

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, APRIL 28, 2011
9:30 A.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Regular Meeting - April 14, 2011

Public Hearing - April 14, 2011

Special Session - April 19, 2011

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Jennifer S. Maghan, County Clerk
- County Clerk's Report and Election Update
2. 10:00 a.m. Decision - Amendment 2008 Subdivision and land development regulations
(as amended 2010) Discussion/Action
3. 10:15 a.m. Tom Bayuzik, Executive Director - Jefferson County Development Authority
- Request to Sign Resolution in support of the Jefferson County Development
Authority's request to obtain LED Grant funds as part of the Certified
Development Community Program - Discussion/Action
4. 10:30 a.m. Break
5. 10:45 a.m. Stephanie Grove, Assistant Prosecuting Attorney
- Legal Update
6. 11:00 a.m. Lynn Fields and Karen Olden, Probate Office
- Quarterly Fiduciary Review - Closing of Wills, Estates and Accountings -
Discussion/Action

7. 11:15 a.m. Mark Schiavone, Director of Capital Planning and Management
- Levy Rate Explanation

UNFINISHED BUSINESS:

8. Introduction of County Commission policy to require public improvement projects be in the approved and adopted Capital Improvement Plan prior to funding (LW) - Discussion/Action

NEW BUSINESS

9. Tim Boyde, County Administrator
- Approval of Absence Time With Pay Policy - Discussion/Action
10. Tim Boyde, County Administrator
- Approval of Conflict of Interest Policy - Discussion/Action
11. Explore the process of establishing a citizen oversight board (volunteers) to be tasked by the Commission to investigate and provide a written report on matters involving misdirection, misuse, failure to provide transparency or account for public funds (FM) - Discussion/Action
12. Recommendation from Sheriff Shirley regarding Bank Securities Bonding - County Bank Accounts - Discussion/Action
13. Approval - West Virginia Counties Risk Pool Proposal to Jefferson County effective 7-1-2011- Renewal Quotation for Self Insurance - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

14. 12:00 p.m. Lunch Break

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

15. 1:30 p.m. Hali Taylor - Shepherdstown Library design discussion/workshop
16. 2:00 p.m. Performance Evaluation - Executive Session (§6-9A-4)
- Tim Boyde, County Administrator
17. 2:30 p.m. ADJOURN

CORRESPONDENCE:

Notice - Jefferson County Commission Public Workshop and Public Hearing on the Draft Impact Fee Studies, Wednesday, May 4, 2011 from 4:00 p.m. to 6:00 p.m. and Public Hearing on May 12th, 2011 at 7p.m.

Notice - Jefferson County Commission Public Hearing regarding Proposed 2011 Land Development Fee Schedule and Building Permit Fee changes on Thursday, May 19, 2011 at 1:00 p.m.

Copy of letter from the US Department of the Interior regarding CCR registration received from WVACO.

Letter received from WVDEP confirming that Jefferson County has met the requirements set forth by the REAP Standard Operating Procedure for 2011.

Received copy of letter from Roger Goodwin, Chief County Engineer to Bradley Reed, District Engineer for the WV Office of Environmental Health regarding Westridge Hills Test Wells Project.

CCAWV Legislative Wrap Up, April 13, 2011, received from County Commissioners' Association of WV.

Copy of letter from WVDEP to Roger Goodwin regarding Watershed Implementation Plan.

Notice of Summer Training Seminars received from Courthouse Facilities Improvement Authority regarding 9th Cycle Scoring and Application Training.

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

Letter received from Martin Burk to Barbara Scott at Summit Point Motorsports Park regarding noises.

Second letter received from Martin Burk to Barbara Scott at Summit Point Motorsports Park regarding increased sound emissions.

Letter received from Senator John Rockefeller to Commissioner Noland regarding a tribute to Frank Buckles and all WWI veterans.

Press Release received from the Departments of Planning and Zoning regarding double tree planting event on Saturday, May 7, 2011.

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.



Minutes
Jefferson County Commission

Thursday, April 14, 2011

A meeting of the Jefferson County Commission was held on Thursday, April 14, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Louie Brunswick, Bailiff. (An audio tape of this April 14, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the April 7, 2011 regular meeting of the Jefferson County Commission as amended. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$133,075.48, being purchase order numbers: 48517, 48958, 48818, 49317, 49316, 52808, 52809, 49505, 49376, 49494, 49495, 49496, 49500, 49501, 49502, 49574, 49575, 49577, 49497, 49499 and 49491. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$151,778.54. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Jennifer Maghan, County Clerk, commented on per diem pay and the upcoming elections.

UNFINISHED BUSINESS

1. **Appointment to the Jefferson County Development Authority – 1 three-year term ending April 5, 2014 – Shepherdstown Municipal Representative.**

Motion by Ms. Morgan to appoint Howard Mills as representative of Shepherdstown for a three-year term ending April 5, 2014 on the Jefferson County Development Authority. Motion seconded by Mr. Pellish and unanimously approved.

COUNTY ADMINISTRATOR REPORTS

- Mr. Boyde reported that he is still doing research on the Teen Court program and stated it should be back on the agenda in early May, 2011. Mr. Manuel suggested that school officials should be consulted and have their comments heard by the Commission before approving the program. He reminded the Commission that the implementation of the program would need an affirmative vote by the Board of Education.
- Mr. Boyde advised the Commission that October 26, 2011 is the 210th birthday of Jefferson County and suggested that the Commission may want to sponsor a celebration. The Commissioners agreed.
- He reported that he has been speaking with Department Heads from E911, Maintenance and Sheriff Shirley concerning the problem of the amount of traffic on the radios with regard to animal control. He advised that the situation is being resolved.
- With regard to the matter of Jefferson County Emergency Services Agency not transporting DOA's to the hospital, Mr. Boyde informed the Commission that that decision did not come from JCESA, but was a change in hospital policy. He is working with the entities involved and will submit a report to the Commission at the April 28, 2011 meeting. In the interim, a local funeral home has volunteered to help.

COUNTY COMMISSIONER REPORTS

Commissioner Morgan:

- Announced that Longaberger Basket Bingo will be held at the Shepherdstown Fire Department on Sunday, May 15, 2011 at 3:00 p.m. Doors open at 2:00 p.m. Tickets are \$22.00. For more information contact Velma at (304) 270-6726. The event is to benefit the Alumni Chapter of the Delta Sigma Theta Sorority.
- Announced that today IHOP Restaurant is sponsoring a benefit for Happy Whiskers Animal Assistance.
- Attended a rabies clinic sponsored by Hillside Veterinary and Dr. Roberts.
- Attended a Farmland Protection Board meeting.
- Attended a Community Criminal Justice meeting.

Commissioner Pellish:

- Attended an Executive Committee meeting of the Jefferson County Development Authority.
- Attended a Planning Commission meeting which was the first session with the new members. Dan Hayes was elected President.

Commissioner Widmyer:

- Reported that she participated in a 5K run with the Raleigh Rocks and suggested that if the Commission got more involved with this type of activity it would be good for tourism. The Commissioners agreed.

Commissioner Manuel:

- Attended the Eastern Panhandle Conservation District's Annual Tree Sale.
- Attended a Fire and Rescue Association Meeting at the Friendship Fire Company.

Commissioner Noland:

- Attended the Operation Troubled Water Table Top Meeting.

PRESENTATIONS

2. **Stephanie Grove, Assistant Prosecuting Attorney, updated the Commission on pending legal matters.**
3. **Decision to Amend the County Zoning Map to Consider Urban Growth Boundary for Harpers Ferry and Bolivar.**

Shauna Johnstone, Treasurer for the Town of Harpers Ferry, read a letter from Mayor Addy reaffirming that Harpers Ferry is in favor of amending the County Zoning Map to consider the Urban Growth Boundary for Harpers Ferry and Bolivar.

Ms. Morgan moved to disapprove the amendment of the County Zoning Map to Consider the Urban Growth Boundary as proposed by Harpers Ferry and Bolivar. Mr. Pellish seconded the motion and it was unanimously approved.

4. **Matthew Powell of Potomac Consulting Services, on behalf of Patricia Sanderson and Shenandoah Professional Center, LLC request for a Zoning Map Amendment and to Proceed Directly to a Public Hearing before the Jefferson County Commission, and to Waive all Additional Reapplication Fees.**

Ms. Morgan moved that Shenandoah Professional Center, LLC, the applicant, restart the application process with the Planning Commission with no waiver of fees. Ms. Widmyer seconded the motion.

Mr. Manuel moved to amend and strike the appropriate language in the original motion and replace the stricken language with the words "and the additional reapplication fees would be waived." Ms. Noland seconded the motion.

A vote was taken on Mr. Manuel's motion to change the language in the original motion and the motion carried 3 to 2 with Ms. Widmyer and Ms. Morgan voting "no."

Ms. Morgan restated her original motion directing the applicant to restart the application process. A vote was taken and the motion was unanimously approved.

Ms. Widmyer made a motion that the same policy be sent to this applicant as the Commission did in October 2010 suggesting that all rezoning applications be considered at once. Motion seconded by Ms. Morgan and defeated by a vote of 3 to 2, with Ms. Noland, Mr. Manuel and Mr. Pellish voting "no."

5. **Jennifer Brockman, Director of Planning and Zoning, requested that the Commission consider a 10% fee increase in Land Development Fees and set same for a public hearing.**

Motion by Ms. Morgan to direct staff to schedule a public hearing regarding a fee increase on land development fees on May 19, 2011 at 1:30 p.m. Motion seconded by Mr. Manuel and unanimously approved.

6. **Roger Goodwin, Chief County Engineer, request the Commission to authorize a partial release of \$13,628.00 from the construction bond amount for Suzanne L. Walls – Walls Nursery (File #S04-16) for a new construction bond amount of \$11,501.00.**

Motion by Ms. Morgan to authorize a partial release of \$13,628.00 from the construction bond amount for Suzanne L. Walls – Walls Nursery (File #S04-16) for a new construction bond amount of \$11,501.00. Motion seconded by Mr. Manuel and unanimously approved.

The Commission directed legal counsel to review the letter from James Kelsh, Esquire regarding tolling.

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

7. Discuss Possible Electronic Recycling by Solid Waste Authority in 2011.

Discussion between Commissioners and Jimmy McGowan and William Madden of the Solid Waste Authority regarding the possibility of another electronic and hazardous waste recycling event this year hosted and organized by the Solid Waste Authority, providing it was authorized by their Board. It was noted that \$50,000.00 had been budgeted last year to be used for this year's event, if necessary, however, the event last year was accomplished by utilizing grant monies. Several Commissioners felt that the organizers should attempt to obtain grant monies to be utilized for the event again this year before any County money was expended.

Ms. Morgan moved that the Commission put \$35,000.00 into the FY2012 budget to be used for the Electronic and Hazardous Waste Recycling Event. Ms. Widmyer seconded the motion, but the motion failed 2 – 3, with Mr. Manuel, Ms. Noland and Mr. Pellish voting “no.”

Mr. Manuel moved that if a grant is pursued and captured, the County would provide a 20% match of the actual cost up to \$10,000.00. Ms. Morgan seconded the motion and it was carried 3 – 2, with Ms. Noland and Mr. Pellish voting “no.”

Ms. Noland recommended that the organizers diligently attempt to locate the same grant as was obtained in 2010.

Commissioner Morgan left the meeting at 3:00 p.m.

8. Jennifer Brockman, Director of Planning & Zoning, request to approve matching funds from the Planning Department budget for a scope of work for the US 340 East Transportation Project being considered by the HEPMPO Interstate Council on April 20, 2011.

Ms. Widmyer made a motion that the Commission authorize the County Planning Department to utilize funds from its Professional Services budget line item as a part of the local match to the HEPMPO scope for the US 340 East Transportation Project. Mr. Pellish seconded the motion and it was unanimously approved.

Ms. Widmyer moved that a letter be sent from the Jefferson County Commission to the Jefferson County Planning Commission requesting that they review their work plan and determine what steps would need to be taken to make US 340 South from Charles Town to the Virginia line the next priority in their work plan. Mr. Manuel seconded the motion and it was unanimously approved. (Ms. Morgan was not present for vote.)

The Commission took a 5-minute break.

The Commission reconvened at 3:34 p.m.

Ms. Noland advised that it would be necessary for the Commission to enter into an Executive Session pursuant to WV Code §6-9A-4 to discuss the purchase of the McDaniel Hardwoods building and negotiate the price of that building. Motion by Mr. Pellish to enter into an Executive Session. Motion seconded by Mr. Manuel and unanimously approved. The Commission entered into an Executive Session at 3:34 p.m.

Motion by Mr. Pellish to adjourn the Executive Session. Motion seconded by Mr. Manuel and unanimously approved. The Commission reconvened its regular meeting at 3:47 p.m. (Ms. Morgan was not present.)

On behalf of the Commission, Ms. Noland directed Mr. Boyde to respond accordingly to the counter-offer and move forward immediately with the installation of a fence on Commission property.

There being no further business, Ms. Noland moved to adjourn. Ms. Widmyer seconded the motion and it was unanimously approved. The meeting was adjourned at 3:59 p.m.

Upon rising, the meeting was recessed until Tuesday, April 19, 2011 at 10:00 o'clock a.m.

PATSY A. NOLAND, PRESIDENT



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 Thursday, April 14, 2011 beginning at 10:08 o'clock a.m.

PUBLIC HEARING - PROPOSED AMENDMENT TO THE 2008 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (AS AMENDED 2010)

Ms. Noland called to order a Public Hearing at 10:08 A.M. regarding the Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as Amended 2010).

Present were:	Patricia Noland, President
	Dale Manuel, Vice President
	Lyn Widmyer, Commissioner
	Frances Morgan, Commissioner
	Walt Pellish, Commissioner
Jefferson County Administrator:	Tim Boyde
Administrative Assistant:	Debbie Stellato
Bailiff:	Louie Brunswick

Jennifer Brockman, Director of Planning and Zoning explained the benefit of the proposed Amendment to the Commission and members of the public.

Public comment was made by:

Doug Lawrence - resides near SPARKS in Summit Point, WV
Mark Dyck - President of the Jefferson County Development Authority
Barbara Scott - owner of Summit Point Raceway and the land owner for SPARKS
Martin Burk - resides next to Ms. Scott and the Raceway

There being no further public comment the hearing was closed at 10:46 a.m.

Ms. Brockman and the Commissioners exchanged final comments relating to the hearing and the proposed Amendment.

The Commission took an 8-minute break at 11:02 a.m. and returned at 11:10 a.m. to reconvene its regular meeting.

PATSY A. NOLAND, PRESIDENT



SPECIAL SESSION:

(TO LAY THE LEVY)

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, April 19, 2011 beginning at 10:00 o'clock a.m.

PRESENT: Dale Manuel, President Pro Tem
Walt Pellish and Frances Morgan, Commissioners

In re: LEVY ORDER AND LEVY RATES APPROVED FOR FISCAL YEAR 2011 - 2012

The Meeting was called to order at 10:05 a. m. by Commissioner Manuel.

The purpose of the hearing was to Lay the Levy for FY2011 – FY2012 beginning July 1, 2011.

Mark Schiavone, Director of Capital Planning and Management, was present and reported on the Levy Order and Rate Sheet for FY2011 – 2012. He further advised that in the near future the Commission would offer a presentation to the public to assist in better understanding the levy calculation process.

Motion by Ms. Morgan to adopt the Levy Order and Levy Rates for Fiscal Year 2011 – 2012 and to forward the proper documents to the State Auditor's Office. Motion seconded by Mr. Pellish and unanimously approved.

AUTHORIZED RATES

Twelve and four hundredths cents	(12.04) Class I Property
Twenty-four and eight hundredths cents	(24.08) Class II Property
Forty-eight and sixteen hundredths cents	(48.16) Class III Property
Forty-eight and sixteen hundredths cents	(48.16) Class IV Property

Upon rising the Commission recessed until Thursday, April 28, 2011 beginning at 9:30 o'clock a.m.

DALE MANUEL, PRESIDENT PRO TEM

Attachment: Levy Order and Rate Sheet FY 2011-2012

**JEFFERSON COUNTY, WEST VIRGINIA
LEVY ORDER AND RATE SHEET
REGULAR CURRENT EXPENSE LEVY
2011 - 2012**

The following is a true copy from the record of orders entered by Jefferson County Commission on the _____ of April, 2011

	Column E Certificate of Valuation Assessed Value for Tax Purposes	Levy Rate/\$100	Taxes Levied
_____ Signature			
Current Year			
Class I			
Personal Property	\$ _____	12.04	\$ _____
Public Utility	_____		_____
Total Class I	\$ _____		\$ _____
Class II			
Real Estate	\$ 1,985,827,950	24.08	\$ 4,781,874
Personal Property	3,384,600		8,150
Total Class II	\$ 1,989,212,550		\$ 4,790,024
Class III			
Real Estate	\$ 544,865,150	48.16	\$ 2,624,071
Personal Property	238,510,040		1,148,664
Public Utility	64,950,524		312,802
Total Class III	\$ 848,325,714		\$ 4,085,537
Class IV			
Real Estate	\$ 280,963,820	48.16	\$ 1,353,122
Personal Property	60,110,400		289,492
Public Utility	29,903,473		144,015
Total Class IV	\$ 370,977,693		\$ 1,786,629
Total Value & Projected Revenue	\$ 3,208,515,957		\$ 10,662,190
Less Delinquencies, Exonerations & Uncollectable Taxes		2.50%	266,555
Less Tax Discounts		2.20%	228,704
Less Allowance for Tax Increment Financing - see worksheet (Subtracted from regular current expense taxes levied only)		_____
Total Projected Property Tax Collection		10,166,931
Less Assessor Valuation Fund (Subtracted from regular current expense taxes levied only)		1.75%	177,921
Net Amount to be Raised by Levy of Property Taxes For Budget Purposes			\$ 9,989,010

Commission Office Use Only
 Date on Agenda: 4/28/11
 Appt Time or New Business: 10:00 AM

AGENDA REQUEST FORM

Name Jennifer Brockman, Director

Department or Entity: Planning and Zoning Department

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: April 28, 2011

Date Requested – 2nd Choice: _____

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

Subject:

Please provide the County Commission with a description of your request or presentation, including any background information: To make a decision on whether to approve or deny the proposed Amendment to the 2008 Subdivision and Land Development Regulations (as Amended 2010).

