fund @ .5%	51,432.91
Capitol Renovation and Improvement Fund @ .8875%	70,720.25
2004 Capitol Complex Parking Garage Fund @ .0625%	8,429.11
1% Funds:	
State Capitol Complex Parking Garage @ 1%	102,865.82
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>0.00</u>
	<u>10,286,582.18</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: Stacy Acree ext. 352

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

PRESS RELEASE

**JEFFERSON COUNTY DEPARTMENTS OF PLANNING AND ZONING
July 8, 2010**

Mountain Communities Watershed Plan Meetings
Help Create a Shared Vision for the Mountain Watershed
The Blue Ridge Mountain Communities Area Watershed Plan Citizens
Committee along with the Jefferson County Department of Planning & Zoning
would like to invite you to attend a series of meetings to gather citizen input
related to watershed issues on the Blue Ridge Mountain.

Please save the date for the following meetings:

Thursday, July 15th at 7:00 p.m. – Blue Ridge Mountain Fire Co.

Saturday, August 14th at 2:00 p.m. – Blue Ridge Elem. Cafeteria

Tuesday, September 21th at 7:00 p.m. – St. Andrew's Community Center

Our goal is to create a citizen fueled shared vision for the Blue Ridge Mountain
Communities. For more detailed information, please frequently check our website
<http://www.blueridgecommunitiesplan.com/> or contact us at the Departments of
Planning and Zoning at 304-728-3228 or at planning@jeffesroncountywv.org.

Submitted by:

Jennifer M. Brockman, AICP
Director, Departments of Planning and Zoning



RECEIVED

JUN 04 2010

State of West Virginia
Jefferson County Commission

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

Building 1, Room W-100
Charleston, West Virginia 25305
Telephone: (304) 558-2251
FAX: (304) 558-5200

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

June 1, 2010

Dear County Commissioners:

The State Auditor's in-service training program for all County Commissioners will be held on August 1-3, 2010 at Stonewall Resort in Roanoke, West Virginia. *WV Code §7-7-2* requires that each County Commissioner and, at his or her option, one or more of his or her employees must participate in the program established by the State Auditor. If you have any suggestions for the agenda, please let us know as soon as possible.

Each year, the State Auditor presents the Thelma J. Stone Memorial Achievement Award to a County Commission that has demonstrated excellence and professionalism in county government during the previous year. Enclosed is a copy of the charter for the Thelma J. Stone Memorial Achievement Award. **Nominations must be received by Monday, July 12, 2010.** If you would like to make a nomination for this award, please submit your letter of recommendation to:

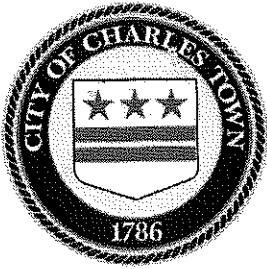
Ora L. Ash, Director
Local Government Services
200 West Main Street
Clarksburg, WV 26301

Again, I encourage you to attend the State Auditor's in-service training program for County Commissioners this year and take advantage of the training being offered and the opportunity to exchange ideas with other commissioners with similar interests and problems. If you have any suggestions or questions concerning this training program, please feel free to contact Ora at 304-627-2415, Ext. 5114 or email: ora.ash@wvsao.gov.

Sincerely,

Glen B. Gainer III
State Auditor

GBGIII:kbd



City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Fax: (304) 725-1014 ♦ Web: www.charlestownwv.com

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JUN 22 2010

**PLANNING
COMMISSION**

*MaryLois Gannon-
Miller, President*

Dan De Jong

Kevin Long

Mark Reinhart

Mark Roper

STAFF

*Katie See,
City Planner*

June 18, 2010

Jefferson County Commission

COUNTY COMMISSION OF JEFFERSON COUNTY
PO BOX 250
CHARLES TOWN, WV 25414

RE: City of Charles Town Zoning Ordinance Amendment Notification

Dear Property Owner:

On July 26, 2010, the Charles Town Planning Commission will hold a public hearing on the City's newly drafted 2010 Zoning Ordinance, which is the first update to the City's 1991 Zoning Ordinance. The public hearing will be held at City Hall at 7:00 p.m. and your attendance and participation are encouraged.

Background

As a result of the City of Charles Town's 2006 Comprehensive Plan adoption, in January 2007 City Council and the Planning Commission initiated the first update to the City's 1991 Zoning Ordinance. The update process was spearheaded by the City's Planning Commission, Community Development Department, and an ad hoc Steering Committee.

Since 1991, the City's Zoning Ordinance has undergone a number of text and zoning map amendments to reflect changes in land use, annexations, economic conditions, land development practices, and other similar land use planning and regulatory factors. Such amendments, however, occurred in a piecemeal fashion, which has resulted in a patchwork of zoning regulations and rezoning approvals. As a result of this fragmented amendment process, the 1991 Zoning Ordinance has placed an increasingly greater burden on the City's ordinance administration responsibilities, and has made it increasingly difficult for residents and developers to accurately interpret and apply the ordinance's zoning regulations to their particular land use situations.

Education Sessions

The City Planning Commission will host two (2) education sessions for the general public, to be held on Monday, July 12, 2010, and Wednesday, July 21, 2010. Both sessions will be held from 7:00 p.m. to 8:30 p.m. at the Charles Town City Hall. The education sessions will provide the opportunity for the public to learn about the proposed 2010 Zoning Ordinance prior to the scheduled public hearing on July 26, 2010.

More information regarding the City Planning Commission's draft 2010 Zoning Ordinance may be obtained by contacting the City Planner, Katie See, at the Charles Town Community Development Office. Katie may be reached by calling (304) 725-2311, ext. 244, or by e-mailing her at katie@charlestownwv.us. The proposed draft 2010 Zoning Ordinance may be previewed at City Hall, the Charles Town Public Library, or online at www.charlestownwv.us.

Your interest and input are invaluable to establishing an effective Zoning Ordinance for Charles Town. We look forward to seeing you at one or both of the education sessions and at the public hearing.

Thank you.

Sincerely,



MaryLois Gannon-Miller, President
City of Charles Town Planning Commission

NOTICE OF PUBLIC HEARING
Site Improvements Bonding & Bond Surety Policy

The County Commission of Jefferson County will hold a Public Hearing on Thursday, August 5, 2010, at 1:30 p.m. The meeting will be held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, Charles Town, West Virginia 25414. The purpose of the public hearing is to receive comments on the proposed Site Improvements Bonding & Bonding Policy.

THE COUNTY COMMISSION OF JEFFERSON COUNTY
PUBLIC HEARING NOTICE

The County Commission of Jefferson County has scheduled two public hearings on amendments to the Jefferson County Subdivision & Land Development Regulations. The first meeting will be held August 4, 2010 at Blue Ridge Elementary School, 29 Keyes Ferry Road, Charles Town. There will be a brief presentation from 7:00 PM to 7:30 PM and then public comment will be taken from 7:30 PM until 9:30 PM. The second hearing will be held August 9, 2010 in the meeting room of the Charles Town Library, 200 East Washington Street, side entrance. There will be a brief presentation from 7:00 PM to 7:30 PM and then public comment will be taken from 7:30 PM until 9:30 PM. Oral and written comments may be presented at the hearing.

Copies of these amendments can be found at the Department of Planning office located at 116 East Washington Street in Charles Town, in any County library, the County Courthouse and on the County's website at <http://www.jeffersoncountywv.org/government/departments/planning-and-zoning/documents.html>.

If you have any questions, please call the Department of Planning office at (304) 728-3228.

By Order of the County Commission of Jefferson County

Lyn Widmyer, President

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JUL 13 2010

Jefferson County Commission

Please join us...

As Hospice of the Panhandle
celebrates raising its first million dollars
in the "Building the Dream"
capital campaign and closing on the land
that will house offices and
the 14-bed inpatient facility.

