

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, MARCH 15, 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 - Discussion/Action**

- 2. 10:00 a.m. Roger Goodwin, Chief County Engineer
- Grant Award - WVDEP Division of Water and Waste Management and
Jefferson County Commission for the FY11 Chesapeake Bay Regulatory and
Accountability Grant, NPS1399, for review of the Jefferson County
Stormwater Ordinance - Discussion/Action**

- 3. 10:15 a.m. Stephen Skinner, Esquire
- Update on Redistricting Lawsuit - Discussion/Action**

- 4. 10:30 a.m. Break**

- 5. 10:45 a.m. Interview and Appointment to the Jefferson County Planning Commission (2)
three year terms ending March 31, 2015 - Discussion/Action**

- 6. 11:00 a.m. Stephanie Grove, Assistant Prosecuting Attorney
- Transition Plan Reorganization Update - Discussion/Action
- Employment Agreement for the Director of Capital Planning and
Management, Possible Executive Session - Discussion/Action**

- 7. 11:15 a.m. Stacie Rohn, Teen Court Project
- Teen Court Update - Discussion/Action**

8. 11:30 a.m. Ed Hannon & Ed Smith, 5 Year Plan PR Committee
- Request the County Commission set a date for Public Hearing on the 5 year plan Ordinance - Discussion/Action
9. 11:45 a.m. Joe Sacchet, Executive Director Berkeley/Jefferson Day Report Center
- Approval of the FY2013 Grant Submission - Discussion/Action

UNFINISHED BUSINESS:

10. Add stewardship of the environment to the Department of Engineering and rename it to the Department of Engineering, Impact Fees and Watershed Protection (LW) - Discussion/Action

NEW BUSINESS:

11. Legislative Updates

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

12. ADJOURN

CORRESPONDENCE:

Notice of Ribbon Cutting for Paddy's Pub on Friday, March 16, 2012 at 2:00 p.m.

Notice of Ribbon Cutting and Mixer for the Hampton Inn on Wednesday, March 21, 2012 at 5:00 p.m.

West Virginia Ethics Reporter Newsletter received for the month of February.

Memorandum of Transfer of Funds received from the Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.

Invitation from CHEERS School Family , Inc to attend the 10th Anniversary of Children First Child Development Center on April 23, 2012 at 8:45 a.m.

Jefferson County Public Service District regular Board meeting minutes from February 6, 2012 received.

The County Line newsletter received from the West Virginia Association of Counties.

Impact newsletter received from Hospice of the Panhandle, Inc.

Notice of Jefferson County Commission Work Session on Wednesday, March 21, 2012 at 9:30 a.m. to finalize benefit cost for the FY2013 budget and determine the specific plan offerings for employees for the new fiscal year.

Notice of Public Hearing on Thursday, March 22, 2012 at 7:00 p.m. to approve the Levy Estimate for FY2013.

Invitation from the Jefferson County Water Advisory Committee to attend the Watershed Signage Dedication Event on Saturday, March 31, 2012 at Morgan's Grove Park, Shepherdstown, WV beginning at 10:00 a.m.

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 continued and held at the Old Charles Town Library ground floor meeting room on Wednesday, March 7, 2012, beginning at 10:00 o'clock a.m.

PRESENT: Patsy Noland, President
Dale Manuel, Vice President
Walter Pellish, Commissioner
Frances Morgan, Commissioner
Lyn Widmyer, Commissioner
Sandra Slusher McDonald, Interim County Administrator
Paul Shroyer, Director of Financial Management
Deborah S. Stellato, Administrative Assistant

In re: FY 2013 BUDGET WORKSHOP

Commissioner Noland opened the session at 10:00 a.m.

The Pledge of Allegiance was led by Commissioner Pellish.

The following appeared before the Commission seeking funding in excess of their 2011-2012 budgets:

- Paul Marshall and Jimmy Pierson for **Jefferson County Parks & Recreation**
- John Reisenweber for the **Jefferson County Development Authority**
- Bill Polk for the **Maintenance Department**
- Jeff Polczynski for the **911 Emergency Communications Department**

The Commission took short break at 11:25 a.m.

The Commission reconvened the Budget Work Session at 11:30 a.m.

Requests for funding continued:

- Ralph Lorenzetti for the **Jefferson County Prosecuting Attorney's Office**
- Jennifer Maghan, County Clerk, for the **Jefferson County Clerk's Office**

The Commission recessed at 12:10 p.m.

The Commission reconvened at 1:30 p.m.

