

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 21, 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

- Special Session of September 7, 2010
- Regular Session of October 14, 2010

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

COUNTY ADMINISTRATOR REPORTS

- Purchase of Extended Service Warranty for iPrism Web Filter - Discussion/Action

COUNTY COMMISSION REPORTS

- Unanimous support of the School Excess Levy - Discussion/Action

PRESENTATIONS:

1. 10:00 a.m. Interview and Appointment - Jefferson County Summit Point Library
2. 10:15 a.m. Doug Pittinger, Director Jefferson County Emergency Services Agency
- Strategic Plan Update
3. 10:30 a.m. Jennifer S. Maghan - County Clerk's Report
4. 10:45 a.m. Legal Update - Ralph Lorenzetti, Prosecuting Attorney
- Contract - Brad Stephens - Discussion/Action
5. 11:00 a.m. Lynn Fields, Deputy Probate Clerk
- Status of Proposed Order - First Interim Accounting on the John J. Warfield Estate - Discussion/Action

6. 11:15 a.m. Lynn Fields, Deputy Probate Clerk
- Estate Closings in October, 2010
7. 11:30 a.m. Cam Siegrist, Attorney - Bowles, Rice, McDavid, Graff & Love, LLC - Public Hearing on the Issuance of Commercial Development Bonds by Jefferson County

NEW BUSINESS:

8. Legislative Issues
9. Proclamation - November 14 - 20, 2010 - National Hunger and Homelessness Awareness Week in Jefferson County, WV (DM) - Discussion/Action

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

10. 1:30 p.m. Alana C. Hartman, WV Department of Environmental Protection Potomac Basin Coordinator
- Update on the West Virginia Watershed Implementation Plan
11. 2:30 p.m. Tim Boyde, County Administrator - Work Session #4
- Policies and Procedures - Discussion/Action
 - a. Classification Plan
 - b. Calculation of Compensation

CORRESPONDENCE:

Letter from Dell Perot Systems Government Services regarding possible mass layoff.

Letter of thanks from the Kiwanis Club of Charles Town for the \$1,500.00 contribution to Santa's Toyshop.

Correspondence received from CCAWV regarding Landline 911 Fees.

ANNOUNCEMENTS:

WV Homeland Security Summit November 16 - 18, 2010.

Roundtable meeting on Wednesday, October 27, 2010 at 5pm.

County Commission will not be meeting on November 11th, 2010 and November 25th, 2010.

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.

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State held at the Jefferson County Commission Meeting Room on the lower floor of the Old Charles Town Library at 200 E. Washington Street, on Tuesday, September 7, 2010 beginning at 1:00 o'clock p.m.

PRESENT: Lyn Widmyer; President
Patricia Noland, Commissioner
Dale Manuel, Commissioner
Tim Boyde, County Administrator
Steve Groh, Esquire - Attorney for Commission

SPECIAL NOTE: Stephanie Grove, Esquire, the Commission's regular attorney, is in Charleston, WV at the WV Supreme Court of Appeals. Steve Groh, Esq. is filling in for Ms. Grove.

David A. DeJarnett, Esquire - Fiduciary Commissioner
John K. Dorsey, Esquire (for David A. Camilletti, Esq.) - Attorney for Petitioner James Packard-Gomez
Ray A. Byrd, Esquire - Attorney for Beneficiaries
Beneficiaries: John t. Buzek
Edmund Buzek
Jeanne Buzek

Due to their participation at other meetings, Commissioner Frances Morgan arrived at 1:45 p.m. and Commissioner Jim Surkamp was absent.

In re: PUBLIC HEARING -PETITION OF JAMES B. PACKARD-GOMEZ, ADMINISTRATOR, c.t.a, OF THE ESTATE OF JOHN J. WARFIELD, DECEASED, TO RESIGN

Commissioner Widmyer convened the Hearing at 1:00 p.m.

Fiduciary Commissioner DeJarnett opened with an overview of the issues contained in his Fiduciary Report.

Following Mr. DeJarnett's presentation, attorney Byrd presented his objections to some of the items contained in Mr. DeJarnett's report and offered explanations for his objections.

Upon completion of Mr. Byrd's report, attorney Dorsey briefly expressed the Petitioner's desire to obtain a curator or administrator of the Estate as soon as possible.

Mr. Manuel made a motion, seconded by Ms. Widmyer, to approve James Packard-Gomez' Petition to Resign effective within sixty (60) days and, should a replacement not have been found within those sixty (60) days, then the Sheriff would assume the responsibilities of Administrator of the Estate of John J. Warfield, Deceased, which motion was unanimously approved.

More discussion followed regarding interest and interest calculations on misapplied items. The Commission directed that an Order be created that would address the issue of interest calculated from the date the funds were misapplied by Mr. Packard-Gomez.

Ms. Morgan moved that an order contain language to the effect that "statutory interest shall accrue on each of the items from the date they were misapplied until the date on which they were put back into the estate." Ms. Noland seconded the motion, and it was unanimously approved.

It was discussed and decided that a second order should speak to the issue of attorney's fees. Ms. Morgan moved that an award of attorney's fees is justified from the estate for those fees incurred by the three beneficiaries represented by Mr. Byrd in this matter. Mr. Manuel seconded the motion. The motion was not voted on and more discussion ensued.

It was agreed that Ms. Morgan would withdraw her previous motion and Mr. Manuel would withdraw his second. Ms. Morgan made a new motion that the issue of attorney's fees as chargeable to the estate, being those attorney's fees incurred by the action of the beneficiaries represented by Mr. Byrd, be deferred and no decision be made until a subsequent accounting is taken up. Mr. Manuel seconded the motion and it was unanimously approved.

Prior to adjourning, the parties and the Commissioners discussed a time limit to prepare and submit the two orders. It was agreed that Mr. Byrd shall have two weeks from his receipt of the CD of this hearing to prepare and submit his proposed order to the Prosecuting Attorney, and the Prosecuting Attorney will have two weeks from the date Mr. Byrd's proposed Order is received to revise, prepare and submit the Orders to the Commission for review.

There being no further business the hearing was adjourned.

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

LYN WIDMYER, COMMISSION PRESIDENT

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 21 Oct 2010

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: The vendor has extended this offer until the 21st of October.

Subject: Purchase of extended service warranty for iPrisim web filter

Please provide the County Commission with a description of your request or presentation, including any background information: The county has been using a St. Bernard iPrisim web filtering appliance for many years. The vendor is offering a special that will offer a free iPrisim device (an upgrade to a more powerful appliance) plus 2 additional years of maintenance and service for the price of purchasing the standard 3-year service and warranty agreement. (Monies could come from Coal Severance Fund.)

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve purchase of a 5-year service/warranty renewal agreement as offered by the vendor, St. Bernard.

Attachments: Promotional materials from St. Bernard. The recommended option is the 5-year warranty with the 20H iPrisim filtering appliance. This deal nets a new appliance free of charge and 2 additional years of service/warranty for the purchase of a 3-year plan (total cost to the County is \$11,525.00)

From: Mick Kleinick [mailto:mkleinick@stbernard.com]
Sent: Tuesday, October 05, 2010 4:47 PM
To: chernandez@jeffersoncountywv.org
Subject: RE: St. Bernard iPrism HARDWARE UPGRADE AUGUST PROMOTION - Jefferson County Commission

5 YEAR RENEWAL OPTION:

- o Renew for 3 Years and receive a 4th AND 5th year FREE plus a FREE H-Series hardware appliance.

3 YEAR RENEWAL OPTION:

- o Renew for 3 Years and receive a 25% discount on subscription & maintenance plus a FREE H-Series hardware appliance.

At the 250 workstation level you qualify for a free 20H. However, you also qualify for 75% off the 30H appliance. Take a look at the attached documents for specifications and let me know what appliance you would like. Some organizations your size prefer the 30H because of the upgraded processor & chipset, dual hot swap, and mirroring for redundancy

20H Upgrade Options:

5 YEAR RENEWAL OPTION:			
Renew for 3 Years and receive a 4th AND 5th year Free PLUS a FREE H-Series appliance (<i>Best Value</i>)		<i>New Expiration:</i>	6/15/2016
250 Workstation Subscription	\$3,525.00	x 3 yr =	\$10,575.00
Maintenance 20H	\$300.00	x 3 yr =	\$900.00
20H Appliance			\$2,500.00
Shipping 20H			\$50.00
20H Appliance Discount	100%		-\$2,500.00
TOTAL			\$11,525.00
<i>Value of 24 months of subscription and maintenance service FREE</i>			<i>\$7,650.00</i>
3 YEAR RENEWAL OPTION:			
Renew for 3 Years and receive a 25% Discount PLUS a FREE H-Series appliance		<i>New Expiration:</i>	6/15/2014
250 Workstation Subscription	\$3,525.00	x 3 yr =	\$10,575.00
Maintenance 20H	\$300.00	x 3 yr =	\$900.00
20H Appliance			\$2,500.00
Shipping 20H			\$50.00
20H Appliance Discount	100%		-\$2,500.00
Subscription & Maintenance Discount	25%		-\$2,868.75
TOTAL			\$8,656.25

Recommended
of them

30H Upgrade Options:

5 YEAR RENEWAL OPTION:			
Renew for 3 Years and receive a 4th AND 5th year Free PLUS a FREE H-Series appliance (<i>Best Value</i>)		<i>New Expiration:</i>	6/15/2016
250 Workstation Subscription	\$3,525.00	x 3 yr =	\$10,575.00
Maintenance 30H	\$450.00	x 3 yr =	\$1,350.00
30H Appliance			\$5,500.00
Shipping 30H			\$85.00
30H Appliance Discount	75%		-\$4,125.00
TOTAL			\$13,385.00
<i>Value of 24 months of subscription and maintenance service FREE</i>			<i>\$7,950.00</i>
3 YEAR RENEWAL OPTION:			
Renew for 3 Years and receive a 25% Discount PLUS a FREE H-Series appliance		<i>New Expiration:</i>	6/15/2014
250 Workstation Subscription	\$3,525.00	x 3 yr =	\$10,575.00
Maintenance 30H	\$450.00	x 3 yr =	\$1,350.00
30H Appliance			\$5,500.00
Shipping 30H			\$85.00
30H Appliance Discount	75%		-\$4,125.00
Subscription & Maintenance Discount	25%		-\$2,981.25
TOTAL			\$10,403.75

Mick Kleinick

Account Manager

St. Bernard Software

Direct: 858.524.2113

Email: mkleinick@stbernard.com

<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: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 10-21-2010

Date Requested – 2nd Choice: _____

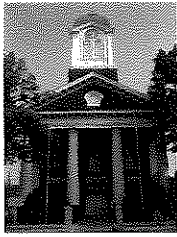
If a specific date is needed, please provide reason for specific date:

Subject: **Interview and appointment to the Jefferson County Summit Point Library Board**

Please provide the County Commission with a description of your request or presentation, including any background information: **An unexpired term ending June 30, 2012, now exist on the Summit Point Library Board.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to appoint _____ to the Jefferson County Summit Point Library Board for an unexpired term ending June 30, 2012.**

Attachments:



THE COUNTY COMMISSION OF JEFFERSON COUNTY

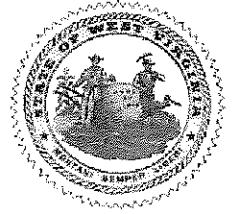
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

President

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 21, 2010, or as soon thereafter as the Commission may decide:

Summit Point Public Library Board - One unexpired term ending June 30, 2012

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

September 30, 2010, October 7 & 14, 2010

THANKS - JEFFERSON COUNTY COMMISSION

Summit Point Library

Members Currently serving

Name	Address	Phone	Expiring Term	
Curt Manson	375 Summit Point Road Charles Town, WV 25414	304-724-7008	6/30/2011	
Carol Del Colle	2045 Leetown Road Summit Point, WV 25446	304-725-5842	6/30/2014	
Linia Overly	712 Brucetown Road Kearneysville, WV 25430	304-725-3268	6/30/2013	
Catherine Burke	1055 Summit Point Road Summit Point, WV 25446	304-725-4231	6/30/2015	

Vacancy

Name	Address	Phone	Expiring Term	
Don Ranelli	895 Summit Point Rd Summit Point, WV 25446	304-725-8344	6/30/2012	

Interested Applicants as of October 18, 2010

Name	Address	Phone		Attending
Edmond Urzan	949 Summit Point Road Summit Point, WV 25446	304-724-8978		Yes

SUMMIT POINT LIBRARY COMMITTEE

Curt Mason
3735 Summit Point Road
Charles Town, WV 25414
h: 724-7008
5 years 6/30/2011

Don Ranelli
895 Summit Point Road
Summit Point, WV 25446
h: 725-8344
5 years 6/30/2012 - Deceased

Linia Overly
712 Brucetown Road
Kearneysville, WV 25430
h: 725-3268
5 years 6/30/2013

Carol Del Colle
2045 Leetown Road
Summit Point, WV 25446
h: 725-5842
5 years 6/30/2014

Catherine Burke
1055 Summit Point Road
Summit Point, WV 25446
h: 725-4231
5 years 6/30/2015

South Jefferson Public Library

49 Church Street

Post Office Box 17

Summit Point, West Virginia 25446

Phone: 304-725-6227

Email: jenkinsd@martin.lib.wv.us

Fax: 304-728-2586

September 21, 2010

The County Commission of Jefferson County
PO Box 250
Charles Town, WV 25414

RE: South Jefferson Library Board
Unexpired term of Don Ranelli

Dear Commissioners,

This letter is to convey our unanimous recommendation for the appointment of Edmond Uzan of Summit Point to the unexpired term of Don Ranelli, who recently died after a long fight with cancer.

As a local entrepreneur and resident of the Summit Point, Mr. Uzan is very supportive of our library and desires to serve the community with his time and skills. He will bring to the board his high energy and creative ideas, as well as his background and knowledge in business and computers. We believe he will be a valuable asset to our board.

Sincerely yours,



Carol Del-Colle, President

RECEIVED

SEP 22 2010

Jefferson County Commission

thz

<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: Doug Pittinger

Department or Entity: JCESA

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: 10/21/2010

Date Requested – 2nd Choice: _____

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

Subject: **Update on the strategic planning process**

Please provide the County Commission with a description of your request or presentation, including any background information: **Give a brief update of where we are in the process.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **None**

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: Lynn Fields (Ray Byrd)

Department or Entity: Probate

Estimation of amount of time needed for appointment: 30-60 minutes

Date Requested – 1st Choice: October 21st, 2010

Date Requested – 2nd Choice: October 28th, 2010

If a specific date is needed, please provide reason for specific date:
The date of October 21st, 2010 was requested via email by Ray A. Byrd.

Subject: **Status of Proposed Order re: First Interim Accounting on the John J. Warfield estate**

Please provide the County Commission with a description of your request or presentation, including any background information: **(Please fill in)**

To enter the proposed Order submitted by Petitioners, John T. Buzek, Edmond Buzek and Jeanne Busack regarding the hearing held on September 7, 2010

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

Moved, seconded and passed that the Jefferson County Commission adopt, approve and enter the attached Order which incorporates the findings and rulings made by the Jefferson County Commission during the course of the hearing held on September 7, 2010 regarding the First Interim Accounting of the John J. Warfield Estate.

Attachments:

Nichelle Hosby

From: David DeJarnett [ddejarnett@bowlesrice.com]
Sent: Monday, October 18, 2010 8:48 AM
To: Ray A. Byrd; Lynn Fields; Nichelle Hosby; tboyde@jeffersoncountywv.org; Stephanie Grove
Cc: jdadmin@jddjcpa.com
Subject: RE: Agenda Request with Order attached--John J. Warfield Estate

As Fiduciary Commissioner appointed to the Estate of John J. Warfield, I have no objection to the entry of the Order as requested by Mr. Byrd.

David A. DeJarnett
Bowles Rice McDavid Graff & Love LLP
Post Office Drawer 1419
Martinsburg, West Virginia 25402-1419
Telephone: (304) 264-4232
Facsimile: (304) 267-3822
ddejarnett@bowlesrice.com



CONFIDENTIAL AND PRIVILEGED: This e-mail is confidential and privileged, and intended only for the review and use of the addressee(s). If you have received this e-mail in error, please notify the sender at (304) 264-4232 or by e-mail at ddejarnett@bowlesrice.com. Thank you.

With respect to federal tax issues, no advice, statement or information contained in this communication is intended to be, or written for the purpose of being, (a) relied upon by a taxpayer as the exclusive basis to avoid penalties under the Internal Revenue Code, or (b) used in connection with the promotion, marketing or recommendation of any tax shelter product or tax shelter transaction.

From: Ray A. Byrd [mailto:rab@schraderlaw.com]
Sent: Thursday, October 14, 2010 1:33 PM
To: Lynn Fields; Nichelle Hosby; tboyde@jeffersoncountywv.org; Stephanie Grove
Cc: jdadmin@jddjcpa.com; David DeJarnett
Subject: Agenda Request with Order attached--John J. Warfield Estate

Lynn,

Attached is the completed Agenda Request Form that you sent earlier along with a proposed Order which incorporates the findings and rulings made by the Jefferson County Commission at the hearing held on September 7, 2010, in regard to the First Interim Accounting for the John J. Warfield Estate.

Thanks for your assistance.

Ray Byrd,
Attorney for Petitioners

SCHRADER BYRD
& COMPANION, PLLC
The Maxwell Centre
32-20th Street, Suite 500
Wheeling, West Virginia 26003
Phone: (304)233-3390
Fax: (304)233-2769

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: ESTATE OF JOHN J. WARFIELD, DECEASED

Date of Death: February 23, 2006

JAMES B. PACKARD-GOMEZ, ADMINISTRATOR CTA

ORDER ADOPTING, IN PART, AND MODIFYING, IN PART, THE REPORT OF FIDUCIARY COMMISSIONER, DAVID A. DeJARNETT DATED JULY 6, 2010

On or about October 4, 2007, John T. Buzek, Edmond Buzek, and Jeanne Busack (“Petitioners”), filed a **PETITION** alleging various acts of wrongdoing against James B. Packard-Gomez, Administrator CTA (“Mr. Packard-Gomez”), during the administration of the Estate of John J. Warfield (the “Estate”). On or about May 1, 2008, Petitioners filed their **OBJECTIONS AND EXCEPTIONS TO FIRST ACCOUNTING FOR THE PERIOD ENDED JANUARY 31, 2008** again alleging various acts of wrongdoing against Mr. Packard-Gomez.

Thereafter, Fiduciary Commissioner David A. DeJarnett conducted hearings on March 3, 2008, May 30, 2008, January 8, 2009, and January 9, 2009 and heard the testimony of three (3) witnesses, namely that of Mr. Packard-Gomez on March 3, 2008 and January 8, 2009, Yolanda Stefanou Faerber on March 3, 2008, and Thomas G. Byrum on January 9, 2009. The parties also introduced twenty-six (26) exhibits into evidence numbered 1-25 and 3A.

Petitioners filed their proposed **RECOMMENDED ORDER** with the Fiduciary Commissioner on February 2, 2009, Mr. Packard-Gomez filed his **OBJECTIONS OF JAMES B. PACKARD-GOMEZ, ADMINISTRATOR CTA, TO RECOMMENDED ORDER SUBMITTED BY PETITIONERS JOHN T. BUZEK, EDMOND BUZEK AND JEANNE BUSACK** with the Fiduciary Commissioner on March 16, 2009, and Petitioners filed their

**PETITIONERS' REPLY TO OBJECTIONS OF JAMES B. PACKARD-GOMEZ,
ADMINISTRATOR C.T.A., TO RECOMMENDED ORDER SUBMITTED BY
PETITIONERS JOHN T. BUZEK, EDMOND BUZEK AND JEANNE BUSACK** with the
Fiduciary Commissioner on March 25, 2009.

On July 6, 2010, the Fiduciary Commissioner issued a Report of Fiduciary Commissioner with regard to the Petition and the Objections and Exceptions To First Accounting For The Period Ended January 31, 2008. Pursuant to W.Va. Code §44-4-15, the Report of Fiduciary Commissioner is to be held in the Fiduciary Commissioner's office for a minimum period of ten days to permit the parties to file any exceptions and/or objections to the Report of Fiduciary Commissioner. Pursuant to W.Va. Code §44-4-17, the "county commission, at its first regular term occurring not less than ten days after the report has been filed in the office of its clerk, shall examine the same, with the evidence and such exceptions to the report as may be filed at any time before such examination."

On or about July 27, 2010, Petitioners served their **EXCEPTIONS, OBJECTIONS AND ASSIGNMENT OF ERRORS TO THE REPORT OF FIDUCIARY COMMISSIONER, DAVID A. DeJARNETT**. Mr. Packard-Gomez did not file any exceptions or objections.

The Jefferson County Commission examined the Report of Fiduciary Commissioner and considered the Petitioners' exceptions, objections, and assignments of error at a meeting on Tuesday, September 7, 2010 at 1:00 p.m. Mr. Packard-Gomez requested the Jefferson County Commission to accept as correct the Report of Fiduciary Commissioner as submitted.

The Jefferson County Commission adopts and approves the Report of Fiduciary Commissioner, David DeJarnett dated July 6, 2010, in its entirety except for three (3) modifications.

First, the Jefferson County Commission ORDERS, ADJUDGES, and DECREES that it defers ruling on Petitioners' request that the Estate should be liable for the Petitioners' attorney fees, costs, and expenses until the Jefferson County Commission addresses the Report of Fiduciary Commissioner on the Second Accounting filed by Mr. Packard-Gomez.