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move approval of the proposed Amendment to the 2008 Subdivision and Land Development Regulations (as Amended 2010) as recommended by Staff.**

Attachments:

4/28/11
10:00 am

1

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

**PROPOSED AMENDMENT TO THE 2008 SUBDIVISION AND LAND
DEVELOPMENT REGULATIONS (AS AMENDED 2010)**

The County Commission of Jefferson County will hold a Public Hearing on Thursday, April 14, 2011, at 10:00 a.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the proposed text amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan of the Jefferson County Subdivision Regulations.

By Order of The County
Commission of Jefferson County
Patricia A. Noland, President

Sandy McDonald

From: "bob marshall" <cloverleaf1@verizon.net>
To: <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>
Sent: Thursday, April 14, 2011 10:57 AM
Subject: PROPOSED AMENDMENT TO THE 2008 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (AS AMENDED 2010)

Your submission:

Your Name: bob marshall

Your Email Address: cloverleaf1@verizon.net

Subject: PROPOSED AMENDMENT TO THE 2008 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (AS AMENDED 2010)

Message: As a County resident, I read the proposed amendment Sec. 20.203 Minor Site Development, as allowing development of up to eight or less dwelling units to become a Minor Site Development, which would not require a public hearing. This provision looks like a big loophole the Planning & Zoning Department is proposing for denser land-use. Any number of proposed dwelling units greater than three or four units should be re-evaluated for Major Site Development. Thank you.

RECEIVED

APR 14 2011

JEFFERSON COUNTY COMMISSION

10:57 a.m.

4/14/2011



RECEIVED

APR 13 2011

JEFFERSON COUNTY COMMISSION

April 20, 2011

County Commissioners
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear Commissioners,

The purpose of this letter is to clarify some of the statements made last Thursday, April 14, 2011, at the County Commission meeting regarding the Amendment to the Subdivision and Land Development Regulations.

The Summit Point Automotive Research Center, LLC or SPARC is the land holder for the Summit Point Training Campus and Summit Point Raceway. All of the training on the Summit Point Training Campus and on the Summit Point Raceway facility is a conforming use in a rural district. Only the motorsports activities on 240 acres of the 700+ acre facility are considered a non-conforming use. The proposed amendment will not apply to any of the raceway property, only the conforming use 270-acre "campus" property.

The Training Campus completed the two-year major subdivision process after a community impact study, traffic study, and multiple public hearings and was approved for the current and pending uses.

The United States Department of State Diplomatic Security Service conducts training at Summit Point Raceway and on the Summit Point Training Campus. This training is for government employees going to US embassies in high-threat areas and has been done at the Summit Point facility since 1984. In 2007 the State Department requested that an Interim Training Facility (ITF) be built on the Summit Point Training Campus. A classroom and office building, a gymnasium with mat room, a tactical maze building, and an indoor firing range were completed in 2008. Since then we have added another instructor/office building for them. Fifty-three permanent, highly paid employees have been added since the ITF became operational.

The State Department has added a mock urban village for training with a 40' repelling tower at one corner. This village, built of tan conex containers, is not a "five-story" building. Most of the complex is sixteen to twenty-four feet tall. No live ammunition is used at the ITF, except in the indoor firing range, which is totally sound proof.

Only two helicopters have landed at the ITF in two years. The small utility craft brought visiting government officials each time. There is no helicopter training on the property except for the two stationary non-functioning helicopters with no rotors or engines that are used to train students how to get on and off the aircraft.

The State Department has a self-imposed quiet time from 7PM until 7AM, and usually trains from 8AM until 5PM. The only exception is for summer night-drive training that uses muffled sedans and uses no firearms. Between April and October during day-light savings time, night-drive training occurred only eight times last year after 7 PM.

The State Department is considering expansion within the Training Campus which will include two classroom buildings and a covered parking area. This addition is to meet an urgent and specific training requirement for Foreign Service personnel being posted to Iraq. This facility will support training on equipment that is not available anywhere else. The approval of the proposed amendment to the Jefferson County Ordinances will lead to an immediate economic impact with the employment of eight additional full time instructors, one new maintenance engineer, and two technicians. The construction phase will employ West Virginia contractors.

The Summit Point training facility management and the State Department officials are sensitive to the concerns of our neighbors and have always tried to work with the community on any issues that arise. Going forward that will remain our highest priority.

Sincerely,



Barbara Scott
President
Summit Point Raceway
Summit Point Training Campus

JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Phone: (304) 728-3228
Fax: (304) 728-8126

Email: planningdepartment@jeffersoncountywv.org

MEMORANDUM

TO: Jefferson County Commission
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning
DATE: April 14, 2011
SUBJECT: Proposed Subdivision Amendment for the Minor Site Plan Process in Business or Industrial Parks

On March 8, 2011, the Jefferson County Planning Commission held a Public Hearing and voted to unanimously recommend the following text amendment to the Jefferson County Subdivision and Land Development Regulations. There were minor edits that were made at the Planning Commission Public Hearing and the version noted below is the version that was forwarded to the County Commission at your March 17, 2011 meeting.

When the agenda item was posted for the April 14, 2011 Public Hearing, an older version of the proposed text amendment was inadvertently posted to the website. The correct version forwarded to you by the Planning Commission is the version included below.

Shown below are the sections from the Subdivision and Land Development Regulations with the proposed text amendments shown in red bold print that is underlined.

Sec. 20.203 Minor Site Development

Minor Site Developments are those proposals that do not require the development of new infrastructure

or the extension of existing off-tract infrastructure and where there is no subdivision into separate lots.

If the development requires easements for drainage or other purposes, private roads, or parking, and

access to public roads is involved that serve one or more land uses, it is a site development.

Minor site

development proposes one or more of the following: (1) Building(s), both new and additions to existing,

where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any

site; (2) Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater; ~~(2)~~ (3) Addition(s) to existing development of less

than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or ~~(3)~~ (4) apartment or multi-family development of eight or less dwelling units.

Minor Site Plan. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet Gross Floor Area (GFA) on any site.

B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

~~C. B.~~ Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less.

~~D. C.~~ Apartment or multi-family development of eight or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Site Plan, Minor. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet Gross Floor Area (GFA) on any site.

B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

~~C. B.~~ Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less.

~~D. C.~~ Apartment or multi-family development of eight or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Major Site Plan. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel total 5,000 square feet or more of GFA on any site; except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- C. Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;
- D. Apartment or multi-family development of ten or more dwelling units; or
- E. A heavy industrial use.

Site Plan, Major. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel total 5,000 square feet or more of GFA on any site; except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- C. Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;
- D. Apartment or multi-family development of ten or more dwelling units; or
- E. A heavy industrial use.

Additionally, this proposed amendment would apply to existing and future business and/or industrial parks. The parks currently established within Jefferson County known to be affected by this amendment are: Burr/Bardane Industrial Park, SPARC Training Center, Sunnyside Park and Jefferson Crossing.

Commission Office Use Only
 Date on Agenda: 4/28/11
 Appt Time or New Business: 10:15am

AGENDA REQUEST FORM

Name: Thomas Bayuzik
 Department or Entity: Jeff Co Det Authority
 Estimation of amount of time needed for appointment: 5 mins
 Date Requested - 1st Choice: 4/21/2011 cancelled
 Date Requested - 2nd Choice: 4/28/2011

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

LED Program info is due April 30 2011
 and the JCC Resolution is part of the
 Package.

Subject:

Local Economic Development Program Request
 of grant funds

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

Request JCC sign resolution (verbiage provided
 in email) to be put on JCC letterhead

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

The County Commission supports the JCDA in their
 request for LED grant funds as part of the
 Certified Development Community Program.

Attachments:

**WEST VIRGINIA
CERTIFIED DEVELOPMENT COMMUNITY (CDC)
PROGRAM
RESOLUTION OF PARTICIPATION AND COOPERATION**

Whereas, the governing body of Jefferson County is interested in the economic well-being of its citizenry and the community at-large; and,

Whereas, the governing body is prepared to support appropriate efforts within the community to promote economic development; and;

Whereas, the West Virginia Chamber of Commerce and the West Virginia Development Office sponsor a program that is specifically designed to help West Virginia communities become better prepared for economic development; and

Whereas, The County Commission has consistently funded the Jefferson County Development Authority since 1980, and this year's budgeted amount well exceeds the required \$31,008.00 match; and

Whereas, it is a requirement of the Local Economic Development Grant Program to provide evidence of local match;

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County wishes to continue its participation in the Certified Development Community Program, and that the leadership of the community fully realizes this program requires dedicated effort; and,

BE IT FURTHER RESOLVED, that the program requires the existence of a Local Economic Development Organization, and this governing body designates the Jefferson County Development Authority as representing our community for the purpose of participating in this program.

BE IT FURTHER RESOLVED, that evidence is hereby provided to the West Virginia Development Office that more than sufficient matching funds have been provided to the Jefferson County Development Authority by the Jefferson County Commission.

This resolution is in full effect upon its adoption this 28th day of April, 2011.

Signed: Patsy Noland, President

Attested: Jennifer S. Maghan, County Clerk

**WEST VIRGINIA
CERTIFIED DEVELOPMENT COMMUNITY (CDC)
PROGRAM
RESOLUTION OF PARTICIPATION AND COOPERATION**

Whereas, the governing body of Jefferson County is interested in the economic well-being of its citizenry and the community at-large; and,

Whereas, the governing body is prepared to support appropriate efforts within the community to promote economic development; and;

Whereas, the West Virginia Chamber of Commerce and the West Virginia Development Office sponsor a program that is specifically designed to help West Virginia communities become better prepared for economic development; and

Whereas, The County Commission has consistently funded the Jefferson County Development Authority since 1980, and this year's budgeted amount well exceeds the required \$31,008.00 match; and

Whereas, it is a requirement of the Local Economic Development Grant Program to provide evidence of local match;

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County wishes to continue its participation in the Certified Development Community Program, and that the leadership of the community fully realizes this program requires dedicated effort; and,

BE IT FUTHER RESOLVED, that the program requires the existence of a Local Economic Development Organization, and this governing body designates the Jefferson County Development Authority as representing our community for the purpose of participating in this program.

BE IT FURTHER RESOLVED, that evidence is hereby provided to the West Virginia Development Office that more than sufficient matching funds have been provided to the Jefferson County Development Authority by the Jefferson County Commission.

This resolution is in full effect upon its adoption this 28th day of April, 2011.

Signed:

Patsy Noland, President

Attested:

Jennifer S. Maghan, County Clerk

Nichelle Hosby

From: Lane Donley [Lane@jcda.net]
Sent: Monday, April 11, 2011 4:55 PM
To: nhosby@jeffersoncountywv.org
Subject: Schedule JCDA on JCC calendar
Attachments: Resolution LED 11 JCC draft.doc

Can I get Tom on the calendar for April 28th? He wants to present a resolution for the JCC to agree to sign and get it signed by Patsy that day. Attached is the resolution and it needs to be put on your letterhead.....does this make sense? If not, please call me..... Tom would like to take it with him after the meeting so he can get Jennifer Maghan's signature after JCC signs.

Thanks!

Lane Donley
Jefferson County Development Authority
PO Box 237
Charles Town, WV 25414
304-728-3255/304-725-3133

"When the people fear their government there is tyranny; when the government fears the people, there is liberty." Thomas Jefferson

<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: County Commission

Department or Entity: _____

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Break**

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: 5/5/11 12:15pm

Appt Time or New Business: ~~10:15 AM~~

AGENDA REQUEST FORM

Name: Stephanie Grove

Department or Entity: Prosecuting Attorney's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: 3/24/2011

Date Requested – 2nd Choice: _____

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

Subject: **Legal Update**

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: 4/28/11
 Appt Time or New Business: 11:00am

11-03-03 14:40 FILE

AGENDA REQUEST FORM

Name: Lynn Fields or Karen Olden

Department or Entity: County Clerk's Office-Probate

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

Date Requested – 1st Choice: April 21st, 2011

Date Requested – 2nd Choice: April 28th, 2011

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

Subject: **Quarterly approval/closing of wills/estates/accountings.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Quarterly approval/closing of wills/estates/accountings**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The probate office recommends the wills/accountings be approved and estates be closed.**

Attachments:



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

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: 28 April 2011

Date Requested – 2nd Choice: 5 May 2011

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

Subject: Presentation on Levy Rates, Property Values, and Ad Valorem Revenue

Please provide the County Commission with a description of your request or presentation, including any background information: This will be a brief presentation to explain how the levy rate is related to property values and ad valorem revenue. Although this is applicable to all West Virginia counties, the specifics as they relate to Jefferson County will be presented. The presentation will also outline a typical Class 2 tax bill with discussion of its various components.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Not applicable

Attachments:



Commission Office Use Only	
Date on Agenda:	4/28/11
Appt Time or New Business:	4/28/11 business

AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: _____

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: March 17

Date Requested – 2nd Choice: _____

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

Subject: **Introduction of County Commission Policy to require public improvement projects be in the approved and adopted Capital Improvement Plan prior to funding.**

Please provide the County Commission with a description of your request or presentation, including any background information: **The attached draft policy is to assure all expenditures for capital improvements in excess of \$100,000 are consistent with an adopted 6-year Capital Improvement Plan.**

The County Commission is discussing acquisition of new buildings without any written rationale and without any support from the FY 2012 Capital Improvement Plan. The attached policy will assure any significant expenditures are in accord with an approved schedule of public improvements that has been subject to public hearing.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Schedule policy for discussion at upcoming County Commission meeting.**

Attachments: **yes**

Proposed County Commission Policy relating to funding of Capital Improvement Projects
(Introduced by Cmr. Widmyer, March 2011)

CAPITAL IMPROVEMENT PLAN POLICIES

The annual Capital Improvement Plan (CIP) identifies public improvement projects planned by County Government to occur over a six year period. Each project in the CIP shall include the following:

- Detailed description of the project
- Justification
- Expenditure schedule
- Funding sources

The Jefferson County Commission will adopt a six-year CIP, update it annually, and make all capital improvements in accordance with the CIP.

All projects having the following characteristics must be included in the CIP prior to funding:

The project will have an individual project cost totaling \$100,000 or more.

The project will add to the government's public infrastructure.

The project will result in a major repair of a fixed asset that significantly adds to or preserves the life of the original asset.

The project is for acquisition of land for future projects (landbanking)

Municipal projects will be considered if the project is not exclusively for municipal residents or if the project is a cooperative effort by municipal, County and/or state agencies.

Commission Office Use Only	
Date on Agenda:	4/28/11
Appt Time or New Business:	11:30 AM

AGENDA REQUEST FORM

Name: Tim Boyde

Department or Entity: County Administrator

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

Date Requested – 1st Choice: 4/28/2011

Date Requested – 2nd Choice: _____

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

Subject: **Approval of Absence Time with Pay Policy Discussion/Action**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Absence Time with Pay Policy.**

Attachments:

ABSENCE TIME WITH PAY

Policy

The Jefferson County Commission will provide paid absence time for full-time employees of Jefferson County under certain conditions.

Provisions

Paid absence days shall include Holidays, Vacation, Sick Leave, Bereavement, Court Leave, Annual Military Training, and Authorized Leave (AL).

The benefit year for the purpose of calculating accrued leave shall be based in regular hours paid, limited to 70/80 hours in a pay period. Regular hours paid shall not include overtime or on-call hours.

The benefit year for Maintenance (including Animal Control), Assessor's Office, Emergency Communications staff, Homeland Security, Sworn Deputies, and Department Heads shall be 2080 hours. The balance of the County employees will have a benefit year of 1820 hours.

Use of paid time benefit: It is not permitted to substitute a different paid benefit time in place of another to avoid "unpaid" status. Accrued leave can only be applied to the category from which it is earned. Therefore, accrued sick leave cannot be applied as vacation leave or vice versa.

Procedures

- The Jefferson County Commission will adopt the observed Holiday schedule as prescribed by WV Code
- Full-time employees will be compensated a maximum of eight (8) hours of Holiday pay for all designated holidays.
- Non-exempt employees who work on a holiday shall receive a rate of time and-one-half (1.5) for each hour worked on the designated holiday, plus holiday pay.
- Exempt employees who are scheduled to work on a holiday shall receive their regular rate of pay for each hour worked on the designated holiday, plus holiday pay.
- Designated holidays shall be recognized from the period 10:00 p.m. to 10:00 p.m.
- Holidays occurring during approved vacation or sick leave will be considered as holiday pay and will not be charged against any accrued leave (sick or vacation).
- To qualify for holiday pay, the employee must work the last scheduled workday before the holiday and the first scheduled workday following the holiday or have had vacation leave pre-approved.