The Commission continued to hear requests for funding from:

- Doug Pittinger and Ed Hannon for the **Jefferson County Emergency Services Agency**
- Todd Fagan for the **GIS Department**
- Teresa Hendricks for the **Jefferson County Sheriff's Tax Office**
- Tom Hanson and Denise Lambiotte for **Jefferson County Animal Control**
- Tom Hanson and Sheriff Shirley for the **Jefferson County Sheriff's Office**

The Commission took a short break at 2:30 p.m.

The Commission reconvened the Budget Work Session at 2:35 p.m.

Paul Shroyer, Director of Financial Management, concluded with an overview of the Jefferson County Commission preliminary budget.

There being no further business, motion by Mr. Manuel to adjourn the Budget Work Session. Motion seconded by Mr. Pellish and unanimously approved. Upon rising, the Commission adjourned this work session until Thursday, March 8, 2012 at 9:30 a.m. as a regular session.

PATSY NOLAND, PRESIDENT

Minutes
Jefferson County Commission
Thursday, March 8, 2012

A meeting of the Jefferson County Commission was held on Thursday, March 8, 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, Walt Pellish and Frances Morgan. Also present were Sandy Slusher McDonald, Interim County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of the March 8, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

Before commencement of the regular meeting, Ms. Morgan asked the community to take a minute to remember Ernie Rudolph, founder of the Summit Point Baseball League, who passed away over the weekend.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the March 1, 2012 regular meeting as amended. Motion seconded by Mr. Pellish and unanimously approved. Ms. Morgan abstained from voting as she was absent from this meeting.

APPROVAL OF PURCHASE ORDERS.

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$45,138.41, being purchase order numbers 50682, 50685, 50982, 51041, 53197, 51085, 51079, 51082, 51084, 51086, 50503, 50504, 50506 and 50894. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$172,542.21. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT:

Ted Schiltz voiced his concerns about applicants for the Planning Commission.

Kathy Loftin also voiced concerns about Planning Commission applicants.

John Maxey suggested that the Commission strive for diversity of applicants to the Planning Commission as set forth in the West Virginia Code and include at least one member with an agricultural background.

Kathy Knight complimented the Planning and Zoning Departments for the informative Public Hearings regarding the Rt. 340 corridor and the well put together proposed plans for the corridor.

David Tabb complimented Jennifer Brockman for the transparency in the Rt. 340 work; Rt. 340 and Koontz Road; and the status of his Supreme Court cases.

PRESENTATIONS:

1. **Stephanie Grove, Assistant Prosecuting Attorney**, discussion of an Employment Agreement for the Director of Capital Planning and Management.

Mark Schiavone was present and requested an Executive Session for this matter pursuant to West Virginia Code §6-9A-4. Motion by Ms. Morgan to enter into an Executive Session pursuant to WV Code §6-9A-4. Motion seconded by Mr. Manuel and unanimously approved. The Commission entered into an Executive Session at 9:55 a.m. The Commission ended the Executive Session at 10:20 a.m. and reconvened the regular meeting.

2. **Paul Shroyer, Director of Financial Management** prepared and presented a preliminary budget for the Commission's review and discussion. With regard to the Capital Outlay Budget the Commission elected to vote at next week's meeting on the procedures/basis for funding future capital improvements.
3. **Jennifer Maghan, County Clerk**, in place of Nikki Painter, Chief Deputy of Voter Registration, presented the list of possible Poll Workers and Alternates for approval by the Commission.

Motion by Mr. Manuel to approve the list of Poll Workers and Alternates as presented by the County Clerk. Motion seconded by Ms. Widmyer and unanimously approved.

The Commission took a break at 10:50 a.m.
The Commission reconvened the regular meeting at 10:55 a.m.

4. **Interviews and appointments for the Jefferson County Planning Commission (2) three year terms.**

William McLeod, Gene Taylor (reapplying) and Daniel Lutz came before the Commission and set forth their qualifications and goals for the Planning Commission. Matthew Knott also applied but could not be present at this meeting.

The Commissioners asked Ms. Grove to research the types of backgrounds required by the State in order to serve as a member of the Planning Commission. The nominations will be held open until a report is received from Ms. Grove at next week's meeting.

Historic Landmarks Commission (2) three year terms.

Martin Burke reapplied for another term and offered his qualifications. Another applicant, **Eric S. Hendricks-Jenkins** was not present but sent an application for appointment.

Mr. Manuel nominated Martin Burke and Eric Hendricks-Jenkins to fill the two three-year terms on the Historic Landmarks Commission. