

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, FEBRUARY 9, 2012
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

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Angie Banks, Assessor
Exonerations
2. 10:00 a.m. Barbara Miller, Director of Homeland Security and Emergency Management
Request for approval of the 2012 Emergency Operations Plan (EOP) -
Discussion/Action
3. 10:15 a.m. Interview and appointment to Jefferson County Building Commission for an
unexpired term ending July 31, 2016 - Discussion/Action
4. 10:30 a.m. Break
5. 10:45 a.m. Warren Mickey, West Virginia Eastern Panhandle Transportation Authority
- Grant Update - Discussion

6. 11:00 a.m. Roger Goodwin, Chief County Engineer
 - Complete Release of Letter of Credit for Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B & Lots 28-50 & Residue - File #01-42 - Discussion/Action
 - Complete Release of Letter of Credit for Harvest Hills Subdivision, Section 1, Phase 11, Lots 51-71 & Lots 405-419 & Residue - File #07-01 - Discussion/Action
 - Complete Release of Construction Bond security for Eastern Management Development Center Addition/The Federal Group - Clarion Hotel & Conference File #507-14 - Letter of Credit #A-09-03 with United Bank, Inc., Parkersburg, West Virginia - Discussion/Action
7. 11:15 a.m. Stephanie Grove, Assistant Prosecuting Attorney
 - Legal Review and Opinion - Human Resources Job Description - Discussion/Action

UNFINISHED BUSINESS:

8. Decision on the Petition of William E. Knode and Jo Ann Knode to vacate unused streets and alley as shown on Map of Trussell's Addition, situated in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code - Discussion/Action

NEW BUSINESS:

9. Request by Sheriff Bobby Shirley to Hire a Part-time Bailiff - Discussion/Action
10. Move to include the following as part of the reorganization discussion: all recommendations in Mr. Boyde's exit memo including the HR Director position be on a part-time basis (LW) - Discussion/Action
11. Development of a capital plan to be instituted for FY 2013 (LW) - Discussion/Action
12. Position of Civil Counsel should be in the County Commission budget (LW) - Discussion/Action
13. Legislative Updates

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

14. 11:45 a.m. Break for Lunch

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

15. 1:30 p.m. Board of Review and Equalization

16. ADJOURN

**CORRESPONDENCE:**

Letter of appreciation received from Governor Earl Ray Tomblin.

Letter received from Margaret W. Davies concerning the proposed fire fee.

Letter received from Senator Joe Manchin concerning the mail consolidation plan of Martinsburg.

Franchise Fee payment of \$85,191.46 received from Comcast.

Community Bulletin received from Harpers Ferry National Park.

Valley News newsletter received from the Potomac Valley Audubon Society.

Fiscal Year 2011 State of the Treasury report received from John D. Perdue, West Virginia State Treasurer.

West Virginia Election Calendar Overview for 2012 Primary Election received.

*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.*



**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State held at the Jefferson County Commission Meeting Room on the lower floor of the Old Charles Town Library at 200 E. Washington Street, on Thursday, January 26, 2012 beginning at 11:00 o'clock a.m.

**PUBLIC HEARING ON THE PETITION OF WILLIAM E. KNODE  
AND JO ANN KNODE TO VACATE UNUSED STREETS AND ALLEY AS  
SHOWN ON MAP OF TRUSSELL'S ADDITION, SITUATE IN SHEPHERDSTOWN  
DISTRICT, JEFFERSON COUNTY, WV, UNDER WV CODE §7-1-3h.**

Ms. Noland called the Public Hearing to order at 11:00 a.m.

|                               |                              |
|-------------------------------|------------------------------|
| Present were:                 | Patricia Noland, President   |
|                               | Lyn Widmyer, Commissioner    |
|                               | Frances Morgan, Commissioner |
|                               | Walt Pellish, Commissioner   |
|                               | Dale Manuel, Commissioner    |
| Interim County Administrator: | Sandy McDonald               |
| Administrative Assistant:     | Debbie Stellato              |

|                               |                                   |
|-------------------------------|-----------------------------------|
| Petitioners:                  | William E. Knode and Jo Ann Knode |
| Attorney for the Petitioners: | Peter Chakmakian, Esquire         |

Mr. Chakmakian opened the hearing by providing an overview of the Petitioners' request to close certain roads and an alley on their property. He produced an aerial view of the properties which showed these particular roads and alley.

Mr. Chakmakian then asked Mr. Knode a series of questions regarding the properties and the subject streets and alley.

Public comment was made by:

Norman Secrist  
Steve Secrist  
Hoy Shingleton, Esq.  
Mercedes Prohaska

Mr. Chakmakian offered his closing remarks.

The Commission entered into a discussion and unanimously agreed to have legal counsel investigate the matter and advise the Commission accordingly. It was unanimously agreed that this item will be placed on next week's Agenda for decision.

There being no further business the Public Hearing was concluded at 11:53 a.m.

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PATSY A. NOLAND, PRESIDENT

**Minutes**  
**Jefferson County Commission**  
**Thursday, January 30, 2012**

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An emergency meeting of the Jefferson County Commission was held on Monday, January 30, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 for the purpose of discussion and possible action regarding internal control as it applies to access to the County financial records on the AS/400. Present were Commissioners Patricia Noland, Lyn Widmyer, Frances Morgan and Walt Pellish. Mr. Manuel was absent with notice. Also present were Sandy McDonald, Interim County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of the January 30, 2012 emergency meeting is available through the Jefferson County Commission Office.)

Commissioner Noland called the meeting to order at 2:03 p.m. Ms. Noland explained the reason for scheduling the emergency meeting to discuss and possibly take action on the issue of internal control of access to County financial records on the AS/400.

Stephanie Grove, attorney for the Jefferson County Commission, stated that legally the County Commission owns all of the records contained in the County Clerk's Office and on the AS/400.

Commissioners Morgan, Pellish, Widmyer and Noland discussed the situation and suggested possible ways to resolve the issue. Paul Shroyer, Director of Financial Management, commented on the operation of the AS/400 system and the issue at hand.

Jennifer Maghan, County Clerk spoke and gave her reasons why the County Clerk should be the only one to have internal control over the AS/400 and why she should be solely responsible for allowing access to certain parts of the system after she is satisfied that security controls are in place.

Teresa Hendricks, Sheriff's Tax Office, spoke of a problem her office encountered when a technician from Software Systems was blocked from the AS/400.

Ms. Noland commented that authorization to allow access to the AS/400 should lie with the County Administrator until a written policy is in place. She suggested putting things back as they were last Thursday, beginning at 3:30 p.m. this date and to give read and print access only to employees who had access as of last Thursday.

Mr. Pellish suggested forming an ad hoc committee to research and prepare a draft policy which would specify who would have internal control over authorizing access to the AS/400. He stated that the committee should consist of the County Clerk, Jennifer Maghan, Interim County Administrator, Sandy McDonald and Paul Shroyer, Director of Financial Management.

Bill Polk, Maintenance Director, commented on the problem his employee had in collecting data for a report he was directed by the Commission to produce.

Ms. Morgan made a motion to order the Finance Officer restored to full read and print access to the County's financial records. Mr. Pellish seconded the motion.

A vote was taken on Ms. Morgan's original motion to order the Finance Officer restored to full read and print access to the County's financial records and unanimously approved.

Ms. Widmyer made a second motion to authorize the ad hoc committee to meet together and develop an internal control policy that would go into greater detail as to who has access to the AS/400. Ms. Morgan seconded the motion.

Ms. Morgan offered a friendly amendment to the original motion adding that “the ad hoc committee to meet together and develop an internal control policy that would go into greater detail as to who has access to the AS/400 and upon completion of the draft to send the draft to legal counsel for review and possible options.”

Mr. Pellish offered a second friendly amendment adding that “the committee should meet with the appropriate State officials when drafting the policy.”

Ms. Widmyer restated the motion for clarification. The motion, incorporating the friendly amendments, was to have Mr. Shroyer, Ms. McDonald and Ms. Maghan work together with the appropriate State officials to develop a policy with input and review by the Commission’s legal counsel to develop internal AS/400 control. Ms. Morgan seconded the motion and it was unanimously approved.

Motion by Mr. Pellish to adjourn the meeting. Motion seconded by Ms. Widmyer and unanimously approved. The meeting was adjourned at 3:20 p.m.

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PATRICIA A. NOLAND, PRESIDENT

REGULAR TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as a Board of Review and Equalization, continued and held at the Courthouse thereof on Wednesday, February 1, 2012, beginning at 1:30 p.m.

PRESENT: Patricia Noland, Commission President  
Dale Manuel, Commission Vice President  
Frances Morgan, Commissioner  
Lyn Widmyer, Commissioner  
(Commissioner Pellish was absent with notice.)

The meeting opened with the Pledge of Allegiance.

Commissioner Noland then swore in County Assessor Angela Banks and Appraiser June Bowers. Ms. Banks informed the Board that there were no appeals scheduled to be heard on this date or on Thursday, February 2, 2012. She stated that currently there is one person scheduled for Tuesday, February 7, 2012.

There being no further business, Ms. Noland ordered the Commissioners, sitting as a Board of Review and Equalization adjourned at 1:39 p.m. Mr. Manuel made a motion to recess until Tuesday, February 7, 2012. Ms. Morgan seconded the motion and it was unanimously approved.

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PATRICIA NOLAND, COMMISSION PRESIDENT



**Minutes**  
**Jefferson County Commission**  
**Thursday, February 2, 2012**

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A meeting of the Jefferson County Commission was held on Thursday, February 2, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Lyn Widmyer, Frances Morgan and Walt Pellish. Also present were Sandy Slusher McDonald, Interim County Administrator, Nichelle Hosby, Executive Assistant and Jimmy Eddy, Bailiff. (An audio tape of the February 2, 2012 meeting is available through the Jefferson County Commission Office.)

**PLEDGE OF ALLEGIANCE**

Commissioner Morgan led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion by Ms. Morgan to approve the Minutes of the January 26, 2012 regular meeting as amended. Motion seconded by Mr. Pellish and unanimously approved.

**APPROVAL OF PURCHASE ORDERS**

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$19,453.69, being purchase order numbers: 50677, 50678, 50679, 50680, 50666, 50941, 50971, 53188, 53187, 50924, 50933, 50934, 50695, 50728, 50491, 50492, 50494, 50497, 50498, 50500, 50501, 50940. Motion seconded by Ms. Morgan and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

Motion by Ms. Morgan to approve the accounts payable in the amount of \$202,881.11. Motion seconded by Mr. Manuel and unanimously approved.

**PUBLIC COMMENT:**

**Kathy Knight** thanked Mr. Manuel for making Tim Boyde's exit memo public, commented on Stephanie Grove's cover letter, the Development Authorities request for \$30,000 and the Re-Charting of Parks and Recreation.

**David Tabb** reported that he was going to run for Assessor, the maintenance request for \$50,000 and Tim Boyde's exit memo.

**PRESENTATIONS:**

- 1. Resolution of Appreciation was presented to Doug Evans, Emergency Medical Technician of the Jefferson County Emergency Services Agency.**

Doug Evans was present and gave comment.

**RESOLUTION IN RECOGNITION OF DOUG EVANS FOR HIS SERVICE ON THE JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**

WHEREAS, the Jefferson County Commission formed the Jefferson County Ambulance Authority in November 1995,

WHEREAS, the Jefferson County Ambulance Authority, now known as the Jefferson County Emergency Services Agency, is comprised of volunteers of Jefferson County citizens who are knowledgeable and committed to serving and protecting the residents in Jefferson County, WV;

WHEREAS, Doug Evans was appointed by the Jefferson County Commission to the Jefferson County Ambulance Authority in August 1999 and served in his capacity as a Volunteer;

WHEREAS, Doug Evans was a valuable asset to Jefferson County as a member of the Jefferson County Emergency Services Agency by providing his knowledge and applying his professional expertise in order to preserve and protect the residents of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County have benefited from the knowledge and expertise provided by Doug Evans as the result of his involvement, dedication and loyalty to the Jefferson County Emergency Services Agency;

THEREFORE, the Jefferson County Commission hereby recognizes Doug Evans for his years of service as a loyal and dedicated member of the Jefferson County Emergency Services Agency and in appreciation for his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

\_\_\_\_\_  
Patricia Noland, Commissioner

\_\_\_\_\_  
Dale Manuel, Commissioner

\_\_\_\_\_  
Frances Morgan, Commissioner

\_\_\_\_\_  
Lyn Widmyer, Commissioner

\_\_\_\_\_  
Walt Pellish, Commissioner

DATED THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2012

Resolution in Support of the Hagerstown Eastern Panhandle Metropolitan Organization was read discussed.

Motion by Ms. Morgan to approve the Resolution of support of the Hagerstown Eastern Panhandle Metropolitan Organization. Motion seconded by Ms. Widmyer and unanimously approved.

RESOLUTION IN SUPPORT OF THE HAGERSTOWN EASTERN PANHANDLE METROPOLITAN ORGANIZATION

Whereas, the Jefferson County Commission met on Thursday, January 26, 2012 with a quorum present voted to oppose federal legislation making 200,000 the minimum population for metropolitan planning organizations; and

Whereas, Senate Bill 1813, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), proposes to dissolve the Metropolitan Planning Organizations that serve areas with population under 200,000; and

Whereas, Jefferson County, West Virginia, is part of the Hagerstown Eastern Panhandle Metropolitan Planning Organization which would be dissolved under the proposal to eliminate existing Metropolitan Planning Organizations under the 200,000 population threshold; and

Whereas, the Metropolitan Planning Organizations are an essential part of the transportation decision making process and eliminating areas with less than 200,000 people would shift more power to the State agencies which have less understanding of the needs of local metropolitan areas;

NOW THEREFORE, BE IT RESOLVED, that we, the County Commissioners of Jefferson County, West Virginia support the Hagerstown Eastern Panhandle Metropolitan Organization in opposing federal legislation making 200,000 the minimum population for metropolitan planning organization.

By Order of the Jefferson County Commission

Dated this 2<sup>nd</sup> Day of February, 2012

\_\_\_\_\_  
Patricia Noland, President

\_\_\_\_\_  
Dale Manuel, Vice President

\_\_\_\_\_  
Frances Morgan, Commissioner

\_\_\_\_\_  
Walter Pellish, Commissioner

\_\_\_\_\_  
Lyn Widmyer, Commissioner

2. **Paul Shroyer, Director of Financial Management**, presented a budget timeline, internal budget revision #001 and internal budget revision #002.

Motion by Mr. Manuel to approve budget revision #001. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Mr. Manuel to approve budget revision #002. Motion seconded by Ms. Morgan and unanimously approved.

3. **Bill Polk, Maintenance Director and Paul Shroyer, Director of Financial Management** presented a PowerPoint request for approval of \$50,000 for the completion of the new maintenance building.

**Additional comments were provided by: Assessor Angie Banks, Sheriff Bobby Shirley and Doug Pittinger, Director of Emergency Services Agency.**

Motion by Mr. Pellish to approve the request of \$50,000 to complete the new maintenance building. Motion seconded by Mr. Manuel and unanimously approved.

**The Commission took a short break at 10:50 a.m.**

**The Commission reconvened the meeting at 11:00 a.m.**

4. **Paul Marshall, Jefferson County Parks and Recreation Commissioner** presented a PowerPoint presentation on Re-Charting Parks and Recreation as a multi-governmental organization.

The Commission agreed to include discussion at the Council of Governments Roundtable meeting.

5. **Jennifer Maghan, County Clerk** gave an update on the West Virginia Election Calendar.

#### **UNFINISHED BUSINESS:**

6. **Decision on the Petition of William E. Knode and Jo Ann Knode to vacate unused streets and alley as shown on Map of Trussell's Addition, situated in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code.**

Unanimous consent to hold this matter over for one week in order to have the minutes and a legal opinion.

7. **Review and possible action on Tim Boyde's exit memo regarding Restructuring County Government.**

Stephanie Grove, Assistant Prosecuting Attorney was present and gave comment.

Motion by Mr. Manuel that the Capital Planning and Impact Fee department be eliminated, and the position of director be abolished, and the functions of the director be addressed under a contractual agreement on an as needed basis. Further, the assistant director in charge of impact fee collection and her duties be shifted to the Engineering department. Lastly, the current IT personnel would report to the Finance officer and continue to provide technical support. Motion seconded by Mr. Pellish.

Subsidiary motion by Mr. Manuel that the proposed county reorganization plan be held over for a two week period to allow Commissioners and staff to evaluate its content. After that the plan would be ripe for

discussion, deliberation and action. Motion seconded by Mr. Pellish.

Amended motion by Ms. Widmyer to hold motion over for four weeks. Motion seconded by Ms. Morgan. Motion failed 2-3 with Mr. Manuel, Mr. Pellish and Ms. Noland voting no.

Vote on subsidiary motion passed with a 3-2 vote with Ms. Widmyer and Ms. Morgan voting no.

**8. Increase the Development Authority budget by \$30,000.**

Paul Shroyer, Director of Financial Management was present and gave comment.

Motion by Mr. Pellish to approve an increase of \$17,000 to the Development Authority budget. Motion seconded by Ms. Noland and failed 2-3 with Mr. Manuel, Ms. Morgan and Ms. Widmyer voting no.

**9. Legislative updates** where provided by Mr. Manuel.

**10. Stephanie Grove, Assistant Prosecuting Attorney, gave a legal update on pending litigations.**

**Request for decision regarding the Zoning Map Amendment (Rezoning) for the James and Barbara Gibson property designated as Tax District: Harpers Ferry, Map 9, Parcel 39.1.**

Motion by Ms. Morgan to accept the withdrawal of the requested rezoning of the James and Barbara Gibson property designated as Tax District: Harpers Ferry, Map 9, Parcel 39.1. Motion seconded by Mr. Pellish and unanimously approved.

**COUNTY ADMINISTRATOR REPORTS:**

**Interim County Administrator Sandy Slusher McDonald:**

- Reported on the Department Head meeting
- Reported that iPads have arrived and a Policy will be forthcoming.
- Reported that the agenda next week is light.
- Reported on the meeting with Mr. Shroyer and Ms. Maghan.

**COUNTY COMMISSION REPORTS:**

**Commissioner Morgan:**

- Attended a meeting with Senator Snyder and Delegate Doyle.
- Attended the informational meeting at Independent and Friendship Fire Halls concerning Fire Fees.
- Attended the Commission Special meeting.
- Attended the Board of Review and Equalization meeting.

**Commissioner Pellish:**

- Represented Commissioner Noland at a legal proceeding.

**Commissioner Widmyer:**

- Attended the Commissions Special meeting.
- Attended the Solid Waste Authority meeting.
- Attended a NIMS training.
- Requested that Sandy call a special department head meeting.

**Commissioner Manuel:**

- Attended the Commission Special meeting.
- Attended the Jefferson County Emergency Services Agency informational meeting at the Friendship Fire Hall.
- Attended the Affordable Housing meeting.
- Attended the Board of Review and Equalization.

**Commissioner Noland:**

- Attended the Commission Special meeting.
- Attended a Partnership for Affordable Housing meeting.
- Attended a 4-H Leadership meeting.
- Attended the Extension Services meeting.
- Attended the Board of Review and Equalization.

There being no further business the regular Commission meeting adjourned at the end of the Executive Session until Thursday next, February 9, 2012.

**PRESENTATIONS continued:**

**11. Board of Review and Equalization**

The Commission convened at 1:30 p.m. as the Board of Review and Equalization.

There being no further business the Board of Review and Equalization adjourned at 1:33 p.m. until Tuesday next, February 7, 2012 at 1:30 p.m.

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PATRICIA A. NOLAND, PRESIDENT

**PURCHASE ORDERS TO BE APPROVED**  
**February 9, 2012**

| DEPARTMENT            | PURCHASE ORDER | AMOUNT      | VENDOR                      | DESCRIPTION                                           |
|-----------------------|----------------|-------------|-----------------------------|-------------------------------------------------------|
| COUNTY CLERK          | 50668          | \$ 106.94   | LEXIS NEXIS                 | WV ADVANCE LEGISLATIVE                                |
|                       | 50669          | \$ 112.28   | PIFER OFFICE SUPPLY         | REPORT COVERS, ENVELOPES                              |
| COURTHOUSE            | 50948          | \$ 218.50   | AUDIT HEAD                  | MONTHLY SAVINGS                                       |
| MAINTENANCE<br>Lot 18 | 50957          | \$ 2,480.98 | CT CARPET ONE FLOOR HOME    | CONFERENCE ROOM INSTALL CARPET                        |
| OTHER BUILDINGS       | 50817          | \$ 5,259.21 | CAPITAL TRISTATE            | ELECTRICAL SUPPLIES                                   |
|                       | 50927          | \$ 229.90   | ORSINI'S APPLIANCE          | MAINT/REPAIR OF ICE MAKER<br>(COMMUNICATION)          |
|                       | 50946          | \$ 510.00   | RCS SECURITY                | LABOR FOR ADDING BRILL BLDG                           |
|                       | 50949          | \$ 3,317.05 | 84 LUMBER                   | BUILDING MATERIALS/HARDWARE                           |
|                       | 50953          | \$ 7,850.00 | MID ATLANTIC ENTRY, MD LLC  | REMOVAL/DISPOSAL OF GATE<br>OPENER & INSTALL NEW GATE |
|                       | 50955          | \$ 288.00   | JEFFERSON UTILITIES         | SERVICE LINE @ HEALTH DEPT                            |
|                       | 50958          | \$ 526.60   | BK OFFICE SUPPLY            | US & WV FLAGS                                         |
| PROSECUTING ATTORNEY  | 50729          | \$ 739.84   | SPECIALTY BUSINESS SUPPLIES | OFFICE SUPPLIES                                       |

|                    |       |           |                  |                                   |                                 |
|--------------------|-------|-----------|------------------|-----------------------------------|---------------------------------|
|                    | 50730 | \$        | 590.85           | BRIAN McDONALD                    | TRANSCRIPT                      |
|                    | 50731 | \$        | 369.00           | MACIA L. CHANDLERS, RPR           | TRANSCRIPT                      |
|                    | 50732 | \$        | 2,850.99         | EMBASSY SUITES                    | LODGING FOR WINTER CONFERENCE   |
|                    |       |           |                  |                                   |                                 |
| SHERIFF TAX        | 50779 | \$        | 419.77           | PIFER OFFICE SUPPLY               | DATA BINDERS, RIBBON, TAPE ECT. |
|                    | 50780 | \$        | 216.00           | SPECIALTY BUSINESS SUPPLIES       | PRINTED ENVELOPES               |
|                    |       |           |                  |                                   |                                 |
| VARIOUS            | 50816 | \$        | 1,337.41         | NAPA                              | SUPPLIES FOR VEHICLES           |
|                    | 50954 | \$        | 2,123.09         | FISHER AUTO PARTS                 | SUPPLIES FOR VEHICLES           |
|                    |       |           |                  |                                   |                                 |
| <b>GRAND TOTAL</b> |       | <b>\$</b> | <b>30,457.91</b> | Printed at 11:13 a.m. on 2/6/2012 |                                 |

|                                                                                            |
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| <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: Angie Banks, Assesor

Department or Entity: Assessor's Office

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject: **Exonerations**

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:



|                                                                                            |
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| <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: Barbara Miller, CEM, CFM, Director

Department or Entity: Jefferson County Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: February 9, 2012

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

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

Subject: **Jefferson County Emergency Operations Plan**

- 1) **Please provide the County Commission with a description of your request or presentation, including any background information:** Each year we update at least 4 annexes within our Emergency Operations Plan. This year, a new Drought annex was developed; a new Training and Exercise annex was developed; the Engineering and Public Works annex was reviewed and updated; the Transportation annex was reviewed and updated; the entire document had some minor changes that were needed to be in compliance with CPG-101 (FEMA’s Comprehensive Planning Guidance 101 v.2 regulations, Oct. 2011) and added additional resources to our Resource Directory.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move to approve the 2012 Jefferson County Emergency Operations Plan.**

Attachments: **A copy of the EOP was left in Sandy’s office for your review on January 19, 2012**



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

Name: **Nichelle Hosby**

Department or Entity: **County Commission**

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

Date Requested – 1<sup>st</sup> Choice: **2-9-12**

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

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

**Subject: Interview and appointment to the Jefferson County Building Commission for an unexpired term ending July 27, 2015**

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): **move to approve \_\_\_\_\_ to the Jefferson County Building Commission to an unexpired term ending July 27, 2015.**

Attachments:

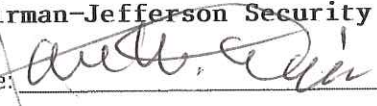
Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

NAME: James M. Davis  
HOME ADDRESS: 70 Juniper Drive Shepherdstown, WV 25443  
HOME TELEPHONE NUMBER: 304-876-1996  
WORK ADDRESS: Retired- Acting Chairman-Jefferson Security Bank  
WORK PHONE NUMBER: 304-876-9000  
MOBILE PHONE NUMBER: 304-839-9503  
E-MAIL ADDRESS: jdavis9843@comcast.net  
MAGISTERIAL DISTRICT: Shepherdstown  
PARTY AFFILIATION: Democratic  
OCCUPATION: former-Secretary/Treasurer-Supertane Gas Corporation  
LENGTH OF RESIDENCY IN JEFFERSON COUNTY: 1964-2012 48 yrs.  
EDUCATION: HIGH SCHOOL Hagerstown High School-1955  
COLLEGE Shepherd College- BS Business Administration  
TRADE OR BUSINESS SCHOOL \_\_\_\_\_  
HOBBIES: Reading World and American History

NAME OF BOARD, COMMITTEE OR COMMISSION APPLYING FOR:  
Jefferson County Building Commission

ORGANIZATION MEMBERSHIPS & POSITIONS HELD: former President-JCounty Devlopment Authority  
former-member - Jefferson County Building Commission  
former President-Jefferson County Chamber of Commerce-Acting  
Cgairman-Jefferson Security Bank

Signature:  Date: 17 January 2012

*This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.*

|                                                                                            |
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| <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: Warren Mickey

Department or Entity: Eastern Panhandle Transportation Authority

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 2-9-12

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

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

**Subject: Update of the West Virginia Eastern Panhandle Transportation Authority**

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:



|                                                                                            |
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| <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: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: February 9, 2012

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

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

Subject: Complete release of Letter of Credit for Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B and Lots 28-50 & Residue – File #01-42.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of Construction Bond security for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B and Lots 28-50 & Residue (File #01-42) – Letter of Credit #5390299-4401 from United Bank, Vienna, Virginia. The developer has entered into a Tolling of Bonding Agreement with the County.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of \$1,752,605.00 from the construction bond amount for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B & Lots 28-50 & Residue – File #01-42.

Attachments: Bond Release Letter  
Location Map



## JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

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

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

February 9, 2012

Ms. Anne H. Pearce

Vice President

United Bank

2017 Chain Bridge Road

Vienna, Virginia 22182

RE: Irrevocable Letter of Credit #5390299-4401 dated October 27, 2006, for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B and Lots 28-50 & Residue (PC File #01-42).

Dear Ms. Pearce:

The Jefferson County Commission authorizes a complete release of \$1,752,605.00 from the construction bond for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B and Lots 28-50 & Residue (PC File #01-42). This project is located on the east side of Flowing Springs Road (Route 17) and the south side of the CSX Railroad across from the Duffields Train Station. Arcadia Development Company has entered into a Tolling of Bonding Agreement with Jefferson County.

In summary, you are hereby authorized to release \$1,753,605.00 from the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$1,753,605.00 from United Bank. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia N. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Ms. Carla Coffey  
Carla E. Coffey  
The Arcadia Companies  
Director of Land Development  
P.O. Box 1800  
Leesburg, VA 20177  
Department of Engineering

COUNTY ADMINISTRATOR  
*Tim Boyd*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Slusher McDonald*

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

**AGENDA REQUEST FORM**

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: February 9, 2012

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

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

Subject: Complete release of Letter of Credit for Harvest Hills Subdivision, Section 1, Phase II, Lots 51-71 & 405-419 & Residue – File #07-01.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of Construction Bond security for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase II, Lots 51-71 & 405-419 & Residue (File #07-01) – Letter of Credit #5390299-4601 from United Bank, Vienna, Virginia. The developer has entered into a Tolling of Bonding Agreement with the County.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of \$1,419,162.00 from the construction bond amount for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase II, Lots 51-71 & 405-419 & Residue – File #07-01.

Attachments: Bond Release Letter  
Location Map



## JEFFERSON COUNTY COMMISSION

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

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

PRESIDENT  
*Patsy Noland*

VICE PRESIDENT  
*Dale Manuel*

COMMISSIONER  
*Frances Morgan*

COMMISSIONER  
*Walt Pellish*

COMMISSIONER  
*Lyn Widmyer*

February 9, 2012

Ms. Anne H. Pearce  
Vice President  
United Bank  
2017 Chain Bridge Road  
Vienna, Virginia 22182

RE: Irrevocable Letter of Credit #5390299-4601 dated January 15, 2010, for  
Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase II,  
Lots 51-71 & 405-419 & Residue (PC File #07-01).

Dear Ms. Pearce:

The Jefferson County Commission authorizes a complete release of \$1,419,162.00 from the construction bond for Arcadia Development Company – Harvest Hills Subdivision, Section 1, Phase II, Lots 51-71 & 405-419 & Residue (PC File #07-01). This project is located on the east side of Flowing Springs Road (Route 17) and the south side of the CSX Railroad across from the Duffields Train Station. Arcadia Development Company has entered into a Tolling of Bonding Agreement with Jefferson County.

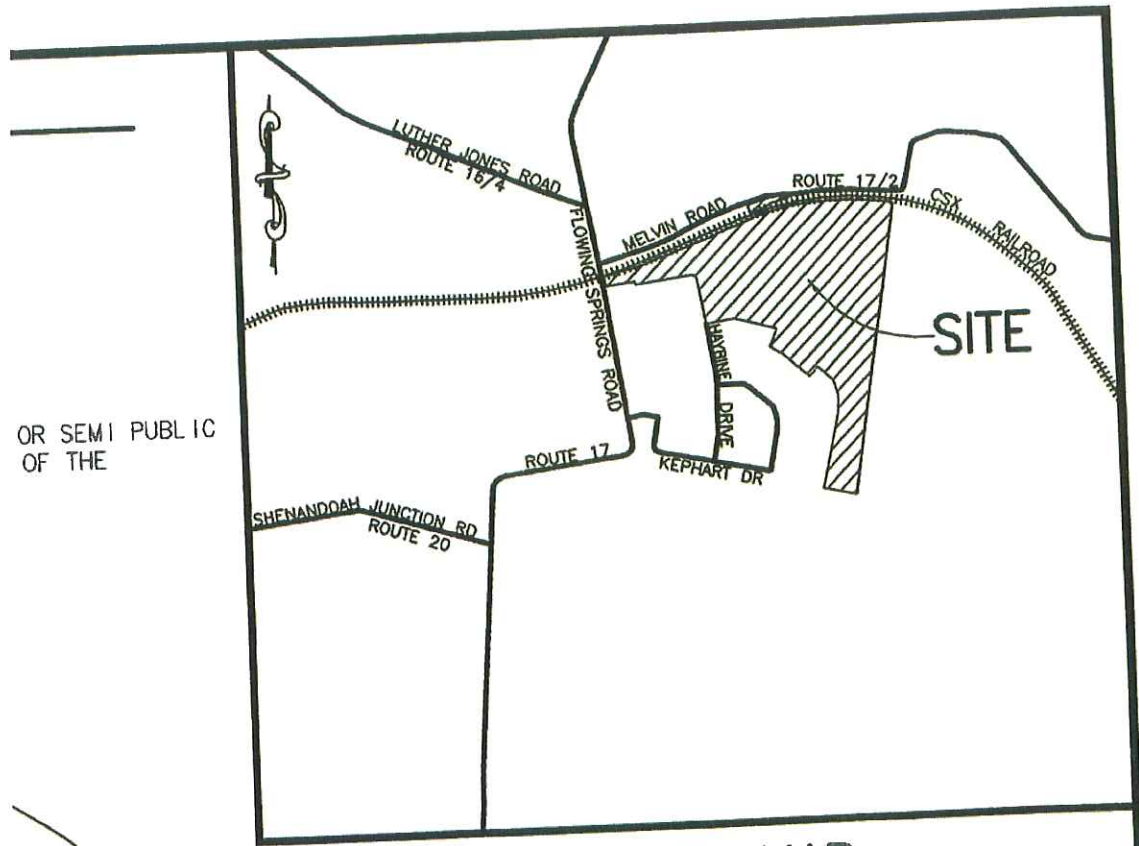
In summary, you are hereby authorized to release \$1,419,162.00 from the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$1,419,162.00 from United Bank. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia N. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Ms. Carla Coffey  
Carla E. Coffey  
The Arcadia Companies  
Director of Land Development  
P.O. Box 1800  
Leesburg, VA 20177  
Department of Engineering

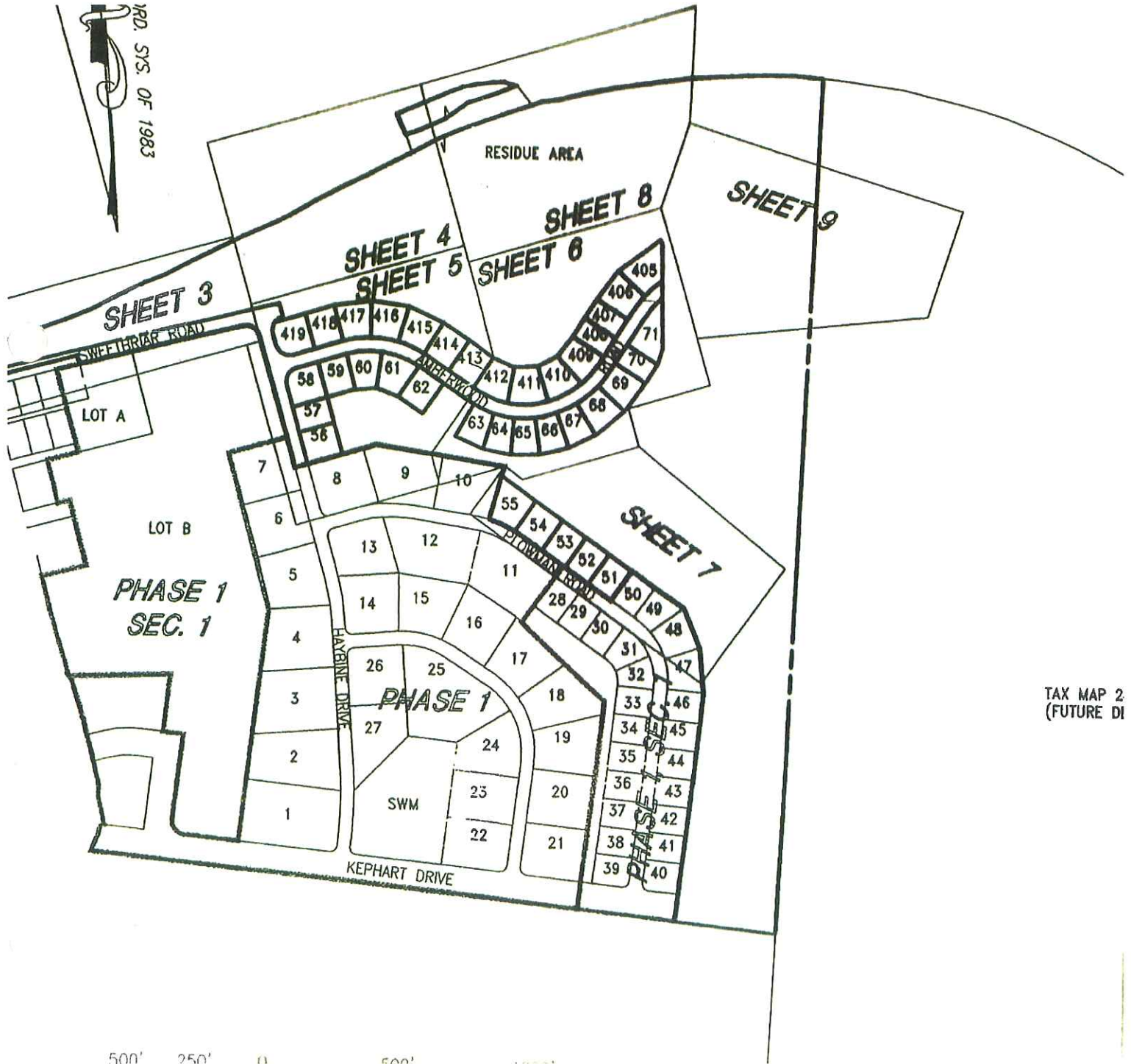


OR SEMI PUBLIC  
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**VICINITY MAP**  
SCALE: 1" = 2000'

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RD. SYS. OF 1983



TAX MAP 2  
(FUTURE DI

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

**AGENDA REQUEST FORM**

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: February 9, 2012

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

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Eastern Management Development Center Addition/The Federal Group – Clarion Hotel & Conference Center (File #S07-14) – Letter of Credit #A-09-03 with United Bank, Inc., Parkersburg, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release Letter of Credit #A-09-03 in the amount of \$80,369.00 which is the construction bond amount for Eastern Management Development Center Addition/The Federal Group – Clarion Hotel & Conference Center (File #S07-1421).

- Attachments: Bond Release Letter  
 Bond Release Request Report  
 Site Map



## JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

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

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

February 9, 2012

Ms. Merrell O'Shea  
Senior Vice President  
United Bank, Inc.  
514 Market Street  
Parkersburg, West Virginia 26101

RE: Irrevocable Letter of Credit #A-09-03 dated May 27, 2009 Construction Bond Surety for Eastern Management Development Center Addition/ The Federal Group – Clarion Hotel & Conference Center (PC File #S07-14).

Dear Ms. O'Shea:

The Jefferson County Commission authorizes a complete release of the remaining \$80,369.00 from the construction bond for Eastern Management Development Center Addition/ The Federal Group – Clarion Hotel & Conference Center (PC File #S07-14). This project is located on the west side of Route 480 (Kearneysville Pike) at its intersection with Lowe Drive. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Letter of Credit #A-09-03, originally issued in the amount of \$80,369.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. Tripp Lowe  
Ken Low Management Company  
233 Lowe Drive  
Shepherdstown, West Virginia 25443  
Department of Engineering

COUNTY ADMINISTRATOR  
*Tim Boyd*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Slusher McDonald*

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@jeffersoncountyv.org](mailto:engineering@jeffersoncountyv.org)

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 1 / 1

J.C.P.C. File No. 507-14

Consultant/Engineer/Firm Name: Eastern Management Development Center

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

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

Contact Person: Trip Lowe Phone: \_\_\_\_\_

Project/Subdivision Name: Clarion

Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

The bond release/reduction is Approved as Submitted.  The bond release/reduction request is Denied.