The following County personnel shall observe calendar holidays which differ from the official Holiday Schedule:

- Emergency Communications
- Sworn Law Enforcement Officers

Vacation Leave is a reward for service and offers the employee a break from the daily routine. Vacation time is earned according to the following schedule:

Year(s) of Employment	Length of Continuous Service	Monthly Rate of Accrual	Accrued Days - Max. Per Year	Accrual
0-2	After 1 mo. – 23	.75 day	9	9
2 -5	24 th mo. – 59 th	1 day	12	20
5 - 10	60 th mo. – 143 th	1.25 days	15	20
10 – 15	144 th mo. – 179 th	1.5 days	18	23
15 - 20	180 th mo. – 240 th	1.75 days	21	26
20 Plus	240 th mo. – beyond	2 days	24	30

- Vacation days accrued over the maximum accrual number are lost. Absences in excess of the accrual are taken without pay. Time worked in excess of 70/80 hours does not add to the vacation accumulation.
- Vacation leave should be scheduled in advance at the convenience of the Elected Official/Department Head. Consideration should be given to any specific request of an employee.
- Requests for same vacation time requests within one department will be decided by service time, if necessary.
- Newly hired employees will be credited with and eligible to use three (3) days of vacation upon completion of their probationary period, based upon the approved rate of accrual. Absence time during the probationary period is taken without pay.
- Vacation pay is based on the employee's regular hourly rate of pay for the number of hours of vacation leave used. Holidays are not charged against scheduled accrued vacation or to sick leave when supported by acceptable medical verification.
- Accrued but unused vacation days are reimbursed upon termination of employment (voluntary or otherwise).

SICK LEAVE

Accrual of Sick Leave

- Sick leave is defined as time off with pay because of personal or family illness or injury.

- Sick leave is accrued at a rate equivalent to one (1) day per month. Time worked in excess of 70/80 hours does not add to the accumulation.
- Accrued sick leave may be taken during the probationary period.

Sick leave accrues while an employee is absent from work due to illness, injury, or caring for a sick family member and is receiving a paycheck.

Intermittent Sick Leave

Intermittent sick leave is defined as short term absence from work due to a minor medical condition, e.g., cold, flu, etc. Intermittent sick leave is recognized for family members to include; spouse, child, parent, grandparent, or any other member of the household. At the Elected Official/Department Head's discretion, a physician's statement (verification) may be requested at any time sick leave is used.

To qualify for approved sick leave, the employee shall notify his/her immediate supervisor by the start of their scheduled shift of work, or in accordance with established office procedures.

Extended Sick Leave

Extended sick leave is defined as a prolonged absence from work due to a serious medical situation, e.g., surgery, recovery from serious illness, childbirth, etc.

An employee shall be eligible for extended sick leave if he/she has sufficient accrued sick leave, or extended by vacation leave at the employee's option, to cover the duration of the absence. A physician's statement describing the medical condition and stipulating the needed time off work is required.

The Elected Official/Department Head shall maintain a record in the employee's personnel file. Notice shall be given to the payroll administrator of the anticipated duration of the leave in order to insure continuity of benefits and related issues. A Leave of Absence Application for any illness or injury necessitating an employee's absence of more than ten (10) working days must be submitted to the County Administrator. A copy of the physician's statement shall be attached.

The initial leave of absence approval shall be for a period not to exceed three (3) months. The Elected Official/Department Head shall be responsible for assuring that the employee has sufficient accrued sick leave and vacation leave at the employee's option, to cover the period of absence specified by the attending physician. If there is not sufficient accrued leave available, the employee will be placed on leave without pay. At that time, the employee must decide about medical benefits by completing the Continuation of Medical Insurance form.

If the employee's physician orders additional time off work beyond the original approved leave of absence, the Elected Official/Department Head shall immediately forward a Leave of Absence Application (Extension) to the County Administrator with a copy of the physician's statement attached. Notice shall simultaneously be given to the payroll administrator.

Bereavement

An employee may be granted up to three (3) days of paid leave for the death in the immediate family. Immediate family shall refer to the employee's spouse/significant other, children, grandchildren, stepchildren, father, step-father, mother, step-mother, legal guardian, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law. Leave may commence upon notice of the death.

An employee may be granted up to two (2) days paid leave upon the death of an employee's grandparent, spouse's grandparents, aunt, uncle, cousin, niece, nephew, brother-in-law, or sister-in-law. Leave may commence at the discretion of the Elected Official/Department Head.

One day funeral leave with pay may be granted at the discretion of the Elected Official/Department Head.

Employees who must attend a family member's funeral which does not fall within the immediate family category and must travel in excess of two hundred (200) miles may be granted paid leave at the discretion of the Elected Official/Department Head.

Military Leave

Military Leave will be granted to full-time employees who are called to serve for a domestic emergency or to attend summer camp which requires time off, and will receive full pay differential for a period not to exceed thirty (30) calendar days (not to exceed 210 or 240 hours). Each military leave of absence will be granted up to the limit set by law and the employee will be eligible for employment in accordance with the applicable Federal laws.

Benefits shall not be applicable when individuals are ordered or called to active duty by the President. (West Virginia code 15-1F-1).

The military leave will be granted for the duration of the required active service.

Jury Duty

All full-time employees will be granted time off with pay for jury duty. OR; Employees who receive notice that they have been selected for jury duty are required to notify their supervisor no later than their next scheduled work day.

Time off from work due to jury duty shall be with pay, based on the employee's regular rate of pay for the number of hours off work. Employees are expected to return to work once they have been excused from jury duty during regular working hours.

The employee is required to remit any payment received for services rendered as a jurist. The employee may retain mileage reimbursement and any payment for services rendered while serving as a jurist during non-work hours.

Administrative Leave

In the event the Courthouse/County Government is closed due to natural disaster, adverse weather conditions, etc. an employee will be excused from attending work without loss of compensation.

Liberal Leave

In the event adverse weather conditions exist and an employee feels that it is unsafe to travel to work, liberal leave will be in effect. Liberal leave allows an employee to take a day's vacation or a day off without pay if unable to get to work. Essential staff will be advised when/how to report for duty.

RECORD KEEPING

Elected Officials/Department Heads or their designee will be responsible for record keeping pertinent to these guidelines. This record keeping does not preclude any records required by the Clerk of the County Commission or the payroll clerk.

Author: TTB

Drafted: 02/08/2011

Adopted: _____

DRAFT

Commission Office Use Only	
Date on Agenda:	4/28/11
Appt Time or <u>New Business</u> :	11:30 AM

AGENDA REQUEST FORM

Name: Tim Boyde

Department or Entity: County Administrator

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

Date Requested – 1st Choice: 4/28/2011

Date Requested – 2nd Choice: _____

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

Subject: **Approval of Conflict of Interest Policy Discussion/Action**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Conflict of Interest Policy.**

Attachments:

CONFLICT OF INTEREST

POLICY

The Jefferson County Commission expects all employees to exercise sound judgment in avoiding outside employment or commitments which might create a conflict of interest, or which might be detrimental to the functions of Jefferson County Government.

PROVISIONS

For the purposes of this policy, a conflict of interest shall be defined as anything which reduces the effectiveness, credibility, efficiency, or integrity of any County position or department, or which places any County employee in a position which is adversarial or detrimental to County Government.

This policy does not impose any restrictions on outside activities of County employees other than those necessary for the effective operation of County Government. The Jefferson County Commission recognizes that employees may take part in legitimate financial, charitable, and other activities outside of their county employment. However, any potential conflict of interest raised by those activities must be promptly disclosed as provided for in this policy.

This policy is intended to supplement the provisions of the State Ethics Act. Activity which does not violate that Act may constitute a violation of this policy. In addition, violations of the State Ethics Act may also be considered violations of this policy.

The employee's Elected Official/Department Head and the County Administrator will be responsible to review all cases of possible conflict of interest.

PROCEDURES

No employee, during the course of their full-time employment with Jefferson County Government will:

- Engage in outside employment or other commitments which create, may create, or give the appearance of creating a conflict of interest;
- Use the authority of their County position to solicit or promote personal business;
- Solicit or promote personal business or other private activities during County hours of operation;
- Use of County materials/resources, supplies, telephones, proprietary or confidential information, or access to County records or resources, to advance outside employment, personal business, finances, or other interests.

It shall be the responsibility of the employee to notify their Elected Official/Department Head of any situation in which a conflict of interest may occur. Such notice shall be provided as soon as the employee becomes aware of the situation, or the potential for conflict. Whenever possible, an employee shall request prior approval of outside employment or activities which may result in a potential conflict of interest.

The Elected Official/ Department Head, in consultation with the County Administrator, will review each situation.

The review will take into consideration the duties of the employee's County position and the nature of the outside employment or activity.

Where a conflict of interest, or potential conflict of interest, or other violation of this policy is identified, the employee will be directed to cease the outside employment or other activity, or specific restrictions may be placed upon the outside employment or activity.

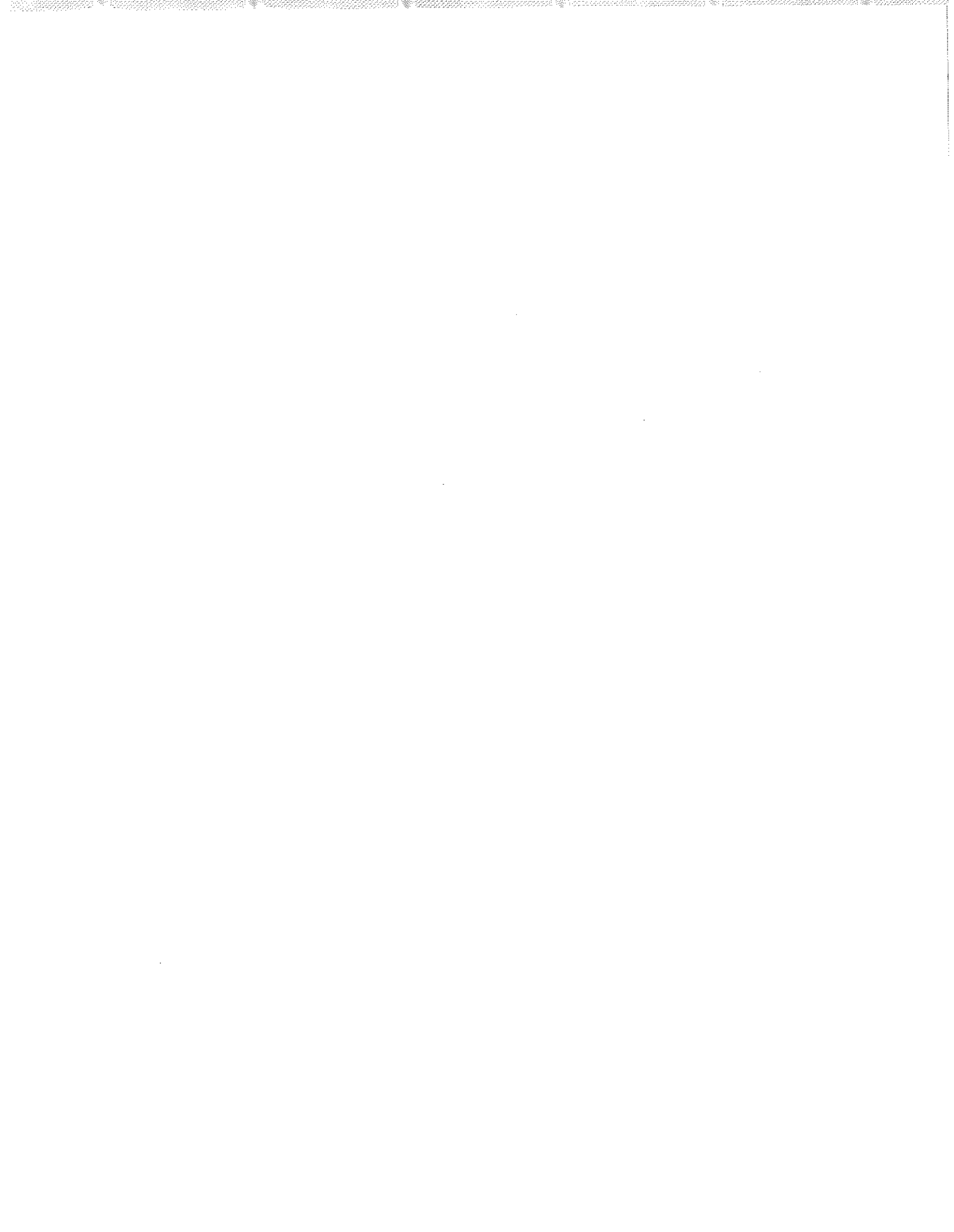
Continued violation will result in disciplinary action up to and including dismissal. The County Commission will have the final authority where there is a difference of opinion between the involved parties (i.e. employee/Elected Official/Department Head/County Administrator) as to whether or not a conflict of interest or potential conflict of interest exists.

Authored by: TTB

Date Prepared: 2-18-2011

Approved: _____

DRAFT



11

Commission Office Use Only
 Date on Agenda: 4/28/11
 Appt Time or New Business:

AGENDA REQUEST FORM

Name: County Commission

Department or Entity: Comm'r Morgan

Estimation of amount of time needed for appointment: 10 minutes

Date Requested -- 1st Choice: April 28, 2011

Date Requested -- 2nd Choice: May 5, 2011

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

Subject: ~~Break~~ Explore the process of establishing ~~an~~
 a citizen oversight board (volunteers) to
 be tasked by the Commission to investigate and
 provide a written report on matters

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

county
 that where public funds may've been
 misdirected, [^] or misused, or where there

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

has been a failure of accounting for such
 funds, to provide transparency,
 accountability and closure in
 such instances.

Attachments:





SHERIFF and TREASURER of Jefferson County

Robert E. Shirley
P.O. Box 9
Charles Town, WV 25414

RECEIVED

APR 11 2011

April 8, 2011

To: County Commission
County Clerk
Prosecuting Attorney

Jefferson County Commission

From: Sheriff Shirley *RFS*

Subject: Bank Securities/Bonding – County Bank Accounts

The following is an overview of the various County Bank Accounts which hold County Monies and the Securities/Bonding for each of these accounts:

Bank of Charles Town	Account balance of \$10,924,239.53 as of 2/28/11. (\$14,000,000.00 in pledged securities.)
Jefferson Security Bank	Account balance of \$249,550.25 as of 2/28/11. (\$750,000.00 in pledged securities.)
United National Bank	Account balance of \$14,435,553.08 as of 2/28/11. (\$2,500,000.00 in pledged securities, all other amounts are covered by FDIC)
BB&T	Account balance of \$106,056.52 as of 2/28/11. (\$1,000,000.00 in pledged securities.)

It is my recommendation that the pledged securities with BB&T be reduced to \$800,000.00 and that the rest remain as is.

In accordance with the memorandum dated September 28, 2006 concerning bondings of depositories, the Chief Tax Deputy will continue to monitor all accounts on a monthly basis to assure that each account is sufficiently collateralized. Should it be determined that adjustments in securities on respective accounts are needed, the banking institution will be contacted for this purpose.



<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: Kirk Davis, Sr.

Department or Entity: Capital Projects

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

Date Requested – 1st Choice: 4/28/11

Date Requested – 2nd Choice: _____

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

Subject: Approval of West Virginia Counties Risk Pool Proposal to Jefferson County effective July 1, 2011- Renewal Quotation for Self Insurance

Please provide the County Commission with a description of your request or presentation, including any background information: **Review and approve the Proposal presented by the Risk Pool on March 17, 2011**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Renewal Quotation for Self Insurance by the West Virginia Risk Pool.**

Attachments:



**West Virginia
Counties Group Self
Insurance Risk Pool**

2010-2011 Renewal Quotation for Self Insurance

**A Proposal to
Jefferson County
Commission**

Presented on

March 17, 2011

**Package coverages' terms,
conditions and exclusions
are only briefly outlined.
For complete provisions
please refer to the
contract.**

WEST VIRGINIA COUNTIES GROUP SELF-INSURANCE RISK POOL

Jefferson County Commission

CONTRIBUTION SUMMARY FORM

	Coverage	Deductible	Contribution
I.	Property – “All Risks”; Replacement Cost; No Coinsurance; Blanket	\$5,000	\$ 43,159
	Inland Marine – Replacement Cost if Reported, Otherwise Actual Cash Value	\$2,500	Included
	Computers	\$2,500	Included
II.	Comprehensive General Liability – \$1,000,000 CSL; Occurrence Form; No Annual Aggregate; Broad Form; Non-audited	None	\$ 103,808
III.	Law Enforcement Liability – \$1,000,000 Each Wrongful Act	\$ 5,000	Included
IV.	Public Officials Liability - \$1,000,000 Limit	\$ 5,000	\$ 27,948
V.	Automobile – \$1,000,000 CSL on All Autos	None	\$ 73,154
	Comp./Collision on All Autos; Automatic Coverage for Additions; Non-audited	\$500	Included
VI.	Crime – Blanket \$250,000 Faithful Performance; In/Out Robbery; Counterfeit Papers; Depositors Forgery	\$250	\$ 950
VII.	Increased Limits – N/A	N/A	N/A
	TOTAL ANNUAL CONTRIBUTION 7-1-2011 to 7-1-2012		<u>\$ 249,019</u>
	BOILER & MACHINERY - \$1,000 Deductible		<u>\$ 5,693</u>
	GRAND TOTAL CONTRIBUTION		<u>\$ 254,712</u>

Please provide values for all vehicles you wish to have *Replacement Coverage* applied to effective 7-1-2011. We will process this addition accordingly.

PROPERTY

Buildings & Contents:

Basis of Premium:

Total Building Values:	<u>\$ 35,165,920</u>
Total Contents Values:	<u>\$ 14,339,000</u>
Business Income/Extra Expense: (\$100,000 automatic)	<u>\$ 100,000</u>

Inland Marine:

Basis of Premium:

Blanket Inland Marine Values:	<u>\$ 526,650</u>
Contractors' Equipment:	<u>Included</u>

WVCoRP Additional Coverages: (no additional charge)

- Architects' and Engineers' fees for plans, specifications and supervision
- Back-up of Sewers & Drains: \$10,000 per occurrence, \$25,000 Aggregate
- Debris Removal up to \$10,000,000
- Pollutant Clean-up and removal: \$250,000 Limit
- Error in Reporting Provision
- Improvements and Betterments: (to buildings leased by the entity)
- Miscellaneous Unnamed Property: \$500,000 Limit
- Newly Acquired Property under \$500,000 in value covered until renewal at no additional charge; additional charge for Limits above \$500,000
- Property in Transit up to \$5,000,000
- Off Premises Power Failure: \$1,000,000 Limit
- Signs, fences, light poles & antenna incl. lead in wiring, masts and towers; retaining walls are covered within 1,000 feet of the premises provided their values are included in the schedule
- Building Ordinance/Increased Cost of Construction/Demolition covered up to \$10,000,000
- Accounts Receivable: \$250,000 Limit

Additional Coverages: (additional charge)

- Builders' Risk (Optional-Must be reported)

Perils Covered:

- "All Risks" except as excluded by the policy form. Flood (if outside the 100 year flood plain) and Earthquake are included on a limited basis.

Deductible:

- \$5,000 Building & Contents
- \$2,500 Inland Marine
- \$25,000 for Flood & Earthquake

Valuation:

- Replacement Cost, Building & Contents;
- Replacement Cost or Actual Cash Value; Inland Marine

Other Terms:

- Blanket Limit

COMPUTERS

Basis of Premium:

Hardware:	\$ 227,350
Software:	<u>Included</u>

Perils Covered:

- All risk of direct physical damage loss (subject to policy exclusions) including electrical and mechanical breakdown

Deductible:

- \$ 2,500

Valuation:

- Functional Replacement Cost, subject to reporting of 100% replacement values, otherwise Actual Cash Value

Other Terms:

- Cost of reproducing data, media, and computer programs and extra expense up to \$5,000: (Evidence of off-premise back-up must be provided for coverage to apply)

GENERAL LIABILITY

Combined Single Limit

Basis of Premium:

Net Operating Expenses: \$ 11,743,025

Limits:

- \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage, each occurrence; no annual aggregate

Additional Coverages:

- Failure to Supply (No Sub-limit)
- Products/Completed Operations
- Athletic Participation (Liability only)
- Sidetrack Agreements including Railroads
- Personal Injury and Advertising Liability
- Blanket Contractual Liability
- Broad Form Property Damage Liability
- Incidental Medical Malpractice for employed EMT's
- Non-Owned Watercraft under 26 feet
- Limited Worldwide Liability

Sub-limits:

- \$100,000 Fire Damage Legal Liability
- \$100,000 Care, Custody and Control of Others' Property

Deductible:

- None

LAW ENFORCEMENT LIABILITY

Coverage:

- Provided as part of General Liability

Limits:

- \$1,000,000 Each Wrongful Act
- No Annual Aggregate

Deductible:

- \$ 5,000 each loss including adjustment expense

PUBLIC OFFICIALS LIABILITY

Limits:

- \$1,000,000 each loss
- \$1,000,000 annual aggregate

Deductible:

- \$ 5,000 each loss including loss adjustment expense

Policy Form:

- Occurrence

Coverages:

- Employment Practices
- Sexual harassment
- Defense cost in addition to policy limits

Additional Provisions:

- Claims handled when filed, not only if a lawsuit is filed
- Non-auditable

Basis of Premium:

Number of Vehicles: 79

Liability:

Limits:

- \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage each occurrence;
- No annual aggregate
- \$2,000 Medical Payments (Per Person)
- \$1,000,000 Non-owned and Hired Auto liability (excess over any other collectible insurance)
- \$1,000,000 Uninsured Motorist Limit

Physical Damage:

Deductibles:

- \$500 Comprehensive
- \$500 Collision (ACV)
- \$500 *Physical Damage to Hired or Borrowed Autos – up to \$25,000*

Additional Coverages:

- Out of State No Fault Coverage provided at the basic minimum limits required by state law
- Newly acquired vehicles covered until renewal at no additional charge
- *Replacement cost coverage can be provided on any vehicle with a replacement cost value in excess of \$25,000:*
 - Must be reported at 100% of replacement cost value
 - Additional charge will apply

Please provide values for all vehicles you wish to have this coverage applied to effective 7-1-2011.

CRIME COVERAGE

Coverage Forms:

- Employee Dishonesty (Faithful Performance Form)*
- Broad Form Money and Securities (Inside the Premises)*
- Broad Form Money and Securities (Outside the Premises)*
- Money Orders and Counterfeit Paper Currency
- Depositors Forgery Coverage

Limit:

- \$250,000 per occurrence limit.

Public Officials Required Bond:

- *Meets maximum listed Bond value for all public officials as outlined by 6-2-10*

Deductible:

- \$250 per occurrence

*** Coverage for Food Stamps included.**

Commission Office Use Only	
Date on Agenda:	4/28/11 1:30
Appt Time or New Business:	12:00pm

AGENDA REQUEST FORM

Name: Hali Taylor, Director

Department or Entity: Shepherdstown Public Library

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: April 28, 2011

Date Requested – 2nd Choice: May 5, 2011

If a specific date is needed, please provide reason for specific date: April 28, 2011 because a member of the design team is flying into town on this date to meet.

Subject:

Please provide the County Commission with a description of your request or presentation, including any background information: To introduce the design team to the Commissioners and discuss what a new library in the county could do for the residents.

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

Attachments:

Sandy McDonald

From: "Hali Taylor" <taylor_h@martin.lib.wv.us>
To: <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>
Sent: Tuesday, April 19, 2011 2:31 PM
Subject: Request to appear before the Commission.

Your submission:

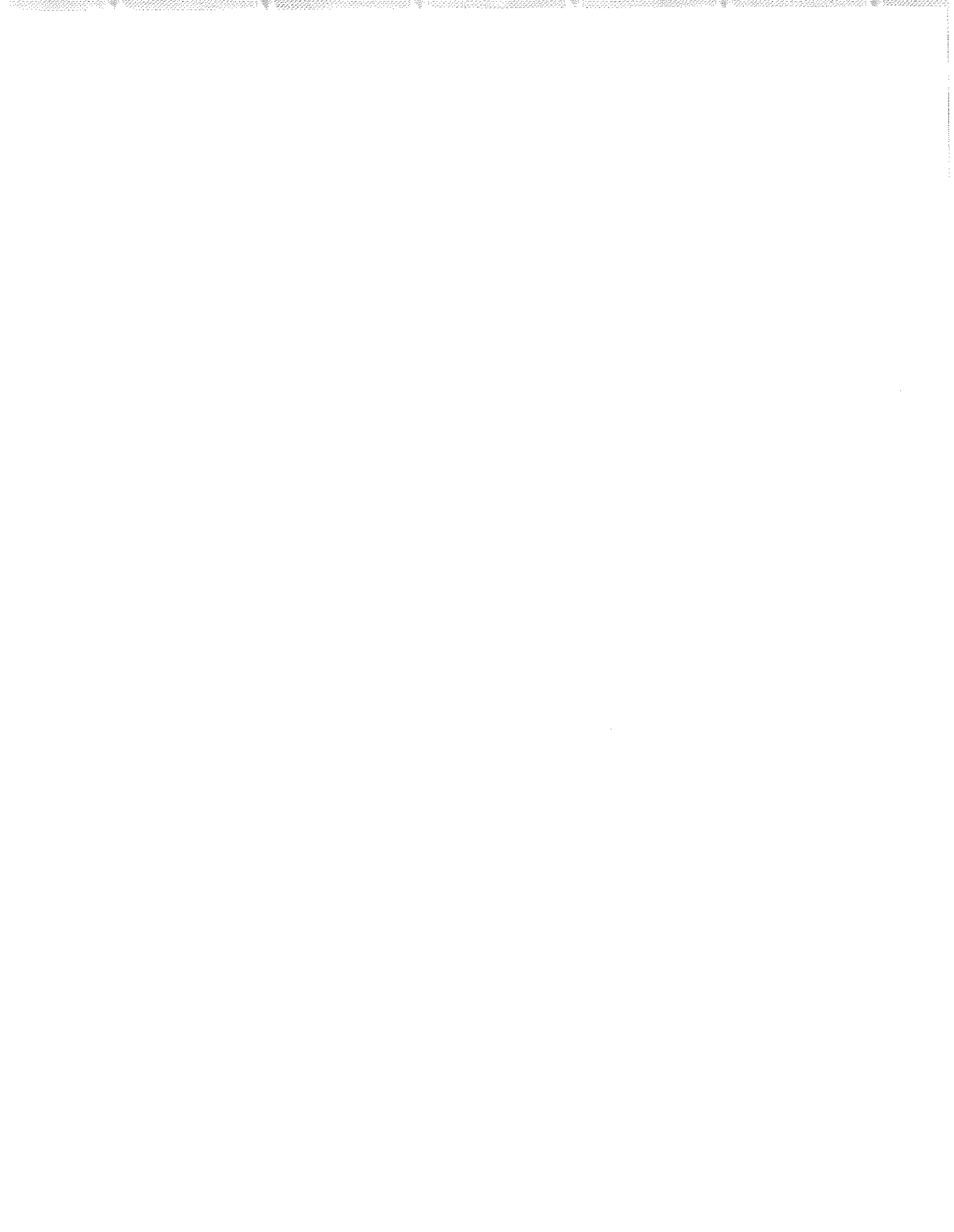
Your Name: Hali Taylor

Your Email Address: taylor_h@martin.lib.wv.us

Subject: Request to appear before the Commission.

Message: The Shepherdstown Public Library would like to introduce our design team to the commissioners and have a discussion about what a new library in the county could do for the residents. Would that be possible by having a half hour on April 28th, or on another date with a working session? Thank you.

Hali Taylor, Director, Shepherdstown Public Library



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

AGENDA REQUEST FORM

Name: County Commission

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: 4/28/11

Date Requested – 2nd Choice: _____

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

Subject: **Executive Session – Performance Evaluation of Tim Boyde, County Administrator**

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:

JEFFERSON COUNTY PERFORMANCE EVALUATION

The Jefferson County written performance evaluation was established to provide, at least annually, a scheduled opportunity for an employee and his/her supervisor to meet and mutually discuss, identify and document the job performance and accomplishments of an employee during a specified period.

Performance review is an integral part of an effective and productive work environment.

The following definitions apply to each criteria.

- E Excellent – Performance consistently exceeds established standards and expectations. Requires minimal or no direction.
- AA Above Average – Performance usually exceeds established standards and expectations. Minimal direction is required.
- S Satisfactory – Performance consistently meets established standards and expectations. Moderate direction is required.
- NI Needs Improvement – Performance sometimes meets established standards and expectations but not on a consistent basis. Requires more than moderate direction.
- U Unsatisfactory – Performance is consistently below established standards and expectations. Frequent direction is required. Substantial improvement is necessary to maintain employment.
- NA Not Applicable

Procedure:

The performance criteria provide a method to evaluate how effectively the employee performs the essential functions outlined in the employee's job description. As such, the evaluator shall refer to the employee's job description when completing the evaluation and share the evaluation results with the employee. In addition, the evaluator shall provide a written explanation in any instance in which the employee is given either a below average or excellent rating. Both the evaluator and the employee should sign the evaluation. The employee signature indicates that he/she has seen the evaluation but does not necessarily indicate the employee concurs with the evaluation. The employee should be given a copy for his/her records. The original evaluation form(s) shall be retained for six years following separation of the employee.

Employee Name:	
Job Title:	
Department:	
Supervisor:	
Date Hired:	
Last Review Date:	
Date:	

Please evaluate the employee's job performance by checking the appropriate box next to each attribute based on the following scale.

U=unsatisfactory; NI=needs improvement; S=satisfactory; AA=above average; E=excellent; NA=not applicable

***To insert a checkmark on this form press "CTRL and C"*

PERFORMANCE CRITERIA	U	NI	S	AA	E	NA
Knowledge of Work – Learns, understands & retains aspects of work assignments & duties. Remembers & grasps instruction of job tasks without repeated orders of supervisor.						
Productivity – Volume of work regularly produced, speed & consistency of output, uses time effectively & efficiently.						
Quality of Work – Extent to which employee carries out assignments to completion & accurately accomplishes job duties. Results are consistently dependable.						
Adaptability – Capacity to adapt to new situations. Readily adapts to changes in routines, work load and work assignments.						
Initiative – Capacity to undertake & perform job duties independently in obtaining objectives of the job. Self-starter & only seeks guidance when necessary. Contributes new ideas & improved methods to the job.						
Dependability – Reliability in following assigned work schedules & attendance standards. Satisfactorily completes assignments in a timely manner & can be relied upon.						
Ability to Work With Others – Extent to which employee effectively interacts with others in the performance of job duties.						
Supervisory Ability – Ability to effectively delegate & monitor work & follow up with employees; effectively communicate with, reward & discipline employees						
Planning – Develops plans & goals to meet department requirements consistent with established priorities.						
Organization of Work – Structures work in order to promote productivity, analyze work, effectively allocate resources & schedules, and implement tasks.						
Decision Making – Ability to identify problem/issue, make decision and act to rectify said problem/issue.						
Overall Employee Performance						

EVALUATOR COMMENTS:

What are employee's shortcomings and weaknesses?

What are the employee's outstanding and strongest points?

Significant changes or accomplishments since last evaluation.

What can the employee do to be more effective or make needed improvements?

EVALUATOR COMMENTS (CONTINUED)

What additional training or equipment would be helpful?

In what way could the job be modified to make better use of employee skills and abilities?

Additional evaluator comments:

EMPLOYEE COMMENTS:

What are your most important job accomplishments since the last review?

What are your weakest areas, or those that need improvement?

What steps could you take to improve?

What can your supervisor do to support your efforts to improve?

EMPLOYEE COMMENTS (CONTINUED)

What are your supervisor's strengths and weaknesses in managing your work?

Work related issues you would like to discuss?

General comments concerning the evaluation of your performance?

Additional employee comments:

Next Review Date: _____

Areas targeted for improvement:

Evaluator Signature: _____

Date: _____

Employee Signature: _____

Date: _____

Employee signature indicates that he/she has seen the evaluation and does not necessarily indicate concurrence with the evaluation.

NOTICE

Jefferson County Commission

Public workshop and Public Hearing on the Draft Impact Fee Studies

The County Commission of Jefferson County will hold a workshop on Wednesday, May 4th, 2011 from 4pm to 6 pm in the County Commission meeting located at the Old Charles Town Library. This meeting will permit staff and members of the public to discuss the draft impact fee studies in an informal setting.

Following this meeting a full public hearing with the County Commission is scheduled for Thursday, May 12th at 7 p.m. This meeting is also in the County Commission meeting room located at the Old Charles Town Library.

More information and copies of the draft fee studies are available at <http://www.jeffersoncountywv.org/government/departments/capital-planning-and-management/office-of-impact-fees/draft-fee-studies.html>

By Order of The County
Commission of Jefferson County
Patricia A. Noland, President

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

**PROPOSED 2011 LAND DEVELOPMENT FEE SCHEDULE AND BUILDING
PERMIT FEE CHANGES**

The County Commission of Jefferson County will hold a Public Hearing on Thursday, May 19, 2011, at 1:00 p.m. in the County Commission meeting room located in the Old Charles Town Library on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the proposed 2011 Land Development Fee Schedule and Building Permit Fee changes.

Anyone wishing to provide comment may do so at this meeting or by email at info@jeffersoncountywv.org.

By Order of The County
Commission of Jefferson County
Patricia A. Noland, President

4/28/11- Correspondence



United States Department of the Interior
OFFICE OF THE SECRETARY
NATIONAL BUSINESS CENTER
7301 West Mansfield Avenue -D-2770
Denver, CO 80235



To: All Commissioners + Sheriffs

F.Y.I. From WVACO April 05 2011

Information from
NACO

To County Treasurer Revised Letter

This revised letter has the correct CCR registration website and a CCR help desk phone number.

There is no charge to register in CCR.

We apologize for the incorrect information previously provided.

www.bpn.gov

The CCR help desk phone number 866-606-8220

Central Contractor Registration (CCR) is the primary supplier database for the U.S. Federal government. The CCR collects data from suppliers, validates and stores this data, and disseminates it to various government acquisition agencies.

Due to the conversion to a new Financial System (FBMS), the mandates require a valid registration in CCR.

The banking information and mailing address contained in CCR now interfaces with the Financial System from which PILT payments are issued. It is mandatory that all payment recipients (ACH or Check) register in CCR.

When your county is registered with CCR, you must be sure that your banking information in CCR is current for ACH payments and the mailing address in CCR is correct if a check payment is received. If the information is not current it must be updated immediately.

In the past you have been instructed to contact NBC Denver to make banking information changes or address changes. However, since CCR now interfaces nightly with our payment system any manual banking changes or address changes that we make to our system for CCR registered counties will be overridden to match the information in CCR.

When your county is registered with CCR, it is imperative that you update your banking information and your mailing address in CCR even if you have submitted changes to Denver. For 2011 and thereafter, your PILT ACH or Check payments will be issued exclusively from the information that resides in CCR.

At this time we are requesting that you complete the CCR registration to include your DUNS (Dun and Bradstreet) number in order to continue to receive disbursements from the respective offices within the Department of the Interior.

If you have questions concerning this matter please contact:

Debbie SanRah 303 969-7378
Vendor Payment Section Supervisor
Accounting Operations Services Division National Business Center



cc: All Commissioners 4/8/11 - ds



west virginia department of environmental protection

Rehabilitation Environmental Action Plan
601 57th Street S.E.
Charleston, WV 25304
(304) 926-0454 Phone
(304) 926-0457 Fax

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

April 5, 2011

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

Dear Sir or Madam,

This letter serves as confirmation that Jefferson County has met the requirements set forth by the REAP Standard Operating Procedure for 2011. Jefferson County has implemented fourteen of the sixteen programs to date.

The REAP staff looks forward to assisting your county in its progression toward becoming litter free. Should you have any further questions or need additional information, please contact Travis Cooper at 926-0499, ext.1117.

Sincerely,

Daniel P. Haught, Chief
Rehabilitation Environmental Action Plan

RECEIVED

APR 11 2011

Jefferson County Commission

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

April 15, 2011

West Virginia Office of Environmental Health
1948 Whiltshire Road, Suite 6
Kearneysville, WV 25430

Attn: Mr. Bradley Reed, P.E., District Engineer

Re: Westridge Hills Test Wells Project

Dear Mr. Reed:

This letter is in response to a phone call I received on Thursday, April 7, 2011, from William Zaleski, County Sanitarian, regarding the submission of a permit application (submitted by Analytical Services, Inc.) for the drilling of the proposed test wells at the Westridge Hills Subdivision in Jefferson County, and the disposition of those wells once they are complete. I will try to briefly summarize the purpose of the purpose and intent behind the drilling of these wells.

Several years ago a meeting was held between Senator John Unger, Amy Swann, Director, of the Water and Wastewater Division of the West Virginia Public Service Commission, Jefferson County Commissioners, and customers of the water system (aka the "Mountain Water System") serving the Westridge Hills Subdivision, Keys Ferry Acres Subdivision, and the Harpers Ferry Campsites. The purpose of the meeting was to discuss the complaints about the water system operated by Jefferson Utilities, Inc. and to try to move forward in finding a solution to the problems. As a result, in 2007, the County Commission hired Dunn Engineers, Inc. to complete a study of this system and to propose solutions. On July 23, 2009, the County Commission authorized the drilling of test wells in the Westridge Hills Subdivision for the purpose of determining if an adequate ground water source existed in this area. The attached "Request for Qualifications" outlines the scope of work that is to be performed for the test wells project.

Also attached, is the "Deed of Temporary Construction Easement" obtained from the Westridge Hills Owner's Association, Inc. The easement states: "The purpose of this access is to allow the Grantees to construct and install four test wells for the purpose of

RECEIVED
APR 15 2011
JEFFERSON COUNTY COMMISSION

determining if adequate water exists to support what is commonly referred to as the Mountain Water System". It is my understanding that the Jefferson County Commission is only drilling these wells to collect data for the purpose of determining if an adequate groundwater source exists. Once this effort is complete, the project and the County's participation will end.

It is my understanding that Jefferson Utilities, Inc. is the sole water utility service provider in this area and that another water utility cannot be created without Public Service Commission approval. It's my belief that since the wells are located on land owned by the Westridge Hills Owner's Association, Inc. (HOA), that the HOA owns the wells; and that the County has no right to sell the wells to another party, nor can Jefferson Utilities, Inc. lay claim to them. As such, if the wells are to be utilized by Jefferson Utilities, Inc., then they will need to work out an agreement with the Westridge Hills HOA. If the wells are not utilized, then it is my expectation that they would at some time need to be abandoned in accordance with health department regulations.

I hope this answers your questions and concerns. If not, please feel free to contact me at 304-728-3256.

Sincerely,



Roger L. Goodwin, P.E.
Chief County Engineer

Attach.

C: Jefferson County Commission
Tim Boyde, County Administrator
Mike Maloy, Analytical Services, Inc.
William Zaleski, Jefferson County Sanitarian
Norma Kuroski, Project Manager
Stephanie Grove, Assistant Prosecuting Attorney, Civil Division

CCAWV Legislative Wrap Up

County Commissioners' Association of West Virginia

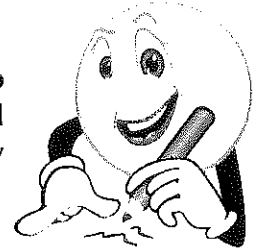
2309 Washington Street East, Charleston, WV 25311
Phone: 304-345-4639 e-mail: info@ccawv.org

Volume 13, Issue 12

April 13, 2011

A note from the President... Ron Watson, Harrison County

Hello everyone! Hope this finds you all well. The legislature has completed another 60 Day Session. This has been a very different session with all the changes in leadership and there could be more changes for next year's session. I would like to give a special thank you to the CCAWV Legislative Committee members for the time and effort they gave during the session. I'm going to miss those Friday conference calls!



The help from those members who called their legislators and helped with bills was greatly appreciated. Keep up the good work though. Don't let up. Now is the time to get geared up for next year. You guys have a great Association working for you at the capitol. Vivian, Paul and Jennifer work really hard to represent Commissioners. I want the Association to keep on succeeding in the future, but it is up to the membership to keep it growing.

Let us not forget that we are County Commissioners and as a TEAM (Together Everyone Achieves More) we have the strength and ability to meet the challenges of tomorrow.

Summing up the 2011 Session with Danny Greathouse, CCAWV Legislative Chair...



The session is finally over and it's time to look at the bills and see what passed. As your legislative chairman, I'd like to thank those of you who were able to participate in the weekly conference calls and those who were able to spend some time at the Capitol and on the phone promoting and/or defending our legislative positions. Thanks to Vivian, Paul and Jennifer for keeping everyone informed and in the loop!

There are several bills that passed that are good for our counties and we were able to kill some that weren't. Our main goal is to protect county revenues and it seems that we were able to do that again this year. I hope to see everyone at the Spring Board meeting to discuss the session and make plans for the future. Good job to CCAWV's legislative team!

Following is a summary of bills that passed during the 2011 Session. If you would like to review a bill you can look them up at the State of West Virginia Legislative Website: www.legis.state.wv.us

If you have any questions or need further information about a bill please call our office at 304-345-4639!

**County Commissioners' Association of West Virginia
Summary of 2011 Bills**

Index of Bills Summarized

SJR 10	Constitutional Amendment to Repeal Sheriff's Term Limits	2
SB 96	Relating generally to certain county officials	2
SB 177	Authorizing Department of Revenue promulgate legislative rules	3
SB 193	Relating to law-enforcement certification generally	3
SB 235	Revising County Economic Opportunity Development District Act.....	3
SB 391	Relating to community voting locations generally	3
SB 428	Increasing fees charged by clerk of circuit court for medical professional liability	4
SB 465	Creating Marcellus Gas and Manufacturing Development Act.....	4
SB 495	Relating generally to use of electronic voting systems.....	5
SB 581	Changing beginning date for early voting; allowing Saturday early voting	5
HB 2013	Requiring the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures.....	5
HB 2464	Adding additional requirements to the Ethics Act.....	6
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HB 2935	Repealing an outdated article of election code for voting systems	6
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HB 2953	Relating to dedication of coalbed methane severance tax proceeds	7
HB 3119	Increasing the expenditure limit on PSD construction and purchase contracts	8
HB 3185	Allowing County Commissions to waive or reduce impact fees	8
HB 3205	Reducing jail sentence for successful completion of education program.....	8
HB 3271	Relating to distribution of state funds to volunteer fire departments.....	8

Legislative Session 2011 - Summary of County Bills

--by *Violan Parsons*

Thank you for your patience, while I gathered the info to assemble this brief summary of passed legislation that is of interest to county government. Many times, a successful legislative year is determined more by those things you have effectively defended against than just a list of bills passed. As predicted, this was one of those sessions. The County Commissioners' Association's legislative positions fared well, in spite of the many changes and election hubbub in the 2011 session.





Thanks to all those Commissioners and Staff who came to Charleston, testified to committees, sent emails, wrote letters and made phone calls to support the Association's positions! Special thanks to the CCAWV Board and Legislative Committee who participated in the weekly conference calls, charting our direction and giving their support. Also, much appreciation to our lobbyist, Paul Hardesty, and the rest of the CCAWV support staff, (Jennifer Webb, office manager, and Ernel Boyce, our part-time help) for all their support and assistance. Working together, we make a great team and are accomplishing good things for county government around the state.

In the following pages, I will report on bills of county interest that passed the legislative process and have been signed into law by the Governor, but first I'll tell you about a few that died, some to our pleasure and others to our chagrin...

Bills that did not pass...


Happy List...(bills we actively opposed that did not pass)



- 
 Sheriffs' Salary Conversion Bill HB 2855 / SB 432 -- The bill that would have converted the sheriff's commission pay to regular salary. **CCAWV opposed the bill and it died in both the House and the Senate Finance Committees.**
- 
 TIF Legislation HB 2852 / SB 272 - The bill that would have given Class 3 & 4 municipalities the ability to do Tax Increment Financing independent of the county. **CCAWV opposed passage of this legislation and it died in the House.**
- 
 HJR 37 Increasing Homestead Exemption - This Resolution would not have been revenue neutral to county government. **CCAWV opposed this resolution and it died in the House.**
- 
 SJR 11 Tangible Personal Property Tax Exemption and Rate Reduction Amendment - This Resolution would allow the legislature to exempt or reduce any or all personal property taxes. It moved all the way to 3rd reading on the Senate Floor but was then "parked" in the Senate rules committee. **CCAWV opposed this resolution.**



Sad List...(bills we actively supported but did not pass)...

- 
 SB 242 the coal severance tax bill that would have returned 5% of state's portion of the coal severance tax to coal producing counties over a 5 year phase in. The Senate passed a version to require oversight by the State

SB 177 Authorizing Department of Revenue Rules.**Amends WV Code article 7, chapter 64****Effective passage (March 12, 2011)****This rules bill bundle includes the rule that will allow political subdivisions to create a pool for workers' compensation.****Fiscal Impact: -0-*****Signed by Governor 4/4/2011*****SB 193 Relating to Law-enforcement certification.****Amends WV Code §30-29-1, §30-29-2, §30-29-3 and §30-29-5, and adds a new section, designated §30-29-11****Effective Ninety Days from passage (June 10, 2011)****This legislation expands the responsibilities of the law-enforcement training subcommittee and renames it the law-enforcement professional standards subcommittee. It clarifies the committee's authority to de-certify law-enforcement officers; and establishes a database of law-enforcement officers disciplined for certain types of misconduct. The bill requests the proposal of legislative rules to set standards for law-enforcement agencies to report certain types of misconduct by officers to the database; and requires that law-enforcement agencies check the database prior to hiring any officer. Finally, the West Virginia Troopers Association was added to the subcommittee membership.****Fiscal Impact: According to the fiscal note, this Bill adds additional duties upon the Governors Committee on Crime, Delinquency and Correction at an estimated cost of \$65,000 annually to the Division of Justice and Community Services (DJCS). DJCS provided the fiscal note and stated that the agency does not have the resources in its current budget to conduct these activities, however no new funding was identified in the legislation.*****Signed by Governor 3/31/2011*****SB 235 Revising County Economic Opportunity Development District Act.****Amends WV Code §7-22-3, §7-22-4, §7-22-5, §7-22-7, §7-22-10, §7-22-12, §7-22-14, §7-22-15, §7-22-17 and §7-22-20****Effective 90 days from passage (June 8, 2011)****The purpose of this bill is to revise the County Economic Opportunity Development District Act. The bill defines remediation and includes remediation of landfills, former coal mining sites, solid waste facilities or hazardous waste sites as permissible development expenditures for approved projects. The bill changes the standard by which the maximum amounts of reserves that may be established in the financing of a project are measured. The bill provides that the development office cannot approve a project involving remediation unless all development expenditures proposed within a certain time frame result in more than \$25 million in capital investment in the district. The bill also changes the term ordinance to order and corrects other language by changing municipality to county (mistakes in the original legislation which was patterned after the municipal law). The bill provides that the development office may not approve a project involving remediation unless the county commission submits clear and convincing information that the proposed remediation expenditures to be financed with bonds or notes, do not constitute more than twenty-five percent of a project's total development expenditures. The bill also allows for minor modifications of districts without public hearing or approval by the Development Office or the Legislature under certain circumstances and provides technical and clerical cleanup.****Fiscal Impact: According to the Fiscal note, The General Revenue Fund would retain sales tax proceeds from base year activity. Remaining incremental sales tax collections would be available for the development projects. Therefore, any potential revenue impact on the State General Revenue Fund from current sales tax should be minimal.*****Signed by Governor 3/18/2011*****SB 391 Relating to community voting locations.****Amends WV Code §3-3-2a****Effective from passage (March 12, 2011)****This bill authorizes the county commission, with the approval of the county clerk, to establish community voting locations. Community voting locations must be open a minimum of five days, and can be on a rotating basis. If more than one community voting location is designated, each location must be utilized an equal number of days and for the same number of hours. The bill removes the requirement that chairpersons of executive committees approve community voting locations, but allows them to nominate locations for the county to consider. The bill requires the county commission to publish a notice of its intent to designate community voting location at least thirty days prior to the designation. Once locations are designated, the county clerk is required to publish notices of the dates,**

- ▶ It amends definition of "research and development" for purposes of strategic research and development tax credit;
- ▶ It amends definition of "manufacturing" for purposes of manufacturing investment tax credit and requires certain business activities comply with certain hiring requirements in order to be eligible for the manufacturing investment tax credit and sales tax exemption;
- ▶ Finally, it provides additional exception to limitation on right to assert sales and use tax exemptions; and Clarifies meaning of "natural gas" for purposes of Alternative and Renewable Energy Portfolio Standard Act.

Fiscal Impact: Based on the fiscal note prepared by the State Tax Department, *"the proposal to revise the special method for appraising qualified capital additions to reduce the required additional investment to qualify will have little or no direct effect on Property Tax revenue. While there will be some Property Tax revenue foregone due to the reduced valuation for purposes of the Property Tax, the special method of appraisal would not reduce any tax derived from current sources. Based upon a simulation of recent capital additions at manufacturing facilities that would likely qualify for the special method of appraisal, the tax foregone was estimated to be less than \$500,000. There will likely be other direct or indirect increases in tax revenue attributable to the new or expanded facility that may offset the tax revenue foregone."*

Signed by Governor 4/4/2011

SB 495 Relating generally to use of electronic voting systems.

Amends WV Code §3-4A-2, §3-4A-3, §3-4A-4, §3-4A-6, §3-4A-9, §3-4A-9a, §3-4A-9b, §3-4A-10, §3-4A-10a, §3-4A-13, §3-4A-17, §3-4A-19, §3-4A-20 and §3-4A-27

Effective from passage (March 11, 2011)

This bill, all relating generally to the use of electronic voting systems, sets forth the requirements of electronic voting systems. It requires public meetings held on adopting electronic voting be held at least six months prior to the next election and requires that if an electronic voting system is terminated, it must be replaced by an electronic voting system that complies with federal law. The bill deletes the requirement that the purchase or lease of vote-recording devices must be paid in cash and deletes outmoded terms and voting systems no longer being used. Further the bill requires at least two vote-recording devices be provided at each precinct in a primary election (current law requires one device per party) and provides that independent voters may vote in primaries as otherwise provided in code.

Fiscal Impact: According to the fiscal note provided by Secretary of State, *" This action has no fiscal impact on the agency or state."*

Signed by Governor 3/31/2011

SB 581 Changing beginning date of early voting.

Amends WV Code § 3-3-3

Effective from passage (March 12, 2011)

This bill will change the beginning time for early voting from the twentieth day prior to the election to the thirteenth day prior to the election. This will result in a loss of five early voting days. The voting period for early in-person voting is to be conducted during regular business hours beginning on the thirteenth day before the election and continuing through the third day before the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period for all elections.

Fiscal Impact: No fiscal note is available, however by shortening the early voting period by 5 days there should be some cost savings to the county.

Signed by Governor 4/4/2011

HB 2013 Requiring the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures.

Amends WV Code §24 - 6 - 5

Effective Ninety Days from passage (June 9, 2011)

The purpose of this bill relates to requirements for enhanced emergency telephone systems and county emergency dispatch centers. The bill requires emergency dispatch centers to develop policies and procedures to establish a protocol for dispatching emergency medical calls.

Fiscal Impact: According to the fiscal note, The costs associated with the EMD program will be incurred by the 911 Centers in each county. At least 21 counties are currently providing EMD, 20 are planning to implement EMD, 7 do not have plans to implement and 2 it will not affect. THIS BILL WAS SUPPORTED AND ENDORSED BY THE WV ENHANCED 9-1-1 COUNCIL.

Signed by Governor 3/18/2011

HB 2939 Clarifying the definition of compensation for purposes of calculating required contributions to the public employees retirement system.

Amends WV Code §5-10-2, §5-10-18, §5-10-21, §5-10-24, §5-10-25, §5-10-44 and §5-10-48

Effective Ninety Days from passage (June 6, 2011)

This bill relates to the Public Employees Retirement System; clarifying the definition of compensation for purposes of calculating required contributions to the system (includes reoccurring salary, i.e. sheriffs' and assessors' supplemental pay); changing definition of final average salary (from average of the highest 3 consecutive years in last 10 to the average of the highest 3 consecutive years in last 15); clarifying when membership in the system terminates and how membership may be reinstated; providing that individuals first hired after July 1, 2011 must have at least five years of contributory service to retire under the "rule of eighty"; requiring retirants changing annuity options to certify that no final divorce decree or other court order prohibits the same; clarifying that correction of errors provision applies to both employer errors and errors of the system's administrative body; providing that the correction of an error with respect to a retirant may be prospective only; and providing for reimbursement of mistaken contributions that ensures the plan's continued qualified status.

Fiscal Impact: According to the fiscal note, there is no change in the Normal Cost nor Actuarial Accrued Liabilities due to these changes.

Signed by Governor 3/18/2011

HB 2953 Relating to dedication of coalbed methane severance tax proceeds.

Amends WV Code §11-13A-20a and §31-15A-16

Effective from passage (March 12, 2011)

This bill, all relating to dedication of coalbed methane severance tax proceeds, redirects coalbed methane severance tax revenues from the Infrastructure Fund to county economic development authorities or county commissions and it requires moneys deposited in the Infrastructure Fund prior to July 1, 2011, be distributed to county economic development authorities or county commissions.

The bill sets up a calculation method and specifies a minimum share of coalbed methane severance tax revenue be distributed to producing counties in an amount at least equal to the share received by nonproducing counties. If the county is a producing county, but their share of coalbed methane severance tax revenue is less than that of a "non-producing county", the county is redesignated as non-producing and gets a share accordingly. A seventy-five (75%) percent portion of the total fund shall be provisionally allocated to each coalbed methane "producing county" in direct proportion to the amount of tax revenues derived from coalbed methane production in the county and a twenty-five percent (25%) portion of the total fund shall be provisionally allocated to each coalbed methane "nonproducing" county equally.

The bill sets forth the purposes for receiving and conditions of expending such funds by county economic development authorities and county commissions and requires approval of respective county commissions and the Development Office prior to expending the funds. If the amount for a county is more than ten thousand dollars, the Tax Commissioner shall distribute the amount to the economic development authority of that county for the purposes of encouraging economic development in the county. The funds may be used for the cost of preparation of land sites for any public or private facility; or the cost of design or construction of water, sewer and stormwater infrastructure. If the determined amount is less than ten thousand dollars, the Tax Commissioner will distribute the amount to the county commission and it may be used to offset its regional jail costs, costs of any community corrections programs in which it participates, expenses of a volunteer fire department that provides service within its county or expenses of any library that provides services within its county. **The bill prohibits the use of these funds for the purposes of paying wages to any employee of the county or any employee of a county economic development authority.** The Development Office is required to promulgate legislative and emergency rules.

Fiscal Impact: According to the fiscal note provided by the State Tax Department, there may be some minor changes in the allocation of revenue among counties, but passage of the bill will not result in any change in total designated revenue.

Signed by Governor 4/5/2011

- The volunteer fire department must be in good standing with the State Fire Marshal.
- The volunteer fire department must be registered with the Auditor's Office in the manner prescribed by the Auditor no fewer than thirty days prior to the due date of the workers' compensation premium.
- The volunteer fire department must agree that the subsidy for its workers' compensation insurance premium increase will be paid directly to its insurance carrier by the Auditor and that it will timely pay the balance of the premium due. Should a volunteer fire department fail to pay the balance of its workers' compensation insurance premium and that insurance policy is subsequently cancelled, the VFD must repay to the Auditor the amount of the premium subsidy. If the Auditor does not receive a reimbursement for a cancelled policy, he shall seek reimbursement for the subsidy portion from the State Treasurer when the treasurer makes the next quarterly payment to the volunteer fire department.

Beginning with the fiscal year that starts July 1, 2011, and continuing in each fiscal year thereafter, the subsidy will be calculated as follows:

- (1) Dividing the total amount of premium subsidy allocated by the Legislature to the Volunteer Fire Department Workers' Compensation Subsidy Program by the total premium minus the total base year premium, which calculation produces the "total shortfall multiplier"; and
- (2) Multiplying the total shortfall multiplier by the individual premium less the individual base year premium.
- (3) In no event shall a volunteer fire department receive a workers' compensation premium subsidy greater than one hundred percent of its premium increase.

The volunteer fire departments' workers' compensation premium subsidy program shall undergo a review to assess its effectiveness after three years of operation. The Auditor shall submit a report to the Joint Committee on Government and Finance not later than February 1, 2015, and provide details of the program operation including funds distributed and departments taking advantage of the subsidy.

Fiscal Impact: \$2.5 million was appropriated for this purpose in the FY 2012 State Budget (HB 2012) and an additional \$2.5 million was appropriated in a supplement bill (SB 620) for a total of \$5 million. The money in SB 620 is available right away (FY 2011) and the money in HB 2012, the budget bill will be available next FY 2012. All money must be used as outlined in HB 3271 above.

Signed by Governor 4/4/2011



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

April 12, 2011

RECEIVED

Roger Goodwin
Engineering Department
116 East Washington St.
PO Box 716
Charles Town, WV 25414

APR 18 2011

Jefferson County Commissioner

Dear Mr. Goodwin:

This letter is in response to the questions you asked in your March 15 letter:

Question #1:

Can you summarize the differences between Phase I Watershed Implementation Plan and Phase II and what each requires of Jefferson County?

The Phase I Watershed Implementation Plan (WIP) was developed last year and submitted to EPA on November 29, 2010. It outlines the strategies for each sector (permitted sources and nonpoint sources like agriculture and non-regulated developed lands) to achieve the nutrient and sediment reductions required by the Chesapeake Bay Total Maximum Daily Load, or TMDL (effective December 29, 2010). West Virginia's WIP can be accessed at www.wvca.us/bay/tmdl.cfm.

The Phase II WIP will be a refinement of those strategies based on feedback from local governments and other stakeholders. Some strategies might even need to be changed because of a new version of the Chesapeake Bay Model that EPA is developing at the request of the jurisdictions. In a recently-released guide for developing Phase II WIPs (enclosed), the information from the new version of the Chesapeake Bay watershed model should be available to us by June 30, 2011. We will share that information with local workgroups in the Eastern Panhandle, who will already be engaged in understanding and refining the Phase I strategies in an effort to help with the development with West Virginia's Phase II WIP. The invitations for these workgroups were delivered this week by the Region 9 Planning and Development Council. Our request to Jefferson County was that its representatives become actively engaged in the development of the Phase II WIP throughout this spring and summer. We would like County representatives to serve on the Elected Officials and Developed Lands workgroups, especially.

As part of this process, we asked that the County Commission consider the bulleted lists of potential strategies in the Developed Lands section of the Phase I WIP. Many of these actions would require involvement of your department in the near future and over time. The Phase II development process is an ideal time to consider which of these strategies, or others, are most realistic and appropriate for Jefferson County.

Question #2:

Can you summarize the anticipated outcomes from Phase II efforts and the expectations of Jefferson County government in Phase II?

The main anticipated outcome is documentation of any specific local commitments to strategies to reduce nitrogen, phosphorus, and/or sediment reaching local streams. Regarding the expectations of Jefferson County government in Phase II, please see the last part of the answer to #1, above, beginning with "Our request to Jefferson County was..." To elaborate, each workgroup will have a two-hour kick-off meeting, three additional strategy meetings, a "summit" of all the workgroups together in August, and a follow-up meeting to discuss the merits of establishing a Potomac River Basin Nutrient Credit Trading program based on existing programs. Specific outcomes of the workgroup meetings include: 1) a preliminary Strengths, Weaknesses, Opportunities and Threats (SWOT) assessment of the EPA Chesapeake Bay TMDL mandate based on each work group's respective charges thereunder; 2) specific work plans for inclusion in the Phase II WIP. The work plans will outline each group's goals, objectives, and action strategies for refining the Phase I WIP strategies and, more specifically, identify solutions for mitigating the Phase I EPA-imposed backstop and enhanced oversight measures.

Question #3:

What are WVDEP's expectations for adopting the model stormwater ordinance?

WVDEP provided a grant to Region 9 Planning and Development Council to work with the counties and municipalities in Region 9 to create a stormwater ordinance that could be used as a template for any local government interested in postconstruction stormwater control to protect water quality. It is not required to be adopted but could be used to evaluate and enhance your existing stormwater regulations to further protect water quality. Adoption would also minimize regulatory differences for developers in MS4 vs. nonMS4 areas within Jefferson County when MS4 designations occur.

To what extent does the model ordinance go toward bringing Jefferson County into compliance with the Chesapeake Bay requirements?

The model ordinance if enacted is a tool that is used to reduce nutrients and sediment in receiving waters thus improving water quality. This will bring West Virginia one step closer in meeting Chesapeake Bay pollutant reductions.

Pursuant to the Phase I WIP, "compliance with Chesapeake Bay requirements" for the Developed Lands sector involves maintaining 2010 urban land use loading across the Potomac watershed. In other words, West Virginia cannot have any increase in nutrient or sediment loadings from new development. DEP proposed that MS4 permit requirements for new

development and re-development, coupled with accounting of loading associated with pre-development land use would accomplish the objective. However, in their review of our Phase I WIP, EPA was not confident that West Virginia would be able to accomplish this goal and identified urban stormwater for enhanced oversight.

This enhanced oversight specifies that if our Phase 2 WIP does not provide additional assurance regarding how urban stormwater discharges outside of MS4 jurisdictions will achieve nutrient and sediment allocations, EPA has threatened tighter restrictions on MS4 regulated communities including required costly retrofits or larger MS4 area designations. Any proactive steps taken by Jefferson County to initiate a stormwater ordinance would likely alleviate this outcome.

Question #4:

Is the model stormwater ordinance intended to bring MS4 communities into compliance with the MS4 program?

The model stormwater ordinance may only partially bring the communities closer to the post construction requirements in the MS4 permit. The post construction requirements in the model ordinance are not identical to the post construction requirements in the MS4 permit. In addition, the MS4 permit contains other minimum control measures that must be codified giving the MS4 legal authority.

Is the model ordinance intended to bring all communities into compliance with Chesapeake Bay requirements?

The intention of the model stormwater ordinance is to provide a tool for county and local government to better implement post construction stormwater controls in areas outside of MS4 jurisdictions. Adopting the ordinance will help West Virginia meet the EPA assurance outlined in the enhanced oversight mentioned above. West Virginia's Statewide Stormwater Management and Design Manual is currently under development and when complete will provide another resource for the County. This manual will contain the runoff reduction stormwater practices that, when implemented, will reduce the amount of nutrients entering our streams, lakes and rivers.

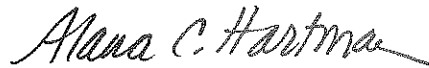
Question #5: *Is Jefferson County going to be designated as an MS4?*

No, Jefferson County will not be designated as an MS4 unless EPA changes their definition of MS4. The definition that was provided in the letter dated March 15, 2011 contains, verbatim, the federal definition of an MS4. [40 CFR 122.26(b)(8)]

MS4 requirements are discussed in Jefferson County meetings because there are municipalities in Jefferson County that will be designated as MS4s in the near future. These municipalities will be required to enact ordinances that meet the provisions of the MS4 general permit. This will more than likely cause a differing set of standards in stormwater management between the County and the municipalities. Because of this WVDEP strongly encourages that the stormwater ordinances that will be enacted in nonMS4 communities in the future be consistent with each other.

We appreciated your thoughtful questions and hope that this letter will advance our mutual understanding of this current planning process to achieve the goals of the Chesapeake Bay Program. I also look forward to meeting with you, Mr. Boyde, and Ms. Brockman on Friday, March 15, 2011. Teresa Koon, Assistant Director in the Division of Water and Waste Management, will also be joining us.

Sincerely,



Alana C. Hartman

cc: Tim Boyde
Jennifer Brockman
Teresa Koon
Bill Timmermeyer
Sherry Wilkins

Enclosure: *Guide for Chesapeake Bay Jurisdictions for the Development of Phase II Watershed Implementations Plans*

GUIDE FOR CHESAPEAKE BAY JURISDICTIONS FOR THE DEVELOPMENT OF PHASE II WATERSHED IMPLEMENTATION PLANS

This Guide addresses the development and review of the Chesapeake Bay TMDL Phase II Watershed Implementation Plans (WIPs) to be submitted by Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia (Bay jurisdictions). EPA has compiled this Guide in response to requests for information on what EPA requests that Bay jurisdictions include in their draft and final Phase II WIPs. EPA expects the seven Bay jurisdictions to develop Phase II WIPs with more specific information that facilitates actions by local partners to control nitrogen, phosphorus and sediment to achieve the allocations. Phase II WIPs also provide Bay jurisdictions with an opportunity to further demonstrate reasonable assurance that TMDL allocations will be achieved and maintained, particularly in sectors receiving enhanced oversight or backstop actions in the December 2010 Chesapeake Bay TMDL (Bay TMDL).¹

EPA previously stated its expectations for WIPs in the Bay TMDL and in communications to the Chesapeake Bay Program Principals' Staff Committee (PSC) since 2008.² This Guide builds upon and further explains EPA's expectations for Phase II WIPs. EPA's role is to provide support and technical guidance, ensure that the Phase II WIPs provide at least as strong a demonstration of reasonable assurance as in the Phase I WIPs, and assess whether any refinements to the Bay TMDL are necessary.

Overview of Chesapeake Bay TMDL Accountability Framework

The Phase II WIPs are a critical component of the multi-part accountability framework for the Chesapeake Bay TMDL. The full accountability framework includes:

- **Phase I WIPs**, in which Bay jurisdictions were expected to propose Bay TMDL allocations and demonstrate reasonable assurance that Bay TMDL allocations will be achieved and maintained;
- **Phase II WIPs**, as described in this Guide;
- **Phase III WIPs**, to be submitted in 2017, in which Bay jurisdictions are expected to make any mid-course adjustments to their nitrogen, phosphorus and sediment reduction

¹ USEPA (2010), *Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment*, December 29, accessed at <<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html>>;

² USEPA (2008), letter from Region III Administrator Donald S. Welsh to Secretary John Griffin, Maryland Department of Natural Resources, September 11, accessed at <http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/EPARegionIIIlettertoPSC091108.pdf>; USEPA (2009), letter from Region III Acting Administrator William C. Early to Secretary L. Preston Bryant, Virginia Department of Natural Resources, November 4, accessed at <http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/tmdl_implementation_letter_110409.pdf>; USEPA (2009), letter from Region III Administrator Shawn M. Garvin to Secretary L. Preston Bryant, Virginia Department of Natural Resources, December 29, accessed at <http://www.epa.gov/region03/chesapeake/bay_letter_1209.pdf>; U.S. EPA (2010), *Guide for EPA's Evaluation of Phase I Watershed Implementation Plans*, April 2, accessed at <http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/GuideforEPAWIPEvaluation4-2-10.pdf>; USEPA (2010), letter from Region III Administrator Shawn M. Garvin to Chesapeake Bay Program Principals' Staff Committee Members, June 11, accessed at <http://www.epa.gov/reg3wapd/pdf/pdf_chesbay/TMDLScheduleLetter.pdf>; USEPA (2011), *EPA Expectations & Draft Schedule for Phase II Watershed Implementation Plans: Fact Sheet*, January 12, accessed at <http://archive.chesapeakebay.net/pubs/calendar/PSC_02-17-11_Handout_3_11177.pdf>.

- strategies, provide additional detail with respect to implementation actions in the 2018-2025 timeframe, and propose any refinements to the Bay TMDL allocations;
- **Two-year milestones**, in which Bay jurisdictions, EPA, and other federal agencies are expected to set incremental commitments for specific practices to be implemented and pounds of pollutants reduced;
 - EPA's commitment to work with Bay jurisdictions and federal agencies to **track, verify, report and assess progress**; and
 - EPA's commitment to ensure that restoration efforts continue on schedule by maintaining oversight and taking federal actions as necessary and appropriate if Bay jurisdictions do not implement commitments and fulfill EPA's expectations under the Chesapeake Bay TMDL accountability framework.

Purpose of Phase II Watershed Implementation Plans

A substantial portion of the nitrogen, phosphorus and sediment controls necessary to meet the Bay TMDL allocations will be implemented at the local level by partners including conservation districts, local governments, planning commissions, utilities and watershed associations. EPA sees the Phase II WIPs as a valuable opportunity for Bay jurisdictions to refine their Phase I WIPs in collaboration with these key local partners. Specifically, the purposes of the Phase II WIPs are to:

- **Facilitate implementation** first by dividing the Bay TMDL allocations into local area targets as appropriate. These local area targets are not finer scale wasteload and load allocations in the Bay TMDL but, when added together, are expected to equal the relevant state-basin TMDL allocation caps. These local area targets will help partners better understand their expected contribution to meet the TMDL allocations and assumptions. Jurisdictions, working with partners, may choose the appropriate scale for local area targets based on what makes sense to partners (e.g., county boundaries; sub-watersheds, federal facility boundaries). Second, EPA expects the Phase II WIPs to describe how partners are going to reduce loads delivered to the Bay. Third, the Phase II WIPs provide an opportunity for partners to identify what resources, authorities and assistance they need to implement actions that achieve their respective share of the Bay jurisdictions' WIP strategies and TMDL allocations;
- **Propose refinements as necessary to the Bay TMDL allocations**, including refinements resulting from the agreed-upon land use and nutrient management updates to Scenario Builder and the Chesapeake Bay Program Watershed Model; and
- **Provide an additional opportunity for Bay jurisdictions to demonstrate reasonable assurance** that Bay TMDL allocations will be achieved and maintained and the means by which any new or increased pollutant loadings not accommodated in the TMDL allocations will be offset. For Bay jurisdictions' pollutant source sectors that received "enhanced oversight" or "backstop allocations or adjustments" in the final Bay TMDL, the Phase II WIPs provide an opportunity to more clearly demonstrate reasonable assurance and reduce the level of EPA oversight.

Elements EPA Expects in Phase II WIPs

In order to fulfill their purpose, EPA expects the Phase II WIPs to clearly identify:

- **Key local, state and federal partners** who will be involved in reducing nitrogen, phosphorus and sediment loads to meet Bay TMDL allocations;

- **How each jurisdiction is working with its key partners** to a) raise awareness of the level of effort that is expected to meet Bay TMDL allocations; b) define local partners' roles in implementing WIP strategies; and c) document the process by which local partners' contributed to the development and will contribute to the implementation of WIPs;
- **Bay jurisdictions' strategies to help facilitate implementation** by local partners. EPA expects the Phase II WIPs to include how and when strategies will be implemented to fill any capacity gaps. Strategies could include but are not limited to regulations, permits, technical assistance, and grant programs with specific provisions for local partners to reduce nitrogen, phosphorus and sediment loads. Jurisdictions are not expected to repeat descriptions of strategies included in the Phase I WIPs that have not been modified since 2010;
- **Clear, quantitative goals** such as local area nitrogen, phosphorus and sediment targets, BMP implementation levels, and/or programmatic milestones;
 - When actions by state and local partners to control nitrogen, phosphorus and sediment loads are combined, they are expected to result in reductions necessary to meet Bay TMDL wasteload and load allocations;
 - As part of the Phase II WIPs, EPA expects Bay jurisdictions to work with local partners and federal agencies to submit input decks for Scenario Builder and Chesapeake Bay Watershed Model³ that include the level and location of controls which will be in place by 2017 and 2025. EPA will use this information to translate BMP implementation levels into pounds of nitrogen, phosphorus and sediment delivered to the Chesapeake Bay and its tidal tributaries. As further discussed in the *Guide for Federal Lands and Facilities' Role in Chesapeake Bay Jurisdictions' Phase II Watershed Implementation Plans*, EPA expects input decks only from the seven Bay jurisdictions. EPA encourages jurisdictions to submit early drafts of input decks so that EPA may provide results within a week and jurisdictions have an opportunity to assess multiple scenarios. EPA expects federal agencies to work with jurisdictions to create these input decks and targets for reducing loads from federal lands and facilities.
- **How progress by local partners will be tracked, verified, and reported** to EPA and incorporated into Bay jurisdictions' two-year milestones. EPA expects nutrient and sediment controls will be reported through the National Environmental Information Exchange Network (NEIEN); and
- **How Bay jurisdictions are working with federal agencies** to meet Bay TMDL allocations by: a) documenting nitrogen, phosphorus and sediment reductions from federal lands and facilities to meet target loads and TMDL allocations; and b) garnering federal support to help implement Bay jurisdictions' WIP strategies.⁴ As discussed below, EPA will provide a separate guide for the Phase II process for federal agencies.

³ Scenario Builder is a database application used to process the BMP and other data into a form useable by the Watershed Model. The Chesapeake Bay Watershed Model produces an estimate of the real world benefits of practices implemented within the watershed.

⁴ USEPA (2010), *Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment*, December 29, p. 10-6, accessed at <<http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html>>; Federal Leadership Committee for the Chesapeake Bay (2010) *Strategy for Protecting and Restoring the Chesapeake Bay Watershed*, pursuant to Executive Order 13508, pp. 24-26, accessed at <<http://executiveorder.chesapeakebay.net>>.

EPA is emphasizing flexibility and collaboration as Chesapeake Bay Program partners develop Phase II WIPs that identify these components. Bay jurisdictions are encouraged to work closely with EPA managers and staff to meet EPA's expectations and respond to unique opportunities in each jurisdiction.

EPA's Role in the Phase II WIP Process

As Bay jurisdictions develop Phase II WIPs, EPA intends to:

- **Continue support for WIP development** and implementation through EPA contractor support, implementation grants, coordination and resources for on-the-ground circuit riders and service providers, and technical assistance, including Scenario Builder analysis and webinars to help partners estimate nitrogen, phosphorus and sediment reductions associated with proposed management actions. Support is subject to the availability of federal appropriations;
- **Help coordinate with federal agencies** to provide input to Phase II WIPs including commitments to federal actions on federal lands and facilities, develop Federal Facility Implementation Plans (FFIPs) where appropriate, and two-year milestones. EPA also will assist with the resolution of any disputes among federal agencies and jurisdictions when requested;
- **Partner with Bay jurisdictions and local entities, as requested, in outreach efforts.** EPA will make information such as presentations, fact sheets and talking points available for partners to share with their audiences and will maintain an up-to-date website on the Bay TMDL and Phase II WIPs;
- **Conduct a targeted reasonable assurance review** focused on: a) whether Bay jurisdictions provide at least the same level of reasonable assurance as demonstrated in Phase I that sources will meet nitrogen, phosphorus and sediment allocations, offset or accommodate within the TMDL any new or increased loadings, and that any trading mechanisms meet EPA's expectations as set forth in Appendix S of the Bay TMDL; b) whether state-basin and sector-specific strategies differ from the Phase I WIPs due in part to changes resulting from the two agreed-upon Scenario Builder and Watershed Model updates; and c) whether Bay jurisdictions have more clearly demonstrated reasonable assurance for pollutant source sectors receiving enhanced oversight or backstop actions in the 2010 Bay TMDL;
- **Provide comments** on the draft Phase II WIPs and allow Bay jurisdictions to submit final Phase II WIPs before EPA proposes any refinements to the Bay TMDL;
- **Review any refinements to Bay TMDL allocations** proposed in Phase II WIPs, including any modifications resulting from the two agreed-upon Scenario Builder and Watershed Model changes, to ensure water quality standards in all 92 segments of the Chesapeake Bay and its tidal tributaries are attained. EPA reserves the authority to refine the Bay TMDL as necessary and appropriate; and
- **Take appropriate federal actions** if a jurisdiction's Phase II WIP does not meet EPA expectations, particularly as it relates to state-basin and sector strategies that will rely on local partners for implementation.⁵

⁵ Potential federal actions are described in USEPA (2009), letter from Region III Administrator Shawn M. Garvin to Secretary L. Preston Bryant, Virginia Department of Natural Resources, December 29, accessed at <http://www.epa.gov/region03/chesapeake/bay_letter_1209.pdf>.

March 30, 2011

Forthcoming Guides: Expectations for Federal Agencies and Two-Year Milestones

Chesapeake Bay Program partners have requested additional information on the role of federal agencies in meeting Bay TMDL allocations through reductions in nitrogen, phosphorus and sediment from federal lands and facilities and through federal support for Bay jurisdictions' efforts to meet TMDL allocations. Bay jurisdictions have also requested EPA's expectations for the development and assessment of two-year milestones. EPA will provide two short guides that address these requests in spring 2011. Bay jurisdictions and federal agencies will have the opportunity to review and comment on draft versions of these guides.

Schedule

The enclosure provides the schedule for the timely completion of the Phase II WIPs. EPA worked in close cooperation with the PSC and parties to the May 2010 settlement agreement in the development of this schedule.

Closing

The shared goal of protecting local waters and restoring the Chesapeake Bay will only be achieved if federal, state and local partners work together. EPA is committed to supporting Bay jurisdictions and local partners in the development of Phase II WIPs that will guide watershed restoration efforts through 2025. Bay jurisdictions and local partners should not hesitate to contact EPA for additional clarification about how Phase II WIP components can meet EPA's expectations under the Chesapeake Bay TMDL.

March 30, 2011

**ENCLOSURE: SCHEDULE FOR PHASE II WATERSHED IMPLEMENTATION PLANS
AND TWO-YEAR MILESTONES**

EPA has developed the following schedule in consultation with the Bay jurisdictions to provide time for engagement of local partners in the Chesapeake Bay watershed in the important development and implementation of the Watershed Implementation Plans (WIPs).

Key dates in 2011 and 2012 for the Phase II WIPs and two-year milestones are:

- EPA distribution of the *Guide for Federal Lands and Facilities' Role in Chesapeake Bay Jurisdictions' Phase II Watershed Implementation Plans* by April 30, 2011;
- EPA distribution of the 2-Year Milestone Guide to the jurisdictions and federal agencies by May 9, 2011;
- EPA completes two agreed-upon changes to Watershed Model, provides results of key scenarios run through the updated Watershed Model, and proposes nitrogen, phosphorus and sediment allocations for the 19 state-basins by June 30, 2011;
- Based on jurisdictional review, EPA finalizes nitrogen, phosphorus and sediment allocations for the 19 state-basins by July 15, 2011;
- Preliminary 2012-2013 jurisdiction milestone commitments submitted to EPA for scenario analysis by November 1, 2011. Jurisdictions are encouraged to submit draft milestones before this date so that they may have more time to respond to the Chesapeake Bay Watershed Model estimates of how much milestone commitments would reduce loads.
- Draft Phase II WIPs submitted to EPA by December 1, 2011;
- 2012-2013 jurisdiction milestone commitments submitted to EPA by January 3, 2012;
- Formal EPA comments on draft Phase II WIPs by January 31, 2012; and
- Final Phase II WIPs submitted to EPA by March 30, 2012

**Courthouse
Facilities
Improvement
Authority**



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W. Richard Staton
Chairman

Melissa Garretson Smith
Executive Director

Summer Training Seminars

Date: April 14, 2011
To: All West Virginia County Commissions
From: Melissa Garretson Smith, Executive Director
Subject: 9th Cycle Scoring and Application Training

The West Virginia Courthouse Facilities Improvement Authority (CFIA) is pleased to announce regional training seminars to educate county grant applicants about the 9th cycle of grant funding. Applications and related information may be obtained during the seminars and afterward through our website. These seminars are very important this year. Our grant application and scoring program have changed. The seminars will provide the perfect opportunity to view the new application, learn about the new scoring process and then ask questions.

We are visiting 8 different areas of the state. The seminars are free of charge to county employees and county elected officials. In addition to our information, we have invited a few other partners to join us that you might be interested in hearing from: the State Historic Preservation Office, Steve Rawlings from WVCorp to discuss Risk Management and Patti Hamilton from the WVACo to provide legislative updates. Unfortunately, our partners were not available for all of our seminars. Therefore, some of the seminars will only include our grant update, while others may include information from all of the partners. After receiving your registration form, we will send out a detailed agenda.

We have indicated on the registration form which dates Patti will be joining us*. If you are interested in attending her Legislative Wrap-Ups, there is a separate packet of information from the WVACo. Please make sure you also register with them, as well. If you only plan on attending our portion of the day, though, there is no need to register with them.

We strongly recommend your county send a representative to one of our training seminars. The seminar representative should be the individual responsible for the completion of the application. Attendance at the workshop is not mandatory. On the following sheet, please indicate which seminar you plan to attend and send back to us prior to May 25th via email, fax or mail.

- June 8 @ 1:00 p.m. - Brooke Co. Courthouse training room
- June 9 @ 1:00 p.m. - Ritchie Co. 911 Center*
- June 10 @ 10:00 a.m. - Upshur Co. courthouse annex*
- June 14 @ 1:00 p.m. - Preston Co. 911 Center
- June 15 @ 1:00 p.m. - Morgan Co. Courthouse*
- July 19 @ 10:00 a.m. - CFIA office in Charleston
- July 20 @ 1:00 p.m. - Wyoming Co. Courthouse Annex
- July 21 @ 10:00 a.m. - Greenbrier Co. CVB

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Jefferson County Commission

We look forward to hearing from you in the near future. Please do not hesitate to contact us if you have questions or if additional information is required. Melissa can be reached via email at: melissa.smith@wvcfia.com or phone: (304) 558-5435.

WEST VIRGINIA COURTHOUSE FACILITIES IMPROVEMENT AUTHORITY

Summer Seminars - Registration Form

June / July 2011

Please select one seminar that you most desire to attend and we will try to accommodate everyone. Please register early because our training locations are limited in size. Our grant process, application form and scoring program have changed from previous funding cycles. Therefore, we are strongly encouraging each county to participate in the workshops. Light refreshments will be provided. There is no fee to participate in the workshops, but registration is required.

Please complete the information below and return it to the Authority prior to Wednesday, May 25th. This workshop will be of interest primarily to County Grant Writers, County Administrators, or County Commissioners. An agenda and specific meeting details will be sent to you after we receive your registration form.

Please select one workshop to attend:

- June 8 @ 1:00 p.m. - Brooke Co. Courthouse training room
- June 9 @ 1:00 p.m. - Ritchie Co. 911 Center*
- June 10 @ 10:00 a.m. - Upshur Co. courthouse annex*
- June 14 @ 1:00 p.m. - Preston Co. 911 Center
- June 15 @ 1:00 p.m. - Morgan Co. Courthouse*
- July 19 @ 10:00 a.m. - CFIA office in Charleston
- July 20 @ 1:00 p.m. - Wyoming Co. Courthouse Annex
- July 21 @ 10:00 a.m. - Greenbrier Co. CVB

County: _____
Name: _____
Title: _____
Email Address: _____

Complete and Return Form BEFORE May 25th to: WV Courthouse Facilities Improvement Authority
2003 Quarrier St., Charleston, WV 25311
or Fax: (304) 558-9174
or Email: melissa.smith@wvcfia.com

**If you plan to attend the WVACO Legislative Wrap-Up Sessions that are being held in cooperation with some of our trainings, please make sure you register separately for those through the WVACO. You can call them at 304-346-0591.*

Please make additional copies of this form as needed.

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

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
3 days ending: 7/1/10- 7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,368.28	\$ 160,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 136,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.68	\$ 78,376.68	\$ 9,734.38	\$ 27,086.98	\$ 2,860.75	\$ 27,494.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,463.92	\$ 26,334.38	\$ 2,781.26	\$ 26,730.62	\$ 10,888.84
08/28/10	\$ 144,920.06	\$ 72,460.03	\$ 72,460.03	\$ 8,999.54	\$ 25,042.19	\$ 2,844.79	\$ 25,418.97	\$ 10,354.54
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 26,391.00	\$ 2,787.24	\$ 26,788.09	\$ 10,912.25
09/11/10	\$ 165,938.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 28,674.21	\$ 3,028.39	\$ 29,105.65	\$ 11,856.32
09/18/10	\$ 135,277.56	\$ 67,638.78	\$ 67,638.78	\$ 8,400.74	\$ 23,375.96	\$ 2,468.82	\$ 23,727.68	\$ 9,665.58
09/25/10	\$ 140,870.12	\$ 70,435.06	\$ 70,435.06	\$ 8,748.03	\$ 24,342.36	\$ 2,570.88	\$ 24,708.62	\$ 10,065.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,542.39	\$ 2,592.01	\$ 24,911.66	\$ 10,147.88
10/09/10	\$ 138,623.00	\$ 69,311.50	\$ 69,311.50	\$ 8,608.49	\$ 23,954.06	\$ 2,529.87	\$ 24,314.47	\$ 9,904.61
10/16/10	\$ 150,469.24	\$ 75,234.62	\$ 75,234.62	\$ 9,344.14	\$ 26,001.08	\$ 2,746.06	\$ 26,392.31	\$ 10,751.03
10/23/10	\$ 140,581.80	\$ 70,290.80	\$ 70,290.80	\$ 8,730.12	\$ 24,292.50	\$ 2,565.61	\$ 24,658.01	\$ 10,044.56
10/30/10	\$ 131,230.08	\$ 65,615.04	\$ 65,615.04	\$ 8,149.39	\$ 22,676.56	\$ 2,394.95	\$ 23,017.75	\$ 9,376.39
11/06/10	\$ 122,675.24	\$ 61,337.62	\$ 61,337.62	\$ 7,618.13	\$ 21,198.28	\$ 2,238.82	\$ 21,517.24	\$ 8,765.15
11/13/10	\$ 129,190.56	\$ 64,595.28	\$ 64,595.28	\$ 8,022.73	\$ 22,324.13	\$ 2,357.73	\$ 22,660.02	\$ 9,230.67
11/20/10	\$ 112,020.16	\$ 56,010.08	\$ 56,010.08	\$ 6,956.45	\$ 19,357.08	\$ 2,044.37	\$ 19,648.34	\$ 8,003.84
11/27/10	\$ 142,341.80	\$ 71,170.90	\$ 71,170.90	\$ 8,839.43	\$ 24,596.66	\$ 2,597.74	\$ 24,966.75	\$ 10,170.32
12/04/10	\$ 106,430.16	\$ 53,215.08	\$ 53,215.08	\$ 6,609.31	\$ 18,391.13	\$ 1,942.35	\$ 18,667.85	\$ 7,604.44
12/11/10	\$ 93,888.00	\$ 46,944.00	\$ 46,944.00	\$ 5,830.44	\$ 16,223.85	\$ 1,713.46	\$ 16,467.95	\$ 6,708.30
12/18/10	\$ 84,153.52	\$ 42,076.76	\$ 42,076.76	\$ 5,225.93	\$ 14,541.73	\$ 1,535.80	\$ 14,760.53	\$ 6,012.77
12/25/10	\$ 100,900.56	\$ 50,450.28	\$ 50,450.28	\$ 6,265.92	\$ 17,435.62	\$ 1,841.44	\$ 17,697.96	\$ 7,209.35
01/01/11	\$ 170,304.24	\$ 85,152.12	\$ 85,152.12	\$ 10,575.89	\$ 29,428.57	\$ 3,108.06	\$ 29,871.36	\$ 12,168.24
01/08/11	\$ 108,602.60	\$ 54,301.30	\$ 54,301.30	\$ 6,744.22	\$ 18,766.53	\$ 1,982.00	\$ 19,048.89	\$ 7,759.66
01/15/11	\$ 108,011.80	\$ 54,005.90	\$ 54,005.90	\$ 6,707.53	\$ 18,664.44	\$ 1,971.22	\$ 18,945.27	\$ 7,717.44
01/22/11	\$ 121,849.48	\$ 60,924.74	\$ 60,924.74	\$ 7,566.85	\$ 21,055.59	\$ 2,223.75	\$ 21,372.40	\$ 8,706.15
01/29/11	\$ 96,073.88	\$ 48,036.94	\$ 48,036.94	\$ 5,966.19	\$ 16,601.57	\$ 1,753.35	\$ 16,651.35	\$ 6,864.48
02/05/11	\$ 121,554.88	\$ 60,777.44	\$ 60,777.44	\$ 7,548.56	\$ 21,004.68	\$ 2,218.38	\$ 21,320.72	\$ 8,685.09
02/12/11	\$ 134,943.68	\$ 67,471.84	\$ 67,471.84	\$ 8,380.00	\$ 23,318.27	\$ 2,462.72	\$ 23,669.12	\$ 9,641.73
02/19/11	\$ 144,037.08	\$ 72,018.54	\$ 72,018.54	\$ 8,944.70	\$ 24,889.61	\$ 2,628.68	\$ 25,264.10	\$ 10,291.45
02/26/11	\$ 151,088.04	\$ 75,544.02	\$ 75,544.02	\$ 9,382.57	\$ 26,108.01	\$ 2,757.36	\$ 26,500.84	\$ 10,795.24
03/05/11	\$ 149,070.68	\$ 74,535.34	\$ 74,535.34	\$ 9,257.29	\$ 25,759.41	\$ 2,720.54	\$ 26,147.00	\$ 10,651.10
03/12/11	\$ 133,958.96	\$ 66,979.48	\$ 66,979.48	\$ 8,318.85	\$ 23,148.11	\$ 2,444.75	\$ 23,496.40	\$ 9,571.37
03/19/11	\$ 146,226.52	\$ 73,113.26	\$ 73,113.26	\$ 9,080.67	\$ 25,267.94	\$ 2,668.64	\$ 25,648.13	\$ 10,447.88
03/26/11	\$ 136,981.60	\$ 68,490.80	\$ 68,490.80	\$ 8,506.56	\$ 23,670.42	\$ 2,499.91	\$ 24,026.57	\$ 9,787.34
04/02/11	\$ 141,693.16	\$ 70,846.58	\$ 70,846.58	\$ 8,799.15	\$ 24,484.58	\$ 2,585.90	\$ 24,852.97	\$ 10,123.98
04/09/11	\$ 134,153.56	\$ 67,076.78	\$ 67,076.78	\$ 8,330.94	\$ 23,181.74	\$ 2,448.30	\$ 23,530.53	\$ 9,585.27
04/16/11	\$ 129,397.12	\$ 64,698.56	\$ 64,698.56	\$ 8,035.56	\$ 22,359.82	\$ 2,361.51	\$ 22,696.25	\$ 9,245.42
Subtotal	\$ 5,733,671.62	\$ 3,322,867.55	\$ 2,410,804.07	\$ 299,421.86	\$ 833,173.89	\$ 87,994.39	\$ 845,710.00	\$ 344,503.93