Second, the Jefferson County Commission ORDERS, ADJUDGES, and DECREES:

- a. That Mr. Packard-Gomez shall be permitted to resign as Administrator CTA effective September 7, 2010, and that the appointment of a successor personal representative shall occur no later than November 8, 2010 when the Sheriff shall be appointed as personal representative unless a successor personal representative is named in the interim;
- b. That Mr. Packard-Gomez shall deliver to the successor personal representative all assets of the Estate;
- c. That Mr. Packard-Gomez shall be under a continuing duty to administer the Estate up through September 7, 2010, including good faith attempts to post an adequate bond and the filing of all required accountings through September 7, 2010 - which accounting is to be reviewed through the Fiduciary Commissioner as required by law;
- d. That any bond in place securing the performance of Mr. Packard-Gomez as Administrator CTA not be released unless and until he has filed all required accountings for all periods during his administration of the Estate and all such accountings have been approved by

the County Commission and such approval has become final and unappealable; and

- e. That the resignation of Mr. Packard-Gomez as Administrator CTA does not relieve Mr. Packard-Gomez of his personal liability to the Estate or the beneficiaries thereof for any acts, or failures to act, during his service as Administrator CTA.

Third, the Jefferson County Commission ORDERS, ADJUDGES, and DECREES that Mr. Packard-Gomez is liable for statutory interest under W.Va. Code §56-6-31, §44-6-1 *et seq.*, and §44-4-11 on all amounts for which he must account and is required to repay/reimburse the Estate. As a result, Mr. Packard-Gomez is liable for statutory interest at the rate of ten percent (10%) on all amounts for which he must account and is required to repay/reimburse the Estate from the date such amount was misapplied to the date such amount is returned to the Estate. That is, Mr. Packard-Gomez (1) must account for and (2) bring back into or repay/reimburse the Estate the following amounts in order to balance the First Accounting before being released from his duties as Administrator CTA:

- a. The sum of \$839,833.30 for the capital contribution to 1519 Wisconsin Avenue, LLC, equaling \$1,026,392.92 as of January 8, 2009 plus \$232.50 per day after January 8, 2009, **EXHIBIT 24** (equaling \$1,170,775.42 as of September 21, 2010 plus \$232.50 per day after September 21, 2010);
- b. The sum of \$8,312.39 for “Administrative Expenses” equaling \$11,065.26 as of September 20, 2010 plus \$2.278 per day after September 20, 2010 comprised of:
 1. Improper expense of \$74.50 incurred on March 7, 2006, equaling \$108.34 as of September 20, 2010 plus 2.041 cents per day after September 20, 2010;

2. Improper expense of \$15.00 incurred on April 18, 2006, equaling \$21.64 as of September 20, 2010 plus 0.411 cents per day after September 20, 2010;
3. Improper expense of \$111.49 incurred on April 30, 2006, equaling \$160.48 as of September 20, 2010 plus 3.054 cents per day after September 20, 2010;
4. Improper expense of \$47.52 incurred on May 2, 2006, equaling \$68.38 as of September 20, 2010 plus 1.302 cents per day after September 20, 2010;
5. Improper expense of \$450.00 incurred on May 8, 2006, equaling \$646.77 as of September 20, 2010 plus 12.329 cents per day after September 20, 2010;
6. Improper expense of \$667.51 incurred on June 20, 2006, equaling \$951.52 as of September 20, 2010 plus 18.288 cents per day after September 20, 2010;
7. Improper expense of \$94.50 incurred on July 17, 2006, equaling \$134.01 as of September 20, 2010 plus 2.589 cents per day after September 20, 2010;
8. Improper expense of \$49.43 incurred on August 26, 2006, equaling \$69.55 as of September 20, 2010 plus 1.354 cents per day after September 20, 2010;
9. Improper expense of \$216.00 incurred on February 22, 2007, equaling \$293.29 as of September 20, 2010 plus 5.918 cents per day after September 20, 2010;
10. Improper expense of \$144.44 incurred on April 3, 2007, equaling \$194.54 as of September 20, 2010 plus 3.957 cents per day after September 20, 2010;
11. Improper expense of \$6,200.00 incurred on August 27, 2007, equaling \$8,102.47 as of September 20, 2010 plus \$1.699 per day after September 20, 2010; and
12. Improper expense of \$242.00 incurred on September 26, 2007, equaling \$314.27 as of September 20, 2010 plus 6.630 cents per day after September 20, 2010.

c. The sum of \$32,509.57 for "Funeral Expenses - Various Vendors" equaling \$47,277.12 as of September 20, 2010 plus \$8.907 per day after September 20, 2010 comprised of:

1. Improper expense of \$26,946.91 incurred on February 24, 2006, equaling \$39,268.66 as of September 20, 2010 plus \$7.383 per day after September 20, 2010;
2. Improper expense of \$2,893.81 incurred on April 9, 2006, equaling \$4,182.15 as of September 20, 2010 plus 79.282 cents per day after September 20, 2010;
3. Improper expense of \$425.00 incurred on April 13, 2006, equaling \$613.75 as of September 20, 2010 plus 11.644 cents per day after September 20, 2010;
4. Improper expense of \$400.00 incurred on April 13, 2006, equaling \$577.64 as of September 20, 2010 plus 10.959 cents per day after September 20, 2010;
5. Improper expense of \$116.78 incurred on April 17, 2006, equaling \$168.52 as of September 20, 2010 plus 3.20 cents per day after September 20, 2010;
6. Improper expense of \$88.19 incurred on May 2, 2006, equaling \$126.90 as of September 20, 2010 plus 2.416 cents per day after September 20, 2010;
7. Improper expense of \$100.00 incurred on May 17, 2006, equaling \$143.48 as of September 20, 2010 plus 2.740 cents per day after September 20, 2010;

8. Improper expense of \$1,190.75 incurred on June 6, 2006, equaling \$1,701.96 as of September 20, 2010 plus 32.623 cents per day after September 20, 2010; and
 9. Improper expense of \$348.13 incurred on July 13, 2006, equaling \$494.06 as of September 20, 2010 plus 9.538 cents per day after September 20, 2010.
- d. The sum of \$29,969.65 for "Payments to Mr. Packard-Gomez" equaling \$43,388.92 as of September 21, 2010 plus \$8.211 per day after September 21, 2010 comprised of:
1. Improper expense of \$17,469.72 incurred on March 30, 2006, equaling \$25,299.98 as of September 21, 2010 plus \$4.786 per day after September 21, 2010; and
 2. Improper expense of \$12,499.93 incurred on April 3, 2006, equaling \$18,088.94 as of September 21, 2010 plus \$3.425 per day after September 21, 2010.
- e. The sum of \$10,000.00 for "Loan to Mr. Lilly" incurred no later than March 11, 2008, equaling \$12,531.51 as of September 21, 2010 plus \$2.739 per day after September 21, 2010;
- f. The sum of \$12,231.21 for "Bank Service Charges Morgan Stanley" incurred no later than March 11, 2008, equaling \$15,327.55 as of September 21, 2010 plus \$3.351 per day after September 21, 2010.
- g. The sum of \$11,636.07 for "Choice PNC pledge" equaling \$16,151.15 as of September 21, 2010 plus \$3.187 per day after September 21, 2010 comprised of:
1. Improper expense of \$1,828.35 incurred on March 14, 2006, equaling \$2,655.87 as of September 21, 2010 plus 50.092 cents per day after September 21, 2010;
 2. Improper expense of \$2,004.33 incurred on June 14, 2006, equaling \$2,860.98 as of September 21, 2010 plus 54.913 cents per day after September 21, 2010;
 3. Improper expense of \$1,979.83 incurred on September 15, 2006, equaling \$2,775.56 as of September 21, 2010 plus 54.242 cents per day after September 21, 2010;
 4. Improper expense of \$2,023.27 incurred on December 14, 2006, equaling \$2,786.57 as of September 21, 2010 plus 55.432 cents per day after September 21, 2010;
 5. Improper expense of \$1,752.33 incurred on March 14, 2007, equaling \$2,370.21 as of September 21, 2010 plus 48.009 cents per day after September 21, 2010;

6. Improper expense of \$1,414.35 (\$1,495.97 - \$81.62) incurred on June 14, 2007, equaling \$1,877.40 as of September 21, 2010 plus 38.749 cents per day after September 21, 2010; and
 7. Improper expense of \$633.61 incurred on September 17, 2007, equaling \$824.56 as of September 21, 2010 plus 17.359 cents per day after September 21, 2010.
- h. The sum of \$300.00 for "Donation to University of VA in Memory of John J. Warfield" incurred on May 10, 2007, equaling \$401.10 as of September 21, 2010 plus 8.219 cents per day after September 21, 2010;
- i. The sum of \$5,268.23 for "MBNA xxxx2758 Loan to/from JPG appraisal 1519e" incurred on June 15, 2006, equaling \$7,518.41 as of September 21, 2010 plus \$1.44 per day after September 21, 2010;
- j. The sum of \$8,280.97 for expenses related to 2003 BMW 330 xi incurred no later than September 30, 2007, equaling \$10,747.11 as of September 21, 2010 plus \$2.269 per day after September 21, 2010 comprised of:
1. Improper expense of \$6,510.61 incurred no later than September 30, 2007, to repair the 2003 BMW 330 xi equaling \$8,449.52 as of September 21, 2010 plus \$1.784 per day after September 21, 2010; and
 2. Improper expense of \$1,770.36 incurred no later than September 30, 2007, to insure the 2003 BMW 330 xi equaling \$2,297.59 as of September 21, 2010 plus 48.503 cents per day after September 21, 2010.
- k. The sum of \$49,000.00 for "Executor Fees" equaling \$63,316.93 as of September 21, 2010 plus \$13.424 per day after September 21, 2010 comprised of:
1. Improper expense of \$25,000.00 incurred on September 26, 2007, equaling \$32,472.60 as of September 21, 2010 plus \$6.849 per day after September 21, 2010; and
 2. Improper expense of \$24,000.00 incurred on November 15, 2007, equaling \$30,844.93 as of September 21, 2010 plus \$6.575 per day after September 21, 2010.

In summary, Mr. Packard-Gomez (1) must account for and (2) bring back into or repay/reimburse the Estate the amount of \$1,398,511.67 as of September 21, 2010, plus \$278.39 per day after September 21, 2010 until such amount is returned to the Estate in order to balance the First Accounting before being released from his duties as Administrator CTA.

The objections and exceptions of the Petitioners to the Report of Fiduciary Commissioner and to Jefferson County Commission's adoption and approval of such Report contrary to their objections and exceptions are noted.

Dated: _____

President of Jefferson County Commission

Member of Jefferson County Commission

Member of Jefferson County Commission

Member of Jefferson County Commission

Member of Jefferson County Commission

#6

Commission Office Use Only

Date on Agenda: 10/21/10

Appt Time or New Business: 11:15 a.m.

AGENDA REQUEST FORM

Name: Lynn Fields, Deputy Probate Clerk

Department or Entity: Probate Department

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

Date Requested – 1st Choice: 10-21-10

Date Requested – 2nd Choice: _____

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

Subject: **Estate closings in October, 2010**

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

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

Attachments:

#17

<p>Commission Office Use Only</p> <p>Date on Agenda: 10/21/10</p> <p>Appt Time or New Business: 11:30</p>

AGENDA REQUEST FORM

Name: Cam Siegrist

Department or Entity: Bowles Rice McDavid Graff & Love, PLLC

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: October 14, 2010

Date Requested – 2nd Choice: _____

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

Subject: Public hearing on the tax exempt bond issue in support of rehabilitating apartments in Harpers Ferry and Shepherdstown. It is requested that the Commission approve the issue as the "applicable elected representative" contemplated Section 147(f) of the IRS Code.

After the public hearing, it is requested that the Commission adopt the final approval authorizing the issuance of the bonds and the execution of the documents relating thereto.

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

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

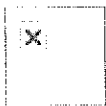
Attachments:

Sandy McDonald

From: "Cam Siegrist" <csiegrist@bowlesrice.com>
To: <sandy@jeffersoncountywv.org>
Cc: "Stephanie Grove" <sgrove@jeffersoncountywv.org>; "Lauren Crowther" <lcrowther@jeffersoncountywv.org>; "Edd McDevitt" <emcdevitt@bowlesrice.com>
Sent: Tuesday, September 28, 2010 11:36 AM
Attach: July 30, 2009 Minutes from Jefferson County Commission Approving Resolution.PDF; JEFFERSON COUNTY TEFRA.DOC
Subject: October 21st Meeting

Sandy, Thank you for talking to me this morning. I think 11:30 a.m. on October 21st works fine for us. This relates to the Bonds described in the Inducement Resolution which was approved by the Jefferson County Commission on July 30, 2009, the minutes of which meeting are attached (the Inducement Resolution starts on page 4). We need to conduct the public hearing described in the attached Notice and then have the Jefferson County Commission approve the issue as the "applicable elected representative" contemplated Section 147(f) of the Internal Revenue Code. After the public hearing, we would also need to have the County Commission adopt the final approval authorizing the issuance of the Bonds and the execution of the documents relating thereto by the County Commission. Does that give you enough information? Please let me know if you need anything else. Thanks again, Cam

Cam Siegrist
 Bowles Rice McDavid Graff & Love LLP
 Post Office Box 1386
 Charleston, West Virginia 25325-1386
 Telephone: (304) 347-1129
 Facsimile: (304) 343-3058
csiegrist@bowlesrice.com



CONFIDENTIAL AND PRIVILEGED: This e-mail is confidential and privileged, and intended only for the review and use of the addressee(s). If you have received this e-mail in error, please notify the sender at (304) 347-1129 or by e-mail at csiegrist@bowlesrice.com. Thank you.

With respect to federal tax issues, no advice, statement or information contained in this communication is intended to be, or written for the purpose of being, (a) relied upon by a taxpayer as the exclusive basis to avoid penalties under the Internal Revenue Code, or (b) used in connection with the promotion, marketing or recommendation of any tax shelter product or tax shelter transaction.

NOTICE OF PUBLIC HEARING

Notice is hereby given that pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, on October 21, 2010, a public hearing will be held in the County Commission meeting room in the Jefferson County Courthouse, 100 East Washington Street, Charles Town, West Virginia, commencing at ~~_____~~11:30 a.m. E.D.T., with respect to the proposed issuance by Jefferson County, West Virginia, acting by and through the County Commission of Jefferson County, West Virginia (the "Issuer") of its Commercial Development Revenue Bonds (Scattered Site Project) Series 2010 A and Series 2010 B (collectively the "Series 2010 Bonds") in an aggregate principal amount not to exceed \$20,500,000. The Issuer will be acting together with Berkeley County and Hardy County to issue the 2010 Bonds pursuant to the terms of a Joint Issuer Agreement adopted in accordance with the Industrial Development and Commercial Development Bond Act, Chapter 13, Article 2C, of the Code of West Virginia of 1931, as amended (the "Act"). The proceeds of the Series 2010 Bonds will be used to assist WV Preservation Associates, LLC, a Delaware limited liability company (the "Company") by providing funds to finance (1) the acquisition, development, construction, rehabilitation, renovation and equipping by the Company of a residential project comprised of (A) 2 multifamily housing projects (each more fully described herein) located in Jefferson County, West Virginia, specifically consisting of (i) the acquisition of the real and personal property currently known as the Potomac Terrace Apartments comprised of garden style apartments in 4 separate buildings containing approximately 31 residential rental units located at 319 Spring Street, Harpers Ferry, Jefferson County, West Virginia (the "Potomac Terrace Facilities) and the rehabilitation, construction and equipping of the Potomac Terrace Facilities (the "Potomac Terrace Project"); (ii) the acquisition of the real and personal property currently known as the Maple Green Apartments comprised of garden style apartments in 3 separate buildings containing approximately 12 residential rental units located at 540 South Church Street, Shepherdstown, Jefferson County, West Virginia (the "Maple Green Facilities) and the rehabilitation, construction and equipping of the Maple Green Facilities (the "Maple Green Project" and together with the Potomac Terrace Project, the "Jefferson County Project), (B) 5 multifamily housing projects (each more fully described herein) located in Berkeley County, West Virginia, specifically consisting of (i) the acquisition of the real and personal property currently known as the Cedar Green Apartments comprised of garden style apartments in 5 separate buildings containing approximately 44 residential rental units located at 96 Abbingdon Court, Bunker Hill, Berkeley County, West Virginia (the "Cedar Green Facilities) and the rehabilitation, construction and equipping of the Cedar Green Facilities (the "Cedar Green Project"); (ii) the acquisition of the real and personal property currently known as the Rumsey Terrace Apartments I comprised of garden style apartments in 6 separate buildings containing approximately 44 residential rental units located at 70 Rumsey Terrace, Martinsburg, Berkeley County, West Virginia (the "Rumsey I Facilities) and the rehabilitation, construction and equipping of the Rumsey I Facilities (the "Rumsey I Project"); (iii) the acquisition of the real and personal property currently known as the Rumsey Terrace Apartments II comprised of garden style apartments in 3 separate buildings containing approximately 30 residential rental units located at 70 Rumsey Terrace, Martinsburg, Berkeley County, West Virginia (the "Rumsey II Facilities) and the rehabilitation, construction and equipping of the

Rumsey II Facilities (the "Rumsey II Project"); (iv) the acquisition of the real and personal property currently known as the Fountainhead Apartments I comprised of garden style apartments in 5 separate buildings containing approximately 40 residential rental units located at 900 Fountainhead Lane, Martinsburg, Berkeley County, West Virginia (the "Fountainhead I Facilities) and the rehabilitation, construction and equipping of the Fountainhead I Facilities (the "Fountainhead I Project"); and (v) the acquisition of the real and personal property currently known as the Fountainhead Apartments II comprised of garden style apartments in 5 separate buildings containing approximately 40 residential rental units located at 900 Fountainhead Lane, Martinsburg, Berkeley County, West Virginia (the "Fountainhead II Facilities) and the rehabilitation, construction and equipping of the Fountainhead I Facilities (the "Fountainhead II Project" and together with the Cedar Green Project, the Rumsey I Project, the Rumsey II Project, and the Fountainhead I Project, the "Berkeley County Project"), and (C) 2 multifamily housing projects (each more fully described herein) located in Hardy County, West Virginia, specifically consisting of (i) the acquisition of the real and personal property currently known as the Lee Street Apartments I comprised of garden style apartments in 3 separate buildings containing approximately 24 residential rental units located at Lee Street and Spring Avenue, Moorefield, Hardy County, West Virginia (the "Lee Street I Facilities) and the rehabilitation, construction and equipping of the Lee Street I Facilities (the "Lee Street I Project"); (ii) the acquisition of the real and personal property currently known as the Lee Street Apartments II comprised of garden style apartments in 6 separate buildings containing approximately 40 residential rental units located at Lee Street and Spring Avenue, Moorefield, Hardy County, West Virginia (the "Lee Street II Facilities) and the rehabilitation, construction and equipping of the Lee Street II Facilities (the "Lee Street II Project" and together with the Lee Street I Project, the "Hardy County Project), and (2) the costs associated with the issuance of the Bonds. It is anticipated that the Company will own each of the Jefferson County Project, the Berkeley County Project and the Hardy County Project. The Series 2010 Bonds will be special obligations of the Issuer and will not constitute a debt or a pledge of the faith and credit or the taxing power of the Issuer, the State of West Virginia or any political subdivision thereof. Following the public hearing, the Issuer will have presented to it for consideration a resolution authorizing the issuance of the Series 2010 Bonds.

Persons wishing to express their view on the proposed bond issuance may appear at the hearing or may submit their views in writing regarding the proposed issuance of the Series 2010 Bonds and the location and nature of the Project to be financed. Any written submissions should be sent to the Jefferson County Commission, Jefferson County, West Virginia, 100 E. Washington Street, Post Office Box 250, Charles Town, West Virginia 25414 Attention: President, County Commission, and clearly marked "Re: Commercial Development Revenue Bonds (Scattered Site Project) Series 2010." Written submissions should be mailed in sufficient time to be received on or before the time of the public hearing.

Jefferson County, West Virginia
Jennifer S. Maghan, County Clerk

REGULAR TERM:

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

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library meeting room thereof on Thursday, July 30, 2009 beginning at 9:30 o'clock a.m.