Thursday, July 29, 5:30-7:30 p.m.

Location at the site of our new home:
About 1.5 miles from the VA Center,
across from the Food Lion on W.Va. 9
Casual dress, regrets only by July 23: Maria Lorensen
(304) 267-1870, ext. 205, or mlorensen@hospiceotp.org



National Park Service
U.S. Department of the Interior

Harpers Ferry National Historical Park

P.O. Box 65, Harpers Ferry, WV 25425
 (304) 535-6029

Appalachian National Scenic Trail

P.O. Box 50, Harpers Ferry, WV 25425
 (304) 535-6278

Chesapeake and Ohio Canal National
 Historical Park

1850 Dual Highway, Suite 100
 Hagerstown, MD 21740
 (301) 739-4200



Forest Service
U.S. Department of Agriculture

Potomac Heritage National Scenic Trail

P.O. Box B, Harpers Ferry WV 25245

Monongahela National Forest

200 Sycamore Street, Elkins, WV 26241
 (304) 636-1800

Harpers Ferry National Historical Park
Appalachian National Scenic Trail
Chesapeake and Ohio Canal National Historical Park
Potomac Heritage National Scenic Trail &
Monongahela National Forest News Release

RECEIVED

JUL 09 2010

Release date: Immediate
Contact(s): Morgan Elmer
Phone number: (303) 969-2317
Date: July 6, 2010

Jefferson County Commission

**Public Scoping Meeting Dates for the Potomac-Appalachian Transmission
 Highline (PATH) Right-of-Way Applications Environmental Impact
 Statement**

Harpers Ferry, WV – The National Park Service (NPS), the U.S. Forest Service (USFS), and the U.S. Army Corps of Engineers invite all interested parties to attend four public meetings for the Potomac-Appalachian Transmission Highline (PATH) Right-of-Way Applications Environmental Impact Statement (EIS). The meetings will be held on July 19, 20, 21, and 22, 2010 at locations in Maryland, Virginia, and West Virginia.

An EIS will be prepared in compliance with the National Environmental Policy Act of 1969, as amended (NEPA), to provide a decision-making framework for analyzing a proposal by four companies that includes PATH Allegheny Transmission Company, LLC, PATH Allegheny Virginia Transmission Corporation, Potomac Edison Company, and PATH West Virginia Transmission Company, LLC. These companies propose to construct a 765-kV transmission line that would require construction and right-of-way permits from the National Park Service for where it is proposed to cross Harpers Ferry National Historical Park, Appalachian National Scenic Trail, Chesapeake and Ohio Canal National Historical Park in Maryland, Virginia, and West Virginia, and from the U.S. Forest Service where it is proposed to cross the Monongahela National Forest in West Virginia.

These meetings are designed to inform the public about the purpose of and need for action, and explain how people can be involved in identifying issues and concerns as part of the decision-making process. Each scoping meeting will be an open house format that will include maps and displays about the proposed crossing of federal lands by the PATH project and about the EIS process. NPS and USFS staff will be available to answer questions and listen to comments. If you wish to submit detailed comments at these meetings, you can speak to a court reporter or fill out a comment form. Comments may also be submitted

EXPERIENCE YOUR AMERICA™

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

through a link on the NPS Planning, Environment and Public Comment site,
<http://parkplanning.nps.gov/appa>, or by mailing comments to:

National Park Service
Attention: PATH EIS Planning Team – Morgan Elmer
Denver Service Center-Planning Division
P.O. Box 25287
Denver, CO 80225-0287.

The dates and locations of the public scoping meetings are:

Monday, July 19, 2010
4:00 p.m. to 8:00 p.m.
Quality Inn Conference Center
4328 William L. Wilson Freeway (US 340)
Harpers Ferry, WV 25425

Tuesday, July 20, 2010
4:00 p.m. to 8:00 p.m.
Loudoun Valley High School
340 North Maple Avenue
Purcellville, VA 20132

Wednesday, July 21, 2010
4:00 p.m. to 8:00 p.m.
Tuscarora High School
5312 Ballenger Creek Pike
Frederick, MD 21703

Thursday, July 22, 2010
4:00 p.m. to 8:00 p.m.
Tucker County High School
US 219, between Parsons and Davis, WV 26269

Public participation in the NEPA process is specifically required in the preparation of an EIS. The EIS will identify and evaluate potential issues and impacts to the resources and values of the affected National Park and National Forest units; develop and analyze a reasonable range of alternatives to meet project objectives and address issues raised; and identify mitigation measures to lessen the degree or extent of identified impacts.

We welcome your comments throughout the whole process. For your comments to be most useful in identifying issues and concerns, please submit your comments by August 5, 2010. Your comments will be considered as we develop the EIS. Please note that names and addresses of people who comment become part of the public record. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public inspection in their entirety. If you wish us to withhold your name and/or address, you must state this at the beginning of your comment. We look forward to hearing from you.

Todd Fagan

From: Bette Kidwell [BKidwell@region9wv.com]
Sent: Thursday, July 08, 2010 4:23 PM
Subject: AGENDA 4th GIS Users Group Meeting Aug 10, 2010
Attachments: rough_agenda_EPAN10.pdf; berkeley_springs.JPG; Map Gallery Comp.doc

Tuesday, August 10, 2010, 8:00 AM – 3:30 PM
Eastern Panhandle GIS Users Group Meeting
The Country Inn
110 S. Washington Street
Berkeley Springs, WV

GIS Professionals, Engineers, Surveyors, Planners, Elected Officials and Interested Citizens are invited to attend our 4th annual Eastern Panhandle GIS Users Group Meeting.

Please see attached agenda for additional information. Please RSVP by Friday August 6, 2010, by calling Bette Kidwell at 304-263-1743 or bkidwell@region9wv.com.

Feel free to forward this email to others who maybe interested in attending.

Hope to see you August 10th.

Thank you,

Carol Crabtree
Executive Director, Region 9

Bette
Bette J. Kidwell
Administrative/Project Assistant

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

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

Eastern Panhandle West Virginia GIS Users Group Meeting

Sponsored by Region 9 and Morgan Co. Economic Dev. Authority

8:00AM – 3:30PM
Tuesday, August 10, 2010

The Country Inn
110 S. Washington Street • Berkeley Springs, WV

AGENDA

8:00AM – 8:30AM

Registration (Parkview Garden Room)

8:30AM – 9:00AM

Welcome & Introductions

Carol Crabtree, Region 9 Planning and Development Council
Bill Clark, Morgan County Economic Development Authority

9:00AM – 9:30AM

Practical Applications of GIS

Matthew Pennington, Berkeley County Department of
Land Use Planning and Engineering

9:30AM – 10:00AM

Jefferson County Parcel Mapping

Tori Myers, Jefferson County Assessor's Office

10:00AM – 10:30AM

BREAK (Refreshments provided by Region 9)

10:30AM – 11:00AM

**Jefferson County GIS Internships Update –
Historic Landmarks and Land Cover Projects**

Patrick Corley, West Virginia University
Heather McSharry, Shepherd University

11:00AM – 11:30AM

Overview of National Hydrography Dataset

Evan Fedorko, West Virginia GIS Technical Center

11:30AM – 12:00PM

Information Exchange Session

12:00PM – 1:00PM

LUNCH (On Your Own)

1:00PM – 1:30PM

Integration of WV DOT Road Data and Addressing Data

Kevin Kuhn, West Virginia GIS Technical Center

1:30PM – 2:00PM

**Integration of Digital Camera Photography into
Mobile GIS Data Collection**

Jim Owecke, Earth Vector Systems LLC

***** Winner of Map Gallery Competition Announced*****

2:00PM – 2:30PM

BREAK (Refreshments provided by Region 9)