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending April 16, 2011
To be Deposited on:	April 22, 2011
Amount Played	75,867,515.72
Amount Won	68,101,388.56
Amount Promo	233,412.00
MWAP Contribution	<u>44,455.85</u>
Adjusted Gross Terminal Revenue	<u>7,488,259.31</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>299,530.39</u>
Net Terminal Revenue	<u>7,188,728.92</u>
Surcharge @ 10%	718,872.90
State Share Excess @ 58%	416,946.28
Track Share of Capital Reinvestment @ 42%	301,926.62
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	\$ 289,849.56
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	\$ 12,077.06
Adjusted Net Terminal Revenue	<u>6,469,856.02</u>
Racetrack @ 46.50% / 42%	2,717,339.53
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,652,640.97
Race Track Purses @ 7% / 14% / 8%	517,588.48
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	32,349.28
Greyhound Development @ .75%	48,523.92
Thoroughbred Development @ .75%	48,523.92
Racing Commission @ 1%	64,698.56
County/Municipality @ 2%	129,397.12
3% Funds:	
Tourism Promotion Fund @ 1.375%	88,960.52
Development Office Promotion Fund @ .375%	24,261.96
Research Challenge Fund @ .5%	32,349.28
Capitol Renovation and Improvement Fund @ .6875%	44,480.26
2004 Capitol Complex Parking Garage Fund @ .0625%	4,043.66
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>64,698.56</u>
	<u>6,469,856.02</u>

VIDEO LOTTERY REPORT
FY 2009

FY 2010

FY 2011

Table Game Revenues
FY 2011

FY 2009		FY 2010		FY 2011		Table Game Revenues FY 2011	
Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58		
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64		
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76		
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28		
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08		
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98		
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68		
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02		
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03	July/August, 2010	154,185.68
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84		
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36		
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78		
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06	September, 2010	94,247.84
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86		
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50		
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62		
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80		
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04	October, 2010	105,903.60
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62		
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28		
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08		
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90	November, 2010	108,717.67
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08	December, 2010	118,721.11
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00		
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76		
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28		
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12		
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30		

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90	
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74	
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94	106,189.21
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44	
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84	
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54	
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02	105,776.45
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34	
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48	
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26	
3/28/2009	79,250.83	3/27/2010	69,941.88	3/26/2011	68,490.80	120,927.10
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58	
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78	
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56	
4/25/2009	75,571.46	4/24/2010	68,714.11			
5/2/2009	73,957.05	5/1/2010	68,799.06			
5/9/2009	76,697.22	5/8/2010	67,403.54			
5/16/2009	71,925.70	5/15/2010	70,186.32			
5/23/2009	81,395.43	5/22/2010	64,695.71			
5/30/2009	82,161.55	5/29/2010	67,157.40			
6/6/2009	74,895.74	6/5/2010	77,371.80			
6/13/2009	67,327.23	6/12/2010	66,106.29			
6/20/2009	75,500.53	6/19/2010	64,888.48			
6/27/2009	67,354.10	6/26/2010	63,950.29			
6/30/2009 ***	32,059.58	6/30/2010	29,667.19			
TOTALS 4403564.04			4041141.56	3322867.55	914668.66	

To: Barbara Scott
Summit Point Motorsports Park
Summit Point, West Virginia 25446

18 April, 2011

From: Martin Burk
342 Turn One Drive
Summit Point, West Virginia 25446

CC: County Commission of Jefferson County
Jefferson County Planning Commission

Dear Barbara,

You recently requested that I advise you of instances when noise from your Summit Point facility's operations were a concern. Activities over the last few days have generated excessive sound pressures that disrupt my 'quality of life', and thus, raise such concerns.

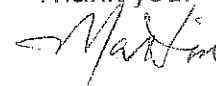
Friday afternoon, 15 April 2011, a series of 'air burst' explosions were detonated that startled me and my pets. I could see the explosions from my kitchen window. These did not originate from the Department of State Campus. They appeared to originate from a field at the back of your Training Campus property. This activity is in contradiction to the Covenants your company indicated would be imposed and enforced on this property in your 28 August 2011 Community Impact Statement presented to the Planning Commission.

Saturday and Sunday, 16 and 17 April 2011, un-muffled vehicles utilized the 'skidpad' located just behind our home throughout both days. At times, they did so with the pad dry. As you know, the original presentations to the Planning Commission for the expansion that included the 'skidpad', was that the skidpad would only be used by fully muffled BSR School cars on a fully wet surface. The repetitious full throttle applications of un-muffled vehicles and the constantly skidding tires on a dry surface exceeds the scope of use that was presented to the community and the Planning Commission.

Sunday, 17 April 2011, started with un-muffled cars on track, I believe from the loudness and throttle on-off applications, on the Jefferson Circuit, at 07:15 am. Again, the original scope of use presented and approved for the Jefferson Circuit's use was for muffled BSR School cars only, not motorsports use. In addition, I would hope that any event starting at 07:15am of un-muffled vehicle's activities would require no further explanation from me as to why that was quite disruptive.

I look forward to your prompt attention to these matters, that these types of disruptive activities not occur again.

Thank you.


Martin.

To: Barbara Scott
Summit Point Motorsports Park
Summit Point, West Virginia 25446

22 April, 2011

From: Martin Burk
342 Turn One Drive
Summit Point, West Virginia 25446

CC: County Commission of Jefferson County
Jefferson County Planning Commission

Dear Barbara,

When we spoke earlier this month about the observed increase in sound emissions from your Summit Point facility, you questioned what could have changed to contribute to that observation. One factor may be the continued reduction of forest and vegetation from the clear-cut and bull-doing activities on your property.

Yesterday, during the hours that a large pavement milling machine carved up pavement in Turn One of the original circuit, (and it's vibrations resonated up through the foundation of my home), it occurred to me. As a racer, I am very appreciative of this seemingly annual, very expensive commitment to establish and maintain a precision smooth pavement surface. But there is no evidence of a similar commitment to maintain an effective sound buffer.

In fact, when forest and vegetation are removed, a natural sound barrier is removed as well. The section of forest at Turn Three that was bull-doed flat over the winter is an example of what changes are occurring that contribute to increased sound emissions.

Certainly, maintaining or improving the existing sound buffers would help to contain and absorb the sound energy generated by activities at Summit Point Motorsports Park. The continued elimination of these barriers may lead to even larger sound pressures endured by your neighbors.

I hope this helps to answer your question.

Sincerely,



Martin.

United States Senate

WASHINGTON, DC 20510-4802

April 8, 2011

RECEIVED

APR 20 2011

The Honorable Patricia A. Noland
Vice President
The County Commission of Jefferson County
Post Office Box 250
Charles Town, West Virginia 25414-0584

Jefferson County Commission

Dear Patricia,

Thank you contacting me to share your condolences at the passing of Corporal Frank Buckles. Sharon and I share your deep grief and sense of loss at the passing of the last surviving American World War I veteran and the representative of the lost generation of our "Doughboys". At this time, we should keep his family in our thoughts and prayers.

As you know, Frank Buckles passed away on February 27, 2011, at the age of 110. It is important that we as a nation express our deep appreciation for the sacrifices that Mr. Buckles and his brothers-in-arms endured for our country nearly a century ago. Mr. Buckles witnessed the world change dramatically throughout his lifetime and had experiences that most of us can only dream about. As a young man, he served in the Army's ambulance corps in France and Germany. As a civilian during the Second World War, he spent more than three years in a Japanese prison camp in the Philippines.

As a tribute to Mr. Buckles and for all the World War I veterans that he represents, we must remember the nearly 4.5 million U.S. soldiers, sailors, airmen and Marines who joined forces with over 37 million Allied soldiers to defeat the Central Powers. These service members witnessed atrocities such as gas warfare that were unprecedented at the time. Despite the hardships, this generation of dynamic and dedicated Americans was able to alter the course of history for the betterment of each and every one of us here today.

I have always believed that Mr. Buckles should receive a special and honorable tribute from this nation. Allowing our country to pay its respects to Mr. Buckles and all of our courageous World War I veterans is important. Therefore, I introduced a bipartisan resolution (S.Con.Res.10) so that Mr. Buckles could lie in honor in the Capitol Rotunda before his internment at Arlington National Cemetery to allow the American people to properly pay their respects. Unfortunately, Speaker of the House John Boehner and others blocked my legislation.

On March 3, 2011, to honor Mr. Buckles and the World War I generations' sacrifices, I sponsored another bipartisan Senate Resolution (S.Res.89) recognizing the historic contributions of all United States veterans who served in the First World War. This resolution had 15 cosponsors and passed by unanimous consent on that same day.

Although I was disappointed that Frank Buckles was not able to lie in honor in the U.S. Capitol Rotunda, it was meaningful that the public was able to pay its respects on March 15,

2011, when he laid in honor at Arlington National Cemetery surrounded by so many brave men and women who fought to protect this country. Mr. Buckles was buried with full military honors and President Obama ordered all American flags flown across the world be flown at half-staff. I was honored to participate in the events to pay tribute to him. I was also pleased to see that President Obama and Vice President Biden personally came to the Arlington National Cemetery chapel to pay their respects to Mr. Buckles and offer their deepest sympathies to his daughter, Susannah Buckles Flanagan.

As you may know, Mr. Buckles was an adamant proponent of remembering the more than 116,000 Americans who died in World War I by establishing a National World War I Memorial on the National Mall.

To support this effort, I was proud to be a lead sponsor of the Frank Buckles World War I Memorial Act (S. 2097), legislation to rededicate the Mall memorial as the DC and National World War I Memorial and to authorize the World War I Memorial Foundation to establish a commemorative work at the Memorial Site. If enacted, this bill would also create a commission to plan the national observance of the centennial and rededicate the Liberty Memorial in Kansas City as the National World War I Museum and Memorial to honor the sacrifices made by American veterans of World War I. Unfortunately, this legislation was not acted upon before the 111th Congress adjourned in December. Therefore, on February 1, 2011, I reintroduced this legislation (S. 253) to prepare for the upcoming centennial of World War I. Currently, this legislation has 6 additional cosponsors and has been referred to the Senate Committee on the Judiciary, of which I am not a member. Rest assured, I will continue to support this measure as it moves forward in the Senate.

As America's longest surviving veteran of World War I, Frank Buckles represented our final link to a generation that built a legacy as the defenders of the free world in the first large scale global conflict. I can promise you that his legacy and the legacy of all veterans will live on forever in the ideals and values that make America the strongest nation in the world.

Thank you again for writing. I wish you the very best.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Rockefeller IV". The signature is stylized and cursive.

John D. Rockefeller IV

JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning & Zoning

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Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: planningdepartment@jeffersoncountywv.org

April 21, 2011

PRESS RELEASE

All interested citizens are invited to attend and assist in a one day double tree planting event to be held on Saturday, May 7th. The first tree planting will take place at Charles C. Marcus Field in Ranson from 9:00 a.m. until 12:00 p.m. The second tree planting will take place at Willingham Knolls Park in Charles Town from 1:00 p.m. until 4:00 p.m.

In volunteering your time, you will be assisting in planting native species trees that support the Jefferson County Urban Tree Canopy initiative. Please be sure to wear appropriate clothing and footwear and bring water and a snack. Shovels and gloves will be supplied in limited quantities.

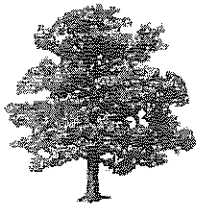
These tree plantings are funded by an Urban Tree Canopy Grant awarded to Jefferson County. This grant is being fulfilled by a joint agreement between the Jefferson County Commission and the cities of Charles Town and Ranson and was awarded by the West Virginia Division of Forestry and the Chesapeake Bay Program, in partnership with the Cacapon Institute.

For more detailed information, please contact the Departments of Planning and Zoning at (304) 728-3228 or contact Douglas Griffith, Urban Tree Canopy Grant Intern for the Jefferson County Departments of Planning and Zoning at (304) 728-6759 or at wgriff01@shepherd.edu.

One Day, Two Tree Plantings!

Saturday May 7th, 2011

Help us plant native species trees in support of the Jefferson County Urban Tree Canopy initiative.



OPEN TO ALL VOLUNTEERS!

Please be sure to wear appropriate footwear and clothing and bring water and a snack.

Shovels and gloves will be available in limited quantities.

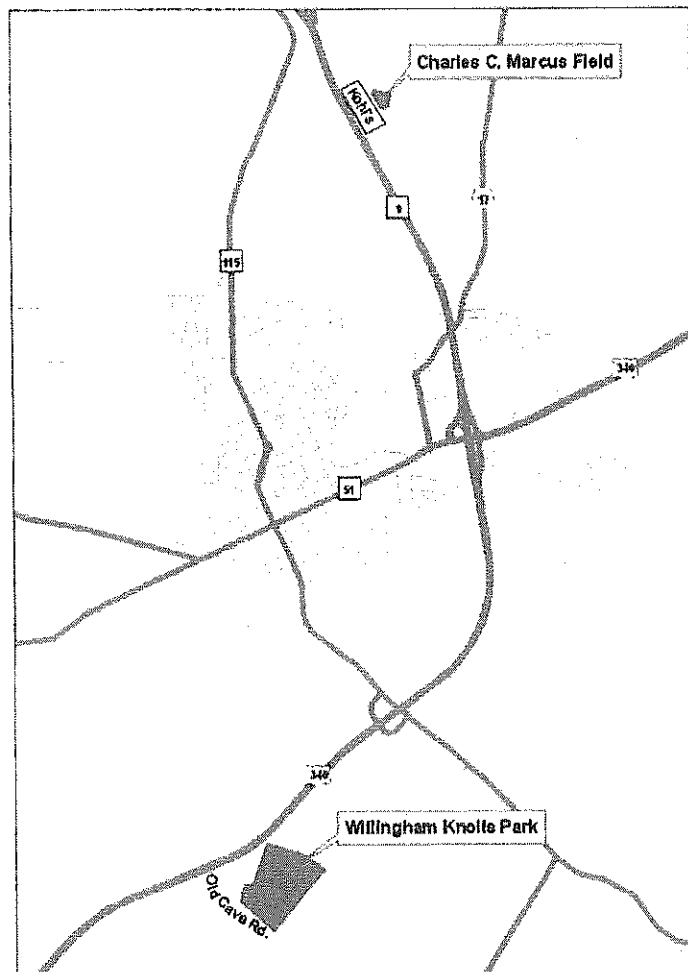
9 AM - Noon

@

Charles C. Marcus Field

132 Athletic Way
Ranson, WV 25438

(behind The Marketplace at
Potomac Towne Center on
Route 9 across from
Fairfax Crossing).



1 PM - 4PM

@

Willingham Knolls Park

Old Cave Rd.
near Intersection of Rt. 340
Charles Town, WV

(planting will take place
along Evitts Run)

These planting projects are funded by the Urban Tree Canopy grant through the West Virginia Division of Forestry and the Chesapeake Bay Program, in partnership with the Cacapon Institute.

For more info contact Douglas Griffith

phone: (304) 728-6759

Email: wgriff01@shepherd.edu