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

IN RE: PLEDGE OF ALLEGIANCE
Commissioner Surkamp conducted the Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES
Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the meeting held on Thursday, July 23, 2009 and to approve the Minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS
Motion by Morgan, second by Manuel to approve the following Purchase Orders for the week of July 30, 2009 totaling \$20,170.57: 47300, 46971, 46972, 46974, 47297, 47503, 47126, 47128, 47129, 47501, 47502, 47507, 47508, 47405, 47406, 47407, 46667, 47504 and 47505. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Noland, second by Morgan to approve the list of Accounts Payable for July 30, 2009 totaling \$251,294.78. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	Ck Amt
059328	PAYROLL	AMERICAN FAMILY LIFE ICU		\$0.00	\$5,159.44	\$5,159.44
059329	ALLOC	ANIMAL WELFARE SOCIETY		\$0.00	\$15,000.00	\$15,000.00
059330	433	EARTH VECTOR SYSTEMS	46763	\$305.00	\$0.00	\$305.00
059331	424	FRONTIER COMMUNICATIONS		\$0.00	\$932.10	\$932.10
059332	406	GUTTMAN OIL CO		\$0.00	\$734.02	\$734.02
059332	424	GUTTMAN OIL CO		\$0.00	\$1,536.13	\$1,536.13
059332	440	GUTTMAN OIL CO		\$0.00	\$415.84	\$415.84
059332	700	GUTTMAN OIL CO		\$0.00	\$7,901.43	\$7,901.43
059332	711	GUTTMAN OIL CO		\$0.00	\$177.24	\$177.24
059332	712	GUTTMAN OIL CO		\$0.00	\$283.75	\$283.75
059332	716	GUTTMAN OIL CO		\$0.00	\$755.17	\$755.17
059333	ALLOC	JEFFERSON CO.MEMORIAL PR		\$0.00	\$2,000.00	\$2,000.00
059334	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
059335	ALLOC	KIWANIS CLUB OF		\$0.00	\$1,000.00	\$1,000.00
059336	402	LEXISNEXIS/MATTHEW BENDE	47317	\$85.47	\$0.00	\$85.47
059336	401	LEXISNEXIS/MATTHEW BENDE		\$0.00	\$85.47	\$85.47
059337	403	MATTHEW BENDER & CO	46973	\$44.30	\$0.00	\$44.30

059337	405	MATTHEW BENDER & CO	47404	\$390.30	\$0.00	\$390.30
059338	425	V.E. MAUCK PLUMING SUPPL	47294	\$101.78	\$0.00	\$101.78
059339	ALLOC	NAACP JEFFERSON CO		\$0.00	\$3,000.00	\$3,000.00
059340	402	PIFER OFFICE SUPPLY, INC	47316	\$87.12	\$0.00	\$87.12
059341	700	QUARTER MASTER	47015	\$238.89	\$0.00	\$238.89
059342	ALLOC	CHARLES TOWN RTCA COUNCI		\$0.00	\$3,000.00	\$3,000.00
059343	425	RCS SECURITY		\$0.00	\$324.00	\$324.00
059344	ALLOC	SHEPHERDSTOWN PUB LIBRAR		\$0.00	\$500.00	\$500.00
059345	700	SPECIALTY BUS SUPPLIES	47013	\$129.00	\$0.00	\$129.00
059345	716	SPECIALTY BUS SUPPLIES	47321	\$158.06	\$0.00	\$158.06
059346	408	STATE TAX DEPARTMENT		\$0.00	\$16,106.44	\$16,106.44
059347	704	ST/WV REGIONAL JAIL &	47067	\$88,120.62	\$0.00	\$88,120.62
059348	413	WV SECRETARY OF STATE	47312	\$600.00	\$0.00	\$600.00
059349	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$0.00	\$6,872.33	\$6,872.33
059350	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$0.00	\$8,489.38	\$8,489.38
059351	425	THYSSEN KRUPP ELEVATOR	47299	\$316.62	\$0.00	\$316.62
059352	405	WEST PAYMENT CENTER	47403	\$805.25	\$0.00	\$805.25
059353	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$20,526.41	\$20,526.41
059354	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$50,175.89	\$50,175.89
059355	405	WV STATE BAR	47401	\$2,000.00	\$0.00	\$2,000.00
059356	412	WVU		\$0.00	\$10,250.00	\$10,250.00
059357	403	WALZ CERTIFIED MAIL SLTN	46969	\$689.52	\$0.00	\$689.52
059358	402	XEROX COPORATION	46690	\$997.81	\$0.00	\$997.81
TOTALS				\$95,069.74	\$156,225.04	\$251,294.78

IN RE: LEGISLATIVE ISSUES

Commissioner Widmyer reported on a phone call she received from a citizen expressing concerns with the state law regarding property liens on property owners for contracted services.

Commissioner Manuel reported on the proposed Meal Tax.

IN RE: PUBLIC COMMENT

No public comment was provided.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

Jennifer Brockman, Planning Director appeared before the Commission to request clarification from the Commission on any action taken during the November 20, 2008 Zoning and Subdivision public hearing.

The Commission advised Ms. Brockman to reference the county webcam and minutes for additional clarification of previous Commission action.

IN RE: BONDING AND ACTIVITY REPORT

Jennifer Brockman, Planning Director appeared before the Commission for the Bonding and Activity report.

Ms. Brockman reported on the Far Away Farms joint meeting being coordinated.

Ms. Brockman reported on the staff review of applications for Zoning Administrator and Planner.

Ms. Brockman reported on the Planning Commission meeting.

IN RE: REPORT OF FEDERAL STIMULUS FUNDS

Leslie D. Smith, County Administrator provided a report on grant applications that have been filed and a status on the Energy grant.

Commissioner Surkamp reported on the APUS Broadband grant meeting he attended.

Toni Milbourne was present and reported on her attendance at the APUS Broadband grant meeting.

The Commission agreed by unanimous consent to schedule an appointment with Mr. John Hough on next week's agenda to discuss the Broadband grant further.

IN RE: ORGANIZATIONAL PLANNING

No new information was provided.

IN RE: REQUEST RECEIVED FROM DEBBIE ROYALTY – MOTION TO PUBLIC SERVICE COMMISSION REQUESTING ADDITIONAL PATH STATUS HEARINGS IN THE EASTERN PANHANDLE

The Commission directed that Ms. Royalty be advised that the Commission previously voted on this matter.

IN RE: REQUEST FOR FUNDS – CONTEMPORARY AMERICAN THEATER FESTIVAL

Commissioner Surkamp referenced the correspondence in the agenda packet and requested the Commission consider funding the Contemporary American Theater Festival.

Motion by Surkamp, second by Morgan to allocate \$5,000.00 in support of the Contemporary American Theater Festival.

The Commission agreed to postpone action on this agenda item until Old Business # 14, "Revision of Fund 001 – General Fund – For Fiscal Year 2010" is taken up.

IN RE: BOARD OF HEALTH & PROSECUTING ATTORNEY RALPH LORENZETTI - DISCUSSION OF FUNDING FOR A LEGAL ISSUE

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to provide a status update on the Jefferson County Board of Health lawsuit involving Randy Dehaven and Dr. Rosie Cannarella.

Mr. Lorenzetti reported on the conflicts due to members of the Prosecuting Attorney's Office and Dr. Cannarella being on the witness list for the case. Mr. Lorenzetti requested the Commission provide funds to the Jefferson County Board of Health in order to acquire private legal counsel to represent them.

Mr. Lorenzetti reported on legal pleadings filed and pending hearings scheduled.

Dr. Robert Johnson, Board of Health President was present to provide an overview of the case.

Motion by Widmyer, second by Surkamp to allocate up to \$50,000.00 to the Jefferson County Board of Health for acquisition of private legal counsel.

Amended motion by Widmyer, second by Surkamp authorizing the Jefferson County Board of Health to hire private legal counsel and report proposed expenses back to the Commission prior to allocation of funds. Motion carried.

IN RE: CAMDEN SIEGRIST - BOND COUNSEL FOR RURAL HOUSING PRESERVATION ASSOCIATES, LLC - REQUEST FOR RESOLUTION APPROVING TAX-EXEMPT BOND ISSUE

Mr. Dave Curtis from Rural Housing Preservation Associates, LLC appeared before the Commission on behalf of Mr. Siegrist and reported on Rural Housing Preservation Associates, LLC acquisition of apartment complexes in Harpers Ferry and Shepherdstown Corporation in addition to neighboring counties and requested approval of a Tax-Exempt Bond Issue Resolution in support of rehabilitating the apartments.

Mr. Curtis reported on his presentation and report with the Berkeley County and Hardy County Commissions and letters submitted to Harpers Ferry and Shepherdstown.

James Addy, Harpers Ferry Mayor was present for comments.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on her review of the Resolution and provided her recommendations.

Motion by Noland, second by Manuel to approve and authorize the Commission President's signature upon the Tax-Exempt Bond Issue Resolution as requested. Motion carried.

THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

INDUCEMENT RESOLUTION AND DECLARATION OF OFFICIAL INTENT
RELATING TO THE ISSUANCE OF
COMMERCIAL DEVELOPMENT REVENUE BONDS
FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS
OF THE ACQUISITION, RENOVATION, IMPROVEMENT AND EQUIPPING OF
AFFORDABLE HOUSING

WHEREAS, Rural Housing Preservation Associates, LLC, a Delaware limited liability company (the "Company"), has requested that Jefferson County, West Virginia, acting by and through The County Commission of Jefferson County, West Virginia (the "Issuer"), issue commercial development revenue bonds, either separately or jointly with Berkeley and Hardy Counties, West Virginia, in an original aggregate principal amount not to exceed \$20,500,000 (the "Bonds") for the purpose of financing all or a portion of the costs of acquiring, renovating, improving and equipping affordable housing, including but not limited to Potomac Terrace in Harpers Ferry and Maple Green in Shepherdstown, West Virginia, as well as other properties in Berkeley and Hardy Counties, all of which are to be operated by the Company (the "Project"); and

WHEREAS, the Issuer desires to approve in concept the proposed issuance of the Bonds and the financing of all or a portion of the costs of the Project with the proceeds thereof, contingent upon the approval by the Issuer and its legal counsel of the various documents relating to the issuance of the Bonds; and

WHEREAS, the Issuer also desires to declare its official intent pursuant to Section 1.150.2 of the Treasury Regulations promulgated under the Code to reimburse the Company from the proceeds of the Bonds for capital expenditures for the Project made prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED, That the Issuer approves in concept the issuance of the Bonds either separately or jointly with Berkeley and Hardy Counties, West Virginia, as requested by the Company, and the financing of all or a portion of the costs of the Project with the proceeds thereof;

BE IT FURTHER RESOLVED, That the Issuer hereby declares the official intent of the Issuer pursuant to Treasury Regulation Section 1.150-2 to reimburse the Company from the proceeds of the Bonds, which are intended to be tax-exempt revenue bonds payable from payments to be made by the Company, as further described herein, for certain capital expenditures for the costs of the acquisition, renovation, improvement and equipping of the Project made not more than sixty (60) days prior to the date of adoption of this declaration of official intent, and after date of such adoption, but prior to the issuance of the Bonds;

BE IT FURTHER RESOLVED, That the source or sources of payment for such capital expenditures were or will be from the operating fund(s) and/or reserve fund(s) of the Company, and upon issuance of the Bonds, proceeds thereof not to exceed the amount of such capital expenditures will be applied to the reimbursement of the respective funds from which these expenditures were made;

BE IT FURTHER RESOLVED, That the maximum principal amount of the Bonds to be issued for the Project (including costs of issuance of the Bonds and related costs, but not including any original issue discount) and the maximum amount of reimbursable costs is \$20,500,000, and that the Company shall provide written evidence of all reimbursement allocations not later than eighteen (18) months after

the later of (i) the date the original expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid, as further provided in Section 1.150-2 of the Treasury Regulations, which written evidence may be satisfied by one or more requisitions submitted in connection with the subject financing;

BE IT FURTHER RESOLVED, That this is intended to constitute a "declaration of official intent" pursuant to Section 1.150.2 of the Treasury Regulations promulgated under the Code;

BE IT FURTHER RESOLVED, That the Company, its advisors, attorneys and representatives are authorized to publish a notice of a public hearing to be held before the Issuer at a later date to be coordinated with the County Administrator, pursuant to Section 147(f) of the Code, with respect to the Bonds and to proceed with the preparation of the documents relating to the Bonds, subject to review by the Issuer and its legal counsel;

BE IT FURTHER RESOLVED, That all expenses relating to the issuance of the Bonds, including without limitation the fees and expenses of bond counsel, financial advisors, underwriters, placement agents, banks, the Issuer and its counsel shall be paid by the Company and may be paid from the proceeds of the sale of the Bonds;

BE IT FURTHER RESOLVED, That the provisions hereof are not intended to, and shall not be construed or interpreted to, either (a) obligate or authorize the expenditure of any funds or moneys of the Issuer derived from any source whatsoever other than the proceeds from issuance and sale of the Bonds as provided for herein, or (b) create any personal liability of the officers or members of the Issuer. The Bonds shall never constitute an indebtedness of the State of West Virginia or the Issuer within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the State or the Issuer. Neither the Bonds nor the interest thereon shall be a charge against the general credit or taxing powers of the State or the Issuer and such fact shall be plainly stated on the face of each Bond.

BE IT FURTHER RESOLVED, That Bowles Rice McDavid Graff & Love LLP is appointed as Bond Counsel to prepare all documents with respect to the proposed issuance of the Bonds; and

BE IT FURTHER RESOLVED, That issuance of the Bonds may be approved by further resolution of the Issuer contingent upon the approval of the various documents relating to the issuance of the Bonds by the Issuer and its legal counsel.

Adopted this 30th day of July 2009.

THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

/s/ _____
Dale Manuel, Commission President

ATTEST:

/s/ _____
Jennifer S. Maghan, County Clerk

**IN RE: ED DUNLEAVY - SHEPHERDSTOWN BATTLEFIELD PRESERVATION ASSOCIATION, INC. -
PROPOSAL FOR JEFFERSON COUNTY POTOMAC RIVER FRONT PARK**

Ed Dunleavy from Shepherdstown Battlefield Preservation Association, Incorporated appeared before the Commission with a Power Point presentation highlighting the Potomac River Front Park proposal.

Mr. Dunleavy reported on acquired grants and matching funds received from the Civil War Preservation Trust in support of the Potomac River Front Park project.

Mr. Dunleavy requested the Commission approve the extension of the Shepherdstown Battlefield grant and consider a partnership between Shepherdstown Battlefield Preservation Association Incorporated and the Parks and Recreation Department in support of the project.

Mr. Dunleavy reported on the upcoming meeting with the Parks and Recreation Commission.

Motion by Noland, second by Manuel to refer this matter to the Parks and Recreation Committee for review and recommendations and to authorize the extension of the current Shepherdstown Battlefield grant. Motion carried.

The Commission took a 7 minute break at 10:50 a.m.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

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

Ms. Grove reported on legal pleadings filed for county tax cases.

James Casimiro, Assistant Prosecuting Attorney was present and reported on upcoming Public Service Commission hearings and motions filed.

Mr. Casimiro provided a status update for the PATH Intervention case and the Water Rate case.

Motion by Morgan, second by Noland to enter into Executive Session to discuss land acquisition.

Motion carried.

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

No action was taken during Executive Session.

IN RE: HARPERS FERRY FOUNDATION FUNDS REQUEST

James Addy, Harpers Ferry Mayor was present to request funding support from the County Commission in support of the John Brown Sesquicentennial.

Mayor Addy reported on the various events being coordinated for the event.

Mayor Addy discussed the distribution of ticket proceeds, additional funding resources and expenditures for the events.

The Commission agreed to consider this matter under agenda item: "Revision of Fund 001 - General Fund - For Fiscal Year 2010".

IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk's report.

Ms. Maghan requested Commission clarification regarding staff salaries and budget revisions.

The Commission agreed to consider salary equity and budget revisions at a later time.

Ms. Maghan reported on the number of employees and salary expenditures for the County Clerk's work force.

IN RE: REVISION OF FUND 001 - GENERAL FUND - FOR FISCAL YEAR 2010

Mark Schiavone, Capital Planning and Management Director appeared before the Commission to request approval of a budget revision.

Mr. Schiavone provided the Commission with copies of a budget analysis and proposed revisions for their review.

Leslie D. Smith, County Administrator reported on revision requirements and her review of the proposed revisions.

The Commission reported on budget revisions previously authorized and discussed current budget requests from the Harpers Ferry Foundation and the Contemporary American Theatre Festival.

Motion by Morgan, second by Surkamp to approve and authorize the President's signature upon the General Fund Budget Revision for Fiscal Year 2010 as presented.

The Commission discussed amending budget allocations for the Historic Landmarks Commission and the Arts & Humanities Alliance of Jefferson County.

Commissioner Morgan withdrew her motion.

The Commission agreed to authorize Mr. Schiavone to redraft the General Fund Budget Revision and Resolution to reflect the changes discussed and bring the revision back to the Commission for review and consideration after lunch.

Motion by Surkamp, second by Manuel to refer the Contemporary American Theatre Festival to the Arts & Humanities Alliance of Jefferson County for consideration of a \$5,000.00 budget allocation.

Amended motion by Morgan, second by Manuel to also refer the Harpers Ferry Foundation to the Arts & Humanities Alliance of Jefferson County for consideration of their budget request. Motion carried.

IN RE: CORRECTION ON COUNTY WEB SITE

Commissioner Morgan requested that Leslie D. Smith, County Administrator direct staff to change the language on the County web site with consideration to Jefferson County bordering the Shenandoah River.

Commissioner Widmyer requested Kendig Keast information be removed from the County web site.

IN RE: SHEPHERDSTOWN RIVERFRONT REQUEST FOR LETTER OF SUPPORT

Motion by Morgan, second by Surkamp to approve the letter of support for the Rivers, Trails and Conservation Assistance Program (RTCA) as requested by Shepherdstown Mayor Jim Auxer. Motion carried.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION FOR ONE 5-YEAR TERM ENDING JULY 27, 2014

Motion by Morgan, second by Noland to appoint Mr. Daniel Hayes to the Jefferson County Building Commission for one 5-year term ending July 27, 2014.

Leslie D. Smith, County Administrator reported on interested applicants to the Jefferson County Building Commission.

With respect to additional applicants, Commissioner Morgan withdrew her motion and the Commission agreed to schedule interviews for interested applicants.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reminded the Commission of the meetings scheduled with Blue Cross/Blue Shield representatives on Tuesday, August 11th and Wednesday, August 12th.

Ms. Smith reported on the correspondence she received from Jeff Polczynski, Communications Director regarding the E911 fees and provided a status update on proposed increases.

Ms. Smith reported on necessary flooring renovations needed in the Old Jail.

Ms. Smith provided a status update for the proposed Memorandum of Understanding with the County Clerk regarding a County scanning policy.

Ms. Smith reported on the correspondence she received from Peter Fricke.

Ms. Smith reported on the correspondence she received from John Kusner with regard to County office space.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the APUS Broadband grant meeting he attended.

Commissioner Manuel reported on the new programs being implemented by the Council on Aging.

Commissioner Widmyer reported on the Parks and Recreation Facilities meeting she attended.
Commissioner Widmyer reported on the "Fun Run" event at the Murphy Farm on Friday, July 31, 2009 at 5:30 p.m.
Commissioner Noland reported on the Water Advisory Committee meeting she attended.

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

IN RE: REVISION OF FUND 001 - GENERAL FUND – FOR FISCAL YEAR 2010 – CONTINUED

Mark Schiavone, Capital Planning and Management Director appeared before the Commission with a presentation of the General Fund Budget Revision redraft and requested Commission approval.

Motion by Surkamp, second by Noland to accept and approve the General Fund Budget Revision of Fund 001 for Fiscal Year 2010 as presented. Motion carried.

RESOLUTION

At a regular session of the Jefferson County Commission, held 30th July, 2009, 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 002, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Jim Surkamp, and duly seconded by Patricia Noland, the vote thereon was as follows:

Dale Manuel	Yes
Lyn Widmyer	Yes
Frances Morgan	Yes
Jim Surkamp	Yes
Patricia Noland	Yes

WHEREUPON, Dale Manuel, 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.

IN RE: APPROVAL OF IT SUPPORT SPECIALIST

Mark Schiavone, Capital Planning and Management Director appeared before the Commission to request approval of the new IT Support Specialist Charlotte Hernandez Velez.

Motion by Surkamp, second by Widmyer to approve the employment of Charlotte Hernandez Velez as an IT Support Specialist. Motion carried.

IN RE: ROB STEPTOE – PRESENTATION ON THE AMERICAN RECOVERY & REINVESTMENT ACT BOND PROGRAM

The Commission conducted a workshop with Mr. Rob Steptoe to learn more about the American

Recovery and Reinvestment Act Bond Program.

Mr. Steptoe appeared before the Commission with a presentation and report. Mr. Steptoe reported on President Obama's approval of the American Recovery and Reinvestment Act Bond Program and provided an overview and reported on the program's objectives, eligibility requirements and advantages of bank qualified bonds.

Mr. Steptoe further reported on deadlines and federal oversights for the program and reported on designated recovery zones.

The Commission requested clarification of projects eligible for the American Recovery and Reinvestment Act Bond Program.

Lee Snyder, Snyder Environmental President was present for comments.

The Commission received the following information:

Copy of correspondence sent to Sheriff Shirley from John H. Alderton recognizing Deputy Conway and Corporal Tabler for their professionalism and execution of duties and responsibilities.

Correspondence received from William Francis Xavier Becker thanking the staff in the engineering department for their assistance.

Correspondence received from the Historic Landmarks Commission concerning the Cement Mill property along River Road.

Correspondence received from the Historic Landmarks Commission concerning the designation of historic landmarks.

Correspondence received from Region 9 concerning FY 2010 Annual Assessment.

Copy of newspaper article received from the Association of Counties concerning OPEB liability.

Tentative agenda received for the County Commissioners Annual Meeting.

Correspondence received from the Development Authority of Mercer County concerning the proposed meal tax.

Information received on the fall 2009 Local Government Leadership Academy.

NACo Prescription Drug Discount Card Program usage information received.

Correspondence received from the State Auditor concerning the in-service training program on August 2-4, 2009.

Harpers Ferry National Historical Park Community Bulletin received.

E-911 fees received from Citizens Communications, ACN Communications, AT&T Communications, Level 3 Communications, Tax Partners, L.L.C, and Comtel Telecom Assets, LP.

Jefferson County Board of Health meeting agenda received for August 14, 2009.

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

The Commission received the following Correspondence:

Postcards received from the following concerning public library funding:

Desiree Baker	Laurel Brown	W. McGrath
Diane Boward	Lorena Chambers	Teresa Jackson
Robert L. Cucuzzella	Linda A. Whitmore	Lou DeBaca
Mark Young	Kathleen Kelly	Theodora Cullum
Barbara E. Viands		

Correspondence received from Paula J. Frickey concerning the Sheriff's department.