\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved for:  
Bond Release  
By [Signature] Date 01/23/2012  
County Engineer

Original Bond Amt. \$ 69,885 + 15% Cont. \$ 10,483 = Total Original Bond Amt. \$ 80,369

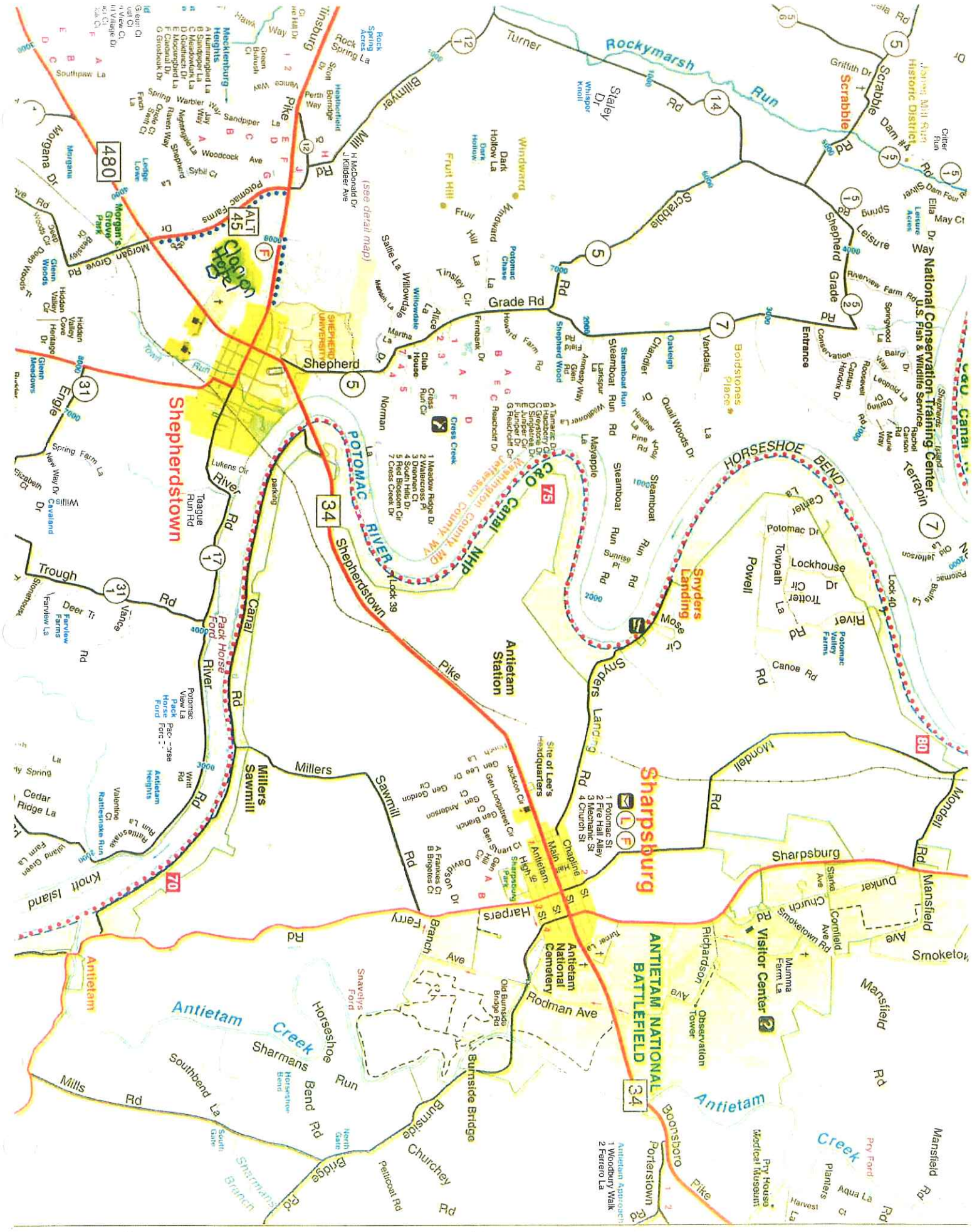
Total Current Bond Amount \$ 80,369.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Jonathan Saunders, P.E. Title: County Engineer

Signature: [Signature] Date: 01 / 1 / 23 / 2012



9

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Stephanie Grove, Assistant Prosecuting Attorney

Department or Entity: Legal Counsel

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: February 9, 2012

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

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

**Subject: Legal Review and Opinion – Human Resources Job Description**

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:

RALPH A. LORENZETTI, JR.  
PROSECUTING ATTORNEY



LAURENCE R. CROFFORD  
ASSISTANT PROSECUTING ATTORNEY

CHARLES B. HOWARD  
ASSISTANT PROSECUTING ATTORNEY

HASSAN RASHEED  
ASSISTANT PROSECUTING ATTORNEY

JAMES CASIMIRO III  
ASSISTANT PROSECUTING ATTORNEY

CIVIL DIVISION

(304) 728-3318

fax: (304) 728-3353

BRANDON C.H. SIMS  
ASSISTANT PROSECUTING ATTORNEY

STEPHANIE F. GROVE  
ASSISTANT PROSECUTING ATTORNEY

KIMBERLEY D. CROCKETT  
ASSISTANT PROSECUTING ATTORNEY

OFFICE *of* THE  
PROSECUTING ATTORNEY  
*of*  
JEFFERSON COUNTY, WEST VIRGINIA

P. O. Box 729  
201 N George St., 2<sup>nd</sup> Floor  
Charles Town, WV 25414  
(304) 728-3243  
fax (304) 728-3293  
paoffice@jeffersoncountywv.org  
www.jeffersoncountywv.org/pa

STEPHEN V. GROH  
ASSISTANT PROSECUTING ATTORNEY

February 6, 2012

Patsy Noland, President  
Jefferson County Commission  
124 East Washington Street  
Post Office Box 250  
Charles Town, West Virginia 25414

Dear Commissioner Noland:

At its regularly scheduled meeting on February 2, 2012, the County Commission requested that I research whether a human resources director, who would be employed by the County Commission, could administer the health insurance benefits program for the county or whether that duty is mandated by statute to be performed for the Commission through the County Clerk's office. This letter is intended to provide my opinion on the same.

W.Va. Code § 7-1-3m provides that County Commissions have the power to "employ, fix compensation for and discharge. . . professional and other personnel. . . as may from time to time be necessary to aid such courts [commissions]<sup>1</sup> in exercising their powers or discharging their duties as provided by law. . . Provided, that such courts shall not have the power to employ any such personnel to perform powers and duties that are performed by such court through their clerks pursuant to law." The financial duties that are performed for the County Commission by the County Clerk are outlined in W.Va. Code § 7-5-2, which section charges the county clerk to "keep the proper accounts in the books of his office to show, as far as practicable

<sup>1</sup> Article IX § 9 of the West Virginia Constitution designated county courts as county commissions.

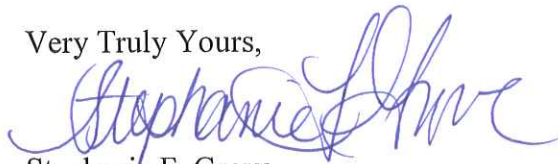
at all times, the money and claims due to and by the county, or which are to be accounted for to the said court.” This section goes on to enumerate the information that must be included in said books. However, nothing in W.Va. Code § 7-5-2 indicates that the County Clerk is charged with the responsibility of administering any of the programs for which the office keeps the accounts.

The County Commission is granted the authority to implement a group insurance program through W.Va. Code § 7-5-20 “Every county through its county court shall have plenary power and authority to negotiate for, secure and adopt for the officers and regular employees thereof. . . a policy or policies of group insurance. . .” Consistent with the record keeping duties enumerated in W.Va. § 7-5-2 , W.Va. § 7-5-20 indicates that any payments which are deducted from employee salaries must be provided in writing to the County Clerk but does not indicate that the County Commission must administer the insurance program through the Office the County Clerk. Accordingly, the only duty that the statute assigns to the County Clerk is the deduction of payments from employee salaries. Pursuant to W.Va. Code § 7-1-3m, the County Commission would be prohibited from hiring an employee to perform this function as the code clearly designates the responsibility of keeping a record of salary deductions for insurance payments to the County Clerk. However, there is nothing to indicate that the entire insurance or benefits program must be administered for the County Commission through its Clerk.

All of the statutory authority indicates that the County Clerk keeps a record of the accounts for the County Commission. Consistent with these duties, the Clerk’s role in administering a group insurance plan is to keep an account of deductions that accompany the program. As such, the human resources director may administer the group insurance and benefits program. However, any human resources director employed by the County Commission would be required to work closely with the County Clerk’s office to ensure that all records are available to the office so it can maintain an accounting of the deductions as required by law.

Should you or the Commission have any questions or concerns regarding this opinion, I would be happy to meet with you or the Commission to discuss the issue further.

Very Truly Yours,



Stephanie F. Grove  
Assistant Prosecutor

**Jefferson County  
Job Description**

|                        |                         |                     |            |
|------------------------|-------------------------|---------------------|------------|
| <b>Position Title:</b> | Human Resources Manager | <b>Grade Level:</b> | VII        |
| <b>Department</b>      | Human Resources         | <b>Date:</b>        | 01-30-2012 |
| <b>Reports to:</b>     | County Administrator    | <b>FLSA Status</b>  | Exempt     |

**Statement of Duties:** The Human Resources Manager is responsible for managing the overall Human Resources administration of the departments under the direction of the County Administrator.

**Supervision Required:** Employee works under the policy direction of the County Administrator and Commissioners, exercising authority over the human resources arena in conformance with general directives and objectives set forth by the Administrator and Commissioners. Seeks counsel of governing body only on matters of policy adjustment or where required by law.

**Supervisory Responsibility:** Employee is accountable for the direction and success of all human resources programs. The Human Resources Manager is responsible for analyzing HR program objectives, determining the various work operations needed to achieve them, estimating the financial and staff resources required, allocating the available funds and staff, reporting periodically on the achievement and status of the program objective; and recommending new goals. The HR Manager typically formulates or recommends HR program goals and develops plans for achieving short and long-range objectives; determines organizational structure operating guidelines and work operations; formulates, prepares and defends budget and manpower requests and accounts for effective use of funds and staff provided; coordinates program efforts within the unit and with other departments; approves standards establishing quality and quantity of work; and assists or oversees the personnel function, including or effectively recommending hiring, training, and disciplining of employees.

**Confidentiality:** Employee has access to most confidential information of the county.

**Accountability:** Duties involve primary responsibility for the entire HR operation of the county. Consequences of errors, missed deadlines or poor judgment could have far reaching effects on the county's ability to deliver services and the public's confidence.

**Judgment:** The Human Resources Manager directs the overall activity of the county by accepting responsibility while exercising authority for planning, operating and oversight of the HR function. Guidelines only provide limited guidance for performing the work. They may be in the form of administrative or organizational policies, general principals, legislation or directives that pertain to a specific department or functional area. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies.

## Jefferson County Job Description

**Complexity:** The work consists of managerial functions and processes such as planning, organizing, controlling, coordinating, evaluating, integrating activities and programs for more than one major department within the county.

**Work Environment:** The work environment involves everyday discomforts typical of offices, with occasional exposure to outside elements. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant. Employee may be required to work beyond normal business hours to attend evening meetings.

**Nature and Purpose of Public Contact:** Duties involve constant contact with local, state and federal government officials, community leaders and any other individuals to protect and promote the county's overall interest. Employees must possess a high degree of diplomacy and judgment and must be able to work effectively with and influence all types of persons. Duties require a well-developed sense of strategy and timing in representing the county effectively in critical and important situations which may influence the well-being of the municipality.

**Occupational Risk:** Duties of the job present little potential for injury. Risk exposure is similar to that found in typical office settings.

**Essential Functions:**

*The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

1. Administer, implement and enforce administrative policies and procedures to meet Commission goals and objectives.
2. Responsible for Salary Administration to coordinate with County budgeting process. Work with County Administrator to develop performance criteria and goals for employees based on County's overall business plan.
3. Responsible for managing benefits administration, benefits communication, overall benefits legislation (HIPAA, ERISA, COBRA, etc). and wellness programs.
4. Responsible for workers compensation, safety programs and satisfying safety legislation.
5. Responsible for recruiting and staffing.
6. Responsible for oversight for grievance/employee complaint procedures and employee discipline in coordination with the County Administrator.

**Jefferson County**  
**Job Description**

7. Miscellaneous responsibilities such as service awards, employee newsletter/communications, events planning, etc.
8. Analyze proposals and develops recommendations to the County Commission regarding policies and programs; analyze information pertaining to County services and operations, including policies, programs, methods, budgets, staffing, organization and capital needs.
9. Ensure compliance with state and federal regulations.
10. Coordinate, serve as a resource and assist with all HR activities for elected officials and their staff to ensure continuity and integration of all County HR programs for all employees.
11. Act as liaison with other Jefferson County employees, elected officials, and with other counties' regional, state and federal agencies on a broad range of matters.

**Education and Experience:**

Qualified candidates must have a thorough understanding of Human Resources, employment laws, employee relations, salary administration, HRIS, recruiting & staffing, safety, training, management development, HR planning and budgeting, and experience in maintaining a union free workforce. Must have at least ten years HR experience with progressively increased levels of responsibility is required. A degree in HR or related field is preferred. A strong organizational ability and self-directed drive to complete tasks and projects is required. The successful candidate must be a positive credible professional who is also an effective problem solver with strong communication skills, accurate and attentive to detail, able to handle multiple priorities with deadlines, experience partnering with department heads on human resources initiatives, and have intermediate knowledge of Windows and Microsoft Office (Word, Excel, and PowerPoint). Ability to work in a hands-on environment is essential.

**Special Requirements:** None required.

**Knowledge, Abilities and Skill**

**Knowledge:** Knowledge and understanding of County's mission, purpose, goals and the role of the employees in achieving them, the County's operation, and knowledge regarding the common policies, practices and procedures of all county department operations; laws and regulations pertinent to county operations; finance and budget administration; and overall human resources management;

**Abilities:** Ability to effectively and efficiently direct the overall human resources arena, establish and maintain effective working relationships with county officials, outside organizations, the

**Jefferson County  
Job Description**

public and other personnel; resolve problems or conflicts; perform multiple tasks under tight deadlines; maintain confidential information.

Must be capable of in-depth analysis of problems based on professional knowledge, but more importantly, logic and reason. Must be capable of understanding long term ramifications of actions taken, and how they will affect the operation as a whole.

Must be capable of inventing solutions to unique problems and not necessarily rely on solutions furnished by other individuals or institutions.

Skills: Outstanding interpersonal skills, presentation skills, oral and written communication skills, negotiation skills, management skills, and attention to detail required.

**Physical and Mental Requirements**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

**Physical Demands:** Limited physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. There may also be some occasional lifting of objects such as books, office equipment and computer paper (up to 30 lbs.).

**Motor Skills:** Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, operating a telephone system, computer and/or most other office equipment, typing and/or word processing.

**Visual Demands:** Visual demands include constantly reading documents for general understanding and for analytical purposes.

County Commission Administrative Office  
County Administrator  
4/16/09



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

**AGENDA REQUEST FORM**

Name: Commission Office

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 2/2/12

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

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

**Subject: Decision on Petition of William E. Knode and Jo Ann Knode o vacate unused streets and alley as shown on Map of Trussell’s Addition, situated in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code**

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:

**NOTICE OF PUBLIC HEARING**  
**COUNTY COMMISSION OF JEFFERSON COUNTY**  
**Thursday, October 6, 2011, at 7:00 p.m.**

The County Commission of Jefferson County has scheduled a Public Hearing on a Zoning Map Amendment (Rezoning) for properties designated as Tax District: Harpers Ferry, Map: 15, Parcel: 47 and 56. The request includes all of parcel 56 and part of parcel 47. These properties are adjacent to both the existing Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres. This property is currently zoned Rural and a request has been made by the owners, David and Catherine Hott, to change the zoning to Residential/Light Industrial/Commercial.

Provide oral or written comments at the hearing, **7:00 p.m., Thursday, October 6, 2011, at the Blue Ridge Elementary School Cafeteria** located at 18899 Charles Town Road. All meeting attendees **MUST** park in the front of the school and enter through the door to the left of the main entrance.

Copies of the proposed amendment application and related documents can be found at the Department of Planning office located at 116 East Washington Street in Charles Town, the County Commission office located at 124 E. Washington Street in Charles Town, and on our website at <http://www.jeffersoncountywv.org/uploads/planning/Hott%20Property%20Rezoning%20Information%20for%20Oct.%206%202011%20Public%20Hearing.pdf>.

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

You may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

A decision will be made at a later date.

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

Commission Office Use Only

Date on Agenda: \_\_\_\_\_

Appt Time or New Business: \_\_\_\_\_

*Legal Chakraborty*

*hold over  
legal review  
2-2-12  
decision next  
week*

**AGENDA REQUEST FORM**

Name: Mike Cassell, Attorney

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 30 min

Date Requested – 1<sup>st</sup> Choice: 1/26/12

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

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

**Subject: Public Hearing**

- Petition of William E. Knode and Jo Ann Knode to vacate unused streets and alley as shown on Map of Trussell's Addition, situate in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code

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  
STOP  
UNDERTAKE  
NOTICE & EXP.  
Agenda  
JTE M  
11:00 A.M.  
PROPOSED  
HEARING DATE  
1-26-12  
E NOTICE IN SHEP  
CHRONICLE

**IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA**

**IN RE: ) PETITION OF WILLIAM E. KNODE, JR.,**  
**) and JO ANN KNODE TO VACATE UNUSED**  
**) STREETS AND ALLEY Under §7-1-3h**  
**) West Virginia Code**

Come now William E. Knode, Jr., and Jo Ann Knode, hereinafter referred to as  
Petitioners, and state as follows:

-1-

That the Petitioners bring this verified application before this County Commission  
pursuant to §7-1-3h of the West Virginia Code.

-2-

That the Petitioners own land, whose property abuts unused streets and an alley,  
as shown on a map of Trussell's Addition, situate in Shepherdstown District, Jefferson  
County, West Virginia.

-3-

That said plat is recorded in the Office of the Clerk of the County Commission of  
Jefferson County, West Virginia, in Slide 2158A.

-4-

That the unused streets and alley, which your Petitioners request that the County  
Commission vacate, shown on said plat are as follows: Princess Street (Extended) from  
the southern limit of Church Alley (which is also the division line between the

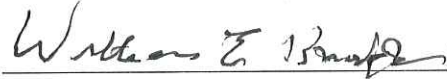
Corporation of Shepherdstown and Jefferson County) to Fairmont Avenue; Fairmont Avenue from Princess Street extending westwardly to the Town Run; Old Prospect Avenue from Princess Street extending westwardly to the Town Run; and an unnamed alley from Princess Street extending westwardly to the Town Run.


WHEREFORE, your Petitioners request the following:

- 1) That the County Commission consider this application.
- 2) That the County Commission fix a time, date and place for hearing on such application.
- 3) That after hearing any evidence relating to the use of and rights or claims in and to such streets and alley, the County Commission cause to be entered an Order closing and vacating the streets and alley as aforesaid, and causing said Order to be certified for entry of record in said Clerk's Office.

Respectfully submitted,

William E. Knode, Jr.

  
\_\_\_\_\_

  
\_\_\_\_\_

Jo Ann Knode

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to wit:

WILLIAM E. KNODE, JR., and JO ANN KNODE, PETITIONERS named in the foregoing PETITION TO VACATE UNUSED STREETS AND ALLEY, being duly sworn, says that the facts and allegations contained therein are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, they believe them to be true.

William E. Knode, Jr.

His William E. Knode, Jr. Mark

Jo Ann Knode  
Jo Ann Knode

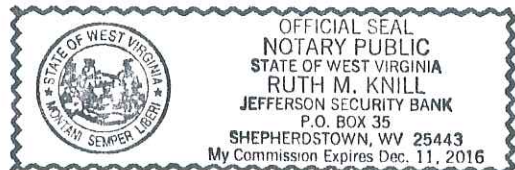
I, Ruth M. Knill, a Notary Public of the said County, do hereby certify that WILLIAM E. KNODE, JR., who signed the writing above and JO ANN KNODE, who signed the writing above, bearing date the 19<sup>th</sup> day of December, 2011, has this day acknowledged the same before me in my said County.

Given under my hand this 19<sup>th</sup> day of December, 2011.

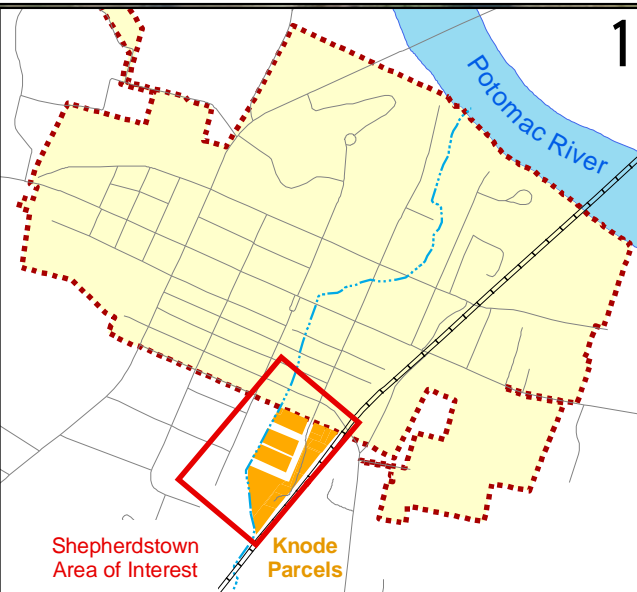
My commission expires: Dec 11, 2016

(Affix Notary Seal)

Ruth M. Knill  
Notary Public



# 1 Knode Petition to Vacate Streets



Aerial Photo: Fall 2010 WVSA  
Base Map: GIS/Addressing  
Parcels: County Assessor  
Map created: February 3, 2012

**Legend**

- Addressable Structures
- Address Access
- Roads
- Railroads
- Streams
- Proposed Vacation ~1.3 acres
- Knode Parcels ~5.8 acres
- Town Boundary



1 inch = 75 feet

included within the boundaries of any municipal corporation, except as provided herein. Any county commission for the purpose of implementing this section is hereby authorized to enter into such contract or contracts with any municipality or county within this state for the purposes of carrying out the powers vested in such county commissions by this section, and all said county commissions may, pursuant to such contract, exercise the authority herein granted within such contracting municipality: Provided, however, That where an area is furnished garbage and refuse collection service by an existing carrier under authority issued by the Public Service Commission of West Virginia, the county commission may enter into contracts or agreements with such carrier to supplement such existing service, but shall not enter into any competing service without authority being granted by the Public Service Commission.

The term "users" as used herein shall mean and include any person to whom such services are made available under the provisions of this section.

The authority granted by this section expires on the first day of January, one thousand nine hundred eighty-nine.

**History.** 1955, c. 30; 1974, c. 15; 1988, c. 84.

**Cross references.** — West Virginia litter control program, §§ 20-7-24 et seq.

**Garbage service fee.** — Garbage service fee provided for in this section may be properly imposed on actual users of the service. How-

ever, the manner in which the fee may be imposed on and collected from other than such actual users of the service needs legislative clarification. Op. Att'y Gen., Oct. 6, 1987, No. 18.

**§ 7-1-3g. Acquisition, operation, and maintenance of sewerage systems and sewage plants.**

In addition to all other powers and duties now conferred by law upon county courts [county commissions], such courts are hereby empowered to acquire, by purchase, right of eminent domain, lease, gift, or otherwise, and to operate and maintain, sewerage systems and sewage treatment plants, and to pay the cost of operation and maintenance thereof out of a special fund to be derived from sewerage service fees paid by the users of such sewerage system or sewage treatment plant: Provided, however, That the power and authority hereby conferred on county courts shall not extend into territory within the boundaries of any municipal corporation, sanitary district or public service district.

**History.** 1955, c. 30.

county court as county commission, see W.Va. Const. art. IX, § 9.

**Editor's notes.** — For construction of the

**§ 7-1-3h. Authority and procedure for closing unused roads, streets and travel ways; notice and hearing; circuit court review.**

The county court [county commission] of any county, upon the verified application of any landowner whose land abuts on any unused road, street, or other travel way designated on any map or plat of a subdivision of land or otherwise within such county but outside of incorporated towns or cities thereof, is hereby authorized to close and vacate any part or all of any such

unused road, street or other designated travel way by order entered of record after hearing as hereinafter provided. Before acting to close and vacate any such road, street or travel way, the county court shall consider the application and shall fix a time and place for hearing on such application. Such hearing shall be held not less than fifteen days after the hearing date and place have been so fixed. The applicant shall cause notice of the time and place of such hearing and the purpose thereof to be published as a Class I legal advertisement in compliance with the provisions of article three [ §§ 59-3-1 et seq. ], chapter fifty-nine of this code, and the publication area for such publication shall be the county. The notice shall be published at least fifteen days before such hearing. The applicant shall also cause to be served, at least fifteen days before such hearing, in the manner provided by law for the service of notices and process, a notice showing the time, place and purpose of such hearing, upon every owner of property, and every person holding a lien thereon, abutting on such unused road, street or other travel way. The affidavit of publication of such notice shall be filed with the county court at or before the hearing as a part of the record in the proceedings.

At the time and place fixed for the hearing, the county court [county commission] shall hear any evidence relating to the use of and rights or claims in or to any such road, street or other designated travel way sought to be closed and vacated. If the county court concludes and finds upon the record and evidence in the proceedings that the use and rights of no person or persons in such road, street or other travel way will be impaired or lost by the closing and vacation thereof, the county court shall proceed to enter an order closing and vacating such road, street or other travel way and shall cause a copy of said order to be prepared and certified for entry of record in the office of the clerk of such county court. The applicant shall pay the recording fee thereon.

Any person aggrieved by the action of the county court [county commission] in any such case may seek review thereof in the circuit court of the county as provided in article three of chapter fifty-eight [ §§ 58-3-1 et seq. ] of this code.

**History.** 1957, c. 26; 1967, c. 105.

**Editor's notes.** — For construction of the county court as county commission, see W.Va. Const. art. IX, § 9.

**Refusal to close road not an acceptance of dedication.** — County commission's refusal of an application by the alleged obstructing parties to close one of two roads that the challenging parties sought to establish as pub-

lic roads was not evidence that the county commission accepted a dedication of that road. There was no requirement in W. Va. Code § 7-1-3h, regarding the closing of roads, that a road at issue be a public road nor was there any other indication that the road was a public road. *Ford v. Dickerson*, — W. Va. —, 662 S.E.2d 503, 2008 W. Va. LEXIS 11 (2008).

**Stated** in *Newman v. Michel*, — W. Va. —, — S.E.2d —, 2009 W. Va. LEXIS 58 (2009).

### § 7-1-3i. County commission may cooperate with other governmental units.

Any county commission may join together in the exercise of any of its powers, duties and responsibilities, or otherwise cooperate with any other county or counties, municipality or municipalities, the government of this State or of the United States in carrying out any lawful purpose not in conflict with the Constitution of West Virginia: Provided, That the county commission of any

## Nichelle Hosby

---

**From:** Nichelle Hosby [nhosby@jeffersoncountywv.org]  
**Sent:** Monday, January 09, 2012 1:09 PM  
**To:** 'tmilbourne@shepherdstownchronicle.com'  
**Subject:** News

A Public Hearing will be held by the Commission on January 26, 2012 at 11:00 am regarding Petition of William E. Knode, Jr, and Jo Ann Knode to vacate unused streets and alley Under§7-1-3h West Virginia Code.

Call if you need more information.

Working daily to serve you better,

Nichelle Adams Hosby  
Executive Assistant, Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414  
Phone: 304-728-3284  
Fax: 304-725-7916  
email: [nhosby@jeffersoncountywv.org](mailto:nhosby@jeffersoncountywv.org)



62

60

L.S. GARDENS

AV.

NOT OPEN

55

LIMITS

OLD TIVEVALE

STILLS

SWMP

PRINCESS

UNPAVED

NOT OPEN

W.H. KNODE & SON  
ICE PLANT  
POWER, ELEC  
CAPACITY 12 TONS PER DIEM.

PUMP  
FREEZING  
TANKS

Southern  
Stales

HODGES-LEMON CO.  
STORAGE  
NO WATCHMAN

FRUIT PACKG  
HOS.  
FILSTO WALLS

3

MILL

CHARLESTOWN PIKE

64

5

P

5

**Sandy McDonald**

---

**From:** "Donna Hansen" <sd\_hansen@frontiernet.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Saturday, January 28, 2012 10:44 AM  
**Subject:** Please Vote No -- Petition to Have Princess Street Extended Made Vacate

## Your submission:

---

**Your Name:** Donna Hansen

**Your Email Address:** sd\_hansen@frontiernet.net

**Subject:** Please Vote No -- Petition to Have Princess Street Extended Made Vacate

**Message:** Dear Jefferson County Commissioners:

I understand that there is a petition to have Princess Street Extended made vacate coming before the Commission this Thursday. I very much hope that you will turn down this petition, which appears to be self-serving for one and only one individual.

My daughter and I visit the street at least once a week, since she attends the Shepherdstown School of Dance, a dynamic and vital part of the Shepherdstown community. With the mix of business as well as residences on the street, I cannot understand the logic the petitioner used to think of making it "vacate." As a Jefferson County resident, I expect my tax dollars to go towards maintaining streets such as this, which enhance business, social, and living opportunities in the community, as I hope that you will agree.

As an additional consideration, I cannot even begin to imagine the safety hazard that will be present for the many small children who visit the Shepherdstown School of Dance each week if community members are no longer able to make use of this street.

Thank you for taking the time to consider my and other community members' view as you make your deliberations for Thursday's hearing regarding the petition to have Princess Street Extended made vacate. I hope that a denial will be forthcoming!

Respectfully,

Donna Hansen  
827 Elk Run Estates Drive  
Harpers Ferry, WV 25425  
304-535-1253

**Nichelle Hosby**

---

**From:** fred dubay [fdubay@aol.com]  
**Sent:** Monday, January 30, 2012 11:09 AM  
**To:** dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;  
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org  
**Subject:** princess street

## Your submission:

---

**Your Name:** fred dubay

**Your Email Address:** [fdubay@aol.com](mailto:fdubay@aol.com)

**Subject:** princess street

**Message:** i understand that there is a hearing on the public use of Princess street in Shepherdstown, wv. i support the continued use as a county / public street. The area near the dance studio is used by many parents and others to allow safe access for small children attending dance class.

voters were never asked if Jefferson county should give up the ownership of this county property so i see no reason to consider it at this time.

Shepherdstown business's biggest challenge is safe, open public parking. please do not do anything that would restrict that any more than it already is restricted.

Fred Dubay

**Sandy McDonald**

---

**From:** "fred dubay" <fdubay@aol.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Monday, January 30, 2012 11:08 AM  
**Subject:** princess street

**Your submission:**

---

**Your Name:** fred dubay

**Your Email Address:** fdubay@aol.com

**Subject:** princess street

**Message:** i understand that there is a hearing on the public use of Princess street in Shepherdstown, wv. i support the continued use as a county / public street. The area near the dance studio is used by many parents and others to allow safe access for small children attending dance class.

voters were never asked if Jefferson county should give up the ownership of this county property so i see no reason to consider it at this time.

Shepherdstown business's biggest challenge is safe, open public parking. please do not do anything that would restrict that any more than it already is restricted.

Fred Dubay

**Sandy McDonald**

---

**From:** "Barbara Vann" <csvann@aol.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Monday, January 30, 2012 8:06 PM  
**Subject:** Knode petition to vacate Princess Street

**Your submission:**

---

**Your Name:** Barbara Vann

**Your Email Address:** csvann@aol.com

**Subject:** Knode petition to vacate Princess Street

**Message:** Dear County Commission Members:

I am writing in response to the petition filed by Mr. and Mrs. Knode requesting that a section of Princess street be closed to vehicular traffic. This petition, if it was enforced, would essentially block access to the Shepherdstown School of Dance, located at the corner of Princess and W. Washington Streets. I'm writing to encourage the Commission to think seriously about the consequences this action may have for the children and families who attend this school.

If access to the school from Princess street is blocked, young children, ranging in age from 3 years to late teens, will be forced to cross W. Washington street to gain entry to the building. The school's entrance is located on Princess street. There is no other alternative.

I'm very sympathetic to the Knode's concerns. Traffic can be heavy during the drop off and pick up periods. However this time period is relatively short, lasting only a few minutes over the course of a few hours at night. All classes end by 9:00 pm and do not occur every night of the week.

I suspect that the Knodes object most strongly to having parents turning around at the end of the street, as this is not a through street.

And while I can't speak for the school, I am sure they would welcome a compromise if that's possible. For example perhaps it would be possible to make better use of the alleys to the right and left sides of the street. This would enable parents to drop children at the door and then loop back around to the main street without inconveniencing the Knodes.

Of course the bottom line is that this is a business and, as such, access should not be blocked to this building. More importantly, though, having watched young mothers balance infants in car seats, while holding a toddler's hand and shepherding a young ballerina into the studio for lessons it's clearly not an option to block this entrance.

Parking in the bank parking lot or along W. Washington Street puts these children at great risk. Those roads are busy, poorly lit, and do not have adequate cross walks or stop signs to aid pedestrians.

On the other hand, the Princess Street entrance provides a safe, low traffic and well-lit access to this business. Without such access the children who attend this school and their families will be at great risk for harm.

And hasn't Shepherdstown experienced enough tragedy with regard to traffic accidents -- Just two weeks ago a student suffered a severe head injury after being struck by a car when crossing Duke Street. I urge the Commission to consider the safety of these many students ahead of one family's minor inconvenience and continue to allow parking and drop off of young dancers to the Shepherdstown School of Dance.

Barbara Vann

**Sandy McDonald**

---

**From:** "Donna Thompson" <beauthompson@frontiernet.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Tuesday, January 31, 2012 10:30 AM  
**Subject:** Knode request to vacate Princess St.

## Your submission:

---

**Your Name:** Donna Thompson

**Your Email Address:** beauthompson@frontiernet.net

**Subject:** Knode request to vacate Princess St.

**Message:** I reside at 8367 Shepherdstown Pike, Shepherdstown and am a life long resident of Shepherdstown. I am very concerned about the Knode's request to close Princess St. extended. I have three granddaughter, ages 5 - 11, who attend the Shepherdstown School of Dance. Blocking public access to Princess Street at this location would make horrible safety issue to the children attending the dance school. The safest location for the children to be dropped off and picked up is in front of the dance school door which is on Princess street. Parents can now safely go a little further on Princess street and turn safely and come back out. Many of these children are dropped off and picked up after dark. Please consider the safety of these children and do not the street to be closed to public use.

Traci Morris  
PO Box 1224  
Shepherdstown, WV 25443

January 26, 2012

Jefferson County Commission  
Mason Building  
PO Box 250  
124 East Washington St.  
Charles Town, WV 25414

I am writing to request that you, our commissioners, do not decide to close and vacate Princess Street south of Washington Street in Shepherdstown.

My understanding of WV code §7-1-3h is that the county court may, "upon the verified application of any landowner whose land abuts on any unused road, street, or other travel way designated on any map or plat of a subdivision of land or otherwise within such county but outside of incorporated towns or cities thereof... close and vacate any part or all of any such **unused** (emphasis mine) road, street or other designated travel way...."

Princess Street south of Washington Street is not unused.

I understand Mr. Knode's desire for privacy in his soon-to-be-completed home on this street. After the closure of Mr. Knode's business (and the hardware store on the opposite side of said road,) the traffic along that portion of Princess Street certainly dropped off.

But the opening of two new businesses on the corner of Princess and Washington have increased traffic on that street appreciably. No longer are the rental units on the road the only individuals with reason to travel upon it. With the possibility of a third business opening (and a fourth if Mr. Knode decides to rent or sell his property on that corner) it seems that the road may continue to see an increase in traffic.

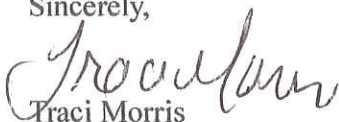
Even if no other businesses spring up in that immediate area there is still a need for the road to be preserved and maintained. Six days a week dozens of children are driven down that road in order to attend their dance classes at a school that is prestigious enough to sell out the Frank Center two shows running this Christmas season.

**Those children are residents of Jefferson County and deserve safe access to their extracurricular activity.** While some of the dance students are old enough to safely cross Route 230 without incident (one would hope – the recent incident on Route 480 shows us that crossing even by adults is not always safe) many of the dancers are young children.

**Drivers need access to that portion of Princess Street.** Any other outcome encourages parents and children to park on the OTHER side of Washington Street and cross that busy intersection (usually between 5 and 7 at night – a busy time with limited visibility) in order to attend class.

Again quoting WV code §7-1-3h, it is obviously untrue that, "the use and rights of no person or persons in such road, street or other travel way will be impaired or lost by the closing and vacation thereof." I therefore reiterate my request that Princess Street not be closed or vacated.

Sincerely,

  
Traci Morris

RECEIVED  
FEB 01 2012  
Jefferson County Commission

Jan 27, 2012

Dear Jefferson Co. Commissioner

My grand-daughter, is a student at  
the Shepherdstown School of Dance on  
S. Princess St. ext. Shepherdstown - WV.

I park on the street & take her  
in to the studio. I then either wait  
for her class to be over or return later  
this is a safe street & we need safe  
parking & a place to turn around

If this street is taken away from  
the public, where do I park to  
drop my grand daughter off at the  
studio.

PLEASE, PLEASE, Do not allow  
Mr Knodie to take this public street  
S. Princess St. ext. away from  
us.

Yours sincerely  
Anne Roswell

RECEIVED

2-2-12

ANNE ROSWELL  
503 FRANKIES CT  
SHARPSBURG, MD 21782

JEFFERSON COUNTY COMMISSION

January 30, 2012

S. Andrew Arnold  
Carmela Cesare  
P.O. Box 660  
Shepherdstown, WV 25443

Jefferson County Commission  
Mason Building  
P.O. Box 9  
112 East Washington Street  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To Members of the County Commission:

Please consider this letter a formal objection to the current effort, made by a single property owner and citizen of Jefferson County, WV, to convert the section of South Princess Street in Shepherdstown which contains the address of 400 South Princess Street into a private driveway thereby prohibiting public access thereto.

WV Code Section 17-4-47(b) provides that “(e)xcpt where the right of access has been limited by or pursuant to law, every owner or occupant of real property abutting upon any existing state highway has a right of reasonable means or ingress to and egress from such state highway consistent with those policies expressed in subsection (a) of this section and any regulations issued by the commissioner under section forty-eight of this article”.

WV Code Section 17-4-47(a) states that “access to and from state highways from and to real property used for...commercial...purposes...shall be regulated to achieve the following purposes:

- (1) To provide for maximum safety of persons traveling upon state highways....
- (4) To facilitate appropriate public use of state highways.”

The Shepherdstown School of Dance is a commercial enterprise and occupant of the real property located at 400 South Princess Street. WV Code Section 17-4-47 provides the Shepherdstown School of Dance the right to ingress and egress from its property in a way that provides for the maximum safety of its customers as well as the persons who travel upon Princess Street and also East Washington Street which crosses Princess Street at 400 South Princess Street. Closing the portion of South Princess Street which includes the address 400 South Princess Street would force a large number of children to cross over East Washington Street so that they may attend dance classes. This would occur five nights per week numerous times each evening. During the winter this would occur in the dark. This would expose the children and the persons driving on Princess Street and East Washington Street to an unnecessary risk of accidents and would also impede the flow of traffic. Much commuter traffic flows along East Washington Street during the evening time period that students attend the Shepherdstown School of Dance. This commuter traffic would be forced to randomly and repeatedly yield to these children as there is no formal crosswalk or light to regulate the flow of foot traffic. Thus, closing that portion of South Princess Street will create a dangerous situation for child pedestrians and drivers alike which is in direct contravention to WV Code Section 17-4-47(a)(1).

Many people, who pay taxes that pay for the construction and upkeep of West Virginia roadways, will be inconvenienced to accommodate a solitary individual. Inconveniencing many to accommodate one is an inappropriate use of a state highway and is contrary to WV Code Section 17-4-47(a)(4).

Your time and attention to this letter is appreciated.

Sincerely,



S. Andrew Arnold



Carmela Cesare  
Concerned Citizens and Parents

Dana Cifala  
2275 Bower Road  
Kearneysville, WV 25430

January 30, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington St.  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To whom it may concern:

It is my understanding the County Commission is currently considering a request to close a section of South Princess Street in Shepherdstown, and make it a private road. This section of road is currently where Shepherdstown School of Dance is located. I use this street five days a week when I drop off and pick up my two daughters from their lessons. I respectfully request that this street remain open to the public as it is the safest option for community parents to use when transporting their children to dance classes at 400 South Princess Street. Please consider the following information before honoring the request to close this public street.

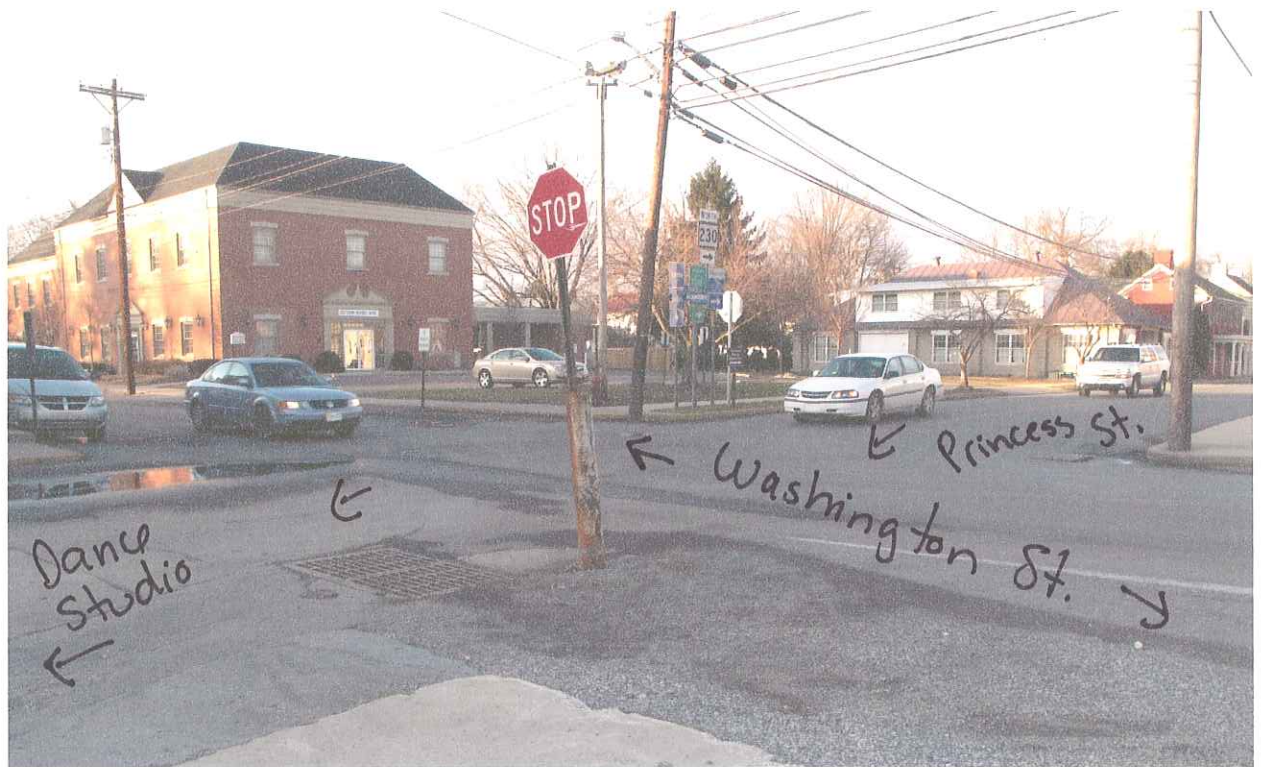
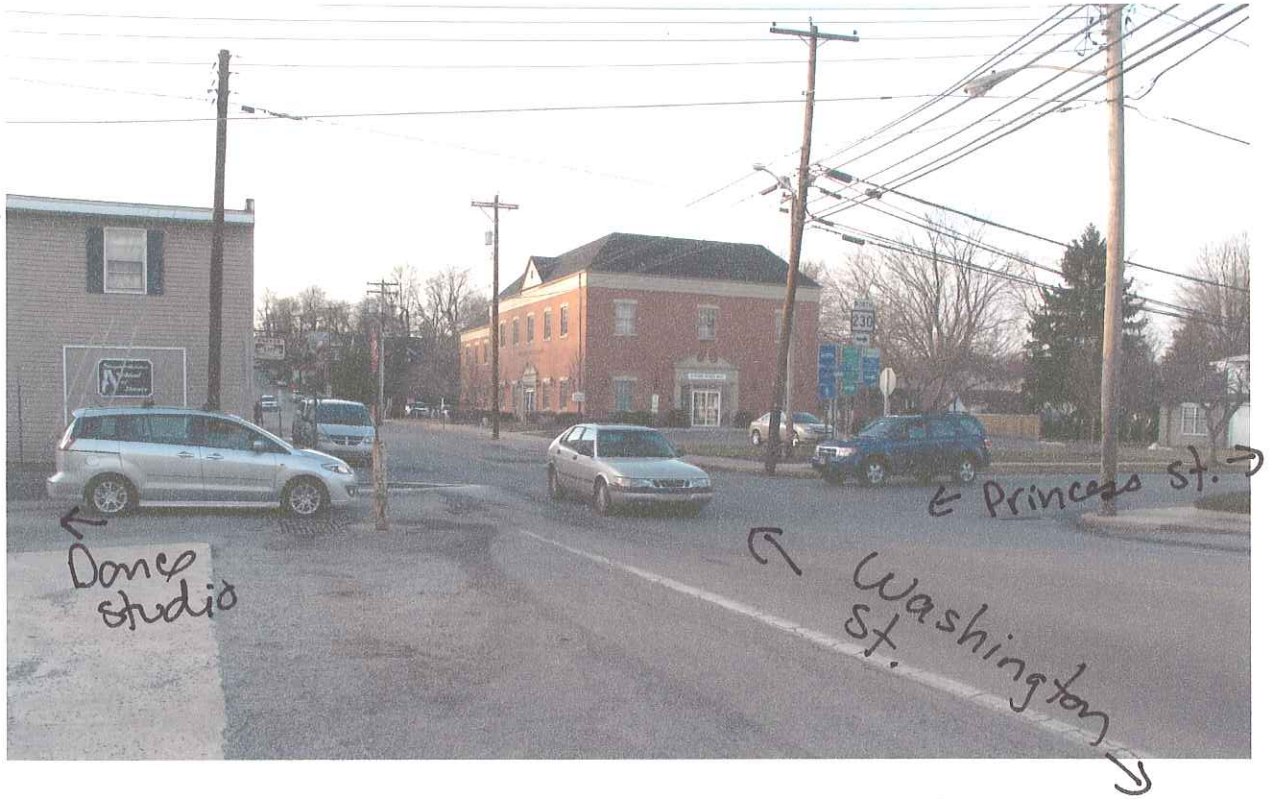
In light of the recent tragedy on Route 480, where a Shepherd student was struck in a crosswalk and suffered serious head injuries, I would hope that the commission would consider the safety of the children who attend the dance school above any other issues. I have attached a picture of the intersection that the children would have to contend with should Princess Street be closed to the public. Please note the following: There are no crosswalks at any of the crossings. There are no stop signs for traffic driving on Washington Street. The posted speed limit on Washington St. is 25 mph; however, many cars exceed the limit. I did an informal traffic count on Monday, January 30 at 5:15 pm and found that in a 60 second period, 16 cars passed through the intersection.

This is a busy and dangerous intersection for pedestrians, and no place for children and their parents to try to navigate a street crossing.

I am grateful that Princess Street is a public road and that it is presently maintained by Jefferson County. Keeping it a public street would continue to allow me access to a safe option when taking my children to their dance classes. I am hopeful that our county representatives will make it a priority to safeguard our children by continuing to allow them access to this county maintained road.

Most Sincerely,





Irene E. and Joseph B. Yates  
207 W. Washington St.  
PO Box 267  
Shepherdstown, WV 25443

January 31, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington St.  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To whom it may concern:

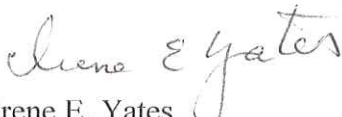
This letter is in reference to an issue regarding the section of South Princess Street in Shepherdstown, West Virginia, which houses the building located at 400 South Princess Street. It has come to our attention that a request has been made to give this land to an individual thereby making this section of Princess Street a private road. We strongly urge you to leave this street open to the public.


The Shepherdstown School of Dance is located at 400 South Princess Street. Closing the street to the public would create a dangerous situation for the children who attend the dance school. The intersection of Princess Street and Washington Street is extremely busy most of the time. Attempting to cross the street at that crossroads is ill-advised the majority of the time, even by adults. There are no cross walks, no traffic signals, and poor visibility given the sharp curve coming into town on Route 230. In addition to the safety issues for pedestrians, vehicular traffic would be negatively impacted.

As taxpaying residents of Shepherdstown and Jefferson County, the possibility of giving this stretch of land to an individual raises the issue of setting an extremely risky precedent. Without a doubt, there are many similar roads throughout the county that people will be trying to obtain for their sole personal use should this transaction occur.

We, once again, urge you to keep this a public road. The needs of the many truly should outweigh the needs of the few.

Very truly yours,

  
Irene E. Yates

  
Joseph B. Yates

Mrs. Elena Echenique  
89 N Tamarac Dr  
Shepherdstown WV 25443

January 29, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington St.  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To Whom It May Concern:

I am writing to you regarding a recent request which would prevent public access to Shepherdstown's South Princess Street. I am extremely concerned that this request creates an imminent danger to the students of Shepherdstown School Of Dance. Our highly regarded community school draws children (young and old!) from Jefferson and neighboring counties. Our beloved school is situated close to a very busy intersection during and after regular business hours. Access to South Princess Street would be deemed treacherous and place the children, their parents, community and county in a potentially grave and hazardous position if this road were to become private!

Please allow myself, as a parent and taxpayer, to be certain that my child and our school is safeguarded against the danger of having to cross multiple intersections in lieu of just having access to the current public road named South Princess Street! Please keep South Princess Street a public road where both commercial and residential properties exist.

Thank you for your kind attention and support of this matter,

  
Elena Echenique

Jefferson County Commission  
124 East Washington Street 25414  
Charles Town, West Virginia

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To Whom It May Concern:


We are writing to express our opposition to the proposal made by William E. Knode, Jr. and Jo Ann Knode to vacate unused portions of Princess Street in Shepherdstown, West Virginia. Our concerns are twofold: the potential negative impact on the safety of individuals coming and going from the Shepherdstown School of Dance (SSOD) at 400 South Princess Street and the disregard for public safety in favor of the convenience of a single individual.

The task of dropping off and picking up students from the SSOD has become decidedly more difficult and unsafe since the posting of a large sign that prohibits cars to drive or park on Princess Street beyond the dance studio for purposes of turning around and exiting Princess Street. Cars are now required to turn around in a narrow alley or make a U turn in the street to leave the studio. When several cars are in the very small area of Princess Street now accessible to students of the dance studio and their families, the potential increases greatly for a collision or harm to come to one of the students leaving the cars and entering the studio. This is a particularly hazardous situation after dark, and the majority of the dance classes are held in the evening hours.

When an individual makes the decision to live in town, this should carry with it responsibility for the safety and welfare of one's neighbors – be they other homeowners or business owners and their customers. In this case, it would greatly benefit the public safety of those individuals coming and going from the SSOD if access to Princess Street beyond the dance studio is not restricted. Cars could more easily turn around and exit the area, minimizing the chances of a serious traffic accident. Public safety should be a paramount concern in the County Commission's decision-making process on this proposal and should outweigh the desire of a single individual to restrict vehicle traffic on the street in front of his residence. Allowing cars to continue to use all of Princess Street also will keep traffic flowing, decreasing the chances that Mr. Knode, his family, or visitors to his home would need to wait for traffic to clear in front of the SSOD.

For these reasons, we strongly encourage the County Commission to deny the Knode proposal and allow continued use of all of Princess Street (a public street) by the general public.

Sincerely,



Kim Lowry and Bill Neufeld  
1684 Job Corps Road  
Harpers Ferry, West Virginia 25425

Claire Cochran  
5103 Frankies Ct  
Sharpsburg MD 21782

January 30, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington St.  
Charles Town, WV 25414

To whom it may concern:

I am writing to respectfully request that the section of South Princess Street in Shepherdstown, West Virginia located at 400 South Princess Street remains open to the public. The Shepherdstown School of Dance is currently occupies the space. To close the street to public use would not only be a burden to them , but it could potentially place them at risk for being struck by a car. If access to this section of South Princess is restricted it will force the children to have to cross over multiple intersections, which do not have traffic light or pedestrian crossing signals, in order to gain entrance to the school. The classes my daughter takes are all at night and it is very dark. It is my understanding that this road is presently maintained via the county of Jefferson, which is directly supported by the taxes paid by county residents. Therefore I hope that as representatives of the community you would make it a priority to safeguard our children by continuing to allow them access to a county maintained road.

Thank you for your support.

Sincerely,

*Claire Cochran*

Claire Cochran

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

Jo Wilcox  
71 Valley Court  
Shepherdstown, WV 25443  
304-876-1970

January 30, 2012

RECEIVED

*2-2-12*

JEFFERSON COUNTY COMMISSION

Jefferson County Commission  
112 East Washington Street  
Charles Town, WV 25414

Subject: 400 South Princess Street, Shepherdstown, WV

It is my understanding a request was submitted to close public access to the section of South Princess Street which houses the building located at 400 South Princess Street and make it private. As you deliberate on this request, please take the following into consideration:

The entrance to the Shepherdstown School of Dance studio is located at 400 South Princess Street and is currently where students are being dropped off and picked up for classes, five days a week and sometimes on Saturday. This is by far and without question the most safe, logical and convenient place to do so; most especially when it's dark and/or raining. I personally pickup my granddaughters at the studio five nights a week.

To deny this access would force our children to cross a busy intersection where there are no traffic or pedestrian crossing signals or crosswalks. It is sincerely hoped we will not be forced to put our children in harm's way when there is a much safer and seemingly logical alternative.

Thank you so much for considering the safety of our children.

*Jo Wilcox*

SARAH MOERSCHEL, MD  
PO BOX N  
SHEPHERDSTOWN, WV 25443

January 30, 2012

Jefferson County Commission  
Mason Building, PO Box 9  
112 East Washington St.  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

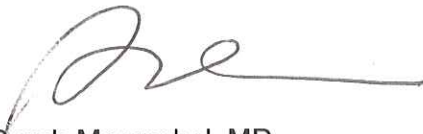
To the County Commissioners:

I am writing to respectfully request that the section of South Princess Street in Shepherdstown, West Virginia which houses the building located at 400 South Princess Street remain open to the public. The Shepherdstown School of Dance is currently occupying space at 400 South Princess Street. Children of Jefferson County, ranging in age from 3 years to 16 years old, attend this school. If access to this section of South Princess is restricted it will force the children to have to cross over multiple intersections, which do not have traffic light or pedestrian crossing signals, in order to gain entrance to the school. Classes are held in the afternoon and evening, so many of the drop off and pick up times are after dark. To close the street to public use will place them and their parents at risk for being struck by a car.

It is my understanding that this road is presently maintained via the county of Jefferson, which is directly supported by the taxes paid by county residents such as myself. Therefore, I would hope that as representatives of the community you would make it a priority to safeguard our children by continuing to allow them access to a county maintained road.

Thank you for your support.

Sincerely,



Sarah Moerschel, MD

Michele Thomann  
579 Maddex Farm Drive  
Shepherdstown, WV 25443

January 30, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington Street  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To Whom It May Concern:

I am writing to respectfully request that the section of South Princess Street in Shepherdstown, which houses the building located at 400 South Princess Street remain open to the public. The Shepherdstown School of Dance is occupying space at 400 South Princess Street. Children of Jefferson County attend this dance school, and to close the street to public use would place them in harm's way for being struck by a vehicle. If access to this section is restricted it will force the children to have to cross over multiple intersections, which do not have traffic lights, or pedestrian crossing signals.

This road is presently maintained via Jefferson County, which is supported by the taxes paid by county residents such as myself. Therefore, I would hope that as representatives of the community you would make it a priority to safeguard our children by continuing to allow them access to a county maintained road.

Thank you for your support.

Respectfully,

Michele Thomann

January 30, 2012

Jefferson County Commission

Mason Building PO Box 9

112 East Washington Street

Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To whom it may concern:

I am writing to respectfully request the section of South Princess Street in Shepherdstown which houses the Shepherdstown School of Dance remain open to the public. Many children of Jefferson County attend this school late in the afternoon and evening and to close this street to public traffic would potentially place them at risk. The intersection at South Princess Street does not have a traffic light, four way stop or pedestrian crossing signal thus if you have to cross that intersection, cars are often not looking for a child or adult to be crossing. My daughter who is 15 years ago has voiced fears of being hit several times due to the speed at which drivers come into Shepherdstown and are not looking for pedestrians. As a tax payer, I would hope that as representatives of the community you make it a priority to assure the welfare of our children by continuing to allow this road to be a public road and maintained by the county.

Thank you for your support,

Catherine Baker

Catherine Baker  
323 Omni Way  
Shepherdstown Junction  
WV 25442

January 29, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington Street  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To Whom It May Concern:

I am writing to respectfully request that the section of South Princess Street in Shepherdstown, West Virginia that contains the building located at 400 South Princess Street, which houses The Shepherdstown School of Dance, remain open to the public. Children of Jefferson County attend this school, and to close the street to public use would not only be a burden to them and their tax paying parents, but it could potentially place them at risk for being struck by a car. If access to this section of South Princess is restricted, it will force the children to have to cross over multiple intersections which do not have a traffic light or pedestrian crossing signals, in order to gain entrance to the school. This is compounded by the fact that the majority of classes taken by these students occur during evening hours, where visibility is at a minimum. It is my understanding that this road is presently maintained via the county of Jefferson, which is directly supported by the taxes paid by county residents such as myself. Therefore, I would hope as representatives of the community, you would make it a priority to safeguard our children by continuing to allow them access to a county maintained road.

Thank you for your support.

Sincerely,



Liz Sarra  
151 Beasley Drive/PO Box 3256  
Shepherdstown, WV 25443

Petra Friedrich  
19 Bedrock Lane  
Keedysville, MD 21756

January 30, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington Street  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To whom it may concern,

I am writing to respectfully request that the section of South Princess in Shepherdstown, West Virginia which houses the building located at 400 South Princess Street remain open to the public.

It is my understanding that this road is presently maintained by the county of Jefferson thus making it a public access road and a public access road should not have any restrictions.

Also, the Shepherdstown School of Dance is currently occupying space at 400 South Princess Street. Children of Jefferson County and adjacent Washington County, Maryland, attend this school. To close the street to public use would not only burden them, but could also potentially place the students and their families at risk for being struck by a car. Closing that section of South Princess Street will force the children to have to cross over multiple intersections, which do not have traffic lights or pedestrian crossing signals in order to gain entrance to the school and/or cause a major traffic disturbance along West Washington Street.

Additionally, this section of South Princess Street had been open to the Shepherdstown Lumber & Hardware Store for many years allowing deliveries to be safely unloaded away from the main road traffic. Surely, if deliveries of goods need a safe place to be unloaded, our children deserve the same if not more.

Therefore, I would hope that as a representative of the community you would make it a priority to safeguard our children by continuing to allow them access to a county maintained road.

Thank you for your support.

Sincerely,

*Petra Friedrich*

Petra Friedrich

RECEIVED

2-2-12

January 28, 2012

JEFFERSON COUNTY COMMISSION

Ladies and gentlemen of the Jefferson County Commission,

We are writing this letter due to our concern for the safety of our children and the students of The Shepherdstown School of Dance. The basis for our concern is due to the fact that Mr. and Mrs. Bill Knode have requested to make Princess Street Extended a private road. Princess Street is vital to our children's safety because we need to use it to safely drop off and pick up our children from dance class.

If we are unable to use Princess Street Extended we will not be able to safely turn around and will be forced to attempt a five point turn around on the street, all while other parents are trying to drop off, pick up and turn around as well. This will cause congestion on the street as well as back up traffic on Washington Street.

We have no problem with not parking in front of Mr. and Mrs. Knodes house as well as the other resident's houses on the street. We just want a safe way to take our children to and from dance.

Please consider our concern while making your decision about the closure of Princess Street Extended to the public.

Sincerely,

*Erik Petersen*

*Julie Petersen*

Erik and Julie Petersen

Archer Bullock  
Sarah Bullock  
62 Pathfinder Ct  
Shepherdstown WV 25443

January 26, 2012

Jefferson County Commission  
Mason Building  
PO Box 9  
112 East Washington St.  
Charles Town, WV 25414

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

To whom it may concern:

I am writing to respectfully request that the section of South Princess Street in Shepherdstown, West Virginia which houses the building located at 400 South Princess Street remain open to the public. The Shepherdstown School of Dance is currently occupying space at 400 South Princess Street. Children of Jefferson County attend this school, and to close the street to public use would not only be a burden to them and their tax paying parents, but it could potentially place them at risk for being struck by a car. If access to this section of South Princess is restricted it will force the children to have to cross over multiple intersections, which do not have traffic light or pedestrian crossing signals, in order to gain entrance to the school. It is my understanding that this road is presently maintained via the county of Jefferson, which is directly supported by the taxes paid by county residents such as myself. Therefore, I would hope that as representatives of the community you would make it a priority to safeguard our children by continuing to allow them access to a county maintained road.

Thank you for your support.

Sincerely,

*A. Bullock*

*Sarah Bullock*

RECEIVED

2-2-12

JEFFERSON COUNTY COMMISSION

January 29, 2012

Re: Princess Street Extended


Dear Jefferson County Commission,

As a concerned citizen of Shepherdstown, it has been brought to my attention that there has been a request made, to the Jefferson County Commission, to have the Princess Street Extended vacated and closed to public traffic. As you may know, a well respected business, Shepherdstown School of Dance, has relocated to the corner of Princess and W Washington Street. Princess Street Extended serves as a safe, low traffic area for the students to be picked up and dropped off. If Princess Street Extended were to be closed to public traffic it would eliminate this protected process. Simply put, there are no safer alternatives given the high traffic areas of W Washington Street and S Princess Street. Jefferson County Bank has graciously allowed us to use their parking lot, after business hours, but there is not a well marked, highly visible crosswalk, and therefore, crossing W Washington Street would be risky for any pedestrian, much less the young children who attend the school.

As a service to the people of Shepherdstown and Jefferson County please give due diligence in listening to the request to keep Princess Street Extended open to public traffic. The safety of our kids is at the utmost importance.

Thank you for your time on this matter.

Sincerely,

  
Phillip B Aguila MD

**From:** frederick dubay <fdubay@aol.com>  
**Subject:** princess street hearing  
**Date:** January 30, 2012 11:10:25 AM EST  
**To:** www.jeffersoncountywv.org



i understand that there is a hearing on the public use of Princess street in Shepherdstown, wv. i support the continued use as a county / public street. The area near the dance studio is used by many parents and others to allow safe access for small children attending dance class.

voters were never asked if Jefferson county should give up the ownership of this county property so i see no reason to consider it at this time.

Shepherdstown business's biggest challenge is safe, open public parking. please do not do anything that would restrict that any more than it already is restricted.

Fred Dubay

RECEIVED  
2-2-12  
JEFFERSON COUNTY COMMISSION

Traci Morris  
PO Box 1224  
Shepherdstown, WV 25443

RECEIVED

Feb 2 2012

January 26, 2012

Jefferson County Commission  
Mason Building  
PO Box 250  
124 East Washington St.  
Charles Town, WV 25414

JEFFERSON COUNTY COMMISSION

I am writing to request that you, our commissioners, do not decide to close and vacate Princess Street south of Washington Street in Shepherdstown.

My understanding of WV code §7-1-3h is that the county court may, "upon the verified application of any landowner whose land abuts on any unused road, street, or other travel way designated on any map or plat of a subdivision of land or otherwise within such county but outside of incorporated towns or cities thereof... close and vacate any part or all of any such **unused** (emphasis mine) road, street or other designated travel way..."

Princess Street south of Washington Street is not unused.

I understand Mr. Knode's desire for privacy in his soon-to-be-completed home on this street. After the closure of Mr. Knode's business (and the hardware store on the opposite side of said road,) the traffic along that portion of Princess Street certainly dropped off.

But the opening of two new businesses on the corner of Princess and Washington have increased traffic on that street appreciably. No longer are the rental units on the road the only individuals with reason to travel upon it. With the possibility of a third business opening (and a fourth if Mr. Knode decides to rent or sell his property on that corner) it seems that the road may continue to see an increase in traffic.

Even if no other businesses spring up in that immediate area there is still a need for the road to be preserved and maintained. Six days a week dozens of children are driven down that road in order to attend their dance classes at a school that is prestigious enough to sell out the Frank Center two shows running this Christmas season.

**Those children are residents of Jefferson County and deserve safe access to their extracurricular activity.** While some of the dance students are old enough to safely cross Route 230 without incident (one would hope – the recent incident on Route 480 shows us that crossing even by adults is not always safe) many of the dancers are young children.

**Drivers need access to that portion of Princess Street.** Any other outcome encourages parents and children to park on the OTHER side of Washington Street and cross that busy intersection (usually between 5 and 7 at night – a busy time with limited visibility) in order to attend class.

Again quoting WV code §7-1-3h, it is obviously untrue that, "the use and rights of no person or persons in such road, street or other travel way will be impaired or lost by the closing and vacation thereof." I therefore reiterate my request that Princess Street not be closed or vacated.

Sincerely,

Traci Morris

FM  
copy of letter  
mailed  
1-30-2012

**Sandy McDonald**

---

**From:** "Erik and Julie Petersen" <ejmep@aim.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, February 02, 2012 5:20 PM  
**Subject:** Princess Street Extended

## Your submission:

---

**Your Name:** Erik and Julie Petersen

**Your Email Address:** ejmep@aim.com

**Subject:** Princess Street Extended

**Message:** We are writing this email due to our concern for the safety of our children and the students of The Shepherdstown School of Dance. The basis for our concern is due to the fact that Mr. and Mrs. Bill Knode have requested to make Princess Street Extended a private road. Princess Street is vital to our children's safety because we need to use it to safely drop off and pick up our children from dance class.

If we are unable to use Princess Street Extended we will not be able to safely turn around and will be forced to attempt a five point turn around on the street, all while other parents are trying to drop off, pick up and turn around as well. This will cause congestion on the street as well as back up traffic on Washington Street.

We have no problem with not parking in front of Mr. and Mrs. Knodes house as well as the other resident's houses on the street. We just want a safe way to take our children to and from dance. Please consider our concern while making your decision about the closure of Princess Street Extended to the public.

**Sandy McDonald**

---

**From:** "Erik and Julie Petersen" <ejmep@aim.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, February 02, 2012 5:20 PM  
**Subject:** Princess Street Extended

## Your submission:

---

**Your Name:** Erik and Julie Petersen

**Your Email Address:** ejmep@aim.com

**Subject:** Princess Street Extended

**Message:** We are writing this email due to our concern for the safety of our children and the students of The Shepherdstown School of Dance. The basis for our concern is due to the fact that Mr. and Mrs. Bill Knode have requested to make Princess Street Extended a private road. Princess Street is vital to our children's safety because we need to use it to safely drop off and pick up our children from dance class.

If we are unable to use Princess Street Extended we will not be able to safely turn around and will be forced to attempt a five point turn around on the street, all while other parents are trying to drop off, pick up and turn around as well. This will cause congestion on the street as well as back up traffic on Washington Street.

We have no problem with not parking in front of Mr. and Mrs. Knodes house as well as the other resident's houses on the street. We just want a safe way to take our children to and from dance. Please consider our concern while making your decision about the closure of Princess Street Extended to the public.

**Sandy McDonald**

---

**From:** "Sarah Moerschel" <sarahmoerschel@gmail.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Friday, February 03, 2012 6:00 PM  
**Subject:** Princess Street

**Your submission:**

---

**Your Name:** Sarah Moerschel

**Your Email Address:** sarahmoerschel@gmail.com

**Subject:** Princess Street

**Message:** I have submitted a letter to the Commission regarding my opinion that Princess Street needs to remain open to the public, thereby assuring the safety of the students and parents who come and go from the studio every evening.

As you deliberate this issue, please know that the public has been using, and needs to continue using this public road.

Thank you

**Sandy McDonald**

---

**From:** "fred dubay" <fdubay@aol.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Friday, February 03, 2012 10:01 PM  
**Subject:** Princess street

**Your submission:**

---

**Your Name:** fred dubay

**Your Email Address:** fdubay@aol.com

**Subject:** Princess street

**Message:** understand there was a "non" decision about Princes street in Shepherdstown last Thursday [ 2 Feb]

i still support the view that Jefferson county property should stay open to the public. The county should not give this valuable land away to any individual. Maintaining it for the public good improves pedestrian safety, enhances parking in an area that needs all the public parking space possible and supports businesses across all of Shepherdstown.

9

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

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested - 1<sup>st</sup> Choice: 2/9

Date Requested - 2<sup>nd</sup> Choice: 2/16

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

Subject:

hire Part time Bailiff

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

I would like to hire Stacey Lynn Smalleywood as a part-time Bailiff. She has passed all prequalifications and will not change the budget.

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

I approve the hire of Stacey Lynn Smalleywood as a part-time Bailiff.

Attachments:

**JEFFERSON COUNTY**

**Personnel Requisition**

Department Name Sheriff Law Date 2/2/12 Date Needed \_\_\_\_\_

Job Title Part Time Bailiff Salary \$ 12.81 hourly Criminal History Check  Yes  No

Suggested Recruitment Source(s) \_\_\_\_\_

Applicants Interviewed By \_\_\_\_\_ Position Reports To Lt. Hansen

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties Part time bailiff

**Budget Information**

Addition  Replacement  Explain or For Whom \_\_\_\_\_

Position Budgeted  Yes  No Proposed Salary 12.81 hourly Date of Hire \_\_\_\_\_

Is Position: Full-Time  Regular Part-Time  On-Call Occasional  Temporary

Safety/Security \_\_\_\_\_ Hours Per Week \_\_\_\_\_

**Approvals**

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

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

**AGENDA REQUEST FORM**

Name: Lyn Widmyer

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 2/9/2012

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

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

**Subject: Move to include the following as a part of the reorganization discussion, that all recommendation of Mr. Boyde’s exit memo be included and that the HR Director position be on a part-time basis**

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:

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

**AGENDA REQUEST FORM**

Name: Lyn Widmyer

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 2/9/2012

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

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

Subject: **Move the development of a capital plan be constructed for FY 2013**

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:

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

**AGENDA REQUEST FORM**

Name: Lyn Widmyer

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 2/9/2012

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

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

**Subject: Move the following change be included to the reorganization change, a position of civil counsel should be in the County Commission budget**

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:

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

**AGENDA REQUEST FORM**

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

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject: **Legislative Updates**

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:

RECEIVED 3

JAN 26 2012

JEFFERSON COUNTY  
CIRCUIT CLERK

8 Pages

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

5 cc's



Co. Clerk

Co. Comm

Assessor

JCSO

Pros. Atty

1-27-12

**THE COUNTY LEGISLATIVE LINE**  
**Friday, January 27<sup>th</sup>, 2012**

**Capitol Quotes:**

*"Have you ever tried to read instructions in Chinese to put something together?" Del. Brown to Del. Walker in a discussion of an amendment to require that all electronic recordings accepted by the County Clerk be in English*

*"I'm one of those men who don't read instructions!" Del. Walker's response*

*"The question is not whether or not we should do it but how." Sen. Jenkins on the credit card acceptance bill for county officials*

*"I just pulled it up and queried the name Smith. Are you related to Otis, Lawrence....?" Sen. Jenkins to Senate Judiciary Counsel Tom Smith, while asking questions SB 382, sex offender registry*

*"This is money collected locally and sent to the state." Sen. Snyder speaking in favor of SB 347 which would allow counties to keep the transfer tax currently sent to the state*

*"I couldn't go home if I bothered their money." Sen. Snyder, from the Eastern Panhandle, answering a question on whether SB 347 affected farmland preservation funds*

The first bill of the session has completed legislative action. The Governor's "cracker" tax incentive bill, HB 4086, has been sent to the Governor's desk for signature. It will be touted as the State seeks to compete with Pennsylvania & Ohio for a cracker facility that cracks the ethane produced from the Marcellus Shale gas. The bill gives salvage value for a facility described as a \$2 billion investment. WVACO generally opposes the use of salvage value but it was apparent that this bill was on a fast track and targeted directly to attracting a specific facility.

SB 167, authorizing acceptance of credit cards for county fees, is out of committee as of yesterday. This bill will allow county officials to accept credit/debit cards for transactions such as fees and fines. The bill was amended to require disclosure of the fee (which the

attorney explained can be as simple as telling the card-paying customer that there will be a transaction fee) and a requirement to solicit three bids in order to get the best transaction rate deal. The bill has completed committee work in the Senate and will go to the floor. (Sheriffs already have authority to accept credit cards under Ch. 11 tax code).

Last year's controversial "sudafed" bill has been re-introduced as "The Larry Border Act," (SB 346) named for the late Delegate Border who was a pharmacist. The bill would require products with ephedrine & pseudoephedrine to be prescription-only.

Senate Judiciary passed out SB 347, allowing counties to keep amount of transfer tax that they currently send to the state. Currently, County Clerks must send 50% of transfer tax collected to the state, which totaled approximately \$8 million in FY '11. The bill requires that this money would be dedicated to defray regional jail costs which totaled \$42,209,684 in FY '11 (invoiced amount). There was only one *no* vote. The bill will now go to Senate Finance. Calls of support to Senate Finance members needed!

SB 168, the County Officials Compensation Increase, is pending before Senate Finance. Finance committees in both bodies hold budget hearings through February 6<sup>th</sup> and will probably not run any bills prior to that date. Support for the bill needs to be expressed to members of Senate Finance. General feedback from legislators is that the amounts need to be reduced or the bill will not advance any further.

SB 31, a precinct consolidation bill allowing a larger number of voters in certain precincts where it is practical to consolidate (such as 3 precincts in one gymnasium) advanced out of Senate Judiciary today. The bill had a 2<sup>nd</sup> reference to Finance but that has been waived so it will go straight to the floor.

Besides the legislative web site, another great way to keep up with the Legislature is by watching WV PBS *Legislature Today* at 6:30 p.m. with a repeat at 11:30 p.m. every Monday through Friday during the session. Even though I'm at the Capitol every day, I record it and get a broader perspective of what's going on.

A list of House and Senate bills of interest to counties was sent out on listserves this morning and will be included in a statewide fax also.

#### LEGISLATIVE CALENDAR 2012

January 11 – First Day (*WV Const. Art. VI, §18*)

January 30 – Twentieth Day; Legislative Rulemaking Review bills due

February 20 – Forty-first Day; Last day to introduce bills in Senate and House (*Senate Rule 14*) (*House Rule 91a*); Does not apply to originating or supplementary appropriation bills

February 26 – Forty-seventh Day; Bills due out of committee in house of origin to ensure three full days for readings

February 29 – Fiftieth Day; Last day to consider bill on 3<sup>rd</sup> reading in house or origin (*Joint Rule 5b*)

March 10 – Sixtieth Day; Adjournment at Midnight (*WV Const. Art. VI, §22*)



**FY11**

**July 1, 2010 - June 30, 2011**

| COUNTY         | TRANSFER TAX AMOUNT | REGIONAL JAIL COST |
|----------------|---------------------|--------------------|
| HB4117 / SB347 |                     |                    |
| Barbour        | \$ 41,644.90        | \$ 212,377.60      |
| Berkeley       | \$ 651,775.30       | \$ 2,849,575.10    |
| Boone          | \$ 36,104.20        | \$ 891,039.20      |
| Braxton        | \$ 33,894.30        | \$ 380,891.80      |
| Brooke         | \$ 58,370.40        | \$ 356,532.80      |
| Cabell         | \$ 397,535.60       | \$ 2,891,504.10    |
| Calhoun        | \$ 14,415.50        | \$ 153,915.20      |
| Clay           | \$ 25,223.00        | \$ 390,777.30      |
| Doddridge      | \$ 18,338.10        | \$ 181,340.80      |
| Fayette        | \$ 126,757.40       | \$ 808,030.40      |
| Gilmer         | \$ 25,757.60        | \$ 167,047.60      |
| Grant          | \$ 35,279.20        | \$ 322,909.60      |
| Greenbrier     | \$ 241,499.50       | \$ 560,102.30      |
| Hampshire      | \$ 101,501.40       | \$ 495,124.80      |
| Hancock        | \$ 75,104.70        | \$ 487,902.40      |
| Hardy          | \$ 71,878.40        | \$ 390,985.60      |
| Harrison       | \$ 356,252.60       | \$ 1,749,772.80    |
| Jackson        | \$ 76,926.30        | \$ 669,828.80      |
| Jefferson      | \$ 499,274.60       | \$ 1,037,891.60    |
| Kanawha        | \$ 745,725.20       | \$ 4,389,911.80    |
| Lewis          | \$ 62,942.00        | \$ 249,599.60      |
| Lincoln        | \$ 41,935.30        | \$ 404,844.80      |
| Logan          | \$ 92,437.71        | \$ 1,006,444.10    |
| Marion         | \$ 282,971.70       | \$ 1,236,452.80    |
| Marshall       | \$ 123,090.00       | \$ 611,067.70      |
| Mason          | \$ 55,100.00        | \$ 489,024.80      |
| McDowell       | \$ 19,453.50        | \$ 1,068,183.20    |
| Mercer         | \$ 214,637.50       | \$ 1,346,587.20    |
| Mineral        | \$ 81,044.70        | \$ 746,643.90      |
| Mingo          | \$ 33,949.30        | \$ 994,428.70      |
| Monongalia     | \$ 791,085.90       | \$ 1,470,100.00    |
| Monroe         | \$ 50,106.00        | \$ 184,171.20      |
| morgan         | \$ 78,283.70        | \$ 531,358.40      |
| Nicholas       | \$ 82,790.40        | \$ 782,800.80      |
| Ohio           | \$ 146,685.00       | \$ 767,038.40      |
| Pendleton      | \$ 30,408.40        | \$ 121,951.20      |
| Pleasants      | \$ 24,349.60        | \$ 103,163.20      |
| Pocahontas     | \$ 75,325.80        | \$ 267,716.80      |
| Preston        | \$ 130,922.00       | \$ 382,250.40      |
| Putnam         | \$ 358,521.90       | \$ 1,153,046.40    |
| Raleigh        | \$ 377,043.65       | \$ 2,372,997.60    |
| Randolph       | \$ 145,079.00       | \$ 554,216.60      |
| Ritchie        | \$ 27,744.20        | \$ 128,783.20      |
| Roane          | \$ 58,230.70        | \$ 403,347.60      |
| Summers        | \$ 28,532.90        | \$ 244,244.00      |
| Taylor         | \$ 52,951.85        | \$ 252,784.00      |
| Tucker         | \$ 46,275.90        | \$ 57,875.30       |
| Tyler          | \$ 45,501.50        | \$ 185,635.20      |
| Upshur         | \$ 80,058.00        | \$ 522,111.20      |
| Wayne          | \$ 97,761.40        | \$ 682,028.80      |
| Webster        | \$ 26,742.10        | \$ 348,793.10      |
| Wetzel         | \$ 115,344.90       | \$ 319,005.60      |
| Wirt           | \$ 14,199.90        | \$ 54,802.40       |
| Wood           | \$ 446,685.80       | \$ 1,855,770.30    |
| Wvoming        | \$ 35,014.10        | \$ 322,054.10      |

## Personalized Bill Tracking List

*Senate*

|                                |                                                                                                                                        |                                                    |                                                                                   |                                                                                                     |                                                                                                  |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| <b>SB 201</b><br><b>(None)</b> | Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team                                                               | SA<br>HB<br>4096                                   | 01/16/12 - To Senate Health and Human Resources                                   | <b>Senate Reference</b><br>1 - Health and Human Resources                                           |                                                                                                  |
| <b>SB 206</b><br><b>(None)</b> | Designating certain property as qualified capital addition to manufacturing facilities                                                 | SI HB<br>4094<br>SA<br>HB<br>4086                  | 01/23/12 - To Senate Finance                                                      | <b>Senate Reference</b><br>1 - Economic Development<br><b>Senate Reference</b><br>2 - Finance       | Governor's Bill for Cracker facility tax incentive                                               |
| <b>SB 243</b><br><b>(None)</b> | Authorizing Courthouse Facilities Improvement Authority promulgate legislative rule relating to Courthouse Facilities Improvement Fund |                                                    | 01/25/12 - To Senate Judiciary                                                    | <b>Senate Reference</b><br>1 - Government Organization<br><b>Senate Reference</b><br>2 - Judiciary  |                                                                                                  |
| <b>SB 331</b><br><b>(None)</b> | Providing certain persons residing with crime victims parole notification and right to be heard                                        |                                                    | 01/27/12 - To Senate<br>On 1st reading<br>1st Reading                             | <b>Senate Reference</b><br>1 - Judiciary                                                            |                                                                                                  |
| <b>SB 342</b><br><b>(None)</b> | Creating Public Safety and Offender Accountability Act                                                                                 | SA<br>HB<br>4123                                   | 01/18/12 - To Senate Judiciary                                                    | <b>Senate Reference</b><br>1 - Judiciary<br><b>Senate Reference</b><br>2 - Finance                  | Prosecutors need to review                                                                       |
| <b>SB 346</b><br><b>(None)</b> | Creating Larry Border Act                                                                                                              |                                                    | 01/24/12 - To Senate<br>Senator Plymale requests to be removed as sponsor of bill | <b>Senate Reference</b><br>1 - Health and Human Resources<br><b>Senate Reference</b><br>2 - Finance | Sudafed bill                                                                                     |
| <b>SB 347</b><br><b>(None)</b> | Rededicating excise tax paid on real property transfers to counties for regional jail support                                          | SI HB<br>2429<br>SI HB<br>2785<br>SA<br>HB<br>4117 | 01/19/12 - To Senate Judiciary                                                    | <b>Senate Reference</b><br>1 - Judiciary<br><b>Senate Reference</b><br>2 - Finance                  | Counties keep transfer tax currently sent to state. Priority issue. Approx \$8 million statewide |
| <b>SB 351</b><br><b>(None)</b> | Limiting size of voting precincts; other provisions                                                                                    |                                                    | 01/19/12 - To Senate Judiciary                                                    | <b>Senate Reference</b><br>1 - Judiciary<br><b>Senate Reference</b><br>2 - Finance                  | May consolidate precincts. Priority issue                                                        |
| <b>SB 352</b><br><b>(None)</b> | Creating criminal offense for custodian's failure to report missing child                                                              | SA<br>HB<br>4242                                   | 01/19/12 - To Senate Judiciary                                                    | <b>Senate Reference</b><br>1 - Judiciary                                                            |                                                                                                  |
| <b>SB 353</b><br><b>(None)</b> | Exempting Concealed Carry Permit holders from National                                                                                 |                                                    | 01/20/12 - To Senate Judiciary                                                    | <b>Senate Reference</b><br>1 - Judiciary                                                            |                                                                                                  |

## Personalized Bill Tracking List

|                                |                                                                                                                        |                                                    |                                                                               |                                                                                                          |                                        |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|----------------------------------------|
|                                | Instant Criminal Background Check System when purchasing firearm                                                       |                                                    |                                                                               |                                                                                                          |                                        |
| <b>SB 354</b><br><b>(None)</b> | Relating to filling vacancies in certain county offices                                                                |                                                    | 01/20/12 - To Senate Government Organization                                  | <b>Senate Reference 1 - Government Organization</b><br><b>Senate Reference 2 - Judiciary</b>             |                                        |
| <b>SB 355</b><br><b>(None)</b> | Allowing counties to deduct delinquent tax collection costs from distribution to levying bodies                        | SA<br>HB<br>4280                                   | 01/20/12 - To Senate Government Organization                                  | <b>Senate Reference 1 - Government Organization</b><br><b>Senate Reference 2 - Finance</b>               |                                        |
| <b>SB 358</b><br><b>(None)</b> | Prohibiting possession of certain multiple controlled substances obtained from more than one practitioner              | SA<br>HB<br>4034                                   | 01/20/12 - To Senate Health and Human Resources                               | <b>Senate Reference 1 - Health and Human Resources</b><br><b>Senate Reference 2 - Judiciary</b>          | Priority                               |
| <b>SB 363</b><br><b>(None)</b> | Creating Uniform Real Property Electronic Recording Act                                                                | SA<br>HB<br>4250<br>SI HB<br>2790<br>SI HB<br>2710 | 01/23/12 - To Senate Senator Tucker requests to be removed as sponsor of bill | <b>Senate Reference 1 - Interstate Cooperation</b><br><b>Senate Reference 2 - Judiciary</b>              |                                        |
| <b>SB 365</b><br><b>(None)</b> | Increasing membership of PEIA Finance Board                                                                            |                                                    | 01/20/12 - To Senate Banking and Insurance                                    | <b>Senate Reference 1 - Banking and Insurance</b><br><b>Senate Reference 2 - Government Organization</b> | Add non state representative. Priority |
| <b>SB 370</b><br><b>(None)</b> | Relating to transport and storage of firearms in private vehicles                                                      |                                                    | 01/20/12 - To Senate Judiciary                                                | <b>Senate Reference 1 - Judiciary</b>                                                                    |                                        |
| <b>SB 376</b><br><b>(None)</b> | Establishing procedures for inclusion of Address Confidentiality Program participants on special absentee voting lists | SA<br>HB<br>4238                                   | 01/23/12 - To Senate Judiciary                                                | <b>Senate Reference 1 - Judiciary</b>                                                                    |                                        |
| <b>SB 380</b><br><b>(None)</b> | Transferring sole ownership of real property to co-owner paying taxes                                                  |                                                    | 01/23/12 - To Senate Judiciary                                                | <b>Senate Reference 1 - Judiciary</b>                                                                    | for minimum of 5 years                 |
| <b>SB 382</b><br><b>(None)</b> | Requiring sex offender register only in county of residence                                                            |                                                    | 01/23/12 - To Senate Judiciary                                                | <b>Senate Reference 1 - Judiciary</b>                                                                    | computerized                           |

## Personalized Bill Tracking List

|                                |                                                                                                             |                  |                                                 |                                                                                                       |                                                   |
|--------------------------------|-------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <b>SB 385</b><br><b>(None)</b> | Expanding definition of "computer" in commission of certain crimes                                          |                  | 01/23/12 - To Senate Judiciary                  | Senate Reference<br>1 - Judiciary                                                                     |                                                   |
| <b>SB 387</b><br><b>(None)</b> | Requiring training of floodplain managers                                                                   |                  | 01/23/12 - To Senate Government Organization    | Senate Reference<br>1 - Government Organization                                                       | 6 hours annual training                           |
| <b>SB 392</b><br><b>(None)</b> | Increasing public service district board members' salaries                                                  |                  | 01/24/12 - To Senate Government Organization    | Senate Reference<br>1 - Government Organization<br>Senate Reference<br>2 - Finance                    | \$150 regular meetings,<br>\$100 special meetings |
| <b>SB 400</b><br><b>(None)</b> | Providing late voter registration opportunities under Uniformed and Overseas Citizens Act of 1986           | SA<br>HB<br>4257 | 01/24/12 - To Senate Military                   | Senate Reference<br>1 - Military<br>Senate Reference<br>2 - Judiciary                                 | Sec of State bill                                 |
| <b>SB 403</b><br><b>(None)</b> | Creating WV Criminal and Civil Forfeiture Act                                                               |                  | 01/24/12 - To Senate Judiciary                  | Senate Reference<br>1 - Judiciary<br>Senate Reference<br>2 - Finance                                  | Asset forfeiture, priority issue                  |
| <b>SB 409</b><br><b>(None)</b> | Substituting community service for jail confinement for certain persons convicted of alcohol-related crimes |                  | 01/24/12 - To Senate Judiciary                  | Senate Reference<br>1 - Judiciary                                                                     | Under age 21                                      |
| <b>SB 417</b><br><b>(None)</b> | Establishing right to disposition of deceased's remains                                                     |                  | 01/25/12 - To Senate Judiciary                  | Senate Reference<br>1 - Judiciary                                                                     | Sets forth role for county commission             |
| <b>SB 422</b><br><b>(None)</b> | Relating generally to retirement benefits and costs of PERS, State Police Retirement System and TRS         |                  | 01/25/12 - To Senate Pensions                   | Senate Reference<br>1 - Pensions<br>Senate Reference<br>2 - Finance                                   | Changes in benefits for new hires                 |
| <b>SB 425</b><br><b>(None)</b> | Exempting certain nursing homes from certificate of need review and bed moratorium                          |                  | 01/25/12 - To Senate Health and Human Resources | Senate Reference<br>1 - Health and Human Resources<br>Senate Reference<br>2 - Government Organization | For Wirt County                                   |
| <b>SB 426</b><br><b>(None)</b> | Relating to controlled substances monitoring                                                                |                  | 01/25/12 - To Senate Health and Human Resources | Senate Reference<br>1 - Health and Human Resources<br>Senate Reference<br>2 - Judiciary               |                                                   |

## Personalized Bill Tracking List

*House*

|                                 |                                                                                                                                                                         |                 |                                                                                                     |                                                                                                                                                     |                                                                                             |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <b>HB 4105</b><br><u>(None)</u> | Establishing criminal penalties for the disruption of emergency communications by theft of equipment                                                                    | SA<br>SB<br>212 | 01/18/12 - To House<br>Government<br>Organization                                                   | <b>House Reference 1 -</b><br>Government<br>Organization<br><b>House Reference 2 -</b><br>Judiciary                                                 |                                                                                             |
| <b>HB 4117</b><br><u>(None)</u> | Redistributing an existing excise tax paid upon the transfer of real property                                                                                           | SA<br>SB<br>347 | 01/18/12 - To House<br>Judiciary                                                                    | <b>House Reference 1 -</b><br>Judiciary<br><b>House Reference 2 -</b><br>Finance                                                                    | Counties keep portion currently sent to state. Approx \$8 million statewide. Priority issue |
| <b>HB 4123</b><br><u>(None)</u> | Relating to the Public Safety and Offender Accountability Act                                                                                                           | SA<br>SB<br>342 | 01/18/12 - To House<br>Judiciary                                                                    | <b>House Reference 1 -</b><br>Judiciary<br><b>House Reference 2 -</b><br>Finance                                                                    | Prosecutors need to review                                                                  |
| <b>HB 4129</b><br><u>(None)</u> | Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties of origin                                         | SA<br>SB<br>157 | 01/19/12 - To House<br>Energy, Industry and<br>Labor, Economic<br>Development and<br>Small Business | <b>House Reference 1 -</b><br>Energy, Industry and<br>Labor, Economic<br>Development and<br>Small Business<br><b>House Reference 2 -</b><br>Finance |                                                                                             |
| <b>HB 4132</b><br><u>(None)</u> | Requiring the Department of Health and Human Resources to reimburse the circuit clerk of the county where involuntary commitment hearings are held for certain expenses |                 | 01/19/12 - To House<br>Judiciary                                                                    | <b>House Reference 1 -</b><br>Judiciary<br><b>House Reference 2 -</b><br>Finance                                                                    |                                                                                             |
| <b>HB 4188</b><br><u>(None)</u> | Courthouse facilities improvement authority, facilities improvement fund                                                                                                |                 | 01/19/12 - To House<br>Finance                                                                      | <b>House Reference 1 -</b><br>Finance<br><b>House Reference 2 -</b><br>Judiciary                                                                    |                                                                                             |
| <b>HB 4238</b><br><u>(None)</u> | Establishing procedures for address confidentiality program participants on the special absentee voting list                                                            |                 | 01/27/12 - To House<br>On 3rd reading,<br>Calendar<br>3rd Reading                                   | <b>House Reference 1 -</b><br>Judiciary                                                                                                             | Secretary of State bill                                                                     |
| <b>HB 4240</b><br><u>(None)</u> | Adding to the list of persons mandated to report abuse and neglect of children                                                                                          |                 | 01/20/12 - To House<br>Judiciary                                                                    | <b>House Reference 1 -</b><br>Judiciary<br><b>House Reference 2 -</b><br>Finance                                                                    |                                                                                             |
| <b>HB 4242</b><br><u>(None)</u> | Establishing criminal penalties for failure to report a missing child by the child's custodian                                                                          | SA<br>SB<br>352 | 01/20/12 - To House<br>Judiciary                                                                    | <b>House Reference 1 -</b><br>Judiciary<br><b>House Reference 2 -</b><br>Finance                                                                    |                                                                                             |
| <b>HB</b>                       | Creating the Uniform Real                                                                                                                                               | SA              | 01/27/12 - To House                                                                                 | <b>House Reference 1 -</b>                                                                                                                          |                                                                                             |

## Personalized Bill Tracking List

|                                           |                                                                                                                                                                 |           |                                                      |                                                                                                        |                                                  |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <b>4250</b><br><u>(None)</u>              | Property Electronic Recording Act                                                                                                                               | SB<br>363 | On 2nd reading,<br>Calendar<br>2nd Reading           | Judiciary<br><b>House Reference 2 -</b><br>Finance                                                     |                                                  |
| <b>HB</b><br><b>4257</b><br><u>(None)</u> | Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986                                       |           | 01/23/12 - To House<br>Judiciary                     | <b>House Reference 1 -</b><br>Judiciary                                                                | Sec of State bill                                |
| <b>HB</b><br><b>4280</b><br><u>(None)</u> | Relating to collection of delinquent taxes                                                                                                                      |           | 01/25/12 - To House<br>Finance                       | <b>House Reference 1 -</b><br>Finance                                                                  | Deduct cost of collection                        |
| <b>HB</b><br><b>4285</b><br><u>(None)</u> | Adding the county sheriff, or his or her designee, to those law-enforcement officials who are granted access to certain confidential pharmaceutical information |           | 01/25/12 - To House<br>Health and Human<br>Resources | <b>House Reference 1 -</b><br>Health and Human<br>Resources<br><b>House Reference 2 -</b><br>Judiciary |                                                  |
| <b>HB</b><br><b>4288</b><br><u>(None)</u> | Relating to the receipt and transfer of scrap metal                                                                                                             |           | 01/25/12 - To House<br>Judiciary                     | <b>House Reference 1 -</b><br>Judiciary                                                                | Permit law enforcement to confiscate metals      |
| <b>HB</b><br><b>4291</b><br><u>(None)</u> | Relating to county law libraries established by the Supreme Court of Appeals                                                                                    |           | 01/25/12 - To House<br>Judiciary                     | <b>House Reference 1 -</b><br>Judiciary                                                                | Determine which are being used & should continue |
| <b>HB</b><br><b>4295</b><br><u>(None)</u> | Amending recount procedures                                                                                                                                     |           | 01/25/12 - To House<br>Judiciary                     | <b>House Reference 1 -</b><br>Judiciary                                                                |                                                  |
| <b>HB</b><br><b>4297</b><br><u>(None)</u> | Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license                                 |           | 01/25/12 - To House<br>Judiciary                     | <b>House Reference 1 -</b><br>Judiciary                                                                |                                                  |
| <b>HB</b><br><b>4298</b><br><u>(None)</u> | Limiting the amount a property reappraisal can increase                                                                                                         |           | 01/25/12 - To House<br>Judiciary                     | <b>House Reference 1 -</b><br>Judiciary<br><b>House Reference 2 -</b><br>Finance                       | 10%                                              |

8 Pages

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

**FROM: PATTI HAMILTON**



## THE COUNTY LEGISLATIVE LINE Friday, February 3, 2012

### Capitol Quotes:

*"If you have something to say, you'll have to yell." Speaker Rick Thompson to House members last week, after the audio system crashed*

*"We're here directly from Finance and things work a little differently in there." Del. Doyle to Judiciary Chairman Miley who had just stated that he likes to let the committee debate and vote how they see fit*

*"We are going down a slippery slope towards same day registration. Del. Sobonya about HB 4257 that allows same day registration for returning military, their families, and anyone living overseas who come home after voters' registration period has ended*

*"Financials, yes – operations, no." Accountant for the Regional Jail Authority answering a question about whether the jails benefit financially from overcrowding*

*"I didn't feel like a victim even though I was pissed." Del. Ellem speaking against HB 4030 which gives worthless check payees top priority for court costs*

*"I'm a newcomer here (to Judiciary) and I've never been in committee meetings that go over an hour." Del. Walker, new to House Judiciary who often engage in lengthy committee discussion*

*"Is it true that we're the first state to deal with this issue?" Sen. Snyder on SB 469, the OPEB bill*

*"Yes, some states don't have this issue but we are the first that has a large unfunded liability." Sen. Plymale in response*

*"This will allow counties to come into the modern age." Sen. Snyder, explaining SB 167 for passage in the Senate, allowing county offices to accept credit card payments; the bill passed unanimously*

*"It might pay to be a graffiti artist." Del. Miley, referring to a graffiti 'artist' who was hired by Facebook to paint & decorate their offices, given stock, and became a multi-*

①

*millionaire when it went public; HB 4052 to curb a graffiti problem was being discussed*

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Live streaming from the House Chamber ended along with the audio system last Wednesday when the system crashed and House staff realized there is no "quick fix." This does not affect committee rooms where live audio is available online every day. The system is no longer manufactured but the hope is it can be repaired to work through the rest of the session. You can go to [www.legis.state.wv.us](http://www.legis.state.wv.us) and click on the audio to listen to committee meetings and floor sessions (when everything is working right!).

One of the best bills so far for counties is SB 347, allowing counties to keep the amount of transfer tax that they currently send to the state. This amount of approximately \$8 million in FY '11 would be dedicated to defraying regional jail costs. *Calls of support need to be made to Chairman Prezioso and members of Senate Finance to take up this bill.* Finance Committees in both bodies will finish budget hearings on Feb. 6<sup>th</sup>.

HB 4030 was discussed for nearly 90 minutes in House Judiciary. It puts into statute a priority list for those various funds that receive a portion of court costs, placing worthless checks first and restitution second. Regional Jails spoke against the bill because it lowers their "pecking order" for the portion of court costs that go to their bond payment. In response to being asked if this would lower the per diem, the RJA accountant responded that it has the potential to if they cannot meet bond payments. Portions of court costs go to funds that benefit counties including: the Regional Jails Partial Reimbursement Fund, Community Corrections, Law Enforcement Professional Standards (formerly law enforcement training) Subcommittee, the Courthouse Facilities Improvement Authority, and the Court Security Fund. On a side note, Regional Jail Director Larry Parsons resigned last week.

Governor's Bill SB 469, the "OPEB" bill, is fast-tracking its way through the Legislature. On Wednesday, rules were suspended requiring three readings and it has passed the Senate. On Thursday we had the first meeting of the "Intergovernmental Stakeholders Group" with Governor's staff and Ted Cheatham and the bill was explained to us. I will explain further in a later email, but the action of the PEIA Finance Board in December that caps the retiree subsidy for *everyone* at \$300 and up to 3% increase each year had the effect of cutting the ARC (the billed but unfunded liability) in half to \$5.3 billion. The bill itself creates a funding stream that will fully fund the liability by 2036.

SB 168, the County Officials Compensation Increase, is pending before Senate Finance. Finance committees in both bodies hold budget hearings through February 6<sup>th</sup>. There have been negative editorials around the state, as always occurs with pay raise issues. We are working on a positive response for county officials to use when talking with their local media or with legislators. The House version, HB 4405, was introduced on Thursday.

The Sheriffs' bill to give the Sheriff or one designee access to the Board of Pharmacy web site, SB 438, was discussed Wednesday. Thanks to Sheriff Steve Tanner, Raleigh

County, who told the committee, "A person a day dies in southern WV due to drug overdose. If we're in an epidemic, it's time to stretch the boundaries." The Board of Pharmacy opposes any further access. Sheriff Tanner explained that in Raleigh County, the Sheriffs' office answers 98% of the calls and access would allow for quicker investigative responses and quicker arrests.

HB 4305 passed out of House Political Subdivisions Committee. This bill would allow county commissions to appoint a 30 day "temporary" county official in the event of a vacancy. This would allow time for a more deliberative process to name a permanent appointment for the rest of a term.

County Clerks have been concerned about SB 400 which "opens the door" to same day registration during early voting. The bill offers the opportunity to returning military which is not being opposed but it also expands it to "overseas voters" who are not military but may come home during the time period when registration has closed. The bill has been put into subcommittee with Senators Browning, Klempa, and Facemyer.

HB 4356 should help prosecutors with child neglect cases that don't rise to the level of a felony by creating a misdemeanor for neglect that could result in serious bodily harm due to unreasonable failure by a parent to exercise a minimal degree of care. It passed out of House Judiciary on Thursday.

Keep up with the Legislature:  
[www.legis.state.wv.us](http://www.legis.state.wv.us) and

WV PBS "The Legislature Today" at 6:30 p.m. Mon-Fri; repeated at 11:30 p.m.

Personalized Bill Tracking List

*House Bills Introduced from 1/25 through 2/2*

|                      |                                                                                                                                                                                                                                            |                 |                                                         |                                                                                                       |                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------|
| HB<br>4298<br>(None) | Limiting the amount a property reappraisal can increase                                                                                                                                                                                    |                 | 01/25/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary<br>House Reference<br>2 - Finance                                    | 10%                                          |
| HB<br>4302<br>(None) | Requiring the voter to mark the location necessary to indicate that a write-in vote is to be cast                                                                                                                                          |                 | 01/26/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary                                                                      |                                              |
| HB<br>4304<br>(None) | Changing the composition of the Public Employee Insurance Agency Finance Board                                                                                                                                                             | SA<br>SB<br>365 | 01/26/12 - To<br>House Political<br>Subdivisions        | House Reference<br>1 - Political<br>Subdivisions<br>House Reference<br>2 - Government<br>Organization | Add non state<br>representative.<br>Priority |
| HB<br>4305<br>(None) | Relating to vacancies in offices of county commissioner, clerk of the county commission, clerk of the circuit court, prosecuting attorney, sheriff, assessor and surveyor                                                                  | SA<br>SB<br>354 | 02/02/12 - To<br>House Judiciary                        | House Reference<br>1 - Political<br>Subdivisions<br>House Reference<br>2 - Judiciary                  |                                              |
| HB<br>4317<br>(None) | Relating to mentally ill persons                                                                                                                                                                                                           | SA<br>SB<br>433 | 01/26/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary<br>House Reference<br>2 - Finance                                    | Sheriff priority.<br>Reimburse<br>county.    |
| HB<br>4318<br>(None) | Updating the definition of computer in the commission of certain crimes                                                                                                                                                                    | SA<br>SB<br>385 | 01/26/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary                                                                      |                                              |
| HB<br>4321<br>(None) | Amending the code relating to the ability of certain individuals to petition a court to regain the right to possess firearms, and authorizing parents or guardians to commit children age twelve or older to mental health hospitalization |                 | 01/26/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary                                                                      |                                              |
| HB<br>4334<br>(None) | West Virginia Civil and Criminal Forfeiture Act                                                                                                                                                                                            | SA<br>SB<br>403 | 01/27/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary                                                                      | Asset Forfeiture;<br>Sheriff Priority        |
| HB<br>4336<br>(None) | Relating to substance abuse                                                                                                                                                                                                                | SA<br>SB<br>437 | 01/27/12 - To<br>House Health and<br>Human<br>Resources | House Reference<br>1 - Health and<br>Human<br>Resources<br>House Reference<br>2 - Judiciary           |                                              |
| HB<br>4342           | Relating to the preparation and sale of voter registration lists                                                                                                                                                                           |                 | 01/30/12 - To<br>House Judiciary                        | House Reference<br>1 - Judiciary                                                                      | County Clerks<br>oppose                      |

Personalized Bill Tracking List

|                      |                                                                                                                            |                 |                                                  |                                                                                    |                              |
|----------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------|------------------------------------------------------------------------------------|------------------------------|
| (None)               |                                                                                                                            |                 |                                                  | House Reference<br>2 - Finance                                                     |                              |
| HB<br>4352<br>(None) | Enacting zoning ordinances that regulate drilling and hydraulic fracturing activity                                        |                 | 01/31/12 - To<br>House Judiciary                 | House Reference<br>1 - Judiciary<br>House Reference<br>2 - Finance                 | counties &<br>municipalities |
| HB<br>4356<br>(None) | Creating the misdemeanor offense for child neglect resulting in a substantial risk of bodily injury                        |                 | 01/31/12 - To<br>House Judiciary                 | House Reference<br>1 - Judiciary                                                   |                              |
| HB<br>4364<br>(None) | Relating to other post-employment benefits (OPEB)                                                                          | SA<br>SB<br>469 | 01/31/12 - To<br>House Finance                   | House Reference<br>1 - Finance                                                     |                              |
| HB<br>4369<br>(None) | Raising the qualifying percentage of the federal poverty level relating to the senior citizens' tax credit                 |                 | 02/01/12 - To<br>House Senior<br>Citizen Issues  | House Reference<br>1 - Senior Citizen<br>Issues<br>House Reference<br>2 - Finance  |                              |
| HB<br>4372<br>(None) | Increasing the salary of public service district board members                                                             |                 | 02/01/12 - To<br>House Political<br>Subdivisions | House Reference<br>1 - Political<br>Subdivisions<br>House Reference<br>2 - Finance |                              |
| HB<br>4389<br>(None) | Relating to child welfare                                                                                                  |                 | 02/01/12 - To<br>House Judiciary                 | House Reference<br>1 - Judiciary<br>House Reference<br>2 - Finance                 |                              |
| HB<br>4397<br>(None) | Making it a crime for preventing an individual from calling emergency service personnel                                    |                 | 02/02/12 - To<br>House Judiciary                 | House Reference<br>1 - Judiciary<br>House Reference<br>2 - Finance                 |                              |
| HB<br>4402<br>(None) | Relating to election complaint procedure                                                                                   |                 | 02/02/12 - To<br>House Judiciary                 | House Reference<br>1 - Judiciary                                                   | Sec of State bill            |
| HB<br>4403<br>(None) | Changing the filing deadline for certified write-in candidates                                                             |                 | 02/02/12 - To<br>House Judiciary                 | House Reference<br>1 - Judiciary                                                   | Sec of State bill            |
| HB<br>4405<br>(None) | Increasing compensation, after July 1, 2012, of elected county officials and county commissioners for each class of county |                 | 02/02/12 - To<br>House Political<br>Subdivisions | House Reference<br>1 - Political<br>Subdivisions<br>House Reference                | Priority                     |

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Personalized Bill Tracking List

|                               |                                                                                                  |  |                                            |                                                                                           |                   |
|-------------------------------|--------------------------------------------------------------------------------------------------|--|--------------------------------------------|-------------------------------------------------------------------------------------------|-------------------|
|                               |                                                                                                  |  |                                            | 2 - Finance                                                                               |                   |
| <b>HB<br/>4406<br/>(None)</b> | Allowing county commissions broad discretion in setting the salaries of county elected officials |  | 02/02/12 - To House Political Subdivisions | <b>House Reference<br/>1 - Political Subdivisions<br/>House Reference<br/>2 - Finance</b> |                   |
| <b>HB<br/>4408<br/>(None)</b> | Allowing for greater utilization of the Statewide Voter Registration System (SVRS)               |  | 02/02/12 - To House Judiciary              | <b>House Reference<br/>1 - Judiciary<br/>House Reference<br/>2 - Finance</b>              | Sec of State bill |

Personalized Bill Tracking List

*Senate Bills 1/26 - 2/1*

|                                |                                                                                                                                             |                                        |                                                 |                                                                                                       |                                           |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>SB 431</b><br><b>(None)</b> | Extending voter registration period prior to election                                                                                       | SI HB 3001                             | 01/26/12 - To Senate Judiciary                  | <b>Senate Reference 1</b><br>- Judiciary                                                              | Same day registration during early voting |
| <b>SB 433</b><br><b>(None)</b> | Relating generally to involuntary hospitalization of mentally ill persons                                                                   | SI HB 2755<br>SA HB 4317               | 01/26/12 - To Senate Health and Human Resources | <b>Senate Reference 1</b><br>- Health and Human Resources<br><b>Senate Reference 2</b><br>- Judiciary | Sheriffs priority                         |
| <b>SB 434</b><br><b>(None)</b> | Providing suggestion and suggestee execution contain certain information                                                                    |                                        | 01/26/12 - To Senate Judiciary                  | <b>Senate Reference 1</b><br>- Judiciary                                                              | Circuit clerks bill                       |
| <b>SB 437</b><br><b>(None)</b> | Relating generally to substance abuse                                                                                                       | SA HB 4336                             | 01/27/12 - To Senate Health and Human Resources | <b>Senate Reference 1</b><br>- Health and Human Resources<br><b>Senate Reference 2</b><br>- Judiciary |                                           |
| <b>SB 438</b><br><b>(None)</b> | Including sheriffs access to certain confidential pharmaceutical information                                                                | SI HB 2754<br>SA HB 4285               | 01/27/12 - To Senate Government Organization    | <b>Senate Reference 1</b><br>- Government Organization<br><b>Senate Reference 2</b><br>- Judiciary    | Priority                                  |
| <b>SB 439</b><br><b>(None)</b> | Relating to certain taxpayer petitions for assessor review of improper real property valuation                                              |                                        | 01/27/12 - To Senate Government Organization    | <b>Senate Reference 1</b><br>- Government Organization<br><b>Senate Reference 2</b><br>- Judiciary    |                                           |
| <b>SB 442</b><br><b>(None)</b> | Providing for phase-in of certain real property assessment increases                                                                        | SI HB 2395<br>SI HB 2987<br>SI HB 2360 | 01/27/12 - To Senate Government Organization    | <b>Senate Reference 1</b><br>- Government Organization<br><b>Senate Reference 2</b><br>- Finance      |                                           |
| <b>SB 454</b><br><b>(None)</b> | Providing certain persons residing with crime victims prosecutorial notification and right to be heard at sentencing and parole proceedings |                                        | 01/30/12 - To Senate Judiciary                  | <b>Senate Reference 1</b><br>- Judiciary                                                              |                                           |
| <b>SB 456</b><br><b>(None)</b> | Creating misdemeanor for child neglect creating bodily injury risk                                                                          | SI HB 4356                             | 01/30/12 - To Senate Judiciary                  | <b>Senate Reference 1</b><br>- Judiciary                                                              | Prosecutors priority                      |
| <b>SB 459</b><br><b>(None)</b> | Providing for real property assessment of mobile home situated on owner's real estate                                                       |                                        | 01/31/12 - To Senate Judiciary                  | <b>Senate Reference 1</b><br>- Judiciary<br><b>Senate Reference 2</b><br>- Finance                    | Assessors Priority                        |

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## Personalized Bill Tracking List

|                                |                                                                   |                  |                                                        |                                                                                                            |                    |
|--------------------------------|-------------------------------------------------------------------|------------------|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------|
| <b>SB 460</b><br><b>(None)</b> | Providing minimum tax appraisal value of automobiles              |                  | 01/31/12 - To Senate Transportation and Infrastructure | <b>Senate Reference 1</b><br>- Transportation and Infrastructure<br><b>Senate Reference 2</b><br>- Finance | Assessors Priority |
| <b>SB 463</b><br><b>(None)</b> | Expanding assessment exclusions under Tax Increment Financing Act |                  | 01/31/12 - To Senate Government Organization           | <b>Senate Reference 1</b><br>- Government Organization<br><b>Senate Reference 2</b><br>- Finance           |                    |
| <b>SB 465</b><br><b>(None)</b> | Relating to domestic violence proceedings and protective orders   | SA<br>HB<br>4307 | 01/31/12 - To Senate Judiciary                         | <b>Senate Reference 1</b><br>- Judiciary                                                                   |                    |
| <b>SB 468</b><br><b>(None)</b> | Allowing Courthouse Facilities Improvement Authority issue bonds  |                  | 01/31/12 - To Senate Judiciary                         | <b>Senate Reference 1</b><br>- Judiciary<br><b>Senate Reference 2</b><br>- Finance                         |                    |
| <b>SB 469</b><br><b>(None)</b> | Relating generally to other post-employment benefits              | SA<br>HB<br>4364 | 02/02/12 - To House Finance                            | <b>House Reference 1</b> - Finance<br><b>Senate Reference 1</b><br>- Finance                               |                    |
| <b>SB 476</b><br><b>(None)</b> | Changing filing deadline for write-in candidates                  |                  | 02/01/12 - To Senate Judiciary                         | <b>Senate Reference 1</b><br>- Judiciary                                                                   |                    |
| <b>SB 479</b><br><b>(None)</b> | Creating Spay Neuter Assistance Fund                              |                  | 02/01/12 - To Senate Agriculture                       | <b>Senate Reference 1</b><br>- Agriculture<br><b>Senate Reference 2</b><br>- Judiciary                     |                    |

# Legislative Lineup

## County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 15, Issue 3

February 2, 2012

## Legislative Lineup Week 3...

Hello CCAWV...We are now in the 22nd day of the 2012 Legislative Session. February 20th is the last day to introduce new bills in the House and Senate. Following is a quick up date on some bills of county interest: **Calls to Action**

**SB 167** - Authorizing counties and municipalities accept credit or check card as payment. This bill passed out of the Senate and goes to the House. Will keep you posted on House committee assignment.

**SB 168** - The county officials compensation increase bill is pending in Senate Finance. Support for the bill needs to be expressed to members of Senate Finance. Comments from several legislators is that the amounts are likely to be adjusted if the bill progresses.

**SB 347** - Allowing counties to keep all the transfer taxes they currently collect to be used for regional jail costs. Currently half is sent to the State. This bill is also in Senate Finance. Calls of support to Senate Finance is needed to get this bill moving.

**OPEB Legislation Introduced** Listened to PEIA director, Ted Cheatham report to the House Pensions Committee regarding the OPEB bill that has been introduced in both the House (HB 4364) and the Senate (SB 469). The bill dedicates \$35 million transferred from the State Personal Income Tax, to the West Virginia Retiree Health Benefit Trust Fund until governor certifies that trust fund is fully funded or July 1, 2037 whichever date is later. It also transfers responsibility for the employer annual required contribution of county boards of education to the state. **It was asked by the Chairman, and clarified by the PEIA director, that the bill does nothing to address the OPEB liability for counties and municipalities!** We will continue to receive a bill with no requirement to pay it, but will be required to carry the liability on our books. The House bill also codifies the action taken by the PEIA Finance Board that caps giving subsidized retiree health care premiums to hires after July 1, 2010. Senate bill does not...seems there is some disagreement over that issue.

**SB 150 - Clarifying Consolidated Public Retirement Board's authority to determine public employer contribution rate.** Senate Pensions Chairman Foster has announced a joint public hearing on SB 150, the bill that would put a "cap" back in statute, as to the amount the PERS board can set the employer contribution rate each year based on actuarial recommendation. It sets the cap at no more than 14.5%. Attendance and participation is needed. **Joint Public Hearing on SB 150 -- Wednesday, February 8, 2012 -- Senate Judiciary meeting room, 208W -- 4:00 PM**

**HB 4030 - prioritizing payment of fees, costs, bonds, fines, or other sums assessed in Magistrate courts. HB 4030 will require magistrate courts to credit the payments related to worthless check payees and restitution before any other costs or fines are paid.** The committee discussion included hearing from the supreme court that this bill could affect the revenues used to reimburse counties for magistrate court rent and to pay magistrate court utilities. Committee also heard that this bill could affect the amount of revenues available to hire a worthless check clerk to hand worthless checks in the county. Further the committee heard from the Regional Jail Authority Accountant that receiving less court fees could result in less revenue to pay the RJA debt service and could result in higher per diem rate charged to counties. The Regional Jail Authority estimates that the Authority could lose another \$1.2 Million in court fee collections if this bill is passed. It passed out of House Judiciary on Tuesday. The bill passed out of the House Judiciary Committee and now goes to House Finance.

**SB 108** relating to establishing education requirements to serve as magistrate, failed on the Senate floor this week.

**SB 211** creating traffic offenses for texting or using handheld wireless communication devices while driving passed out of Senate Committees and is on 1st reading on the Senate Floor.

**HB 4257** providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986 has complemented committee work in the House and is on 1st reading on the House Floor.

As always, if you have questions or concerns, just call (304) 345-4639 or my cell (304) 415-1608.

**Attached are bills of interest to County Commissions introduced Jan. 27-Feb. 1, 2012...**

## Personalized Bill Tracking List

Crawvvk3 - 2012 Regular Session

| Bill                    | Title                                                                                               | SA(Same As)/ SI(Similar To)                                | Last Action                                        | Committee Reference                                                                                                 | Notes |
|-------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------|
| <u>SCR</u><br><u>22</u> | Requesting Joint Committee on Government and Finance study involuntary commitment process           |                                                            | 02/02/12 - To Senate<br>On Unfinished Business     |                                                                                                                     |       |
| <u>SB</u><br><u>403</u> | Creating WV Criminal and Civil Forfeiture Act                                                       | <u>SA HB</u><br><u>4334</u>                                | 01/24/12 - To Senate<br>Judiciary                  | <b>Senate Reference</b><br>1 - Judiciary<br><b>Senate Reference</b><br>2 - Finance                                  |       |
| <u>SB</u><br><u>417</u> | Establishing right to disposition of deceased's remains                                             | <u>SA HB</u><br><u>4051</u>                                | 01/25/12 - To Senate<br>Judiciary                  | <b>Senate Reference</b><br>1 - Judiciary                                                                            |       |
| <u>SB</u><br><u>422</u> | Relating generally to retirement benefits and costs of PERS, State Police Retirement System and TRS |                                                            | 01/25/12 - To Senate<br>Pensions                   | <b>Senate Reference</b><br>1 - Pensions<br><b>Senate Reference</b><br>2 - Finance                                   |       |
| <u>SB</u><br><u>425</u> | Exempting certain nursing homes from certificate of need review and bed moratorium                  |                                                            | 01/25/12 - To Senate<br>Health and Human Resources | <b>Senate Reference</b><br>1 - Health and Human Resources<br><b>Senate Reference</b><br>2 - Government Organization |       |
| <u>SB</u><br><u>430</u> | Conforming code provisions to Streamlined Sales and Use Tax Agreement                               | <u>SA HB</u><br><u>4335</u>                                | 01/26/12 - To Senate<br>Finance                    | <b>Senate Reference</b><br>1 - Finance                                                                              |       |
| <u>SB</u><br><u>431</u> | Extending voter registration period prior to election                                               | <u>SI HB</u><br><u>3001</u>                                | 01/26/12 - To Senate<br>Judiciary                  | <b>Senate Reference</b><br>1 - Judiciary                                                                            |       |
| <u>SB</u><br><u>433</u> | Relating generally to involuntary hospitalization of mentally ill persons                           | <u>SI HB</u><br><u>2755</u><br><u>SA HB</u><br><u>4317</u> | 01/26/12 - To Senate<br>Health and Human Resources | <b>Senate Reference</b><br>1 - Health and Human Resources<br><b>Senate Reference</b><br>2 - Judiciary               |       |
| <u>SB</u><br><u>437</u> | Relating generally to substance abuse                                                               | <u>SA HB</u><br><u>4336</u>                                | 01/27/12 - To Senate<br>Health and Human Resources | <b>Senate Reference</b><br>1 - Health and Human Resources<br><b>Senate Reference</b><br>2 - Judiciary               |       |

|                         |                                                                                                |                                                                                           |                                                              |                                                                                                 |
|-------------------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <u>SB</u><br><u>439</u> | Relating to certain taxpayer petitions for assessor review of improper real property valuation |                                                                                           | 01/27/12 - To Senate<br>Government<br>Organization           | Senate Reference<br>1 - Government<br>Organization<br>Senate Reference<br>2 - Judiciary         |
| <u>SB</u><br><u>442</u> | Providing for phase-in of certain real property assessment increases                           | <u>SI HB</u><br><u>2360</u><br><u>SI HB</u><br><u>2395</u><br><u>SI HB</u><br><u>2987</u> | 01/27/12 - To Senate<br>Government<br>Organization           | Senate Reference<br>1 - Government<br>Organization<br>Senate Reference<br>2 - Finance           |
| <u>SB</u><br><u>443</u> | Increasing state tax exemption for PERS, TRS and military retirement income                    | <u>SI HB</u><br><u>2043</u><br><u>SI HB</u><br><u>2364</u><br><u>SI HB</u><br><u>2720</u> | 01/27/12 - To Senate<br>Pensions                             | Senate Reference<br>1 - Pensions<br>Senate Reference<br>2 - Finance                             |
| <u>SB</u><br><u>459</u> | Providing for real property assessment of mobile home situated on owner's real estate          |                                                                                           | 01/31/12 - To Senate<br>Judiciary                            | Senate Reference<br>1 - Judiciary<br>Senate Reference<br>2 - Finance                            |
| <u>SB</u><br><u>460</u> | Providing minimum tax appraisal value of automobiles                                           |                                                                                           | 01/31/12 - To Senate<br>Transportation and<br>Infrastructure | Senate Reference<br>1 - Transportation<br>and Infrastructure<br>Senate Reference<br>2 - Finance |
| <u>SB</u><br><u>461</u> | Conforming election violation statute to federal code                                          |                                                                                           | 01/31/12 - To Senate<br>Judiciary                            | Senate Reference<br>1 - Judiciary                                                               |
| <u>SB</u><br><u>463</u> | Expanding assessment exclusions under Tax Increment Financing Act                              |                                                                                           | 01/31/12 - To Senate<br>Government<br>Organization           | Senate Reference<br>1 - Government<br>Organization<br>Senate Reference<br>2 - Finance           |
| <u>SB</u><br><u>468</u> | Allowing Courthouse Facilities Improvement Authority issue bonds                               |                                                                                           | 01/31/12 - To Senate<br>Judiciary                            | Senate Reference<br>1 - Judiciary<br>Senate Reference<br>2 - Finance                            |
| <u>SB</u><br><u>469</u> | Relating generally to other post-employment benefits                                           | <u>SA HB</u><br><u>4364</u>                                                               | 02/01/12 - To House<br>Ordered to House                      | Senate Reference<br>1 - Finance                                                                 |
| <u>SB</u><br><u>473</u> | Authorizing Supreme Court determine continuation of county law libraries                       |                                                                                           | 02/01/12 - To Senate<br>Judiciary                            | Senate Reference<br>1 - Judiciary                                                               |
| <u>SB</u><br><u>479</u> | Creating Spay Neuter Assistance Fund                                                           |                                                                                           | 02/01/12 - To Senate<br>Agriculture                          | Senate Reference<br>1 - Agriculture<br>Senate Reference<br>2 - Judiciary                        |

|                          |                                                                                                                                                                           |                            |                                                            |                                                                                                       |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <u>HB</u><br><u>4188</u> | Courthouse facilities improvement authority, facilities improvement fund                                                                                                  |                            | 01/19/12 - To House<br>House Finance                       | House Reference 1<br>- Finance<br>House Reference 2<br>- Judiciary                                    |
| <u>HB</u><br><u>4288</u> | Relating to the receipt and transfer of scrap metal                                                                                                                       |                            | 01/25/12 - To House<br>House Judiciary                     | House Reference 1<br>- Judiciary                                                                      |
| <u>HB</u><br><u>4291</u> | Relating to county law libraries established by the Supreme Court of Appeals                                                                                              |                            | 02/01/12 - To Senate<br>Communicated to<br>Senate          | House Reference 1<br>- Judiciary                                                                      |
| <u>HB</u><br><u>4302</u> | Requiring the voter to mark the location necessary to indicate that a write-in vote is to be cast                                                                         |                            | 01/26/12 - To House<br>House Judiciary                     | House Reference 1<br>- Judiciary                                                                      |
| <u>HB</u><br><u>4304</u> | Changing the composition of the Public Employee Insurance Agency Finance Board                                                                                            | <u>SA SB</u><br><u>365</u> | 01/26/12 - To House<br>House Political<br>Subdivisions     | House Reference 1<br>- Political<br>Subdivisions<br>House Reference 2<br>- Government<br>Organization |
| <u>HB</u><br><u>4305</u> | Relating to vacancies in offices of county commissioner, clerk of the county commission, clerk of the circuit court, prosecuting attorney, sheriff, assessor and surveyor | <u>SA SB</u><br><u>354</u> | 01/26/12 - To House<br>House Political<br>Subdivisions     | House Reference 1<br>- Political<br>Subdivisions<br>House Reference 2<br>- Judiciary                  |
| <u>HB</u><br><u>4313</u> | Requiring that the building code be the state building code                                                                                                               |                            | 01/26/12 - To House<br>House Political<br>Subdivisions     | House Reference 1<br>- Political<br>Subdivisions<br>House Reference 2<br>- Judiciary                  |
| <u>HB</u><br><u>4334</u> | West Virginia Civil and Criminal Forfeiture Act                                                                                                                           | <u>SA SB</u><br><u>403</u> | 01/27/12 - To House<br>House Judiciary                     | House Reference 1<br>- Judiciary                                                                      |
| <u>HB</u><br><u>4336</u> | Relating to substance abuse                                                                                                                                               | <u>SA SB</u><br><u>437</u> | 01/27/12 - To House<br>House Health and<br>Human Resources | House Reference 1<br>- Health and Human<br>Resources<br>House Reference 2<br>- Judiciary              |
| <u>HB</u><br><u>4339</u> | Providing an increase to all annuitants of the Public Employees Retirement and Teachers Retirement Systems                                                                |                            | 01/30/12 - To House<br>House Pensions and<br>Retirement    | House Reference 1<br>- Pensions and<br>Retirement<br>House Reference 2<br>- Finance                   |
| <u>HB</u><br><u>4342</u> | Relating to the preparation and sale of voter registration lists                                                                                                          |                            | 01/30/12 - To House<br>House Judiciary                     | House Reference 1<br>- Judiciary<br>House Reference 2<br>- Finance                                    |

|                                        |                                                                                                            |                                          |                                                         |                                                                                       |
|----------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------|
| <b><u>HB</u></b><br><b><u>4352</u></b> | Enacting zoning ordinances that regulate drilling and hydraulic fracturing activity                        |                                          | 01/31/12 - To House<br>House Judiciary                  | House Reference 1<br>- Judiciary<br>House Reference 2<br>- Finance                    |
| <b><u>HB</u></b><br><b><u>4364</u></b> | Relating to other post-employment benefits (OPEB)                                                          | <b><u>SA SB</u></b><br><b><u>469</u></b> | 01/31/12 - To House<br>House Finance                    | House Reference 1<br>- Finance                                                        |
| <b><u>HB</u></b><br><b><u>4367</u></b> | Relating to Open Governmental Proceedings                                                                  |                                          | 02/01/12 - To House<br>House Government<br>Organization | House Reference 1<br>- Government<br>Organization<br>House Reference 2<br>- Judiciary |
| <b><u>HB</u></b><br><b><u>4369</u></b> | Raising the qualifying percentage of the federal poverty level relating to the senior citizens' tax credit |                                          | 02/01/12 - To House<br>House Senior Citizen<br>Issues   | House Reference 1<br>- Senior Citizen<br>Issues<br>House Reference 2<br>- Finance     |
| <b><u>HB</u></b><br><b><u>4372</u></b> | Increasing the salary of public service district board members                                             |                                          | 02/01/12 - To House<br>House Political<br>Subdivisions  | House Reference 1<br>- Political<br>Subdivisions<br>House Reference 2<br>- Finance    |
| <b><u>HB</u></b><br><b><u>4387</u></b> | Relating to voting procedures                                                                              |                                          | 02/01/12 - To House<br>House Judiciary                  | House Reference 1<br>- Judiciary<br>House Reference 2<br>- Finance                    |





13

# JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

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

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

## NOTICE

### Board of Review and Equalization

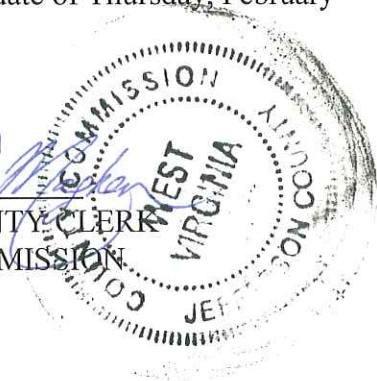
The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Wednesday, February 1<sup>st</sup>, 2012, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2012.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 2<sup>nd</sup>, 2012, at 1:30 p.m., Tuesday, February 7<sup>th</sup>, 2012, at 1:30 p.m., Thursday, February 9<sup>th</sup>, 2012, at 1:30 p.m., and thereafter as deemed necessary.

Persons wishing to appear before the Commission should apply to the Assessor no later than Friday, February 10<sup>th</sup>, 2012, at noon, in order to complete the proper forms and to schedule a hearing date prior to the planned final date of Thursday, February 16<sup>th</sup>, 2012.

Given under my hand this 5<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
JENNIFER MAGHAN, COUNTY CLERK  
JEFFERSON COUNTY COMMISSION



COUNTY ADMINISTRATOR

*Tim Bowde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher McDonald*





*State of West Virginia*  
*Earl Ray Tomblin*  
*Governor*

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

Telephone: (304) 558-2000  
Toll Free: (888) 438-2731  
Fax: (304) 342-7025  
[www.governor.wv.gov](http://www.governor.wv.gov)

January 24, 2012

The Honorable Patricia A. Noland  
President  
Jefferson County Commission  
Post Office Box 250  
100 East Washington Street  
Charles Town, WV 25414-0250

Dear Commissioner Noland:

Thank you for contacting my office. I appreciate your thoughts and concerns, and particularly the time you took to send them to me.

Your correspondence has been forwarded to the appropriate division in my office for further review.

Please accept my most sincere best wishes for the future.

Sincerely,

A handwritten signature in blue ink that reads "Earl Ray Tomblin".

Earl Ray Tomblin  
Governor

ERT:mrp

**RECEIVED**

JAN 27 2012

Jefferson County Commission

Margaret W. Davies  
131 Baltusrol Drive  
Charles Town, WV 25414  
(304) 728-6254

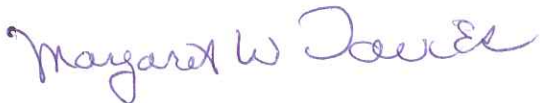
January 28, 2012

Dear County Commissioners,

This is in response to the proposed "fire fee", of \$110.00 (per residence) or \$0.08 per square foot (commercial) per year suggested by you for fire protection during the day. A tax by any other name is still a tax. I expect fire and police protection to be included in my basic taxes and not have all my tax money go to paying salaries and benefits to an ever increasing number of county workers. I find it surprising that you cannot find the funds for such a basic service as fire protection but can find over \$42,000 to upgrade your meeting room with i-pads (for your use of course), wireless speakers, a 46" flat TV screen, new sound system etc. The reason you gave for the wireless speakers is the cables now in use could prove to be a tripping hazard. So this is new? As for going paperless because your agenda can run to over 100 pages, in heaven's name, what efficient organization has an agenda of more than 100 pages? And why is there an "unencumbered balance" anyway?

I've watched for the past 10 years as you have repeatedly abused the taxpayers of Jefferson County figuring you can raise taxes anytime you need more money. And if taxes won't fly, call it a fee. If you should pass this "fee" for such a basic service as fire protection can a fee for police protection be far behind? And now it's been shown that the numbers used to calculate this fee are not correct. How wrong can one proposal be? I think the only part of this fee you got correctly is that it would not pass a levy. You're right. The taxpayers are fed up with the increases and whether you call it a fee or tax it is still the same. Please stop wasting our money on non-essential projects such as the upgrades to the meeting room and pay attention to the difficulties that most people are having making ends meet. Why don't you try trimming the budget? Would not that be a refreshing change?

Sincerely,



Margaret W. Davies

RECEIVED

JAN 28 2012

Jefferson County Commission

## United States Senate

WASHINGTON, DC 20510-4804

ENERGY AND NATURAL  
RESOURCES COMMITTEE

ARMED SERVICES COMMITTEE  
SPECIAL COMMITTEE ON AGING

January 23, 2012

Ms. Sandy Slusher McDonald  
Deputy County Administrator  
Jefferson County Commission  
124 East Washington Street  
Charles Town, West Virginia 25414-1072

Dear Ms. McDonald,

Thank you for contacting me to express your concerns about the mail consolidation plan for Martinsburg, West Virginia. I appreciate the time you took to share your concerns and I value the opportunity to hear your thoughts.

Due to the high volume of letters I have received on this topic, there has been a delay in responding to each person who wrote to me. This only highlights the importance of this issue. Growing up in the small town of Farmington with just a few hundred people, I speak from experience when I say that rural post offices serve as a critical lifeline to communities. As an elected representative, I receive dozens, sometimes hundreds, of letters a day from my constituents, many of whom can only reach me by writing a letter. While I understand that tough choices are necessary in this difficult budget climate, I will continue to encourage the USPS to make every effort to maintain their services in rural America.

Please know that I was pleased to join my fellow delegation members in notifying the Postmaster General of my concerns on this issue. With regard to Martinsburg, I have forwarded your comments to the USPS so that they are aware of your concerns.

RECEIVED

JAN 23 2012

Jefferson County Commission

Again, thank you for taking the time to add your voice to this important discussion. If I may be of further assistance to you, please do not hesitate to contact my office.

Sincerely,



Joe Manchin III  
United States Senator

JM/lr



COMCAST FINANCIAL AGENCY CORPORATION  
 A Comcast Cable Communications Group Company  
 1701 JFK Boulevard  
 Philadelphia, PA 19103-2838

REMITTANCE ADVICE

No. 209793242

Date : 18-JAN-12

Vendor Name : JEFFERSON COUNTY OF WV

Vendor No. : 258321

| INVOICE NO.  | INVOICE DATE | DESCRIPTION                    | DISCOUNT AMOUNT | NET AMOUNT |
|--------------|--------------|--------------------------------|-----------------|------------|
| 23310        | 31-DEC-11    | County of Jefferson WV 1626/19 | 0.00            | 85,191.46  |
| <b>TOTAL</b> |              |                                | 0.00            | 85,191.46  |

RECEIVED

Jefferson County Commission

THE FACE OF THIS DOCUMENT HAS A MULTI COLORED BACKGROUND - NOT A WHITE BACKGROUND



JPMorgan Chase, N.A.  
 Columbus, OH 43271  
 56-1544/441



No. 209793242

COMCAST FINANCIAL AGENCY CORPORATION  
 A Comcast Cable Communications Group Company  
 1701 JFK Boulevard  
 Philadelphia, PA 19103-2838

Date 18-JAN-12

Void After 180 Days

Pay Eighty-Five Thousand One Hundred Ninety-One Dollars And 46 Cents\*\*

\$ \*\*\*\*\*85,191.46

To The Order of JEFFERSON COUNTY OF WV  
 PO BOX 250  
 CHARLESTOWN, WV 25414

Authorized Signature

*David A. Scott*

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈ 209793242⑈ ⑆044115443⑆

675528343⑈



System Name:

Email: Lindsay\_Dwyer@cable.comcast.com

Phone: 610-650-1058

|                   |                 |
|-------------------|-----------------|
| Vendor ID:        | 258321          |
| Statement Period: | Oct - Dec, 2011 |
| Payment Amount:   | \$85,191.46     |
| Statement Number: | 23310           |
| CUID:             | WV0665          |
| System ID:        | 01626-019       |

JEFFERSON COUNTY OF WV

PO BOX 250

CHARLESTOWN, WV, 25414

This statement represents your Franchise Fee payment for the period listed above.

| Revenue Category                | Amount                |
|---------------------------------|-----------------------|
| Expanded Basic Video Service    | \$625,878.43          |
| Limited Basic Video Service     | \$367,291.88          |
| Digital Video Service           | \$258,800.17          |
| Pay                             | \$116,806.09          |
| PPV / VOD                       | \$61,535.92           |
| Video Equipment                 | \$6,298.53            |
| Digital Video Equipment         | \$170,012.38          |
| Video Installation / Activation | \$28,715.36           |
| Billing and Collection          | \$113.56              |
| Convenience Fees                | \$2,084.45            |
| NSF Fees                        | \$1,085.16            |
| Late Fees                       | \$3,843.39            |
| Write-offs / Recoveries         | (\$25,539.48)         |
| Whole House Maintenance         | \$4,331.92            |
| Allocated Adjustments           | (\$2,371.34)          |
| <b>Total</b>                    | <b>\$1,618,686.42</b> |
| Franchise Fee %                 | 5.00 %                |
| Franchise Fee                   | \$80,934.32           |
| Fee On Fee Payment              | \$4,257.14            |
| <b>Total Payment</b>            | <b>\$85,191.46</b>    |

RECEIVED

Jefferson County Commission

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.



---

Brent Reed

Senior Analyst



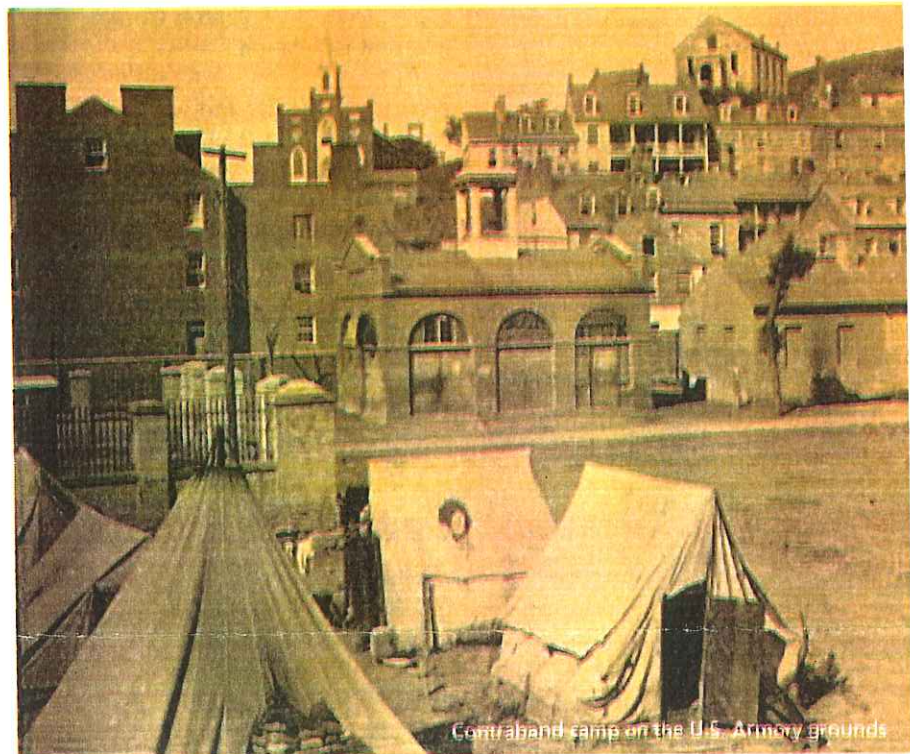
# Community Bulletin

## Park Opens Black History Month Exhibit

In conjunction with Black History Month, Harpers Ferry National Historical Park is pleased to announce its Black History Month program for 2012. Throughout February, a special exhibit, *Running to Freedom: Fighting for Freedom*, will focus on the African American struggle to escape bondage and fight to end the institution of slavery.

This special exhibit opens on Sunday, February 5, 2012, at 2:00 p.m. on the second floor of the John Brown Museum on Shenandoah Street in Harpers Ferry, West Virginia. Come learn Harpers Ferry's role in this story as one of many Union garrison towns where runaway slaves, or "contraband," sought refuge.

At the outbreak of the Civil War, President Abraham Lincoln said his goal was to preserve the Union and not to abolish slavery. But four million enslaved African Americans knew otherwise. For them, the war was their path to emancipation. When Federal armies moved into the South thousands of slaves fled to Union camps seeking freedom. At first, no consistent federal policy regarding fugitive slaves existed, allowing individual commanders to make their own decisions. Some officers put runaways to work for the army as cooks, laborers and spies; others simply turned



Contraband camp on the U.S. Armory grounds

them away or returned them to their masters. Finally, on August 6, 1861, the United States Congress declared fugitive slaves to be "contraband of war," officially preventing freedom seekers from being returned to bondage.

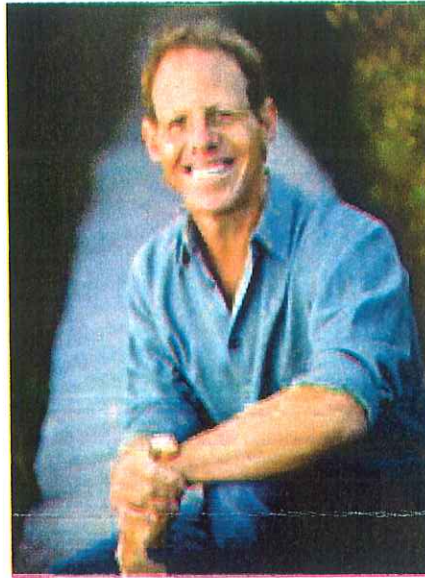
Less than two years later, President Lincoln issued the Emancipation Proclamation, not only changing the

purpose of the war, but opening the door for blacks to join the Union Army. African American men rushed to enlist despite facing segregation and discrimination. By the time the war ended in 1865, almost 200,000 black men had served in the United States Army and Navy. Roughly 90,000 were "contraband of war." Perhaps more than anyone else, these men understood the value of freedom.

## An Evening with Author, Tony Horwitz

On February 21, 2012, Harpers Ferry National Historical Park, in cooperation with the Jefferson County Board of Education and the Harpers Ferry Middle School, invites you to panel discussion, and question and answer session on John Brown's Raid, with Tony Horwitz. Other invited panelists include: Dennis Frye, Chief Historian, and David Fox, Park Ranger, both of Harpers Ferry National Historical Park; John Rudy, adjunct professor of history at Gettysburg College; and Dr. James Bryant, professor of history at Shenandoah University.

In addition to being a noted author, Mr. Horwitz also won a Pulitzer Prize for his work with the Wall Street Journal. The recently-released *Midnight Rising*, a book on John Brown's Raid, has received rave reviews. Copies of the book will be available at the event. This special program is part of an ongoing development series being provided by the Office of Education, Harpers Ferry National Historical Park, through



a grant from the Jefferson County Board of Education.

The event is FREE, and will be held in the auditorium of the Harpers Ferry Middle School, on Tuesday, February 21, from 6:30 until 8:00 p.m. (In the event of inclement weather, this event will be canceled.)

For more information, contact Jeff Driscoll, in the Office of Education, Harpers Ferry National Historical Park, by e-mail: [Jeff\\_Driscoll@nps.gov](mailto:Jeff_Driscoll@nps.gov) or by phone: 304.535.6053

## Upcoming Events

March 31 - April 1  
"Necessity: The Mother of Invention"  
Women's History Month  
Time: 11:00 am - 4:00 pm  
Location: Lower Town  
Meet Harpers Ferry's industrial workers and citizens at special exhibits featuring the technological advances in health, food preservation, and arms production.


April 28 - 29  
"Bateaux on the Rivers: Highways of Trade 1812"  
Time: 11:00 am - 4:00 pm  
Location: Lower Town  
Step back to Harpers Ferry's early

settlement and Basil Williamson's Tavern when John Wager & Co. Boating shipped flour and produce to Georgetown, Washington, and Alexandria Virginia. Experience the town's early industry, trade, and transportation with the park's living history staff and volunteers & the Virginia Canals and Navigation Society. Special exhibits and demonstrations include:

- a Bateau and Boatman's camp
- Guns of Harpers Ferry U.S. Armory
- Basil Williamson's Tavern
- Period musicians

May 26 - 27  
Stonewall Stopped: Jackson's 1862 Valley Campaign  
Time: 10:00 am - 4:00 pm  
Location: Lower Town  
Learn about General Rufus B. Saxton's successful defense of Harpers Ferry during Stonewall Jackson's Valley Campaign in the spring of 1862. Activities will include, living history, ranger conducted programs and family/youth activities.

June 16  
In Defense of Our Nation: The Harpers Ferry Armory and the War of 1812  
Time: 10:00 am - 4:00 pm  
Location: Lower Town  
Join us for this commemoration that coincides with the two-hundredth anniversary of the declaration of war which escalated arms production at the Harpers Ferry Armory. Activities include ranger conducted programs, War of 1812 recruitment, historic flintlock firing demonstration, family and youth programming, drama, and music. Featured highlights will be a dramatic presentation by John Douglas Hall as President James Madison and a musical presentation by David & Ginger Hildebrand presenting "Music of the War of 1812".



National Park Service  
U.S. Department of the Interior

The history of Harpers Ferry has few parallels in the American drama. It is more than one event, one date, or one individual. It is multi-layered, involving a diverse number of people and events, decisions and actions that influenced the course of our nation's history. Visit Harpers Ferry and step into history.

Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-525-6881

Harpers Ferry NHP Home Page  
[www.nps.gov/hafe/](http://www.nps.gov/hafe/)

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

# VALLEY VIEWS

Potomac  
Valley  
Audubon  
Society

Volume 30, Issue 5

February 2012

## New Website Coming On Line!

On February 1, PVAS is planning on launching its new website! The new website will allow members to join (or renew) online, register for programs/events on line, view well-organized information, an interactive calendar of events, and more!

The birding committee is even including a birding map that features birding "hot spots" in the panhandle, listing how to get to each location, the natural history of the site, and what birds you might see there.

The banner of the website will change with each season, and will



feature photos by Wil Hersberger that he is generously allowing us to use.

We're very excited about this upgrade. Kristin Kaineg, of Kaineg Designs, has been working on the website for several months and we are excited to launch it! We welcome your feedback on ways to continue to improve this "gateway" to PVAS and its programs!

## Summer Camp Preview —It's Our 10<sup>th</sup> Anniversary!

In just a few weeks, registration for our summer day camp programs will begin as campers anticipate another fun-filled summer of nature programming! This is our tenth year and promises to be the best year yet! Online registrations are scheduled to begin on February 1 for members of PVAS. Open registration for non-PVAS members begins February 15.

Sessions this year will be held at Yankauer Nature Preserve, the Peter Burr Farm, and a new site near Shannondale. Camp dates are May 29-July 20. The first two weeks are for preschoolers; traditional day camp sessions for ages 6-13 begin June 11. The base price for sessions is \$150 per camper, but fees range from \$50 up to \$250 for the teen high adventure sessions.

See *Summer Camp*, Page 2

## Coming Soon: Summer Camp Scholarships

It may be winter outside but it's time to start spreading the word about this year's PVAS summer camp scholarship program!

Every year throughout its history PVAS has provided scholarships to help area youngsters attend nature-oriented summer camps. The scholarship program is supported partly by our fall birdseed sale. Additional community sources also support scholarships to our own day camp program at the Yankauer Nature Preserve.

Last year we provided scholarships for children to attend the Mountain Adventures Summer Camp near Spruce Knob, West Virginia; the Oglebay Institute Junior Nature Camp near Wheeling; and our own Audubon Discovery summer day camp at Yankauer.

See *Camp Scholarships*, Page 2

## We Still Need Your Help With Our Annual Fundraising Appeal!

As this is being written in mid January, PVAS's annual fundraising appeal—which was launched on December 1—has raised \$22,612 from 123 families and individuals.

That's \$1,433—or about 7 percent—more than we'd raised by this time last year. And that's a great result given our region's continuing economic problems.

Thanks to all of you who have already contributed!

But we've still got a long way to go to at least match last year's annual appeal total of \$31,596.

If you haven't contributed yet, please consider doing so now if you can. No gift is too small and any amount will be appreciated.

You can contribute to our annual appeal anytime through the end of March.

If you've received this newsletter by regular mail, a return envelope is included for your convenience (be sure to add your own postage). If you receive our newsletters by email, you can send contributions to: PVAS, PO Box 578, Shepherdstown, WV 25443.

Potomac Valley Audubon Society is people dedicated to preserving, restoring, and enjoying the natural world through education and action.

# President's Perch

Hello everyone:

It's time for me to make a fundraising pitch again, so here goes.

First, thanks to all of you who've helped make our annual fundraising appeal such a success so far.

We know times are still tough for a lot of households, and we're grateful for any and all contributions we receive.

In the end, last year's annual appeal raised \$31,596. Right now, we've raised about 72 percent of that amount. We'd like at least to match last year's total this year and based on the response we've had so far we're hopeful that we can—but we've only got until the end of March to do it.

So if you've been planning to give but just haven't gotten around to it, we hope you'll do so soon.

Or if you haven't really thought about giving, we hope you'll consider it.

Your support really does matter. As you read this newsletter, look at all the different services PVAS is providing to the community. For example:

- The programs we offer in area schools are continuing to evolve. Our fourth grade Watershed Education program—which teaches youngsters about the importance of protecting our streams and rivers—is beginning its ninth year.
- Registration is about to open for this year's PVAS summer camp programs. Once again, in addition to our traditional camp sessions at the Yankauer Nature Preserve, we'll be offering a special, history-focused camp at the Peter Burr Farm in Jefferson County.
- Our Master Naturalist Program for adults is going strong and will begin its sixth year of instruction in March.
- A group of volunteers is already at work at our new Stauffer's Marsh Nature Preserve in Berkeley County, helping to maintain the property and determine future trail routes.

The funds we raise through our annual appeals are critical to sustaining these kinds of activities.

Please do help if you possibly can.

—Peter Smith

## Camp Scholarships (continued from page 1)

Scholarships to other camps are usually available as well.

Please start thinking now about eligible youngsters, and be sure to encourage them to apply. For further details about specific camps, dates, ages, and application forms, watch future issues of Valley Views and check our web site, [www.potomacaudubon.org](http://www.potomacaudubon.org).

Kathryn Henry will once again be our summer camp scholarship coordinator. You may contact her at 304-876-6681, or at [dhenry@myexcel.com](mailto:dhenry@myexcel.com).

## "Race for the Birds" Is April 21, Not April 12

The December issue of *Valley Views* contained the wrong date for PVAS's 11<sup>th</sup> Annual Race for the Birds in April. The race will be held on April 21, not April 12. We regret the error.



The event will be held on the campus of the National Conservation Training Center (NCTC) near Shepherdstown, in conjunction with the Center's 2012 open house.

To register, and for more information, go to the race website at [www.raceforthebirds.org](http://www.raceforthebirds.org). Or contact the race directors, James and Suzy Munnis, at [jmunnis@earthlink.net](mailto:jmunnis@earthlink.net) or 304-876-6784.

As before, the Race for the Birds will include two professionally timed races—one 4.9 miles long and another 7.7 miles long. There will also be a self-timed 2-mile community jog/walk for families and individuals who prefer a slower pace, and a 1-mile "Fun Run" for children under 10 years of age.

The 4.9- and 7.7-mile races will follow trails that wind through the forests and fields of the 538-acre NCTC campus. The 2-mile jog/walk will follow a course that will be very user-friendly for families with small children, and trail-friendly baby joggers will be appropriate and encouraged.

The trails on the NCTC campus are not normally open to the general public so this will be a good opportunity to visit and enjoy the facility's beautiful trail network.

The two races will begin at 9:00 a.m. The jog/walk will begin shortly afterwards and the children's Fun Run will be held at about 10:45 a.m.

The children's Fun Run will be free. Fees for the other portions of the event will range from \$15 to \$25.

All proceeds will be used to support PVAS's programs for children, and all fees will be tax deductible.

## Summer Camp (continued from page 2)

Sessions at Yankauer will feature "Nature Detectives", "Hop, Slither, Sneak!", and the always popular, "Camp Survivor." A special 4-day week over the Fourth of July holiday will be "Camp Surprise." The Peter Burr site will host "The Simple Life" and "Nature Detectives." Sessions for middle school teens include "Wild Wings" at Yankauer, which will include an afternoon of caving, and "Life on the Frontier" at Peter Burr Farm which will feature a day trip to Old Bedford Village in Pennsylvania. Teen sessions at For Love of Children Outdoor Education Center, located in Shannondale, include "Into the Wild," (hiking on the Appalachian Trail), "Adventure Challenge" (ropes and rock climbing), and "Camp Survivor, Part Deux."

Campers ages 13 and older can apply to be Junior Staff by requesting an application at [pvasmail@gmail.com](mailto:pvasmail@gmail.com). Junior staff will be selected from those who apply.

Also returning this year is our Digital Photo Camp for high school students. Those details are still being worked out, but we promise to get the dates to you ASAP! If you would like to be among the first to know, or have other questions about camp, send Ellen Murphy an email at [pvasmail@gmail.com](mailto:pvasmail@gmail.com) or call 304-676-8739.

## School Program Update

PVAS continues to have a presence in the public and private schools through numerous nature programs. In Fall 2011, we reached almost 1,500 students in Berkeley and Jefferson Counties through nature programs at school or at Yankauer AND an additional 475 at the Jefferson County Science Olympiad AND an additional 800 students in Kindergarten, First, Fourth, and Fifth grades through special funding from WV DNR. That's a bunch of kids!

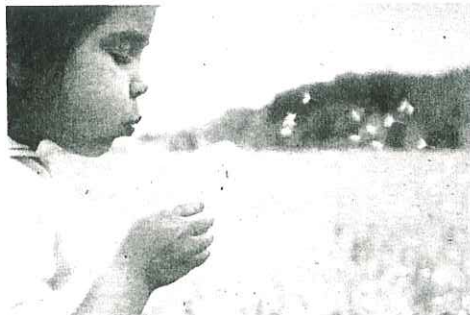
Our spring Watershed program continues in seven schools in Jefferson and Berkeley Counties and will start soon in Morgan County. This spring, we will begin piloting our new "Bugs and Beasts!" preschool program which is being funded by the Two Rivers Giving Circle. This program will bring nature into preschool classrooms through a series of half-hour programs with themes like "Our Furry Friends," "Spectacular Spiders," "Rockin' Reptiles," and "Birds of a Feather." Suzi Taylor will be instructing these sessions.

St. Joseph's Parish School continues its monthly service projects at Yankauer Preserve. In December, the fourth- and fifth-grade students made treats for the birds and left them at the preserve after taking part in a series of birding activities led by volunteers Nancy Kirschbaum and Carol Del Colle.

Teachers have also begun reserving spots for spring field trips to Yankauer Nature Preserve, including schools from Washington County, Maryland. Schools interested in visiting Yankauer should contact Ellen Murphy at [pvasmail@gmail.com](mailto:pvasmail@gmail.com).

## Wee Naturalists Program Returns in March with Online Registration!

The popular Wee Naturalists program, aimed at preschool children ages 3-5 and a parent, returns after a break for the winter. The program is designed to provide regular opportunities for small children and loving adults to explore nature together safely under the guidance of an experienced PVAS instructor. Children must be accompanied by a parent, grandparent, other adult relative, or guardian.



All sessions are held at the Yankauer Nature Preserve. Each session will last from 9:30 a.m. to 11:00 a.m. Dates for this spring are March 21 and 22 and April 25 and 26. In March, children will explore the theme "Let's Go Outside," a call to start exploring outside as winter is ending and spring is beginning. The April theme is "What Do April Showers Bring?" and children will explore the trails, looking for changes in nature brought about by spring rains.

The new PVAS website will allow parents to sign up for the programs and pay online! Families may register for one or both months. The fee is \$5 per child/adult team session. To ensure that everyone receives close, personal attention, enrollment will be limited and pre-registration is required.

The program is led by Suzi Taylor, of Sharpsburg, Maryland, a veteran PVAS camp director who has a degree in environmental education. Information and the registration portal are available on the PVAS website. For more information, contact Ms. Taylor at 301-432-1908 or [tomandsuzi506@cs.com](mailto:tomandsuzi506@cs.com). Wee Naturalists was established in 2009 with support from the Eastern West Virginia Community Foundation's Two Rivers Giving Circle.

## Master Naturalist Workshops Announced

PVAS's Potomac Valley Naturalist Program is once again offering a series of Master Naturalist Workshops in the Eastern Panhandle during 2012. The workshops, which generally consist of three or more hours of expert instruction on a specific nature studies topic, count as recertification classes for Certified Master Naturalists. They can also be used as elective hours for the current students enrolled in the Master Naturalist Course. All sessions are also open to members of the general public who are interested in learning more about certain topics but do not want to commit to a full course of Master Naturalist instruction.



Enrollment for each workshop is limited to 20 persons and registrations are accepted in the order they are received. The cost of attendance for each workshop is \$10 for Certified Master Naturalists and current Master Naturalist students and \$15 for others. Registration for this class is now online, although you can also print off the forms and mail them in with your check. Our new PVAS website has more information and the registration portal. Just go to [www.potomacaudubon.org](http://www.potomacaudubon.org), choose the "Events and Programs" link, then "Adults" and "Master Naturalist Program." In all, a total of six workshops on a variety of topics are being offered. Not all dates have been finalized, but the topics are as follows:

- Edible Wild Plants of the Spring, March 31, 10 a.m.-noon.
- Beavers and Their Habitat, June 23, 10 a.m.-noon.
- Hunting Mushrooms, date TBA (late August/early September)
- Project Underground, date TBA
- Natural History of Dolly Sods, date TBA
- Geology of the Eastern Panhandle, date TBA

Certified Master Naturalists are reminded that they may also take other natural history related classes, offered by other Master Naturalist chapters and other recognized organizations, for recertification credit. For questions or more information contact Wanda Miller at 304-263-7320 or [PVMN54@gmail.com](mailto:PVMN54@gmail.com) or Ellen Murphy at 304-676-8739 or [pvasmail@gmail.com](mailto:pvasmail@gmail.com).

## New Grants in 2012!

As the new year begins, we are happy to announce that three new grants have been received so far: The Nora Roberts Foundation, Friends of the Cacapon River, and the DEP's Stream Partners Program.

The Nora Roberts Foundation has provided \$6,700 in funding this year for some of our youth programs including Audubon Discovery

Camp, Nature Explorer Packs, and Wee Naturalist Programs.

Friends of the Cacapon River have agreed this year to provide \$3,000 to sponsor both Warm Springs Elementary School's fourth-grade classrooms and Pleasant View Elementary School's fourth and fifth-grade classrooms with our watershed program. Each student in these grades will be able to participate in our complete Watershed Education Initiative free of charge thanks to this sponsorship. The program will include a trip to the Cacapon River in the spring to learn about the Cacapon River and do water quality testing there.

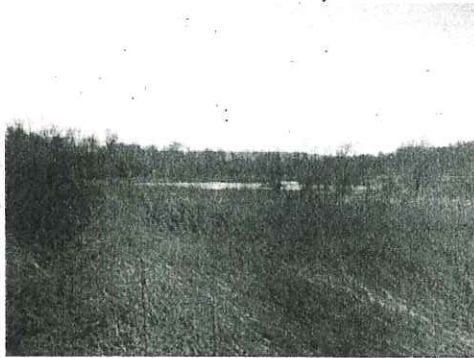
Finally, the WV Department of Environmental Protection's Stream Partner's Program is funding \$3,200 to support PVAS' efforts at Flowing Springs Run including PVAS' watershed field trips that take place there as well as our continued partnership with the City of Ranson in the development of the property as a natural park.

We are very excited and grateful for these funding sources and the programs and projects the funds will help us accomplish.

## Update on Developments at Stauffer's Marsh

As you may recall from the December Valley Views, PVAS received Stauffer's Marsh from Stauffer and Elinor Miller of Charlottesville, Virginia. The preserve is located in Back Creek Valley in Berkeley County, on the east side of Back Creek Valley Road (County Route 7), one-half mile south of Shanghai.

The property is 45.7 acres in size. Much of it is wetland, with shallow ponds and marshy areas. It also includes some woods and edge lands. It has long been a favorite spot for Eastern Panhandle birders and is extremely important to migrating birds that pass through this area.



Since the dedication in November, PVAS volunteers have begun to take action to maintain the property and plan for its future. In December, Bob and Robin Dean and Steve Hartman went out to the preserve to open up the overflow weir which had been clogged with plants and sedimentation, causing the water level to be higher than intended. They removed literally hundreds of pounds of vegetation and saturated soils by hand, exposing the weir that had been overgrown and covered with sediment over several years. The same day, the group also removed an old beaver dam and debris that had clogged a secondary overflow that had backed up water to unintended levels. This outlet is now clear and the field has been restored to its intended state rather than the flooded field it had become. PVAS can't thank these hardy volunteers enough for their backbreaking, effective, and prompt efforts!

In addition to these improvements, a committee has formed to help envision a future plan for the preserve. Volunteer Joette Borcz, now retired from NCTC with a forestry and land management background, has volunteered to develop a land management plan

for the site. She has already begun researching the sensitive species at the preserve and how to best manage for them as well as human use of the site. Kieran O'Malley of the WVDNR visited the site with the group to make recommendations on how to develop trails without impacting the wood turtle, a species of concern in West Virginia, that is known to use the marsh property as well as Back Creek. The group will continue its discussions, evaluations, and research so the Land Management Plan adequately balances the needs of wetland birds, wood turtles, and other wildlife while also allowing human visitation to the site for education and enjoyment of the natural world.

We are currently planning a trash removal day between the marsh and Back Creek Valley Road in the spring, coordinated by volunteer Steve Hartman. If you are interested in helping with that project, please contact Steve at (304) 263-8785. We will also post the date and details on the website and send out a "heads up" note as we get closer.

## PVAS Benefits From Shepherdstown Rotary Event

PVAS raised \$2,390 through its participation in the Shepherdstown Rotary Club's annual Christmas Charity Ball, which was held December 2 at the Shepherdstown Volunteer Fire Department Hall.

In all, the event raised more than \$20,000 for 17 different non-profit organizations in the region.

Individual Rotarians help underwrite the Ball's overhead costs by sponsoring tables in the name of their favorite nonprofit. Outside sponsors cover all remaining event costs. This means all of the proceeds from the sale of tickets to each table go to the designated nonprofits.

PVAS's table was sponsored by PVAS president Peter Smith.

Thanks are due to Beth Batdorf, John Bresland, Gary and Iris Heichel, and PVAS Board members Bob Reynolds, Mina Goodrich and Jane Vanderhook for supporting PVAS's table.

Thanks are also due to Shepherdstown Rotary for making this event possible.

## Don't Forget Backyard Bird Count!

Here's a reminder that this year's Great Backyard Bird Count (GBBC) is scheduled for February 17-20.

The annual GBBC is a joint project of the National Audubon Society and the Cornell Lab of Ornithology with Canadian partner Bird Studies Canada.

The four-day event is free and is open to bird watchers of all ages and skill levels. It's an especially great activity for families with children.

Participants watch birds for any length of time on one or more days of the count and enter their tallies at [www.birdcount.org](http://www.birdcount.org). The results provide a snapshot of the whereabouts of more than 600 bird species.

Participants in last year's count submitted more than 92,000 bird checklists from across the United States and Canada.

More information is available on the GBBC website at [www.birdcount.org](http://www.birdcount.org).

## VALLEY VIEWS

**Birding 101 Dates Are Set**

Birding 101 will be offered again in 2012! The course consists of four weekday-evening classes at the National Conservation Training Center, from 7-9 p.m. The course will also include four Saturday morning field trips around the area so you can practice identifying the birds you learned about at the previous class. (These trips are optional, but strongly encouraged.) The entire course is only \$75! Dates for this year's evening classes are April 5, 12, 19, 26 with the field sessions on each of the following Saturdays.



Registration for this class is limited, but you can now register and pay for it online! You can also print off the forms and mail them in with your check. Registrations are accepted in the order they are received, so registering online is the fastest way. Our new PVAS website has more information and the registration portal. Just go to [www.potomacaudubon.org](http://www.potomacaudubon.org), choose the "Birding" link, and then Birding 101. If you are interested in the course but have questions that aren't answered by the website, please contact Ellen Murphy at [pvasmail@gmail.com](mailto:pvasmail@gmail.com) or 304-676-8739. We will make sure you have the information you need!

**View from the Eagles' Nest**

By Sandy Sagalkin

In the last PVAS newsletter, I mentioned some exciting news about our plans for next year's International Migratory Bird Day, or "IMBD" as it is commonly called. IMBD was the brainchild of the Smithsonian Migratory Bird Center, which recognized that a public program would allow thousands of people to learn about migratory birds, their migration and their conservation. This year is the 20<sup>th</sup> anniversary of the IMBD and this year's theme is "Connecting People to Bird Conservation."

Our kickoff event will be a talk by Scott Weidensaul, author of "Living on the Wind: Across the Hemisphere with Migratory Birds," at the National Conservation Training Center on May 2, 2012, at 7 p.m. The book was nominated for the Pulitzer Prize in the nonfiction category. The Wall Street Journal said "Weidensaul translates difficult scientific concepts into understandable English while artfully interweaving personal experiences with the larger natural-history story." The book also discusses the fragile nature of bird migration and the problems of declining bird populations and their habitats.

In later columns, I'll mention some of the other activities we have planned for IMBD. But for the rest of this article, I want to tell you about my experience with two classes of homeschoolers I took out birding last year. Last September, I got a call from Leslie Milbourne, head of Wind Dance Farm homeschool. She said she wanted to bring two of her classes to Washington Monument State Park to observe the hawk migration. One class was ages from 6-9 and the other class was 10-16. We arranged to meet at the upper parking lot at the monument on two successive days. I told Ms. Milbourne I would give the children a brief orientation and then we would walk up to the monument. To tell the truth, I was a little worried that the homeschoolers would lack discipline and interest to spend more than a half hour at the monument.

I couldn't have been more mistaken. The children came prepared, having studied hawk silhouettes on a card put out by the Hawk Mountain Sanctuary with the Hawk Migration Association of North America. We discussed why hawks migrate and where. They asked intelligent questions about the migrating hawks. When we finally went up to the monument, we watched hawks and vultures fly by for about an hour and a half. They often spotted the hawks before the official hawk counter. They learned that the Turkey Vultures flew with their wings bent in a slight V and Bald Eagles flew on flat wings, among other things. I was impressed by their interest, enthusiasm and quick grasp of the information.

I wanted to share this experience because I believe that as long as we have school programs with teachers like Ms. Milbourne and students like those from Wind Dance Farm there is hope for the future of migratory birds.\*

Please join us in February when we return to the Eastern Shore with Dave Myles to look for wintering waterfowl.

\*PVAS has a number of programs to instill a love of nature in our children.