2:30PM – 3:30PM

ArcGIS 10 Lands Record Management

Drew Kinney and Seth Van Aken, ESRI

Please RSVP by Friday, August 6, 2010.
(304) 263-1743 or bkidwell@region9wv.com



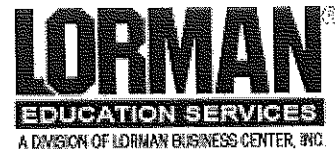
Sandy McDonald

From: "Dale Manuel" <dmanuel@frontiernet.net>
To: "Tim Boyde" <tboyde@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>
Sent: Monday, July 12, 2010 9:00 AM
Subject: FW: Developing Storm Water Utilities and Impact Fee Programs - Register Today

From: Lorman Teleconferences [mailto:customerservice@lorman.com]
Sent: Monday, July 12, 2010 8:03 AM
To: dmanuel@frontiernet.net
Subject: Developing Storm Water Utilities and Impact Fee Programs - Register Today

Developing Storm Water Utilities and Impact Fee Programs

August 12, 2010
 90 Minute Live Teleconference
 1 pm ET / 12 pm CT / 11 am MT / 10 am PT



Keeping You Current. Helping You Succeed.™

Register Today For This Exciting Event.

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Teleconference Highlights [View Complete Agenda](#)

Local governments are facing growing challenges to manage storm water runoff due to aging infrastructure, ever-increasing capital needs and unfunded federal mandates to manage water quality. Storm water programs that are supported primarily by the general fund must compete annually with other programs and funding is often unreliable and insufficient. Due to the recent recession, tax revenues are down and are expected to be lower in the future.

Successful county and municipal storm water program managers are now recognizing that providing storm water management is a basic utility service similar to water supply and wastewater utilities. Well-designed fee structures for the storm water services can provide reliable funding for management systems that are supported by the public. This teleconference will provide guidance for securing elected official, senior management and public support for a utility, defining an effective storm water management program, identifying and analyzing adequate revenue sources to reliably support the program, and implementing a storm water utility and impact fee program.

Learning Objectives

- You will be able to review costs vs. revenue.
- You will be able to discuss political issues and business interests.
- You will be able to identify legacy systems.

- You will be able to recognize program and finance needs, goals and legal issues.

Faculty Detailed Faculty Information

Carrie McCrea, CFM, AMEC Earth & Environmental Jon H. Sorensen, P.E., AMEC Earth & Environmental Michelle Troy, P.E., CPSWQ, AMEC Earth & Environmental

Credit Detailed Credit Information

- AIA
- AICP (Pending)
- CC
- ENG
- PMI

Additional credit may be available upon request. **Only registered attendee will receive continuing education credit.**

Who Should Attend?

Engineers, public works and utilities directors, government officials, planners, construction and project managers, presidents, vice presidents, environmental professionals, developers, contractors, architects, property managers and attorneys

5 Easy Ways to Register:

Online: www.lorman.com

Phone: 1-866-352-9539

E-mail: customerservice@lorman.com

Fax: 1-715-833-3953

Mail: Lorman Education Services, Dept 5382, PO Box 2933, Milwaukee, WI 53201-2933

Please use the form below when registering by fax or mail.

Developing Storm Water Utilities and Impact Fee Programs

August 12, 2010 - 1 pm ET / 12 pm CT / 11 am MT / 10 am PT - 90 minutes

Seminar ID: 386260 | Your priority code is: 479056

Name	Company		
_____	_____		
Title	Email		
_____	_____		
Approving Manager			

Title	Email		
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Please allow 2-4 weeks from the teleconference date for product delivery.

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This teleconference will be recorded. Your registration constitutes your consent to such recording.

Lorman Education Services | 2510 Alpine Rd. | Eau Claire, WI | 54703

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Laura Kuhn

From: "Willis Nowell" <willis_nowell@shannondale.org>
To: <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>
Sent: Thursday, July 08, 2010 10:22 PM
Subject: Shannondale and Beyond' 7th Annual Blue Ridge Community Picnic

Your submission:

Your Name: Willis Nowell

Your Email Address: willis_nowell@shannondale.org

Subject: Shannondale and Beyond' 7th Annual Blue Ridge Community Picnic

Message: Sirs,

Shannondale and Beyond (www.shannondale.org) announces its 7th annual Blue Ridge Mountain Community Picnic. The event will be held at the Blue Ridge Acres' pavilion area on Saturday, July 24th, from 2PM to 7PM. Come early and stay late or tailor your visit to suit your schedule. There will be activities for all ages. Much more detailed information can be found at Shannondale.org.

Shannondale and Beyond (S&B) is a West Virginia 501c3 non-profit corporation. It was established to provide a wealth of historical information to promote a sense of community on our Mountain. A platform for uncensored comment about issues affecting the lives of residents on the western slope of the Blue Ridge Mountain, along the banks of the Shenandoah River and "beyond" is also provided for all.

The picnic has become the premier event of the website offering both forum users, those living on the mountain and those "beyond" an opportunity to meet in a "real life" atmosphere. S&B is hoping to have a great turnout with politicians, representatives from non-profit organizations, and individuals all exchanging information and views on subjects that affect or relate to both the Blue Ridge Mountain and Jefferson County.

Non-profits of interest to the Blue Ridge are welcome to set up tables/exhibits as space allows. Politicians are encouraged to visit and chat, one on one, with present or prospective constituents (no stump speeches, please). Craftspeople and local businesses can display cards and information about their enterprises.

The event is free and if you can bring a dish it would be welcomed but certainly not required. Please stop by and enjoy!

--

Willis Nowell, One of the Humble Webservants of
Shannondale and Beyond(<http://www.Shannondale.org>),
a West Virginia 501c3 nonprofit corporation

2010 HOUSEHOLD HAZARDOUS WASTE & ELECTRONIC WASTE COLLECTION EVENT

IT'S FREE!

SPONSORED BY THE JEFFERSON COUNTY
WATER ADVISORY COMMITTEE

IT'S FREE!

SATURDAY, JULY 31st 9:00AM - 3:00PM

JEFFERSON COUNTY FAIRGROUNDS

383 FAIRGROUND LANE

KEARNEYSVILLE, WV

FOR JEFFERSON COUNTY RESIDENTS!

ID's will be checked upon arrival. Please stay in vehicle for drop-off.

WE ACCEPT THE FOLLOWING:

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- Bleaches
- Deodorizers
- Floor Wax
- Spot Removers
- Aerosol Cans
- Pool Chlorine
- Oil Base Paint
- Drain Cleaners
- Latex Paint
- Thermostats
- Ink/Toner Cartridges
- Used Household & Auto Batteries
- Computers/Laptops/Network Hardware/Zip Drives
- Waste Motor Oil
- Furniture Polish
- Garden Chemicals
- Pesticides
- Fertilizers
- Antifreeze
- Weed Killers
- Electronics
- Small Appliances
- Dry Erase Boards
- Electric Wire

RESTRICTIONS:

- Ammunition
- Medications
- Explosives
- Smoke Detectors
- Fire Extinguisher
- Biologically Active Materials
- Compressed Gas Cylinders
- Shock Sensitive Materials
- Radioactive Materials
- Appliances Larger than Microwave
- Appliances that Contain Freon
- Refrigerators
- Dehumidifiers
- Infectious Materials
- Propane Tanks
- Tires
- Paper
- Plastic
- Metals
- Glass
- Styrofoam

****Remember, motor oil, used household and auto batteries, latex paint (must be dry), refrigerators, air conditioners, paper, plastic, and tires can be recycled year round at the Jefferson County Solid Waste Authority on Orchard Road behind the Jefferson County Fairgrounds. For a complete list of items they recycle, please contact their office at 304-728-0430 or visit www.jcswa.com.**

- FOR MORE INFORMATION -

CONTACT SUSANNE LAWTON 304-725-4647