Correspondence received from Gil N. Garcia concerning PATH.

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

DALE MANUEL, COMMISSION PRESIDENT

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

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 10-21-2010

Date Requested – 2nd Choice: _____

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

Subject: **Proclamation – November 14-20, 2010 as Nation Hunger and Homelessness Awareness week in Jefferson County, WV**

Please provide the County Commission with a description of your request or presentation, including any background information: **To bring awareness to the area of Hunger and Homelessness in the County.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve November 16-20, 2010 as Nation Hunger and Homelessness Awareness week in Jefferson County, WV and to authorize the president to affix her signature on the required Proclamation.**

Attachments:

Proclamation

A Resolution Proclaiming November 14 – 20, 2010 as National Hunger and Homelessness Awareness Week in Jefferson County, WV

Whereas, for the past several years the National Coalition for the Homeless and the National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

Whereas, in the Eastern Panhandle there are at least 164 homeless men, women, and children and another 207 men, women, and children sheltered in transitional housing on any given night; and

Whereas, there are many organizations in Jefferson County committed to sheltering and providing supportive services as well as meals and food supplies to the homeless including: the Salvation Army, Department of Health and Human Resources, and many of the local churches in conjunction with Jefferson County Community Ministries, and

Whereas, the theme of National Hunger and Homelessness Awareness Week 2010 is “Bringing America Home,” and

Whereas, the Jefferson County Commission recognizes that hunger and homelessness continues to be a serious problem for many individuals and families in the Eastern Panhandle;

Now Therefore Be It Resolved that the Jefferson County Commission hereby proclaims November 14 - 20, 2010 as National Hunger and Homelessness Awareness Week.

Be It Further Resolved that the Jefferson County Commission encourages all citizens to recognize that many people do not have adequate food or housing and need support from citizens, and private/public non-profit service entities.

Signed this _____ day of October, 2010 by:

Lyn Widmyer, President

Patricia Noland, Commissioner

Dale Manuel, Commissioner

Frances Morgan, Commissioner

James Surkamp, Commissioner

#10

Commission Office Use Only

Date on Agenda: 10/21/10

Appt Time or New Business: 10-10:30

AGENDA REQUEST FORM

Name: Alana C. Hartman

Department or Entity: WV Dept. of Environmental Protection, Potomac Basin Coordinator

Estimation of amount of time needed for appointment: 30 Minutes

Date Requested – 1st Choice: October 21, 2010

Date Requested – 2nd Choice: _____

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

Subject: **WV's current editing of the Watershed Implementation Plan in response to the draft TMDL posted by EPA on Sept. 24, 2010.**

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

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

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Tim Boyde

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15-30 minutes

Date Requested – 1st Choice: 10-21-10

Date Requested – 2nd Choice: _____

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

Subject: **Policies and Procedures**

- a. Classification Plan
- b. Calculation of Copensation

Please provide the County Commission with a description of your request or presentation, including any background information: **Continuation of Policies and Procedures discussion/action**

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

Attachments:

Classification Plan

POLICY

The Jefferson County Commission will provide a Classification Plan consisting of position descriptions for its employees.

PROVISIONS

The County Administrator (or designee) will be responsible to the Commission for the administration of the Classification Plan, in conjunction with, Elected Officials, Department Heads, and Employees.

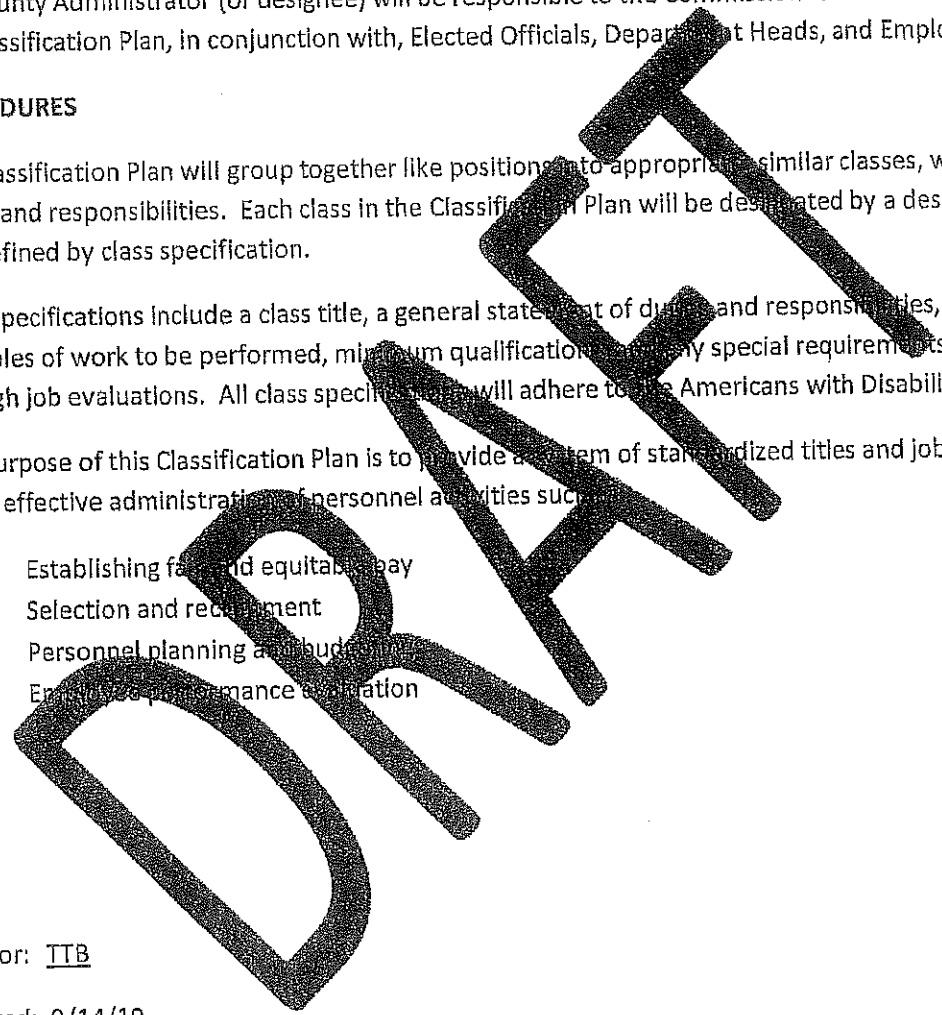
PROCEDURES

The Classification Plan will group together like positions into appropriate similar classes, with respect to duties and responsibilities. Each class in the Classification Plan will be designated by a descriptive title and defined by class specification.

Class specifications include a class title, a general statement of duties and responsibilities, typical examples of work to be performed, minimum qualifications, and any special requirements as determined through job evaluations. All class specifications will adhere to the Americans with Disabilities Act (ADA).

The purpose of this Classification Plan is to provide a system of standardized titles and job language used in the effective administration of personnel activities such as:

- Establishing fair and equitable pay
- Selection and recruitment
- Personnel planning and budgeting
- Employee performance evaluation



Author: TTB

Drafted: 9/14/10

Approved: _____

CALCULATION of COMPENSATION

POLICY

The Jefferson County Commission provides regular pay periods for all employees of Jefferson County Government.

PROVISIONS

Pay Periods

- All employees will be paid on a bi-weekly basis
- Pay periods are based on a Sunday through and including the second Saturday
- Individual time sheets are the basis for payment of salary and wages
- Any misrepresentation of facts on the time sheet may be grounds for dismissal

Calculation of Pay

Pay day will be on the Thursday following the end of the pay period and will include payment for all hours worked during the pay period. Under no circumstances will advances on wages be made, nor will individual paychecks be issued in advance of the scheduled pay.

- Salaries and rates of pay are set by the adopted salary and compensation schedule adopted by the Jefferson County Commission on _____
- Hours for persons assigned or mandated or approved emergency duty on contiguous Saturdays and Sundays will be counted as the same work

Time Recording

Individual time sheets are the basis for payment of salary and wages. The individual time sheet must be signed by the employee and department head. No wage or salary payment will be made without the properly signed document. Time sheets are due in the payroll office no later than _____ following the close of a pay period.

Calculation of Pay

An hourly rate is calculated in order to compute the cash value of unused vacation and sick leave, salary deductions for unauthorized absences from work, etc... The hourly rate is determined by dividing the annual rate of pay by 1820 hours (35 hour work week) or 2080 hours (40 hour work week) whichever is appropriate.

Author: TTB

Drafted: 9/15/10

Approved: _____



RECEIVED

OCT 17 2010

JEFFERSON COUNTY COMMISSION

Lyn Widmyer, President
Jefferson County Commission
P.O. Box 250
124 E. Washington St.
Charles Town, WV 25414

Dear Ms. Widmyer:

Pursuant to the Worker Adjustment and Retraining Notification (WARN) Act, this notice is to inform you that layoffs may occur from Dell Perot Systems Government Services (PSGS) due to the end of a contract and the subsequent loss of the work with the customer. This contract work is performed within your jurisdiction. Security regulations prevent disclosure of the customer name, contract information, or the address of the work site.

This contract is scheduled to end on November 30, 2010. This is a mass layoff. It is possible, but not guaranteed, that workers whose employment with PSGS ends will receive offers of employment with other companies who will be performing the work under the new contract.

The number of employees in each affected job category is shown below:

APPLICATIONS PROGRAMMER	5
COMPUTER OPERATOR	25
COMMUNICATIONS NETWORK SPECIALIST	4
DATABASE ADMINISTRATOR	1
FUNCTIONAL AREA MANAGER	4
PROCUREMENT PRODUCT SPECIALIST	2
PROGRAM MANAGER	1
SOFTWARE SYSTEMS SPECIALIST	21
SYSTEM SUPPORT SPECIALIST	2
SYSTEMS ANALYST	16
TECHNICAL MANAGER	1
WORD PROCESSOR	3
TOTAL	85

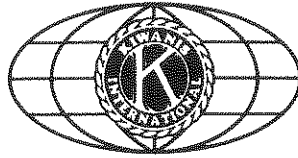
It is anticipated that any layoffs will commence between November 18, 2010 and November 30, 2010. Workers do not have any bumping rights. There are no unions at this work site.

For further information, please contact Jim Rittinger, Associate General Counsel, at 703-289-7672.

Sincerely,

Michael J. Murray
Program Director
Dell Perot Systems Government Services

KIWANIS CLUB



OF CHARLES TOWN

MEETS EVERY THURSDAY NIGHT

P.O. BOX 1045
CHARLES TOWN, WV 25414
JEFFERSON COUNTY

Dear Sirs:

Thank you for your contribution of \$1500 for our Santa's Toyshop.

This is our big effort for the community each year.

We raise and spend over \$18,000 on this program. Last year we serviced 737 children.

All of our 33 members work the three day workshop.