**C&O Canal Bird Walk Set for February**

PVAS will sponsor a bird walk on the C&O Canal near Harpers Ferry on Wednesday, February 29.

The event is free and no pre-registration is required. Anyone with an interest is welcome to come along, regardless of their birding skills, and children will be welcome.

The walk will involve about 4 miles of level walking along the towpath.

Participants should plan to meet at 8 a.m. outside John Brown's Fort, where Potomac & Shenandoah Streets meet in Harpers Ferry National Park. Parking is available along Potomac Street near the train station.

From there, participants will take the footbridge over the Potomac River and walk about two miles northwest along the C&O Canal towpath and back. Species likely to be sighted include Bald Eagles, Red-tailed Hawks, vultures, migrating waterfowl, woodpeckers, kinglets, Yellow-rumped Warblers, Winter Wrens, and Brown Creepers.

Participants should bring water and dress appropriately for the prevailing weather conditions. The walk may be cancelled in the event of snow on the ground or steady rain.

For more information, or to check on possible weather cancellation, contact trip leader Deb Hale at [debhale72@gmail.com](mailto:debhale72@gmail.com) 304-535-1528 or Sandy Sagalkin at [monsansagalkin@myactv.1](mailto:monsansagalkin@myactv.1) or 240-291-6465.

**Sign Up Now for February 4 NCTC Birding Trip**

PVAS is sponsoring a birding trip at the National Conservation Training Center outside Shepherdstown on Saturday, February 4.

The trip is free and anyone with an interest is welcome to come along, regardless of their birding skills. Children will be welcome.

The trip will last about 3 hours and involve walking about 2 miles over moderate terrain.

The Center's 538-acre campus is not normally open to the public, so this is a good opportunity to visit.

The campus contains a mix of fields and forestland, and it provides good habitat for a rich variety of bird species. This particular trip will focus on winter visitors, such as Yellow-bellied Sapsuckers, Dark-eyed Juncos, and waterfowl on the Potomac River; and on year-round birds, including raptors.

Participants should plan to meet at 8:00 a.m. at the visitor's parking lot in front of the Center's Main Building.

Please note that because the Center is a federal facility, pre-registration will be required. To pre-register, contact trip leader Sandy Sagalkin at [monsansagalkin@myactv.net](mailto:monsansagalkin@myactv.net) or 240-291-6465 no later than Monday, January 30.

Everyone should plan to wear comfortable walking or hiking boots, bring along bug spray to ward off ticks, and dress appropriately for the prevailing weather conditions.

PVAS will provide binoculars for those who do not have their own.

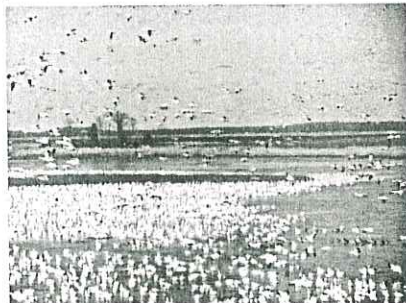
The trip may be cancelled if there is snow on the ground or steady rain. For further information or to check on possible weather cancellation, contact Sandy.

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## Sign Up Now for Eastern Shore Birding Trip

PVAS is sponsoring a winter birding trip to the Eastern Shore the weekend of February 18-19.

The trip will include visits to the Bombay Hook and Prime Hook National Wildlife Refuges, the Indian River Inlet, Assateague Island National Seashore, Ocean City, the Blackwater National Wildlife Refuge, and Cambridge, Maryland.



*Snow geese at Bombay hook*

This will be a great time to visit the area as waterfowl will be staging there for their migration north.

The trip will be led by veteran birder David Myles. Anyone with an interest is welcome to participate. There is no fee but each participant will be responsible for his or her own travel arrangements and expenses.

Those who wish to participate should plan to meet at 8 a.m. Saturday the 18<sup>th</sup> in the visitor's center of the Bombay Hook National Wildlife Refuge, which is located at 2591 Whitehall Neck Road, Smyrna, DE 19977.

The plan will be to bird the Refuge and the Seashore south to Ocean City on Saturday. Sunday will include a quick check of the Ocean City inlet and head to Assateague Island, Blackwater NWR

and the Choptank River in Cambridge, Maryland, before heading home.

There are a number of lodging opportunities in and around Dover. David will be staying at the Holiday Inn Express, North DuPont highway; rooms can be booked there at [www.holidayinn.com](http://www.holidayinn.com) or by calling 877-816-1740.

For more information about the trip or carpooling possibilities, contact David by email at [dkmyles@comcast.net](mailto:dkmyles@comcast.net).

This trip can be brutally cold and windy. Participants should be prepared to bundle up, and should bring binoculars and scopes if they have them.

Stretching eight miles along Delaware Bay and covering 16,251 acres, Bombay Hook National Wildlife Refuge provides abundant habitat for wildlife. Four-fifths of the refuge is tidal salt marsh with a mix of cordgrass meadows, mud flats, tidal pools, rivers, creeks, and tidal streams. The upland area includes forests, freshwater impoundments, brushy and timbered swamps, and fields of herbaceous plants. Most conspicuous are seabirds, shorebirds, wading birds, raptors and waterfowl.

The Assateague Island Seashore is also home to the "Chincoteague Ponies," descendants of colonial horses brought to the island in the 17<sup>th</sup> century by Eastern Shore planters. The ponies are wild and have adapted to their environment.

For more information about the Bombay Hook NWR go to [www.fws.gov/northeast/bombayhook](http://www.fws.gov/northeast/bombayhook). For more information about the Assateague Island National Seashore go to [www.fws.gov/northeast/chinco/assateague.html](http://www.fws.gov/northeast/chinco/assateague.html).

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## Join Shenandoah River Birding Trips February 8 and 22

PVAS will sponsor two birding trips to various Shenandoah River sites in Jefferson County on Wednesday, February 8, and Wednesday, February 22.

Both trips are free and no pre-registration is required. Anyone with an interest is welcome to come along, regardless of their birding skills, and children will be welcome.

Each trip will last about 3 hours.

For each trip, participants should plan to meet at 8 a.m. in the parking lot in front of the Martin's Supermarket in the Jefferson Crossroads Shopping Center off Route 340 in Charles Town.

The trips will focus on ducks, grebes, gulls, terns, and any other birds encountered.

Both trips will mostly involve driving from place to place by car, with little walking.

Everyone should dress appropriately for the prevailing weather conditions and bring along water.

PVAS will provide binoculars for those who do not have their own.

In the event of snow on the ground or steady rain, the trips may be cancelled. Various trip details could also change depending on



there is one significant exception. The new collection will not include Styrofoam or polystyrene (often marked with #6).

The plastic containers with the #3 through #7 markings can be commingled together, placed in any colored plastic bag and deposited in the road trailer marked for this collection. All plastic containers must be empty and clean of food material. Lids and caps do NOT need to be removed. Plastic material without the designated recycling symbols are not acceptable.

It is important to not mix these items with the current collection of plastic #1 & #2 containers. Plastic #1 & #2 containers will need to continue to be collected in a separate clear bag that is provided at the center. It is also important to not place plastic bags in the mixed plastic collection.

Should any questions or comments arise, please feel free to call the Recycling Hotline at 304-671-2925.

## Bats Still In Peril

In November 2010, PVAS in conjunction with NCTC presented a program on the threat to bats by white-nose syndrome. White-nose is a fungus that attacks wings and other membranes of common bat species. In 2009 the estimated death toll of bats was slightly more than a million and the potential threat was beginning to register as both a natural disaster and an economic blow for food agriculture and forest management.



As recently as last year, there seemed to be a glimmer of hope. In a December 21 Washington Post article, Darryl Fears reported that scientists in Vermont and Pennsylvania were monitoring populations that seemed to have a resistance to white-nose syndrome. This was especially important in Pennsylvania because the overall population was reported as dropping by 90 percent. As Fears reported at that time, "The recent discovery raised hopes that bats in the Northeast and mid-Atlantic regions where the disease is established have somehow developed an immunity to *Geomyces destructans*"

It now seems that potential for optimism was based on isolated observations or a mistaken hope that it might indicate a trend.

Less than a month later Fears has come back with another report. In his January 17, 2012, article he reports that a newly released study estimates 5.7 to 6.7 million bats have succumbed to white-nose syndrome. That is an order of magnitude greater than the 2009 estimate. He quotes Mylea Bayless, conservation programs manager for Bat Conservation International in Austin, Texas, as saying, "We're watching a potential extinction event on the order of what we experienced with bison and passenger pigeons for this group of mammals..." She goes on to put the perspective in this way, "The difference is we may be seeing the regional extinction of multiple species."

In terms of human impact, this event has the potential to increase food prices—no doubt organic foods will be even more affected. Forest products may also be impacted because pests such as the emerald ash borer proliferate in the absence of bats.

No one is talking about remediation programs at present. There seems to be little we can do. The things we might do to help the situation are keep informed and let the scientists do their work.

## Oldest Tree East of the Mississippi Burns

Famous as a Florida tourist attraction and a natural wonder, The Senator, burned down on Monday, January 16. The tree is a cypress that is estimated to be around 3,500 years old. Strangely, experts are at a loss to explain the fire.

The fire that destroyed The Senator was different than most forest fires in that the tree burned from the inside out.

According to a January 18 article on Tecca, the Yahoo technical news blog, the Florida Division of Forestry has a number of possible theories: the fire was caused by a weeks old lightning strike, or that the tree's swaying in the wind generated a spark. In any case, arson has been ruled out and some sort of internal or spontaneous combustion seems to have occurred.



Photo credit: Anthony Scotti, "The Senator Tree Longwood Florida," Wikipedia Commons

Sadly, like the Humpty Dumpty fairytale, mortal man lacks the means to restore The Senator to its previous natural wonder.

## Snowy Owl Irruption in Progress

According to the best birding information to date, a Snowy Owl irruption takes place every three or four years. What that usually means is that there are sightings in the lower 48 states that are out of season and regionally specific. In other words a relatively few number of these birds are sighted beyond the margins of their usual range. Sightings are also usually confined to a relatively small locality.

This year sightings have been reported in extraordinarily large numbers and as far south as Missouri and Kansas. Where only one or two have been sighted in a past year, there have been multiple sightings with more than one in the same locale. This



Snowy Owl at Indian Springs Metropark, White Lake, MI, December 28, 2011

has been such an unusual event that it was picked up and covered in an Associated Press piece on January 5. According to that article the owls have been seen regularly at Boston Logan Airport and one was even reported after Thanksgiving in Hawaii.

The AP article explains that last year's bumper crop of lemming, Snowy Owls' main food, allowed a surge in owl population and now they are expanding their territory in search of food. They'll go for voles, field mice, rats, rabbits and shore birds, i.e., anything they can manage.

For birders this has been a rare and exciting event, unfortunately the stress on the current population of owls may not make for happy times for them in the long term.

### ASK AUDUBON—LED Lights

*Reprinted from Audubon Newswire-July 2007. Inspired by the recent actions of our Congress to forestall implementation of mandatory energy reduction from household lightbulbs.*

Until recently, LED (light emitting diode) lights were only available for low wattage applications such as holiday lights and flashlights. Noting their extremely low energy requirements, scientists developed higher wattage versions of these bulbs—they are now available at most home product stores, in varying sizes and colors, suitable for standard light fixtures. According to the Alliance to Save Energy, LED bulbs use almost 90 percent less energy than standard incandescents. The Seattle city government estimates that ten strings of holiday lights burning 8 hours a day for 30 days cost \$0.72 for the new LED lights vs. \$7.20 for standard incandescent mini lights. The initial cost of LEDs may be higher, but the extremely low energy usage saves money over time. LEDs are expected to last upwards of 10 years, with dimming rather than total failure toward the end of their lifespan. Safety is another benefit—since the bulbs do not heat up, there is no chance of combustion. Furthermore, there is no mercury contained in these bulbs.

The Department of Energy has estimated that LED technology could cut national energy consumption for lighting as much as 29 percent by 2025. Cities across the United States and Canada have been replacing traffic lights with the new LED bulbs and auto manufacturers have embraced LEDs for applications such as brake lights. Now the average consumer can benefit from LEDs' long lifespan and low energy usage in their own homes: as holiday lights, porch lights, reading lights or just about anywhere else you want to shed some light.

### Calendar

- Feb 8: Shenandoah River birding trip
- Feb 8, 7pm: PVAS program at NCTC, "Rain Gardens"
- Feb 18-20: Birding trip to Easternshore
- Feb 22: Shenandoah River birding trip
- Feb 29: C&O Canal bird walk near Harpers Ferry
- Mar 14, 7pm: PVAS program at NCTC, Wil Stolzenburg on his book, *Rat Island*
- Apr 1, 2-3:30pm: PVAS Egg Hunt at Yankauer
- Apr 11, 7pm: PVAS program at NCTC, "Spring Wildflowers"
- Apr 14, 11am-4pm: PVAS Wildflower Festival at Yankauer
- Apr 21: PVAS Race for the Birds
- Apr 21: NCTC Open House

### JOIN PVAS TODAY!

ALL of your dues will stay here to support local PVAS efforts and help us grow! And here's what you'll get:

- Access to a wide variety of PVAS programs and events for adults and children, including field trips, special events, workshops and courses, and environmental projects.
- A subscription to Valley Views, the PVAS newsletter
- E-mail alerts about events and programs of special interest
- Satisfaction of supporting conservation efforts, youth and adult nature education, individual and family recreation, and a wide array of programs in your community.

To become a local member, send in the form below and enclose a check for \$20 (\$15 for seniors and students). Make the check out to "PVAS." This fee covers membership for everyone in your household for one year.

#### Membership Form

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Phone (optional): \_\_\_\_\_  
 E-mail: \_\_\_\_\_

*To save postage costs, PVAS regularly sends its newsletter by e-mail. You can be assured that we do not share email addresses with anyone. If you would prefer to receive the newsletter by U.S. mail check here: \_\_\_\_\_*

**Clip and mail this form to:**

**Membership Chair, PVAS  
 PO Box 578  
 Shepherdstown, WV 25443**

**Thank you for your support!**



### If you'd rather join the National Audubon Society:

Some people prefer National Audubon Society membership, which includes a subscription to the Society's Audubon magazine. To become a National member, go to the Society's website at [www.audubon.org](http://www.audubon.org) and click on "join." If you join National Audubon and reside in Berkeley, Jefferson or Morgan counties in West Virginia, or in Washington County Maryland, you will automatically become a member of PVAS and have access to our events, an e-mail copy of newsletter and e-mail alerts. However almost all of your dues payments will go to the National Audubon Society; only a small percentage will go to PVAS.

#### RED TEXT - DOT ALERT

If red text or a red dot appears on your mailing label, your membership may have expired and this could be your last issue of Valley Views. Take action to renew your Local membership. If you are a National Audubon Society member, the National Society will notify you directly when your membership is up for renewal.



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DATED MATERIALS

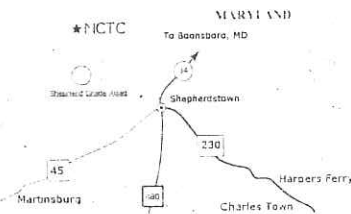
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 100 E Washington Street  
 Charles Town, WV 25414

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The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through April, at the US Fish and Wildlife Service National Conservation Training Center (NCTC), Shepherdstown, WV, in the Instructional West Building. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please call any of the board members listed her or see <http://www.potomacaudubon.org>. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Maryland.

**PVAS BOARD**  
 The PVAS Board meets every other month on the first Thursday of the month (Sept.-June). Meeting location will be announced prior to meetings. These meetings are open to all PVAS members.

**PVAS Officers and Board Members**

- President: Peter Smith 304 876-1139 ..... psmith@frontiernet.net
- Vice President: Bob Reynolds ..... robert.reynolds40@gmail.com
- Secretary: Mina Goodrich ..... larrymina@peoplepc.com
- Treasurer: Lex Miller ..... pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 ..... wbraun@frontiernet.net
- Board Members-at-Large: Don Briggs ..... ldonaldbriggs@gmail.com
- Rob Hoxton ..... rhoxtan@hoxtanfinancial.com
- Leigh Jenkins ..... jenkinsleigh@hotmail.com
- Georgia Jeppesen ..... georgia\_jeppesen@comcast.net
- Heather McSharry ..... heather\_mcsharry@yahoo.com
- Jesse Morgan ..... jmorgan@a-zoneenvironmental.com
- Kathy Stolzenburg ..... kstolzenburg@gmail.com
- Jane Vanderhook ..... janehook@frontiernet.net

**Ex Officio Board Members**

- Diana Mullis 304 267-3482 ..... dianamullis@aol.com

**Emeritus Board Members**

- Jean Neely ..... jeaneely@comcast.net

**Special Contacts**

- Executive Director: Kristin Alexander 304 676-3397 ..... kaemail730@aol.com
- Web Master: Kathy Bilton ..... kathy@fred.net
- PVAS Wildlife Rescue Coord: Diana Mullis ..... 304-267-3482



JOHN D. PERDUE  
STATE TREASURER

DANNY ELLIS  
ASSISTANT STATE TREASURER

# State of West Virginia

OFFICE OF THE STATE TREASURER  
CHARLESTON, WV 25305

1-800-422-7498  
304-558-5000  
FAX: 304-558-4097  
[www.wvtreasury.com](http://www.wvtreasury.com)

January 25, 2012

Dear Commissioner:

I am proud to present you with the enclosed Fiscal Year 2011 State of the Treasury report. The report details the daily operations of the West Virginia State Treasurer's Office and highlights the many programs and initiatives we offer the citizens of our state.

You should have confidence that the Treasurer's Office stands strong with several successes over the past year. I hope you will take the time to read about some of these accomplishments.

If you have any questions or would like to request additional copies of the report, please call my office at 304-558-5000. An electronic version is also available online at [www.wvtreasury.com](http://www.wvtreasury.com).

Sincerely,

A handwritten signature in cursive script that reads "John D. Perdue".

John D. Perdue  
West Virginia State Treasurer

**RECEIVED**

JAN 30 2012

Jefferson County Commission

# STATE OF THE TREASURY • REPORT

WEST VIRGINIA STATE TREASURER JOHN D. PERDUE



FISCAL YEAR 2011

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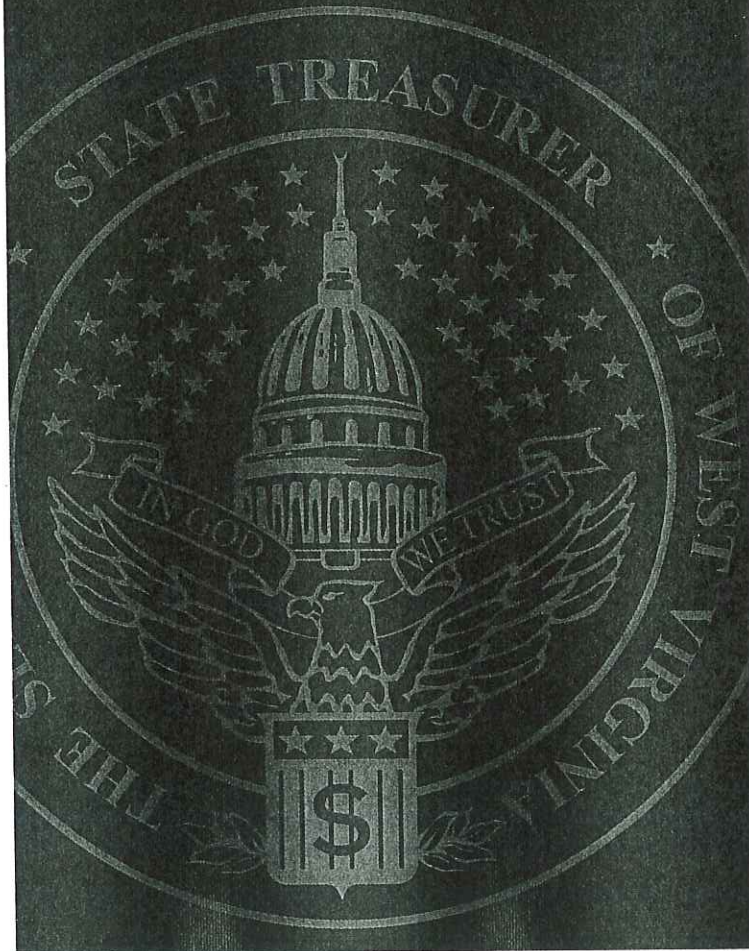
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## OFFICE OVERVIEW

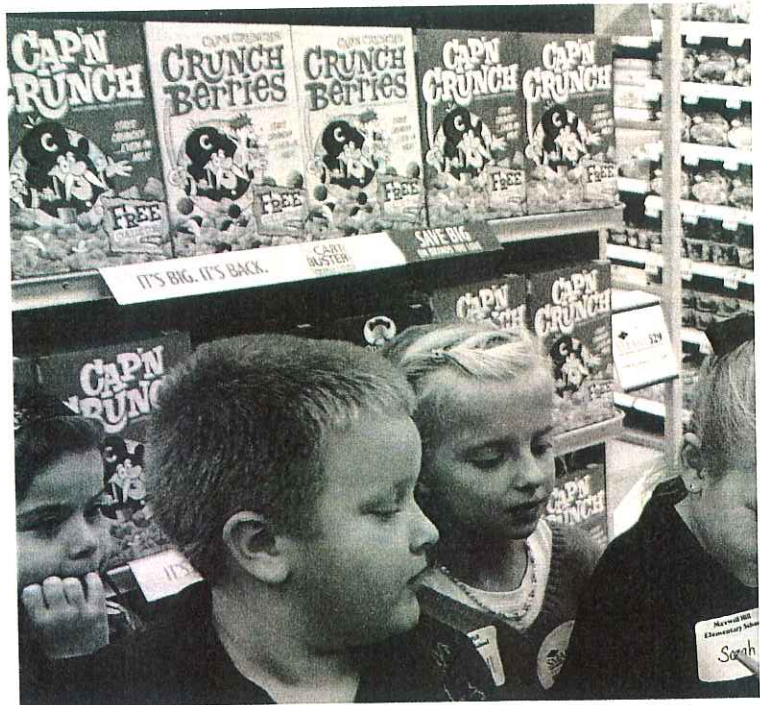
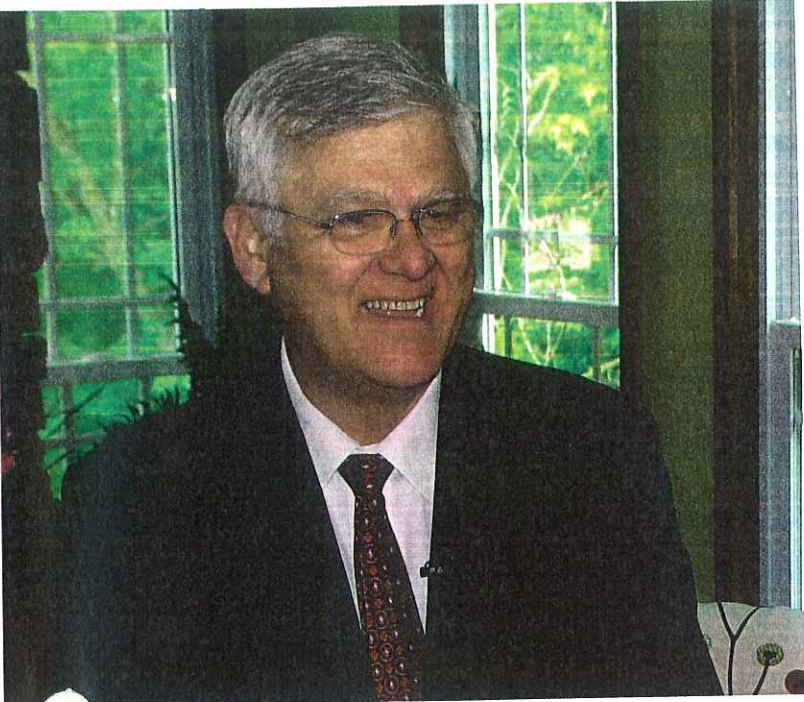
The Office of the West Virginia State Treasurer was established at the Constitutional Convention held in Wheeling in 1863 after the western counties of Virginia split to become West Virginia. The Treasurer's Office is one of six constitutionally mandated offices in West Virginia.

The State Treasurer is the chief financial officer for the state and is responsible for overseeing the state's operating funds, monitoring the state's debt and performing additional banking and accounting duties as prescribed by state law. The Treasurer also serves as a member of the major financial decision-making boards throughout state government.

Over the years, the office has widened its scope of duties beyond basic treasury functions. The State Treasurer now advocates for citizens' rights through several programs mandated by state code and other valuable initiatives. This annual report details many of these accomplishments.



# A MESSAGE FROM THE STATE TREASURER



The same old story is a good one for West Virginia. Once again, as states around the nation attempt to piece together solvent budgets, West Virginia remains solidly in the black. The Mountain State ended the 2011 fiscal year with a \$320 million surplus. As I write this, we have more good news to report – West Virginia ranks third nationally in terms of budget health, according to an organization that monitors state government finances and promotes fiscal reform.

As the state's chief financial officer, I take special pride in West Virginia's overall health. I cannot take total credit, of course. Both the Governor's Office and the Legislature have played large roles. Nothing is accomplished without teamwork.

A chief indicator of fiscal health is a state's relative risk in paying back debts. A bond rating gauges that quality. In the last two calendar years, two principal bond rating firms have upgraded the state's rating. Moody's raised the state's rating to Aa1 in 2010 and Fitch's now puts the state at AA+. This is a testament of our reputation to the outside world. We are as good as our word.

For the fourth straight year, Standard & Poor's has rated the Board of Treasury Investments' money market fund AAAM, the highest designation such a plan can receive. The BTI has also earned a Certificate of Achievement for Excellence in Financial Reporting for the fourth consecutive year. Our Debt Management Division is integral in keeping state lawmakers and certain agencies aware of our debt limits.

Being a good steward also requires vision for the future needs of our dedicated public servants. I'm proud to have inherited West Virginia Retirement Plus, the state's 457 supplemental retirement plan in 2006. Since then, we have doubled total assets to \$114 million and increased total participants to more than 11,000 members. In addition, more than 130 political subdivisions offer the plan as a benefit to their employees.

In addition, our office has grown programs that transcend the constitutionally mandated financial mission. College savings, unclaimed property and financial education are three areas in which we excel nationally.

SMART529 is the officially sanctioned state college savings plan. As chairman of the board that oversees SMART529, I'm happy to report our continued excellent ratings and a flurry of successful promotional programs. The SMART529 "When I Grow Up" essay contest provides scholarship cash prizes for regional winners across the state and a grand prize for a random drawing winner.

In the unclaimed property realm, two of our most recent achievements involve electronic imaging of unclaimed property records and a new website, which auctions off safe deposit box contents. As we continue to try to find rightful owners of unclaimed property, we were honored to have a crew from Good Morning America help us hand-deliver an unclaimed property check to a St. Albans woman this year.

LET US RECALL THE  
HARD WORK AND STRATEGIES  
THAT LED TO PAST SUCCESSES  
SO THAT WE MAY REPEAT THEM  
IN THE PRESENT.

– State Treasurer John D. Perdue



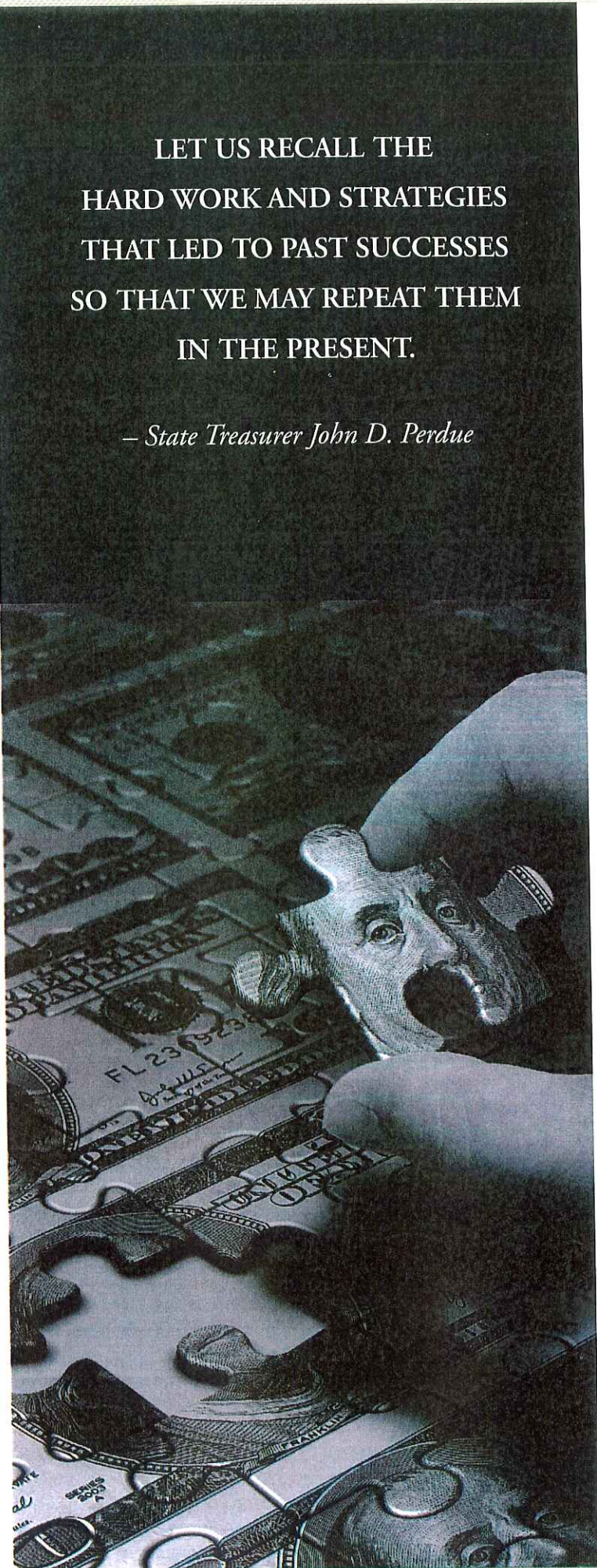
Financial education is another important mission in this office. The NetWorth financial education program has been recognized for the past two years as a regional finalist for the Council of State Governments Innovations Award. It is also a past winner of the Excellence in Financial Literacy Award from the Institute for Financial Literacy.

The program's signature activity for middle school children called "Get a Life" proved to be a popular learning experience this year. The budget simulation offers students a chance to learn from real-world scenarios.

As we press on into fiscal 2012, we will not rest on the laurels of 2011. It is useful, however, to recall the hard work and strategies that led to past successes so that we may repeat them in the present. After all, our hope is that you will always be proud of the State of the Treasury.

Sincerely,

John D. Perdue, West Virginia State Treasurer



# STATE CREDIT RATING



Everyone is familiar with the importance of having “good credit.” Lenders use these credit scores to determine who qualifies for a loan, at what interest rate, and what credit limits. Lenders are not the only ones who examine your credit score. Insurance companies, utility companies, landlords and even potential employers may use a person’s credit score to determine premium rates, security deposits and even trustworthiness and reliability. The most common credit score model in the United States was developed by Fair Isaac Company and is called the FICO score. A lender can look at a FICO score and, in most cases, get an instant indication as to whether or not to proceed with the loan.

A state also needs loans to carry out its purpose of serving its citizens. These loans are needed to build and maintain schools, universities, roads, water and sewer projects, public buildings, economic development projects, etc. One of the most common ways that a state obtains a loan is by issuing municipal bonds. A state, just like an individual, has a credit score, which is commonly referred to as its “credit rating.” So, when a state decides to “take out a loan” by issuing municipal bonds, the lenders (investors) use the credit rating to determine the state’s creditworthiness and reliability.

Ratings also indicate potential risk; therefore, a state with the highest credit rating will be able to issue bonds with the lowest interest rates while a state with a lower credit rating will have to issue its bonds at a higher interest rate. For example, as of October 11, 2011, if a state with the highest credit rating (AAA)

were to issue a 30-year bond, then that state should expect to have an interest rate of approximately 3.73% while a state with the lowest credit rating (BAA) should expect to have an interest rate of approximately 5.53%.

Of course, there are other factors that affect the issuance of the bonds and the interest rates, but it is easy to see why a state’s credit rating is so important. There are three companies which are commonly used in assigning ratings to municipal bonds; they are Moody’s Investor Service, Standard and Poor’s (S&P), and Fitch Ratings.

The State of West Virginia received an upgrade to its credit rating in 2010 from Moody’s Investor Service from Aa2 to Aa1, which is one “notch” below the highest possible rating of Aaa (triple-A). The upgrade was revealed by Moody’s in a July 9, 2010, rating report in conjunction with the state’s issuance of General Obligation refunding bonds. According to the report, the upgrade was given because of the state’s “. . . ongoing trend to fiscal conservatism and favorable General Fund financial performance. . .”

The report detailed the credit strengths of the state, which included the following:

- A trend of fiscal conservatism evidenced by healthy GAAP balances
- A Budget Reserve Fund of more than 15%, which provides the state with a cushion during periods of weakened revenue
- Strong executive power to make midyear spending adjustments

The report stated that the outlook for West Virginia was stable but warned that the rating could be adversely affected if the state did not continue with its conservative fiscal policy.

The state also received a rating upgrade from Fitch Ratings. On July 8, 2011, Fitch Ratings upgraded the state’s outstanding General Obligation bonds to “AA+” from “AA,” which is only one “notch” below the highest possible rating of AAA (triple-A). The upgrade was revealed by Fitch in a rating report issued in conjunction with the issuance of bonds by the West Virginia Economic Development Authority, Regional Jail & Correctional Facilities Authority. According to the report, the rating reflects, “. . . the state’s consistently positive financial operations, including the expansion of reserves, and an ongoing commitment to reducing long-term liabilities.” The report noted that West Virginia’s economic base had diversified but also warned that the state is still susceptible to the cyclical natural resources industry. It also noted that wealth and other demographic indicators are weak; however, the state had been able to generate budget surpluses despite revenue weakness during the most current recession.

# WHAT IS A BOND RATING, AND WHAT DOES IT MEAN?

Bond ratings give potential investors an indication of the creditworthiness of the issuer. \*The ratings below are given in the format of Standard & Poor's/Fitch/Moody's.

## AAA/AAA/Aaa

Extremely strong capacity to pay interest and repay principal

## AA/AA/Aa

Very strong capacity to pay interest and repay principal; differs from highest rated issue to a small degree

## A/A/A

Strong capacity to pay interest and repay principal, although somewhat more susceptible than higher rated bonds to adverse effect of changes in circumstances and economic conditions

## BBB/BBB/Baa

Adequate capacity to pay interest and repay principal. Although these bonds normally exhibit adequate protection parameters, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity to pay interest and repay principal for bonds in this category than for higher rated bonds.

\*Standard & Poor's and Fitch may add a plus (+) or a minus (-) within the grades to show relative strength. Moody's uses number indicators 1 thru 3, with 1 being the strongest and 3 being the weakest.

## State Ratings as of September 23, 2011

| STATE          | FITCH | MOODY'S | S&P |
|----------------|-------|---------|-----|
| Alabama        | AA+   | Aa1     | AA  |
| Alaska         | AA+   | Aaa     | AA+ |
| Arizona        |       | Aa3     | AA- |
| Arkansas       |       | Aa1     | AA  |
| California     | A-    | A1      | A-  |
| Colorado       |       | Aa1     | AA  |
| Connecticut    | AA    | Aa2     | AA  |
| Delaware       | AAA   | Aaa     | AAA |
| D.C.           | AA-   | Aa2     | A+  |
| Florida        | AAA   | Aa1     | AAA |
| Georgia        | AAA   | Aaa     | AAA |
| Hawaii         | AA    | Aa2     | AA  |
| Idaho          | AA    | Aa1     | AA+ |
| Illinois       | A     | A1      | A+  |
| Indiana        | AA+   | Aaa     | AAA |
| Iowa           | AAA   | Aaa     | AAA |
| Kansas         | AA    | Aa1     | AA+ |
| Kentucky       | AA-   | Aa2     | AA- |
| Louisiana      | AA    | Aa2     | AA  |
| Maine          | AA+   | Aa2     | AA  |
| Maryland       | AAA   | Aaa     | AAA |
| Massachusetts  | AA+   | Aa1     | AA  |
| Michigan       | AA-   | Aa2     | AA- |
| Minnesota      | AA+   | Aa1     | AA+ |
| Mississippi    | AA+   | Aa2     | AA+ |
| Missouri       | AAA   | Aaa     | AAA |
| Montana        | AA+   | Aa1     | AA  |
| Nebraska       |       |         | AAA |
| Nevada         | AA+   | Aa2     | AA  |
| New Hampshire  | AA+   | Aa1     | AA  |
| New Jersey     | AA-   | Aa3     | AA- |
| New Mexico     |       | Aaa     | AA+ |
| New York       | AA    | Aa2     | AA  |
| North Carolina | AAA   | Aaa     | AAA |
| North Dakota   |       | Aa1     | AA+ |
| Ohio           | AA+   | Aa1     | AA+ |
| Oklahoma       | AA+   | Aa2     | AA+ |
| Oregon         | AA+   | Aa1     | AA+ |
| Pennsylvania   | AA+   | Aa1     | AA  |
| Rhode Island   | AA    | Aa2     | AA  |
| South Carolina | AAA   | Aaa     | AA+ |
| South Dakota   | AA    |         | AA+ |
| Tennessee      | AAA   | Aaa     | AA+ |
| Texas          | AAA   | Aaa     | AA+ |
| Utah           | AAA   | Aaa     | AAA |
| Vermont        | AAA   | Aaa     | AA+ |
| Virginia       | AAA   | Aaa     | AAA |
| Washington     | AA+   | Aa1     | AA+ |
| West Virginia  | AA+   | Aa1     | AA  |
| Wisconsin      | AA    | Aa2     | AA  |
| Wyoming        |       |         | AAA |



# WEST VIRGINIA NET TAX SUPPORTED DEBT OUTSTANDING



Principal Outstanding  
June 30, 2011

Type of Debt

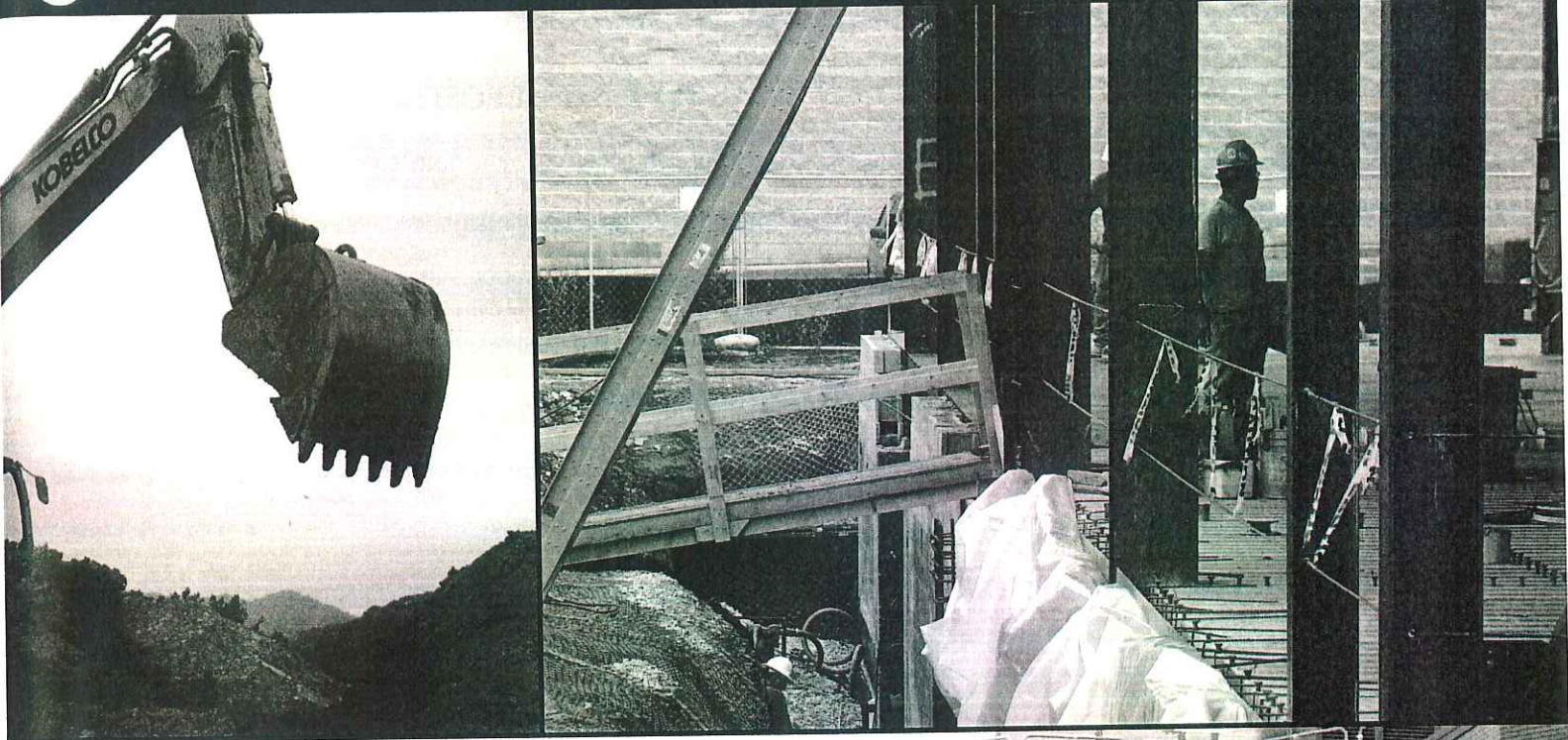
|                                                                         |                     |                                       |
|-------------------------------------------------------------------------|---------------------|---------------------------------------|
| <b>GENERAL OBLIGATION BONDS</b>                                         |                     |                                       |
| Safe Road Bonds                                                         | \$ 305,460,000      |                                       |
| Infrastructure Improvement Bonds                                        | <u>221,163,970</u>  |                                       |
| <b>Total General Obligation Bonds</b>                                   |                     | <b>\$ 526,623,970</b>                 |
| <b>REVENUE BONDS</b>                                                    |                     |                                       |
| School Building Authority Capital Improvement Bonds                     | 173,090,000         |                                       |
| Economic Development Authority, Lottery Revenue Bonds                   | 153,705,000         |                                       |
| Economic Development Authority, Excess Lottery Revenue Bonds            | 190,415,000         |                                       |
| Higher Education Policy Commission, Excess Lottery Revenue Bonds        | 243,480,000         |                                       |
| Higher Education Policy Commission, Excess Lottery Revenue Bonds (BABs) | 50,265,000          |                                       |
| School Building Authority, Lottery Revenue Bonds                        | 49,655,000          |                                       |
| School Building Authority, Excess Lottery Revenue Bonds                 | 116,590,000         |                                       |
| School Building Authority, Excess Lottery Revenue Bonds (QSCBs)         | <u>150,480,000</u>  |                                       |
| <b>Total Revenue Bonds</b>                                              |                     | <b>1,127,680,000</b>                  |
| <b>TOTAL LEASE OBLIGATIONS</b>                                          |                     | <u><b>417,257,010</b></u>             |
| <b>GROSS TAX SUPPORTED DEBT</b>                                         |                     | <b>2,071,560,980</b>                  |
| <b>DEDUCTIONS FOR ESCROW/SINKING FUND/RESERVE FUNDS</b>                 |                     |                                       |
| Economic Development Authority, Lottery Revenue Bonds                   | (18,990,000)        |                                       |
| Infrastructure Improvement Bonds, General Obligation Bonds              | (10,810,000)        |                                       |
| School Building Authority Capital Improvement Revenue Bonds             | (23,020,801)        |                                       |
| School Building Authority Lottery Revenue Bonds                         | (14,180,000)        |                                       |
| School Building Authority, Excess Lottery Revenue Bonds (QSCBs)         | <u>(12,488,006)</u> |                                       |
| <b>Total Deductions</b>                                                 |                     | <b>(79,488,807)</b>                   |
| <b>NET TAX SUPPORTED DEBT</b>                                           |                     | <u><u><b>\$ 1,992,072,173</b></u></u> |

*(Pictured clockwise)*

*The Higher Education Policy Commission issued excess lottery revenue bonds for \$10 million of building renovations at the former Dow Chemical Co. Technology Park in South Charleston.*

*More than \$28 million in revenue bonds issued by the West Virginia Hospital Finance Authority are providing a four-story structure at Highland Hospital.*

*Since 2002, Fairmont State University has used \$70 million from municipal bond sales to update campus facilities.*



# FLOW OF STATE MONEY



## DEPOSITS TO THE STATE

The State of West Virginia collects its revenue from a variety of sources. The Treasurer's Office has the responsibility of receiving all moneys due to the state.

### Federal Government

West Virginia receives over half its funds from the federal government. Funds are received as direct appropriations, grant awards and special program support.

### Tax Payments

Individuals, businesses, corporations and other governments make tax payments to the state in various forms. Tax payments are collected by the state and distributed to all entities that are supported by the taxes.

### Licensing and Regulations

Business licensing, driver licensing, car licensing and registration, professional licensing and renewal of licensing, hunting and fishing licensing, and many other actions require just about every person in West Virginia to make licensing payments at some point in their lives.

### Services

Employment security, child support collections, state medical insurance and retirement systems are some of the services that collect funds from businesses, governments, and individuals.

### Lottery Sales

Lottery, video lottery, and table gaming revenues are received from the sales of lottery tickets and the gaming activity by individuals throughout the state.

### Investments

Local governments and state agencies that are authorized have the ability to deposit funds in the state's investment pool.

### Fees and Fines

Traffic fines, court fees, and many other fines are collected by the state to support various areas of government.

### Higher Education

Tuition and fees collected from students support the state's colleges and universities.

## ACCEPTING DEPOSITS

Revenues collected by a state agency are deposited with the State Treasurer's Office for credit to the agency's appropriate account. The various methods of accepting deposits are listed below.

### Electronic

#### *Direct Deposits/Payments to the state by ACH*

The federal government, large dollar taxpayers, and various businesses make payments by sending a direct deposit to the state's bank account. Payees may also make arrangements to have the state initiate a direct payment from their bank over the internet or by special arrangement with the state agency.

#### *Wire Transfers*

Large dollar items can be transmitted from bank to bank using wire transfers. This allows the funds to be deposited instantaneously. Wires are used by the federal government, large taxpayers and other entities that need to transfer funds to the state account on an immediate basis.

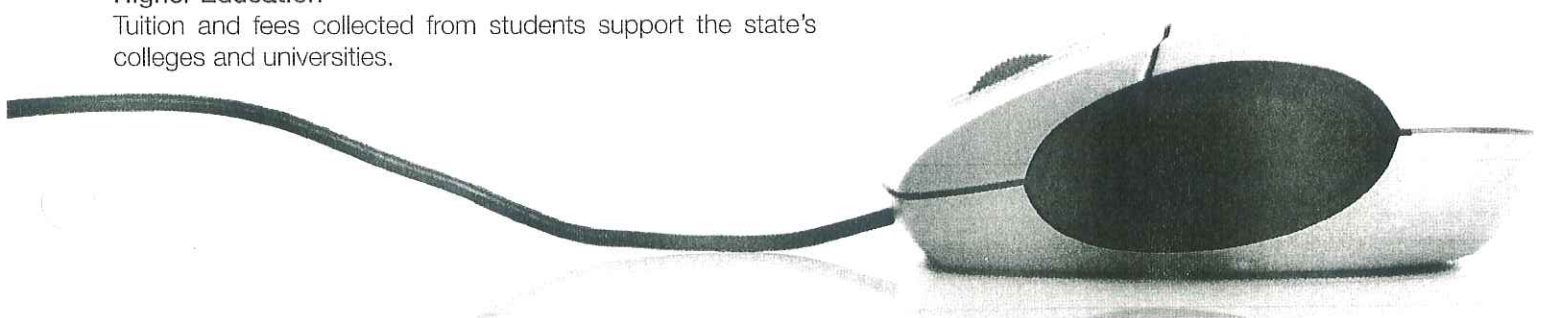
#### *Credit Card Payments*

The state collects credit card payments in person with a point of sale (POS) terminal and over the internet for many of the state agencies and schools.

### Checks and Cash

Payees may bring their checks and cash to the state office where they make their payment.

Payees may mail their payments directly to the state agencies, or they may mail the payments with a payment coupon for the Treasurer's Office to process the payment for the state agency.



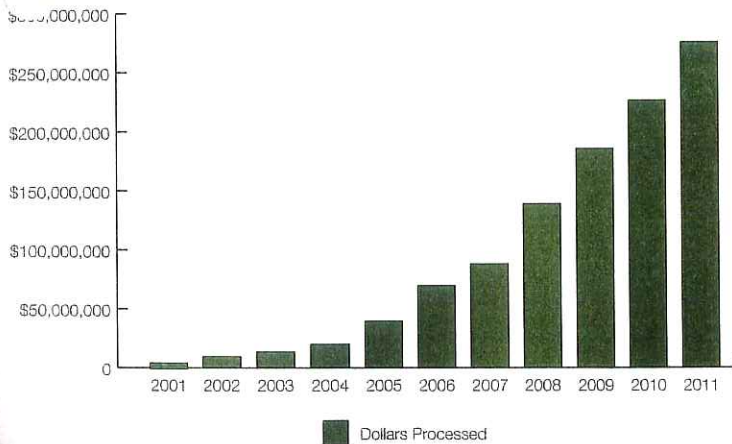
## E-GOVERNMENT

The West Virginia e-Government Services Program provides a payment system for state agencies and local governments to utilize and allow the acceptance of credit cards and electronic funds transfers on a secure Internet payment gateway. Numerous revenue sources for state goods and services can be processed electronically in order to deliver a more cost effective and efficient collection method. Additionally, the e-Government program gives the citizens the flexibility needed to use the payment options that are easiest and most convenient for them.

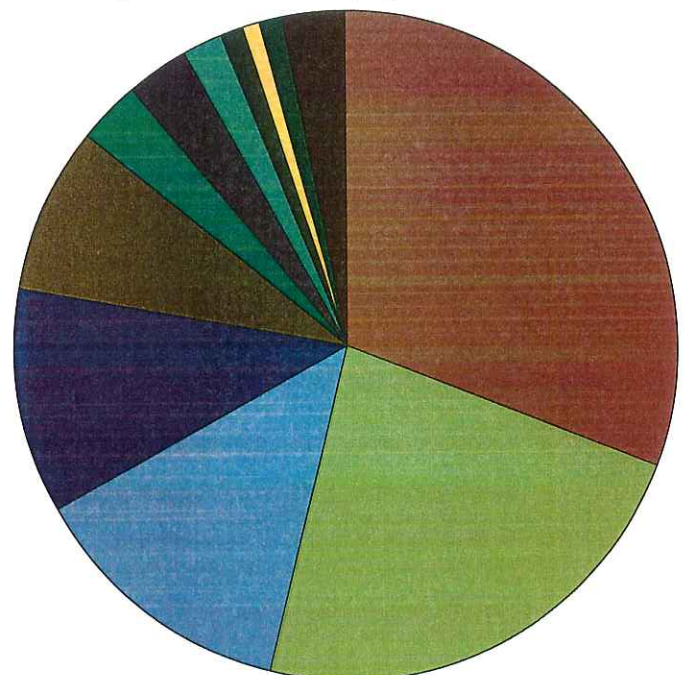
As the demand for payments over the Internet increase dramatically, the Treasurer's Office continues to improve its existing services while striving to expand the program to additional state and local governmental entities. Total dollars processed online have grown significantly from the program's inception. During the past decade, collections increased from \$308,000 to over \$274 million collected in fiscal year 2011.

For fiscal year 2011, there were 86 entities using over 200 active connections accepting payments through our e-Government system. West Virginia state agencies, universities, and boards & commissions are some of our largest users of the State Treasurer's payment system. Of the over \$274 million collected in fiscal year 2011, the following chart summarizes the activity by entity.

**e-Government Dollars Processed**



**Top Performer Activity by Dollar Amounts**



- West Virginia University 31%
- Municipal Bond Commission 23%
- Consolidated Public Retirement Board 13%
- PEIA 11%
- Marshall University 8%
- Insurance Commission 3%
- Fairmont State University 3%
- Division of Natural Resources 2%
- Shepherd University 1%
- Secretary of State 1%
- Board of Medicine 1%
- All Others 3%



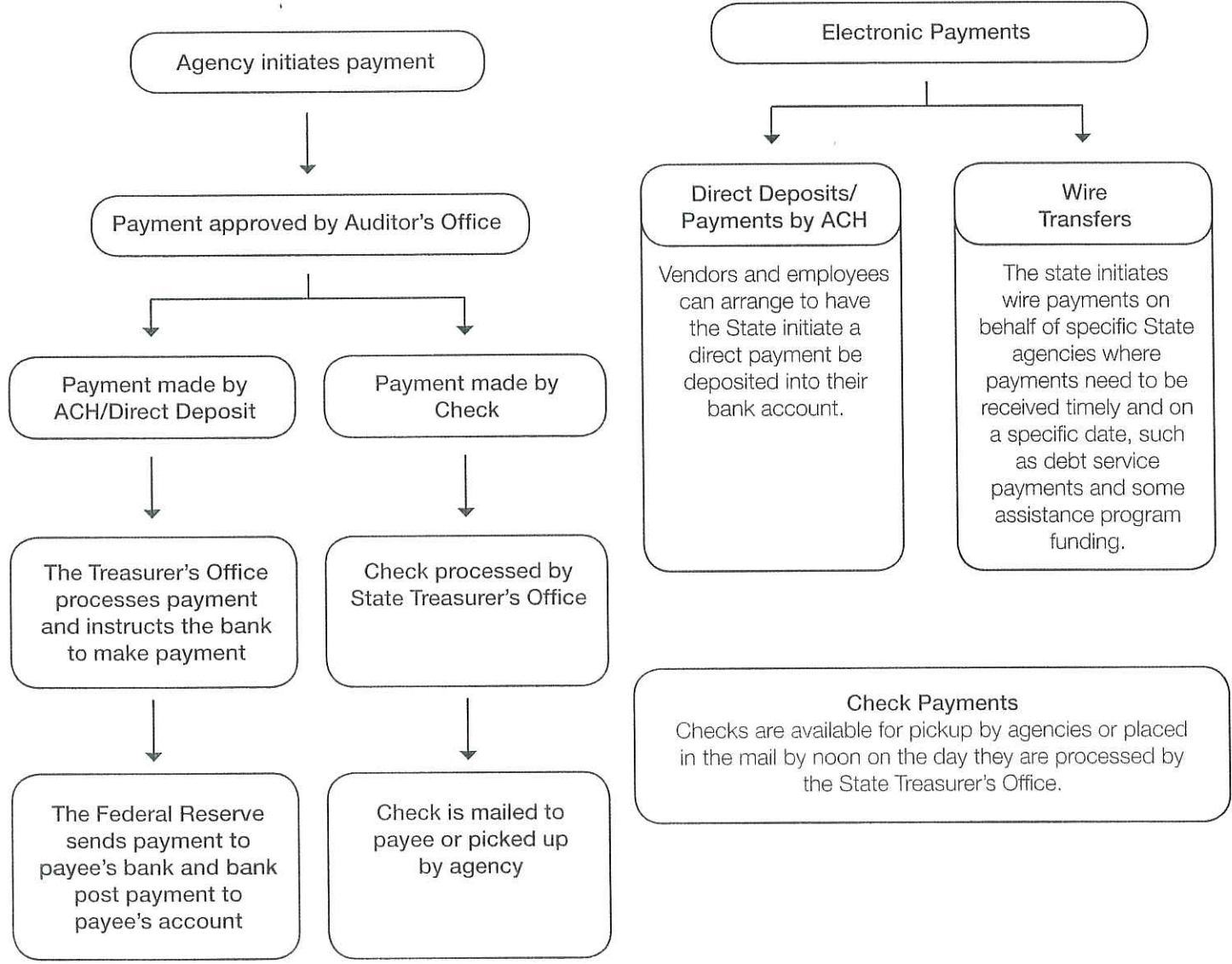
# FLOW OF STATE MONEY

## HOW IS THE MONEY DISBURSED?

The Treasurer's Office disburses payments for a variety of reasons, including payments to vendors and other agencies for goods and services, payroll payments for employees, tax refunds, debt service payments and benefit program disbursements. The process of how disbursements are made is described below.

## TYPES OF PAYMENTS

The State Treasurer's Office has the responsibility of overseeing and processing all payments due from the State of West Virginia. In cash management, significant efforts have been made to allow for more efficient handling of payments. The various methods of making payments are listed below.



## WHERE IS MY PAYMENT?

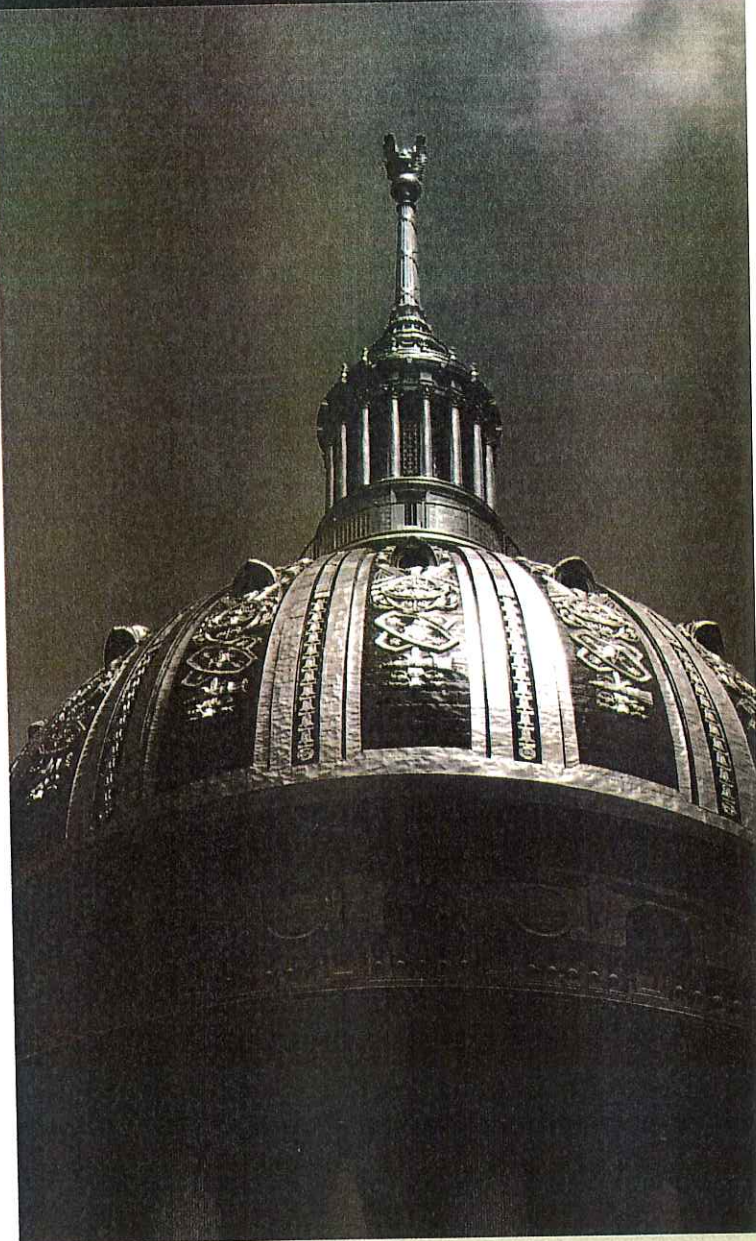
As the "Banker of West Virginia," State Treasurer John Perdue oversees the majority of the state's cash management including all payments. To assist with payment questions, Cash Management offers the payment hotline. Some of the questions that the payment hotline can help with are:

- Has my check or direct deposit payment been issued yet?
- When was my check mailed?
- Was this check cashed?
- Why did I receive a direct deposit payment in my bank account?
- How do I change my bank account information for direct deposit or direct debit?

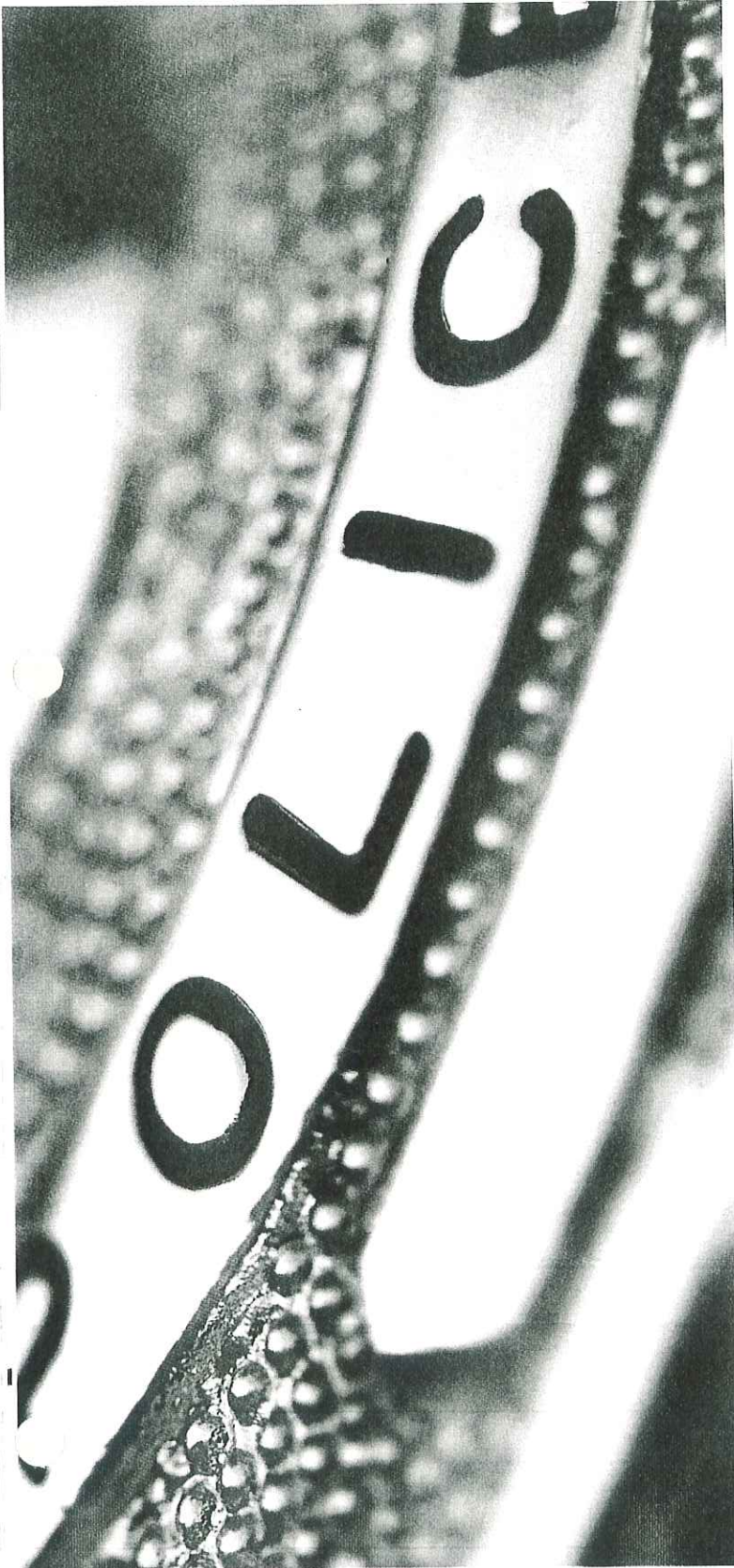
The payment hotline can also assist with questions regarding charges on your credit card, debit card or bank statement. By calling the free payment hotline, you will be connected to knowledgeable staff that will help you find the answers to your questions.

**Call the check hotline at  
(866) 243-9010 or (304) 558-3599.**

**THE WEST VIRGINIA  
E-GOVERNMENT SERVICES  
PROGRAM PROVIDES A PAYMENT  
SYSTEM FOR STATE AGENCIES  
AND LOCAL GOVERNMENTS  
TO UTILIZE AND ALLOW THE  
ACCEPTANCE OF CREDIT CARDS  
AND ELECTRONIC FUNDS  
TRANSFERS ON A SECURE  
INTERNET PAYMENT GATEWAY.**



# REVENUE DISTRIBUTION



The State Treasurer's Office is responsible for disbursing revenue to counties and municipalities throughout the state. Listed below are the areas in which the revenue is generated, as well as how much revenue was distributed from each area in the 2011 fiscal year.

|                                                   |               |
|---------------------------------------------------|---------------|
| Policemen and Firemen Pensions . . . . .          | \$ 16,850,231 |
| Volunteer Fire Departments . . . . .              | \$ 18,565,967 |
| Volunteer Fire Department Audit Accounts. . . . . | \$ 633,814    |
| Coal Severance Tax . . . . .                      | \$ 37,742,774 |
| Oil and Gas Severance Tax . . . . .               | \$ 6,093,012  |
| Wine, Liquor, Private Club Tax . . . . .          | \$ 7,784,363  |
| Regional Jail Operations Reimbursement. . . . .   | \$ 4,019,619  |
| Waste Coal Taxes . . . . .                        | \$ 754,463    |

As one might expect, the largest distributions come from the coal severance tax. Although not all counties produce coal, every county does in fact receive a portion of the revenue produced by the coal severance tax. Naturally, those counties that do produce coal are entitled to a larger portion of the tax. For the 2011 fiscal year, seventy five percent (75%) of the net profits were disbursed to coal producing counties while the remaining twenty five percent (25%) went to the non-coal producing counties of the state. The amount each non-coal producing county obtains is dependent on its population.

During the special legislative session called on August 1, 2011, Senate Bill No. 1002 was passed and will amend the original code beginning July 1, 2012. The amendment will increase the coal producing counties' disbursement 1% for each of the next five years. Beginning July 1, 2016, the split will remain at eighty percent (80%) of disbursement going to coal-producing counties, and twenty percent (20%) will be distributed to those counties that do not produce coal.

Another change, also taking effect in the 2012 fiscal year, is the disbursement of policemen and firemen pension funds. This revenue will no longer be handled by the Treasurer's Office; it will now be overseen by the Municipal Pensions Oversight Board.

Shown on the next page are the revenues distributed to police and firemen pension funds for the 2011 fiscal year.

## LEGEND

- \* For fiscal year Ended 6/30/11 from Letter B on the Required Information Report for the September 2011 Allocation (fiscal year Ending 6/30/12).
  - \*\* For fiscal year Ended 6/30/11 from Letter D on the Required Information Report for the September 2011 Allocation (fiscal year Ending 6/30/12).
  - \*\*\* Dunbar Police always used to round up/(down) for Eligible Members amount (\$7.75) and Eligible Retirees amount (\$7.23) so total allocation equals available funds.
- Allocations provided by the Municipal Pension Oversight Board*

**ALLOCATION OF MUNICIPAL PENSION AND PROTECTION FUND** Pursuant to West Virginia Code 33-3-14d | September 1, 2011

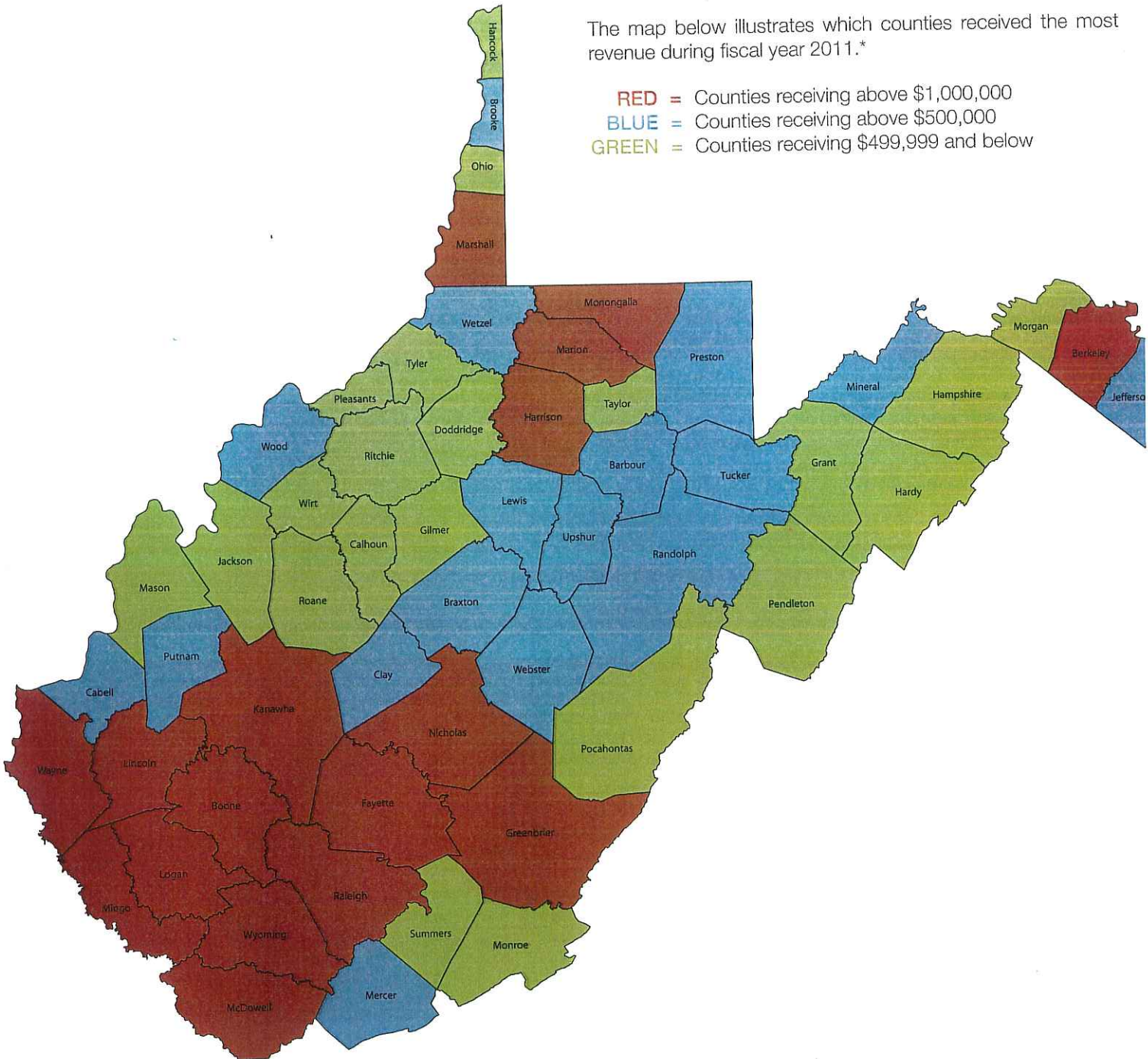
| Department                                                         | Eligible Members* | Share       | Subtotal               | Eligible Retirees**     | Share       | Subtotal               | Grand Total             |
|--------------------------------------------------------------------|-------------------|-------------|------------------------|-------------------------|-------------|------------------------|-------------------------|
| <b>Full-Time Police Departments</b>                                |                   |             |                        |                         |             |                        |                         |
| Beckley                                                            | 47.08             | \$ 5,011.36 | \$ 235,934.83          | 48.50                   | \$ 3,591.66 | \$ 174,195.51          | \$ 410,130.34           |
| Belle                                                              | 3.67              | 5,011.36    | 18,391.69              | 5.00                    | 3,591.66    | 17,958.30              | 36,349.99               |
| Bluefield                                                          | 21.08             | 5,011.36    | 105,639.47             | 26.00                   | 3,591.66    | 93,383.16              | 199,022.63              |
| Charleston                                                         | 169.33            | 5,011.36    | 848,573.59             | 210.00                  | 3,591.66    | 754,248.60             | 1,602,822.19            |
| Charles Town                                                       | 0.00              | 5,011.36    | 0.00                   | 7.58                    | 3,591.66    | 27,224.78              | 27,224.78               |
| Chester                                                            | 6.00              | 5,011.36    | 30,068.16              | 2.00                    | 3,591.66    | 7,183.32               | 37,251.48               |
| Clarksburg                                                         | 43.58             | 5,011.36    | 218,395.07             | 43.58                   | 3,591.66    | 156,524.54             | 374,919.61              |
| Dunbar***                                                          | 16.08             | 5,011.36    | 80,574.92              | 11.00                   | 3,591.66    | 39,501.03              | 120,075.95              |
| Elkins                                                             | 7.58              | 5,011.36    | 37,986.11              | 9.00                    | 3,591.66    | 32,324.94              | 70,311.05               |
| Fairmont                                                           | 33.25             | 5,011.36    | 166,627.72             | 48.08                   | 3,591.66    | 172,687.01             | 339,314.73              |
| Grafton                                                            | 5.83              | 5,011.36    | 29,216.23              | 5.67                    | 3,591.66    | 20,364.71              | 49,580.94               |
| Huntington                                                         | 105.33            | 5,011.36    | 527,846.55             | 123.42                  | 3,591.66    | 443,282.68             | 971,129.23              |
| Logan                                                              | 6.83              | 5,011.36    | 34,227.59              | 1.00                    | 3,591.66    | 3,591.66               | 37,819.25               |
| Martinsburg                                                        | 48.17             | 5,011.36    | 241,397.21             | 37.58                   | 3,591.66    | 134,974.58             | 376,371.79              |
| Morgantown                                                         | 60.83             | 5,011.36    | 304,841.03             | 56.00                   | 3,591.66    | 201,132.96             | 505,973.99              |
| Moundsville                                                        | 17.42             | 5,011.36    | 87,297.89              | 13.75                   | 3,591.66    | 49,385.33              | 136,683.22              |
| Nitro                                                              | 15.33             | 5,011.36    | 76,824.15              | 10.00                   | 3,591.66    | 35,916.60              | 112,740.75              |
| Oak Hill                                                           | 12.75             | 5,011.36    | 63,894.84              | 4.00                    | 3,591.66    | 14,366.64              | 78,261.48               |
| Parkersburg                                                        | 64.58             | 5,011.36    | 323,633.63             | 71.42                   | 3,591.66    | 256,516.36             | 580,149.99              |
| Princeton                                                          | 18.50             | 5,011.36    | 92,710.16              | 17.50                   | 3,591.66    | 62,854.05              | 155,564.21              |
| Point Pleasant                                                     | 7.00              | 5,011.36    | 35,079.52              | 6.00                    | 3,591.66    | 21,549.96              | 56,629.48               |
| Saint Albans                                                       | 20.67             | 5,011.36    | 103,584.81             | 11.67                   | 3,591.66    | 41,914.67              | 145,499.48              |
| South Charleston                                                   | 38.58             | 5,011.36    | 193,338.27             | 35.00                   | 3,591.66    | 125,708.10             | 319,046.37              |
| Star City                                                          | 3.96              | 5,011.36    | 19,844.99              | 4.00                    | 3,591.66    | 14,366.64              | 34,211.63               |
| Vienna                                                             | 16.83             | 5,011.36    | 84,341.19              | 11.00                   | 3,591.66    | 39,508.26              | 123,849.45              |
| Weirton                                                            | 34.67             | 5,011.36    | 173,743.85             | 46.33                   | 3,591.66    | 166,401.61             | 340,145.46              |
| Welch                                                              | 7.17              | 5,011.36    | 35,931.45              | 2.00                    | 3,591.66    | 7,183.32               | 43,114.77               |
| Weston                                                             | 4.50              | 5,011.36    | 22,551.12              | 4.00                    | 3,591.66    | 14,366.64              | 36,917.76               |
| Westover                                                           | 8.75              | 5,011.36    | 43,849.40              | 2.33                    | 3,591.66    | 8,368.57               | 52,217.97               |
| Wheeling                                                           | 81.00             | 5,011.36    | 405,920.16             | 113.46                  | 3,591.66    | 407,509.74             | 813,429.90              |
| Williamson                                                         | 5.67              | \$ 5,011.36 | \$ 28,414.41           | 7.08                    | \$ 3,591.66 | \$ 25,428.95           | \$ 53,843.36            |
| <b>Full-Time Fire Departments</b>                                  |                   |             |                        |                         |             |                        |                         |
| Beckley                                                            | 39.42             | \$ 5,011.36 | \$ 197,547.81          | 52.17                   | \$ 3,591.66 | \$ 187,376.90          | \$ 384,924.71           |
| Bluefield                                                          | 16.25             | 5,011.36    | 81,434.60              | 36.00                   | 3,591.66    | 129,299.76             | 210,734.36              |
| Charleston                                                         | 182.83            | 5,011.36    | 916,226.95             | 224.42                  | 3,591.66    | 806,040.34             | 1,722,267.29            |
| Clarksburg                                                         | 42.17             | 5,011.36    | 211,329.05             | 58.67                   | 3,591.66    | 210,722.69             | 422,051.74              |
| Fairmont                                                           | 40.79             | 5,011.36    | 204,413.37             | 60.08                   | 3,591.66    | 215,786.93             | 420,200.30              |
| Huntington                                                         | 102.25            | 5,011.36    | 512,411.56             | 183.50                  | 3,591.66    | 659,069.61             | 1,171,481.17            |
| Martinsburg                                                        | 36.00             | 5,011.36    | 180,408.96             | 32.00                   | 3,591.66    | 114,933.12             | 295,342.08              |
| Morgantown                                                         | 46.50             | 5,011.36    | 233,028.24             | 53.33                   | 3,591.66    | 191,543.23             | 424,571.47              |
| Moundsville                                                        | 5.00              | 5,011.36    | 25,056.80              | 17.00                   | 3,591.66    | 61,058.22              | 86,115.02               |
| Parkersburg                                                        | 59.58             | 5,011.36    | 298,576.83             | 97.33                   | 3,591.66    | 349,576.27             | 648,153.10              |
| South Charleston                                                   | 39.58             | 5,011.36    | 198,349.63             | 37.33                   | 3,591.66    | 134,076.67             | 332,426.30              |
| Wheeling                                                           | 93.00             | \$ 5,011.36 | \$ 466,056.48          | 118.50                  | \$ 3,591.66 | \$ 425,611.71          | \$ 891,668.19           |
| <b>Full-Time/Part-Time Fire Departments</b>                        |                   |             |                        |                         |             |                        |                         |
| Dunbar                                                             | 13.75             | \$ 5,011.36 | \$ 68,906.20           | 19.92                   | \$ 3,591.66 | \$ 71,545.87           | \$ 140,452.07           |
| Elkins                                                             | 3.00              | 5,011.36    | 15,034.08              | 5.00                    | 3,591.66    | 17,958.30              | 32,992.38               |
| Grafton                                                            | 4.92              | 5,011.36    | 24,655.89              | 4.00                    | 3,591.66    | 14,366.64              | 39,022.53               |
| Logan                                                              | 8.00              | 5,011.36    | 40,090.88              | 2.00                    | 3,591.66    | 7,183.32               | 47,274.20               |
| Nitro                                                              | 11.17             | 5,011.36    | 55,976.89              | 10.00                   | 3,591.66    | 35,916.60              | 91,893.49               |
| Princeton                                                          | 13.00             | 5,011.36    | 65,147.68              | 14.25                   | 3,591.66    | 51,181.16              | 116,328.84              |
| Saint Albans                                                       | 18.92             | 5,011.36    | 94,814.93              | 24.00                   | 3,591.66    | 86,199.84              | 181,014.77              |
| Weirton                                                            | 21.17             | 5,011.36    | 106,090.49             | 16.58                   | 3,591.66    | 59,549.72              | 165,640.21              |
| Weston                                                             | 1.00              | 5,011.36    | 5,011.36               | 4.00                    | 3,591.66    | 14,366.64              | 19,378.00               |
| Williamson                                                         | 7.67              | \$ 5,011.36 | \$ 38,437.13           | 12.83                   | \$ 3,591.66 | \$ 46,081.00           | \$ 84,518.13            |
| <b>Totals</b>                                                      | <b>1,737.99</b>   |             | <b>\$ 8,709,685.82</b> | <b>2,076.86</b>         |             | <b>\$ 7,459,367.76</b> | <b>\$ 16,169,053.58</b> |
| <b>Total Allocation</b>                                            |                   |             | <b>\$16,471,102.58</b> |                         |             |                        |                         |
| <b>Less CY2010 Gabriel, Roeder, Smith &amp; Co Actuarial Costs</b> |                   |             | <b>\$ 292,012.00</b>   |                         |             |                        |                         |
| <b>Less CY2010 Municipal Pensions Oversight Board Expenses</b>     |                   |             | <b>\$ 10,037.00</b>    |                         |             |                        |                         |
| <b>Allocation to Municipal Police and Fire Pension Funds</b>       |                   |             | <b>\$16,169,053.58</b> |                         |             |                        |                         |
| <b>Allocation</b>                                                  |                   |             | <b>\$16,169,053.58</b> | <b>\$ 16,169,053.58</b> |             |                        |                         |
| <b>Fiscal Year 2010 Allocation</b>                                 |                   |             | <b>\$ 8,709,685.82</b> |                         |             |                        |                         |
| <b>Fiscal Year 2010 Base Share</b>                                 |                   |             | <b>\$ 5,011.36</b>     |                         |             |                        |                         |
| <b>Fiscal Year 2010 Retiree Allocation</b>                         |                   |             | <b>\$ 7,459,367.76</b> |                         |             |                        |                         |
| <b>Fiscal Year 2010 Retiree Base Share</b>                         |                   |             | <b>\$ 3,591.66</b>     |                         |             |                        |                         |



# REVENUE DISTRIBUTION

The map below illustrates which counties received the most revenue during fiscal year 2011.\*

- RED** = Counties receiving above \$1,000,000
- BLUE** = Counties receiving above \$500,000
- GREEN** = Counties receiving \$499,999 and below



\*The totals depicted on the map include the revenue paid to municipalities, as well as counties.

**REVENUE RECEIVED BY EACH COUNTY DURING THE 2011 FISCAL YEAR**

|              | Coal<br>Severance       | Oil & Gas<br>Taxes     | Wine, Liquor,<br>Private Club | Regional<br>Jail Revenue | VFD<br>Revenue          | TOTALS                  |
|--------------|-------------------------|------------------------|-------------------------------|--------------------------|-------------------------|-------------------------|
| Barbour      | \$ 349,370.46           | \$ 118,516.90          | \$ 260.65                     | \$ 19,802.66             | \$ 131,098.65           | \$ 619,049.32           |
| Berkeley     | 341,657.48              | 71,208.82              | 199,736.03                    | 269,706.30               | 195,214.52              | 1,077,523               |
| Boone        | 4,786,148.58            | 185,697.96             | 290.42                        | 83,799.91                | 339,357.91              | 5,395,294.78            |
| Braxton      | 106,572.69              | 58,721.38              | 2,805.66                      | 36,241.40                | 305,896.85              | 510,237.98              |
| Brooke       | 81,465.72               | 10,092.24              | 486.27                        | 33,529.14                | 415,406.57              | 540,979.94              |
| Cabell       | 224,192.34              | 79,096.23              | 9,881.30                      | 272,234.98               | 295,719.02              | 881,123.87              |
| Calhoun      | 35,645.17               | 98,072.90              | 29.47                         | 14,511.24                | 131,098.65              | 279,357.43              |
| Clay         | 287,080.17              | 71,783.91              | 402.64                        | 37,039.93                | 131,098.65              | 527,405.30              |
| Doddridge    | 34,471.13               | 250,738.25             | 39.92                         | 17,053.70                | 208,319.92              | 476,121.66              |
| Fayette      | 869,611.44              | 70,078.43              | 2,606.07                      | 75,984.40                | 623,144.14              | 1,641,424.48            |
| Gilmer       | 29,620.19               | 142,545.56             | 42.23                         | 16,842.59                | 43,699.55               | 199,750.12              |
| Grant        | 45,553.39               | 10,494.79              | 390.75                        | 30,045.89                | 174,798.20              | 261,283.02              |
| Greenbrier   | 343,215.38              | 19,326.27              | 34,114.64                     | 52,978.43                | 569,788.45              | 1,019,423.17            |
| Hampshire    | 96,426.18               | 17,888.52              | 1,101.76                      | 46,562.65                | 305,896.85              | 467,875.96              |
| Hancock      | 59,246.18               | 9,372.46               | 5,398.23                      | 45,883.44                | 282,447.67              | 402,347.98              |
| Hardy        | 52,469.50               | 9,215.12               | 5,160.33                      | 36,906.84                | 131,098.65              | 234,850.44              |
| Harrison     | 291,497.64              | 310,110.21             | 3,676.95                      | 164,414.88               | 645,254.76              | 1,141,954.44            |
| Jackson      | 106,794.12              | 91,076.55              | 219.38                        | 62,900.42                | 208,319.92              | 469,310.39              |
| Jefferson    | 181,873.64              | 33,485.17              | 4,732.75                      | 99,862.33                | 275,181.38              | 595,135.27              |
| Kanawha      | 1,805,696.80            | 390,307.16             | 123,552.60                    | 415,162.94               | 1,002,299.54            | 3,737,019.04            |
| Lewis        | 61,393.74               | 266,193.76             | 4,976.03                      | 23,620.93                | 258,037.11              | 614,221.57              |
| Lincoln      | 920,713.12              | 239,253.62             | 44.96                         | 38,095.46                | 274,130.09              | 1,472,237.25            |
| Logan        | 3,179,956.09            | 371,168.12             | 1,124.40                      | 94,529.61                | 509,348.84              | 4,156,127.06            |
| Marion       | 2,613,403.62            | 94,621.85              | 6,028.97                      | 115,998.17               | 536,327.39              | 3,366,380               |
| Marshall     | 3,673,218.53            | 71,161.60              | 60.1                          | 57,948.60                | 526,109.03              | 432,849,786             |
| Mason        | 112,946.28              | 27,068.70              | 95.96                         | 46,181.74                | 262,197.30              | 448,489.98              |
| McDowell     | 1,008,141.82            | 304,170.46             | 929.44                        | 99,857.74                | 556,743.71              | 1,969,843.17            |
| Mercer       | 238,320.75              | 65,081.84              | 23,581.74                     | 126,737.04               | 356,068.09              | 809,769.46              |
| Mineral      | 110,318.30              | 16,626.28              | 11,448.02                     | 70,399.27                | 480,695.05              | 689,486.92              |
| Mingo        | 2,042,958.79            | 297,330.57             | 4,948.01                      | 95,158.33                | 472,116.84              | 2,912,512.54            |
| Monongalia   | 1,285,414.46            | 92,098.08              | 205,430.85                    | 139,623.69               | 524,394.60              | 2,246,961.68            |
| Monroe       | 65,958.29               | 9,932.77               | 650.33                        | 17,723.73                | 174,798.20              | 269,063.32              |
| Morgan       | 73,220.98               | 13,488.94              | 5,331.30                      | 50,220.29                | 174,798.20              | 317,059.71              |
| Nicholas     | 1,235,202.74            | 41,642.00              | 7,556.33                      | 73,662.23                | 316,074.68              | 1,674,137.98            |
| Ohio         | 80,783.55               | 8,580.51               | 49,263.10                     | 72,134.01                | 282,613.62              | 493,374.79              |
| Pendleton    | 36,962.45               | 7,952.78               | 892.29                        | 11,468.56                | 218,497.75              | 275,773.83              |
| Pleasants    | 23,118.51               | 21,495.19              | 5.81                          | 9,701.70                 | 87,399.10               | 141,720.31              |
| Pocahontas   | 37,229.43               | 5,897.51               | 13,177.30                     | 25,176.69                | 262,197.30              | 343,678.23              |
| Preston      | 125,305.09              | 39,025.61              | 921.99                        | 37,072.05                | 514,266.77              | 716,591.51              |
| Putnam       | 202,638.85              | 112,810.75             | 46,351.11                     | 108,448.84               | 349,596.40              | 819,845.95              |
| Raleigh      | 2,548,007.54            | 130,437.42             | 64,076.60                     | 224,405.70               | 514,156.11              | 3,454,083.37            |
| Randolph     | 198,666.29              | 33,015.92              | 2,505.97                      | 54,153.28                | 431,117.91              | 719,459.37              |
| Ritchie      | 32,569.75               | 160,694.76             | 283.45                        | 12,111.06                | 208,259.26              | 413,918.28              |
| Roane        | 64,772.03               | 93,234.59              | 3.60                          | 38,517.67                | 218,558.41              | 415,086.30              |
| Summers      | 52,790.35               | 9,593.95               | 869.15                        | 23,492.43                | 305,896.85              | 392,642.73              |
| Taylor       | 53,740.07               | 31,413.36              | 122.35                        | 23,804.50                | 122,813.21              | 231,893.49              |
| Tucker       | 497,334.21              | 13,884.05              | 2,712.08                      | 6,397.43                 | 174,798.20              | 695,125.97              |
| Tyler        | 30,794.40               | 39,647.22              | 30.78                         | 17,462.14                | 174,798.20              | 262,732.74              |
| Upshur       | 202,540.25              | 185,701.30             | 140.27                        | 49,137.22                | 305,896.85              | 743,415.89              |
| Wayne        | 802,748.78              | 138,574.13             | 3,154.64                      | 64,020.20                | 349,596.40              | 1,358,094.15            |
| Webster      | 616,909.70              | 6,844.55               | 206.45                        | 34,736.12                | 218,497.75              | 877,194.57              |
| Wetzel       | 43,542.33               | 201,397.51             | 13.80                         | 30,000.00                | 480,695.05              | 755,648.69              |
| West         | 24,759.54               | 16,722.09              | 88.13                         | 5,153.74                 | 43,699.55               | 90,423.05               |
| Wood         | 204,666.97              | 40,764.56              | 11,909.31                     | 174,598.45               | 436,995.50              | 868,934.79              |
| Wyoming      | 1,021,129.09            | 309,868.27             | 63.61                         | 86,971.09                | 349,596.40              | 1,767,628.46            |
| <b>TOTAL</b> | <b>\$ 33,650,603.40</b> | <b>\$ 5,565,493.39</b> | <b>\$ 863,926.28</b>          | <b>\$ 3,990,183.78</b>   | <b>\$ 17,886,925.57</b> | <b>\$ 61,957,132.42</b> |

# UNCLAIMED PROPERTY



## A NATIONAL SPOTLIGHT

For years, State Treasurer John D. Perdue has been telling people, "We might have money that belongs to you, and you can get it back cost-free." But getting people to take the time to look up their names in one of our unclaimed property newspaper inserts or do a name search on [www.wvtreasury.com](http://www.wvtreasury.com) usually takes some convincing.

This year some national television coverage helped Treasurer Perdue spread his message to West Virginians and showcase to the world the top-notch unclaimed property program his office has developed.

To kick off "Good Morning America's" wildly successful series called "Show Me the Money," ABC News consumer correspondent Elisabeth Leamy accompanied Treasurer Perdue during one of his unclaimed property check presentations this summer. Treasurer Perdue, Leamy and several State Treasury staff members knocked on the door of Vickie Shaluta and her husband Steve to present her with a check for \$14,876.55. The money originated from an inactive certificate of deposit account owned by Shaluta's late mother, Lenora Adkins. "It's like a gift from Mom. That's exactly how I feel about it," said Shaluta.

## GIVING BACK

- Treasurer Perdue returned more than \$14 million in unclaimed property in fiscal year 2011.
- At the end of fiscal year 2011, West Virginia's Unclaimed Property Division held more than 865,000 accounts worth approximately \$162.9 million dollars.
- The balance of unclaimed property available to claim at June 30, 2011 is \$162,908,983.



*(Pictured left) ABC's Good Morning America Consumer Correspondent Elisabeth Leamy with Treasurer John D. Perdue.*

*(Pictured above) The Shalutas are just one of the many heartwarming stories of lost money being reunited with its rightful owner.*

## UNCLAIMED PROPERTY AUCTION GOES ELECTRONIC

When you think of an auction, the bellowing of an auctioneer might come to mind. However, a person bidding during State Treasurer John Perdue's upcoming unclaimed property auctions will only hear the sound of a computer mouse clicking. That's because West Virginia State Treasurer John D. Perdue unveiled the state's new online auction in June. Dozens of jewelry, watches, coins and other collectible items found in expired safe deposit boxes are now available online for public bid.

"We strive to stay up-to-date with the latest technology while providing people with easy and accessible services," said Treasurer Perdue. "I'm excited to give people the opportunity to bid on these rediscovered treasures."

The property is auctioned off in lots with pictures and detailed descriptions of each item. New items are expected to be available on an ongoing basis.

In the past, physical auctions were held periodically. State law vs the Treasurer to auction off unclaimed property because of limited storage space. However, it's important to note that proceeds from an auction sale are held indefinitely in a trust until a rightful owner is found.

Treasurer Perdue said the original owners or heirs of the items sold may see an added benefit with the online auction process. "Collectors and specialists are better able to gauge the actual value of the items and make more intelligent bids. This ultimately benefits the original property owner when the proceeds are returned," said Treasurer Perdue.

To view items go to [www.westvirginiaunclaimedproperty.org](http://www.westvirginiaunclaimedproperty.org). Active bidders must first establish an account with a user name and password.

Safe deposit box items are turned over to the Treasurer five years after no activity is reported. Once an item is deemed unclaimed property, the Treasurer actively tries to find rightful owners. Owners' names are advertised before the items are released to auction.

In addition to safe deposit box items, unclaimed property is any asset that has not been claimed by its owner or has not had any generated activity during a specific time period prescribed by law. Other examples include utility deposits, bank accounts ' unredeemed stock dividends.

*(Pictured right) 102-year-old Marion County woman, Zelma Fraley receives an unclaimed property check from Treasurer John D. Perdue.*

**“PEOPLE OFTEN BECOME SEPARATED FROM THEIR MONEY OR PROPERTY THROUGH UNPREDICTABLE CIRCUMSTANCES. ONE OF THE MOST PLEASURABLE TASKS IN OUR OFFICE IS FINDING THE RIGHTFUL OWNERS OF UNCLAIMED PROPERTY AND RETURNING IT TO THEM. WE ENCOURAGE PEOPLE TO USE OUR WEBSITE TO PERFORM A FREE SEARCH.”**

*– State Treasurer John D. Perdue*



# WEST VIRGINIA SMART529



## WEST VIRGINIA'S COLLEGE SAVINGS PLAN OFFERING NEW WAYS TO BUILD SAVINGS

West Virginia State Treasurer John D. Perdue hosted a "SMART529 Search for Savings" in September 2010 to announce new ways for West Virginia residents to save money for college with the state's college savings plan, SMART529. SMART529, which has been helping families save for their children's higher education since 2002, now offers new features such as Upromise® and Ugift®.

Upromise lets people earn more for college with everyday purchases, like shopping online, dining out and more. It's free to join, and when an individual links their Upromise and SMART529 accounts, all or a portion of those earnings will be automatically transferred on a periodic basis to become college savings.

The Ugift feature lets people invite family and friends to make gift contributions to a SMART529 account.

The "SMART529 Search for Savings" was held at the Kroger grocery store in Beckley, West Virginia. The Treasurer was accompanied by local school children in a hunt for grocery

items that are associated with the Upromise program. Forty children from Maxwell Hill Elementary participated.

"Now, more than any other time in our history, it is important that children go to college," said Treasurer Perdue. "A child who goes to college can earn significantly more over a lifetime than if he or she did not attend college."

SMART529 has enhanced its Automatic Investment Program (AIP), which allows people to make regular contributions to a SMART529 account from a bank account. The enhanced AIP lets account owners specify an annual increase in their AIP contributions to keep pace with their financial goals.

West Virginia employers can also help families by supporting a new feature that gives SMART529 account owners the option of deducting money directly from their paychecks and depositing it automatically into their accounts.

*(Pictured above) West Virginia State Treasurer John D. Perdue and school children hunt for grocery items related to the Upromise program.*

## “WHEN I GROW UP” ESSAY CONTEST DOUBLES PARTICIPATION

In its fourth year, State Treasurer John D. Perdue's "When I Grow Up" essay contest received its highest number of participants in contest history. In fact, the number of children submitting essays doubled from the previous year.

During the 2010-2011 school year, a total of 2,915 West Virginia children in kindergarten through fifth grade took advantage of the opportunity to win up to \$5,000 invested into a SMART529 college savings account. Also, this is the first year children from all 55 counties in West Virginia entered the contest.

"It's exciting to see such a large number of participation from all corners of the state," said Treasurer Perdue. "This means we are reaching every county with the message that going to college is important."

The statewide contest kicked off on January 19 with an event at Overbrook Elementary School in Charleston. Students were asked to write an essay detailing their dream career. The contest was judged in five regions of the state resulting in three winners from each region. Each of the 15 children received \$500 invested into a SMART529 college savings account and was entered into a drawing to win an additional \$4,500. Each winning student's respective schools also received \$500 to support school programs.

Taylor Isaly of Wood County, a student at Parkersburg Catholic Elementary, was selected as the grand prize winner at a celebration event May 4 in Charleston.

"The goal is to get children thinking about their future," said Treasurer Perdue. "We hope this contest helps students realize that higher education will help them achieve their dreams. We also hope their parents recognize the benefits of saving for their child's education at an early age."

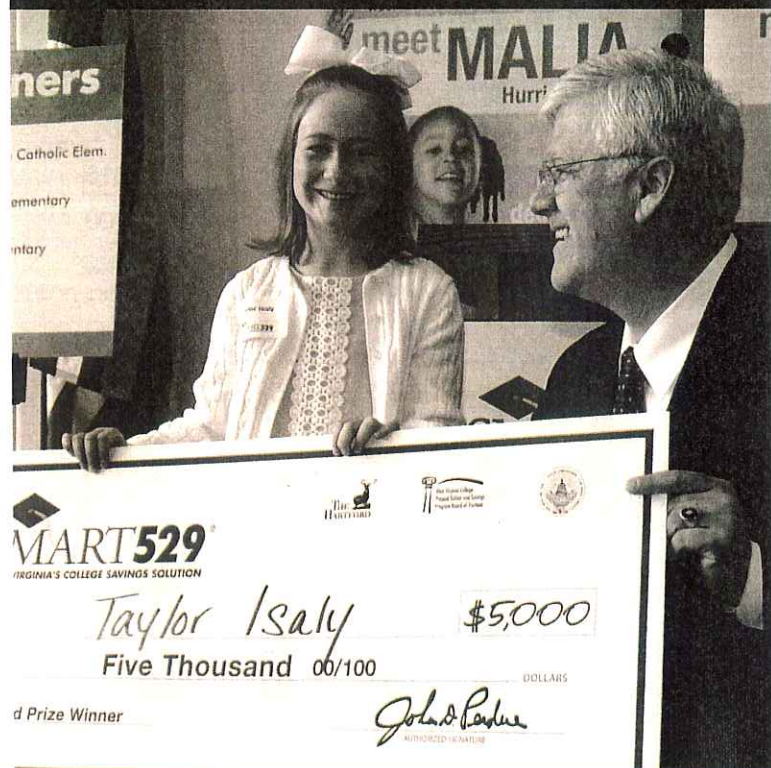
For the first time, SMART529 awarded \$2,500 cash to a West Virginia teacher who wrote an essay about how she planned to use SMART529 lesson plans in her classroom to encourage children to think about going to college.

The "When I Grow Up" essay contest and the Teachers' Essay Contest are sponsored by the SMART529 College Savings program and the West Virginia State Treasurer's Office to promote awareness of SMART529 and the need to save for college.

*(Pictured right) Taylor Isaly of Wood County was the grand prize winner for the "When I Grow Up" Essay contest.*

**“HIGHER EDUCATION IS VERY IMPORTANT IN HELPING KIDS PREPARE TO MEET TOMORROW’S CHALLENGES. WEST VIRGINIA’S SMART529 COLLEGE SAVINGS PLANS WERE CREATED TO HELP FAMILIES COVER THE COST OF EDUCATION BEYOND HIGH SCHOOL. HOWEVER, SMART529 IS NOT JUST FOR COLLEGE, BUT CAN ALSO BE USED IN A WIDE RANGE OF TECHNICAL AND VOCATIONAL SCHOOLS.”**

*— State Treasurer John D. Perdue*



# WEST VIRGINIA SMART529



## WEST VIRGINIA SMART529 COLLEGE SAVINGS PLAN: TOTAL QUALIFIED DISTRIBUTIONS FOR WEST VIRGINIA RESIDENTS

July 1, 2010 – June 30, 2011

| Plan Name                      | Number of W.Va. Beneficiaries | Total Qualified Distributions |
|--------------------------------|-------------------------------|-------------------------------|
| SMART529 Select                | 61                            | \$ (764,514.72)               |
| SMART529 WV Direct             | 615                           | \$ (6,744,395.37)             |
| The Hartford SMART529          | 808                           | \$ (6,313,542.72)             |
| *West Virginia Prepaid Tuition | 2942                          | \$ (7,389,194.67)             |

\*As of March 8, 2003, The West Virginia Prepaid Tuition Plan is closed to new enrollments. This does not affect those already enrolled in the plan.

## WEST VIRGINIA COLLEGE PREPAID TUITION AND SAVINGS PROGRAM BOARD OF TRUSTEES

John D. Perdue, *Board Chairman* | *West Virginia State Treasurer*  
 Kay Goodwin, *Trustee* | *Secretary of Department of Education and the Arts*  
 Joe Badgley, *Trustee* | *W.Va. Higher Education Policy Commission*  
 Brian Noland, *Trustee* | *W.Va. Higher Education Policy Commission*  
 andré cummings, *Trustee*  
 Steve Davis, *Trustee*  
 Martin Gargano, *Trustee*  
 Georgette George, *Trustee*  
 Donna Kuhn, *Trustee*

*(Pictured above) West Virginia State Treasurer John D. Perdue presented Lee Anne Burton, teacher contest winner, with a check.*

# WEST VIRGINIA RETIREMENT PLUS



## WEST VIRGINIA RETIREMENT PLUS 457(B) DEFERRED COMPENSATION PLAN

### Retirement Plus Plan Summary

The West Virginia Retirement Plus Plan is a supplemental retirement program for public employees. The Plan is a deferred compensation plan established by Section 457 of IRS code. Similar to a 401(k) plan in structure, employees save via payroll deduction, and contributions lower taxable income. Contributions are limited to IRS maximums for each calendar year.

### Mission Statement

The West Virginia Retirement Plus Mission is to provide its participants with a deferred compensation plan that offers attractive, high-performing, low-cost investment options coupled with comprehensive financial education programs needed to help them gain financial security at retirement.

### Eligibility

Employees from state agencies, counties, municipalities and other political subdivisions are eligible to participate in the Plan.

### Investment Options

Participants can choose from a menu of investment options, including one stable value fund and twenty four mutual funds representing various asset classes.

### Partnership

The West Virginia State Treasurer's Office continues to partner with ING Financial Services, our third-party administrator, to transform West Virginia Retirement Plus into one of the premiere 457 retirement plans in the nation.

## FISCAL YEAR 2011 HIGHLIGHTS

### Contribution Matching Program

This marked the fourth year of our contribution matching program for eligible Plan participants. More than 7,000 participants met the criterion for the matching program with over \$600,000 in matching funds due to those participants.

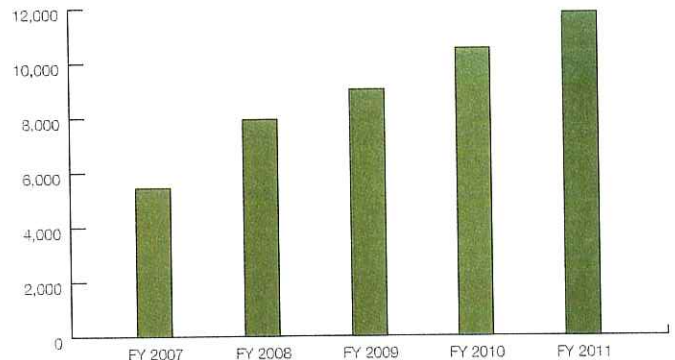
### Plan Growth and Outreach

Since the Treasurer's Office became the 457 Plan administrator in July 2006, the total plan assets have grown to \$114 million, and the number of participants have doubled to more than 11,000 members. This growth is largely due to our marketing, educational and outreach efforts.

An effective outreach strategy is imperative to providing financial education opportunities and adding new participants. In order to improve outreach effectiveness, staff time was dedicated to analyzing public employee data and establishing outreach targets. Outreach strategies were then developed and implemented to reach and educate all Plan stakeholders. The following are some key fiscal year 2011 accomplishments in this area:

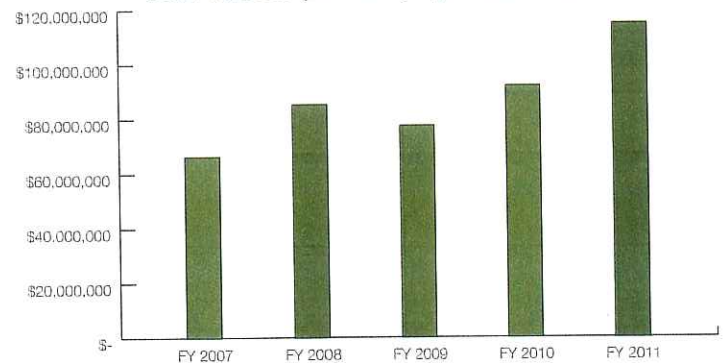
- Increased political subdivision membership to 130 entities with 47 out of 55 counties participating
- Conducted 150 enrollment meetings, financial education classes and booths at public employee venues
- Completed a detailed marketing plan resulting in more than 1,800 new enrollees
- Increased participant base to 11,752 members, an increase in excess of 100 percent since July 2006 (Graph 1 below)

Participant Totals by Fiscal Year



- Total Assets increased to \$114,662,003, representing a \$46 million increase since July 2006 (Graph 2 below)

Total Assets (Millions) by Fiscal Year



# FINANCIAL EDUCATION



## NETWORTH

NetWorth is a comprehensive financial education initiative designed to teach personal financial management in all of West Virginia's public schools. In 2008, the Treasurer's Office partnered with the State Board of Education to begin implementing the program with the support of several other state and local agencies. The goal is to teach financial education in grades K-12 to produce financially literate high school graduates. The NetWorth program recently completed its third phase of development by implementing county-by-county teacher training. More than 300 classroom teachers participated in the training.

### Program Highlights

- Allows teachers to integrate financial learning into already established curriculum
- Used by more than 300 classroom instructors
- Supplemented with financial learning activities including Bank at School programs, Get a Life simulations and *High School Money* conferences
- Includes county-by-county teacher training
- Twice selected as regional finalist for Council of State Government Innovations Award
- Recognized as the 2009 recipient of the national EIFLE (Excellence in Financial Literacy Education) Award

### Get a Life

Students from all over West Virginia participated in the Get a Life reality simulation, a hands-on financial learning experience. Get a Life is a component of State Treasurer Perdue's NetWorth initiative.

The budget game focuses on financial education by allowing students to earn a salary, budget their monthly bills and shop for essentials. Local businessmen and businesswomen help complete the learning experience by serving as sales people, insurance agents and doctors in the simulated world.

Treasurer Perdue said he's thrilled to see the program working. "With programs like NetWorth and the Get a Life simulation, I believe students in West Virginia will be better prepared to live and succeed in the real world," said Treasurer Perdue. More than 60 schools have participated in Get a Life events, reaching more than 8,000 students.

*(Pictured above) Community volunteers help students at the Get a Life event at John Adams Middle School.*

“WITH PROGRAMS LIKE  
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THE REAL WORLD”

— State Treasurer John D. Perdue



## MONEY CONFERENCES

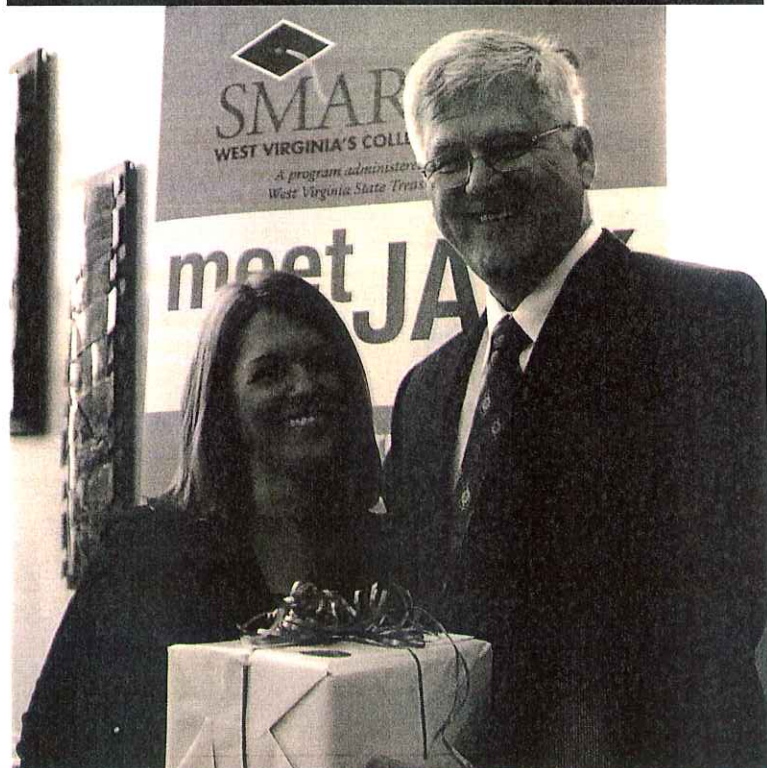
The West Virginia Women and Money Conference series started in 2002 with an event at the Charleston Civic Center. To date, Treasurer Perdue and the West Virginia Financial Education Foundation have hosted 28 Women and Money conferences at various locations around the state. Nearly 9,000 people have attended these events.

This free financial education opportunity is open to anyone who is interested in advice on better money management. Financial expert Dee Lee offers real-world knowledge about a variety of topics including dealing with everyday budgets, credit issues, investing advice and planning for retirement.

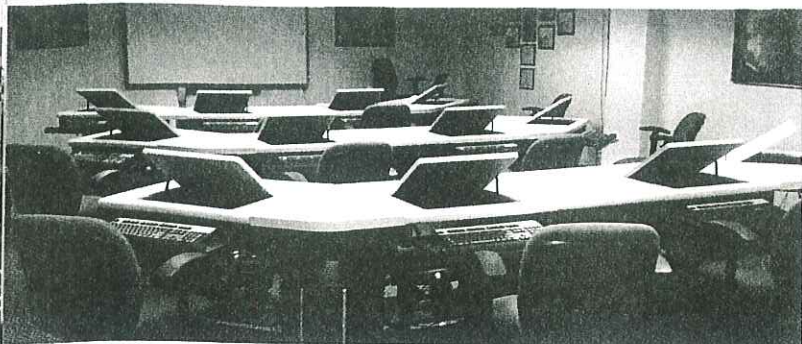
In addition to Women and Money, Treasurer Perdue reaches out to students and other specialized groups to teach financial responsibility.

Those interested should check [www.wvtreasury.com](http://www.wvtreasury.com) for a complete schedule of financial education opportunities.

*(Pictured above) Financial expert Dee Lee speaks at The West Virginia Women and Money Conference. (Pictured right) WDTV-TV 5 News Anchor Katelyn Sykes with State Treasurer John Perdue at Bridgeport Women and Money Conference.*



# TRAINING CENTER



## TRAINING CENTER TESTIMONIALS

**Kaye L. Maerz**  
*State Law Librarian, WV Supreme Court of Appeals*

Kaye Maerz is the State Law Librarian for the West Virginia Supreme Court of Appeals. During her time there, Kaye and her staff have more than taken advantage of the Treasurer's Office Training Center. Since 2003, Kaye has taken all Microsoft Office courses offered. These include Microsoft Word, Excel, Powerpoint, Outlook, and Access. Not only has she taken all the classes available, but she's also taken them at all three levels: beginner, intermediate, and advanced. Kaye's staff has taken all the same classes at the beginner and intermediate levels. Brian Bailey has been the trainer for every class taken by Kaye and her staff. "I've taken hundreds of classes, and Brian is one of the best instructors I've ever had." This is high praise coming from someone who holds seven degrees, including two master's degrees and a law degree. Kaye takes advantage of the classes for several reasons, the first of which being because they're free of charge. Furthermore, she and her staff gain invaluable knowledge used on an everyday basis. Kaye continues to take the classes because, in her words, "all the classes are great. It's not just one fantastic class mixed in with some mediocre ones."

**Sonya Flemming**  
*Secretary, WV Department of Environmental Protection*

Sonya Flemming is a secretary for the West Virginia Department of Environmental Protection. During her time as a state employee, Sonya has participated in nearly all of the classes offered by the Treasurer's Office Training Center. She has completed all levels of Microsoft Access 2007, Word 2010, Outlook 2010, and the beginner and intermediate levels of Microsoft Powerpoint 2010. To continue advancing her knowledge of the latest Microsoft Office programs, Sonya is scheduled to take all three levels of Excel 2010 as well as Access 2010. Sonya was familiar with some of these programs prior to the classes, but has gained a much deeper understanding of the functions of each program since enrolling in the classes provided. "Not only are the classes educational, but they also hold my attention very well," Sonya said.

In today's business climate, technology advances at an astounding rate. As technology changes, the tools of our offices change. For over a decade, the Treasurer's Office has afforded its employees the opportunity to stay up-to-date with the most recent business tools. We also reach out to all state, county, and local government employees to provide training free of charge. Following through on the Treasurer's commitment to education, we offer the following classes each and every quarter:

- Microsoft Excel 2010
- Microsoft Word 2010
- Microsoft PowerPoint 2010
- Microsoft Access 2010
- Microsoft Outlook 2010

All classes are offered at beginner, intermediate, and advanced levels.

Not only has the State Treasurer's Office (STO) educated thousands of state employees in the last decade, but it has also provided an astonishing amount of savings to the taxpayers of our great state.

The table below displays savings accumulated, hours of class taken, and number of participants for both fiscal year 2011, as well as for the entire timespan the Training Center has been in operation. You can get a full list of courses offered as well as register for all classes at [www.wvtreasury.com](http://www.wvtreasury.com)

|                         | Since 2001 | Fiscal Year 2011 |
|-------------------------|------------|------------------|
| STO Savings             | \$183,010  | \$13,050         |
| Non-STO Savings         | \$662,525  | \$74,025         |
| Total Gov Savings       | \$845,535  | \$87,075         |
| STO Hours Delivered     | 7,420      | 393              |
| Non-STO Hours Delivered | 29,715     | 2,977            |
| Total Hours Delivered   | 37,135     | 3,370            |
| STO participants        | 1,282      | 102              |
| Non-STO Participants    | 4,445      | 521              |
| Total Participants      | 5,727      | 623              |

# FINANCIAL HIGHLIGHTS

## Assets Under Management

As of June 30, 2011

These assets include those of the State Treasurer's Office and those of other entities for which the State Treasurer's Office is responsible for managing or overseeing.

### Board of Treasury Investments:

|                                                                    |                         |
|--------------------------------------------------------------------|-------------------------|
| State agencies and participants                                    | \$ 1,713,045,000        |
| State funds and accounts under purview of State Treasurer's Office | 2,305,786,000           |
| Local governments                                                  | 143,607,000             |
| Treasurer's Safekeeping Fund (with Board of Treasury Investments)  | 29,166,000              |
| <hr/>                                                              |                         |
| Total Board of Treasury Investments                                | 4,191,604,000           |
| West Virginia College Prepaid Tuition and Savings Program          | 1,663,712,000           |
| Unclaimed Property                                                 | 162,909,000             |
| Securities held in Safekeeping                                     | 86,025,000              |
| Treasurer's Safekeeping Fund (with Investment Management Board)    | 6,565,000               |
| West Virginia Retirement Plus                                      | 114,662,000             |
| <hr/>                                                              |                         |
|                                                                    | <b>\$ 6,225,477,000</b> |





The financial information in this report includes data extracted from the audited financial statements of the West Virginia Board of Treasury Investments and the West Virginia College Prepaid Tuition and Savings Program. All other financial information has not been audited by an independent certified public accounting firm. The financial data is management's best representation of the activities of the programs, funds and accounts for which the State Treasurer's Office is responsible. The presentation of the data is not intended to conform to accounting principles generally accepted in the United States of America.

WEST VIRGINIA STATE TREASURER'S OFFICE

900 Kanawha Boulevard East | Room E-145  
Charleston, West Virginia 25305  
Main Office: 304-558-5000 | Toll Free: 1-800-422-7498  
[www.wvtreasury.com](http://www.wvtreasury.com)



**West Virginia Election Calendar Overview  
2012 Primary Election - Jefferson County**

| <b>PRIMARY ELECTION</b>                                                  | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> |
|--------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
| Receive application for absentee ballot for military/overseas voters     | 2          |            |            |            | 2          |            |
| Notice of precinct change - deadline                                     | 8          |            |            |            |            |            |
| List of authorized ballot vendors issued by SoS - deadline               | 9          |            |            |            |            |            |
| Candidate filing period                                                  | 9-28       |            |            |            |            |            |
| Give notice of appointment of ballot commissioners                       | 10-25      |            |            |            |            |            |
| Appoint ballot commissioners                                             | 15-30      |            |            |            |            |            |
| Inactive voters designated through non-response of NCOA                  |            | 1          |            |            |            |            |
| Voter registration data copied as permanent record                       |            | 1-29       |            |            |            |            |
| Deadline for ordering precinct change                                    |            | 8          |            |            |            |            |
| Adopt policy extending medical emergency absentee voting - deadline      |            | 8          |            |            |            |            |
| Petition for suspension of election official - deadline                  |            | 8          |            |            |            |            |
| Notice of emergency precinct change                                      |            | 9          |            |            |            |            |
| Executive committees fill vacancies due to withdrawal of candidate - Pri |            | 10/14      |            |            |            |            |
| Candidate withdrawal deadline                                            |            | 14         |            |            |            |            |
| Receive application for absentee ballot by all other eligible voters     |            | 14         |            |            | 2          |            |
| Notice of number of election officials - deadline                        |            | 14         |            |            |            |            |
| SoS certifies and posts lists of candidates filed with their office      |            | 14         |            |            |            |            |
| Vendor applies for authority to print ballots                            |            | 14         |            |            |            |            |
| <b>Drawing for order on the ballot - 9am</b>                             |            | 21         |            |            |            |            |
| Executive committees fill vacancies due to withdrawal of candidate - Gen |            | 27/29      |            |            |            |            |
| SoS certifies candidates to county clerk                                 |            | 28         |            |            |            |            |
| Estimate number of absentee ballots - deadline                           |            | 28         |            |            |            |            |
| Candidate name removed from ballot due to death                          |            | 28         |            |            |            |            |
| Election official nominations filed - deadline                           |            | 28         |            |            |            |            |
| Emergency order to change precincts - deadline                           |            |            | 9          |            |            |            |
| Notice of number of sets of emergency absentee voting commissioners      |            |            | 13         |            |            |            |
| Election officials and alternates appointed                              |            |            | 20         |            |            |            |
| County clerk fills vacancies of election officials                       |            |            | 20         |            | 8          |            |
| Voter program for eligible high school students - deadline               |            |            | 23         |            |            |            |
| Delivery of absentee ballots to county clerk                             |            |            | 23         |            |            |            |
| Mail absentee ballots                                                    |            |            | 23         |            | 3          |            |
| Notice mailed to election officials - deadline                           |            |            | 27         |            |            |            |
| Write-in candidate filing deadline for Primary (BOE)                     |            |            | 27         |            |            |            |
| First primary report (or annual report)                                  |            |            | 31         | 6          |            |            |
| Election officials respond to notification from clerk - deadline         |            |            |            | 3          |            |            |
| Instructional program for election officials begins on/after             |            |            |            | 9          |            |            |
| <b>Publish notice of public test for EV &amp; ED</b>                     |            |            |            | 9-13       |            |            |
| Paper ballots and supplies delivered to county clerk                     |            |            |            | 10         |            |            |
| Publish sample ballot for EV                                             |            |            |            | 12-18      |            |            |
| <b>Voter registration deadline</b>                                       |            |            |            | 17         |            |            |
| Maintenance to clear out EV room and remove hall benches                 |            |            |            | 17         |            |            |
| Correct incomplete applications for voter registration - deadline        |            |            |            | 18         |            |            |
| <b>Public test of equipment for EV &amp; ED in Bardane - 10am</b>        |            |            |            | 18         |            |            |
| Notify commission of ballots and AutoMARK readiness for EV               |            |            |            | 18-23      |            |            |
| Accept voter registration card by mail without postmark - deadline       |            |            |            | 20         |            |            |
| Maintenance to bring EV equipment to courthouse                          |            |            |            | 20         |            |            |
| Pre-primary financial reports due                                        |            |            |            | 23-27      |            |            |
| Last minute independent expenditures reported                            |            |            |            | 23         | 7          |            |
| <b>EARLY VOTING PERIOD</b>                                               |            |            |            | 25         | 5          |            |
| Saturday EV                                                              |            |            |            | 28         |            |            |
| Publish official list of candidates or sample ballots for ED             |            |            |            |            | 1-7        |            |
| Instructional program make-up session                                    |            |            |            |            | 1-7        |            |
| Request emergency medical absentee ballot                                |            |            |            |            | 1-8 noon   |            |
| <b>Deadline for absentee by mail application</b>                         |            |            |            |            | 2          |            |
| Saturday EV - last day to early vote                                     |            |            |            |            | 5          |            |
| Deadline to hand-deliver absentee ballot to the clerk's office           |            |            |            |            | 7          |            |
| Maintenance to pick up trucks in Halltown/equipment delivery to pcts     |            |            |            |            | 7          |            |
| Election commissioners receive election supplies/delivery thereof        |            |            |            |            | 7          |            |

**West Virginia Election Calendar Overview  
2012 Primary Election - Jefferson County**

| <b>PRIMARY ELECTION</b>                                                | <b>Jan</b> | <b>Feb</b> | <b>Mar</b> | <b>Apr</b> | <b>May</b> | <b>Jun</b> |
|------------------------------------------------------------------------|------------|------------|------------|------------|------------|------------|
| <b>PRIMARY ELECTION DAY</b>                                            |            |            |            |            | <b>8</b>   |            |
| Post precinct returns                                                  |            |            |            |            | 8          |            |
| Maintenance to pick up equipment from pcts/return trucks to Halltown   |            |            |            |            | 9          |            |
| Absentee ballots without postmark accepted                             |            |            |            |            | 9          |            |
| Mail precinct returns to SoS                                           |            |            |            |            | 10         |            |
| Absentee ballots postmarked by ED accepted - before canvass convenes   |            |            |            |            | 14         |            |
| Military absentees without postmark accepted - before canvass convenes |            |            |            |            | 14         |            |
| <b>Canvass returns</b>                                                 |            |            |            |            | <b>14</b>  |            |
| Recount/contest primary election                                       |            |            |            |            | TBD        |            |
| Post-primary financial statements                                      |            |            |            |            | 21         | 19         |
| Maintenance to return EV equipment to Bardane; set up mtg room/hall    |            |            |            |            | 22         |            |
| Transmit certificate of results to SoS                                 |            |            |            |            |            | 7          |

*Last updated 1/19/12*