Last year we had volunteers from Kohl's and students from Shepherd college. We hope to continue our efforts in the future and with your hrlp we will.

Sincerely,

Mary A Albertson

Secretary, Charles Town Kiwanis

RECEIVED

OCT 13 2010

Jefferson County Commission

10/21/10 ✓

To: All County Commissioners' & Staff
From: CCAWV

From: Vivian Parsons
Date: 10/13/2010 1:18:44 PM
To: All Counties List Serve
Subject: Fw: Landline 911 fees by county

Hi folks,

Just returned from another interim committee meeting.....this one discussing emergency dispatch center training and whether or not the state should setup and require standard training for emergency dispatchers.

In this meeting WVACO was reporting on the information they have collected by survey from 37 of the 55 counties regarding your e-911 funds and reported that there is not one central place to find amounts set by county commissions for their land-line 911 fees.....

CCAWV has always included a list of these amounts in our CCAWV handbook and we are provided this info by the Public Service Commission.....I want to make sure that we have correct updated information before we add it to our current handbook.....

Please review the list and make sure we have accurate, up-to-date information on the amount and the effective date of the current fee, ASAP. If we don't hear from you, we will be calling.....Thank You! (This request will also be sent by fax, for those without email....sorry about any duplication!)

One other interesting bit of info from the discussion, for those of you who have opposed the attempt to take more money off the top of the currently collected wire-less fees for the tower assistance fund....that bill may be coming back... There is interest in this committee to find out exactly how much counties are getting from land lines and what you are using that money for (bonding, ect.).

Part of CCAWV's opposition in past years has been based on the fact that the number of land lines are shrinking and counties are more dependent on the wireless fees and that the 911 fees are used for bonding and other such purposes.

Vivian G. Parsons

Vivian G. Parsons
County Commissioners' Association of WV
2309 Washington Street East
Charleston, WV 25311

☎ 304-345-4639 ☎ 304-346-3512

📠 304-415-1608

COUNTY	EFFECTIVE DATE OF CURRENT FEE (NO ENTRY MEANS THAT CURRENT FEE WAS EFFECTIVE PRIOR TO 10/1/00)	AMOUNT OF CURRENT FEE (\$) ¹	ARE TEL-ASSISTANCE LINES EXEMPTED?
BARBOUR	7/1/07	3.00	YES
BERKELEY	8/1/04	2.75 ⁹	YES
BOONE		1.25	YES
BRAXTON		2.10	YES
BROOKE	1/1/02	2.05	YES
CABELL	7/1/09	3.50 ^E	YES
CALHOUN		2.45	YES
CLAY		2.00	YES
DODDRIDGE	5/1/07	2.00	YES
FAYETTE		2.00	YES
GILMER	Effective 12/2/08	1.75	YES
GRANT	6/1/02	3.75	YES
GREENBRIER		2.00	YES
HAMPSHIRE		2.00	YES
HANCOCK	11/1/04	2.05	YES
HARDY		3.75	YES
HARRISON		.98	YES
JACKSON		2.00	YES
JEFFERSON	7/1/05	2.90 ⁶	YES
KANAWHA	Approved 8/21/08	Business - 5.34 ² Residential - 3.34	YES
LEWIS	Effective 12/2/08	1.75	YES
LINCOLN	12/1/01	3.50	YES

COUNTY	EFFECTIVE DATE OF CURRENT FEE (NO ENTRY MEANS THAT CURRENT FEE WAS EFFECTIVE PRIOR TO 10/1/00)	AMOUNT OF CURRENT FEE (\$) ¹	ARE TEL-ASSISTANCE LINES EXEMPTED?
LOGAN		1.50	YES
MARION		1.03	YES
MARSHALL		1.20	YES
MASON		2.00	YES
McDOWELL	5/1/01	2.90 ⁷	YES
MERCER		1.25	YES
MINERAL	1/1/01	2.00	YES
MINGO		2.00	YES
MONONGALIA		1.31 ³	YES
MONROE	5/23/05	4.65	YES
MORGAN		2.50	YES
NICHOLAS	8/1/96	2.00	YES
OHIO	10/3/06	1.97 ¹	YES
PENDLETON		2.50 ⁴	YES
PLEASANTS		2.00	YES
POCAHONTAS		1.25	YES
PRESTON		1.00	YES
PUTNAM		1.50	YES
RALEIGH		2.00	YES
RANDOLPH	7/1/02	2.50	YES
RITCHIE	5/1/07	2.00	YES
ROANE		1.75	YES
SUMMERS		1.85	YES

COUNTY	EFFECTIVE DATE OF CURRENT FEE (NO ENTRY MEANS THAT CURRENT FEE WAS EFFECTIVE PRIOR TO 10/1/00)	AMOUNT OF CURRENT FEE (\$)¹	ARE TEL-ASSISTANCE LINES EXEMPTED?
TAYLOR (Flemington exchange portion of the county pays the Harrison County fee amount [.98])		1.50	YES
TUCKER	6/1/02	1.50	YES
TYLER		2.85	YES
UPSHUR	7/1/05	2.65 ¹⁰	YES
WAYNE		2.00	YES
WEBSTER		2.60 ⁵	YES
WETZEL		2.95	YES
WIRT		2.00	YES
WOOD	10/1/01	1.75	YES
WYOMING	9/1/03	2.65	YES

¹Unless otherwise specified, CENTREX lines pay 1/8 of the fee

²First 8 CENTREX lines pay \$3.25 per line, then 1/8 of that amount per line[#]

³First 8 CENTREX lines pay \$1.31 per line, then 1/8 of that amount per line[#]

⁴First 8 CENTREX lines pay \$2.50 per line, then \$0.31 per line[#]

⁵First 8 CENTREX lines pay \$2.60 per line, then \$0.32 per line[#]

⁶First CENTREX line pays \$2.90, then 1/4 of that amount per line[#]

⁷First 8 CENTREX lines pay \$2.90 per line, then 1/8 of that amount per line[#]

⁸First 8 CENTREX lines pay \$2.50 per line, then 1/8 of that amount per line[#]

⁹First 8 CENTREX lines pay \$2.75 per line, then 1/8 of that amount per line[#]

¹⁰First 8 CENTREX lines pay \$2.65 per line, then \$0.33 per line[#]

**Ohio County-All centrex lines are \$1.97 per line

[#]Application of the CENTREX 9-1-1 fees is done on an account by account (per county) basis. Within a given county, location of the CENTREX lines' customer termination points is irrelevant as long as all of the lines are on a single account.

Debbie Stellato

From: PamHWallace@aol.com
Sent: Wednesday, October 13, 2010 6:58 PM
To: PamHWallace@aol.com
Subject: Re: WV Homeland Security Summit November 16-18
Attachments: HomelandSecuritySummitregistrationinstructions.doc

Here is the attachment with information on how to register for the summit.

Pamela Holstein-Wallace, MS, MS
WV Homeland Security Region 3 Coordinator
304-279-3819
pamhwallace@aol.com
www.volunteerwv.org

To avoid unwanted email, if you would like to be removed from this list, please send me an email with "REMOVE ME" in the subject line.

In a message dated 10/13/2010 6:55:27 P.M. Eastern Daylight Time, PamHWallace@aol.com writes:

You are invited to attend the 2010 West Virginia Homeland Security Summit from November 16 – 18 at The Greenbrier in White Sulphur Springs. The purpose of the Summit is to disseminate information on the current status of Homeland Security initiatives in West Virginia and across the country, and to gather information on possible State Homeland Security Strategy updates and potential investments in the 2011 State Homeland Security grant. The meeting will begin at 1 pm on the 16th and finish by noon on the 18th.

To register for the Summit, please open the attachment and follow the instructions.

The Greenbrier has provided a Special Lodging Rate for the Summit for one or two person occupancy. To make lodging reservations, please call 1-800-624-6070 and request the Homeland Security Summit room block. The rate is available the nights of November 15, 16, 17 and 18 for those who wish to extend their stay.

Upon registration, additional information will be sent to each attendee including the State Homeland Security Strategy and information on state Homeland Security grants. The agenda is still being finalized and will be distributed around November 1st, but will include presentations on Intelligence Gathering, Analysis, and Dissemination; Credentialing; Cyber Security; and Community Preparedness, among others. We will be showcasing regional partnerships including the Southern West Virginia Preparedness Partnership. There will be numerous exhibits and ample opportunity to network, ask questions, and share information.

Please call the WV Homeland Security State Administrative Agency with questions at 304 558 2930.

Pamela Holstein-Wallace, MS, MS
WV Homeland Security Region 3 Coordinator
304-279-3819
pamhwallace@aol.com
www.volunteerwv.org

To avoid unwanted email, if you would like to be removed from this list, please send me an email with "REMOVE ME" in the subject line.

2010 WV HOMELAND SECURITY SUMMIT REGISTRATION

The 2010 WV Homeland Security Summit will be held at the Greenbrier November 16 – 18, 2010. In order to register for this summit, **you must** register using the WV DMAPS online registration process. Below are instructions on how to create an account and register for this summit. If you have an existing account please use it.

DATABASE LINK: http://www.onlinelearning.wv.gov/coursemill/overview_militaryaffairs.jsp

Step 1: **Create New User (if necessary)**

Click on “**Create New User**”. You will be asked to fill in the necessary information to hold an account. (You must list a physical address and email address so that certificates, notifications and updates can be mailed.) Next, list your Jurisdiction, Discipline and Agency. If you do not see your jurisdiction, discipline or agency, click “**OTHER/NOT AVAILABLE**”. *(Listed in alphabetical order)

Step 2: **Course Catalog**

Once you have completed the account setup process, click on “**Course Catalog**” and find the Homeland Security Summit link. Click on “**Details**”. At the bottom of the course description you will find the feature “**Enroll**”. Click on “**Enroll**”. If you listed an email address, you should receive an email notifying you that you have successfully registered for the summit.

Notifications:

The system is an email based system. It is highly recommended that you read any email that is generated from the database. Notifications will be sent if the summit is cancelled, postponed or rescheduled and reminders will be sent if you have registered for the summit.

If you have any questions regarding this process you may contact:

Christian Fernley

Email: gregory.c.fernley@wv.gov

Chuck Bennett

Email: charles.w.bennett@wv.gov

David Skeen

Email: david.w.skeen@wv.gov

WV Homeland Security State Administrative Agency
(304) 558-2930

NOTICE OF MEETING
Jefferson County Roundtable Meeting

The County Commission of Jefferson County will be meeting on Wednesday, October 27, 2010 at 5:00 p.m. at the Old Charles Town Library Meeting Room, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

Discussion topics are impact fees:

- Discussion of Sewer Infrastructure Issues
- Discussion of Option of Creating Countywide Public Utility

This is an informal discussion by area elected officials of topics of mutual interest. All meetings are open to the public. No decisions will be made at this meeting.

By Order of The County
Commission of Jefferson County
Lyn Widmyer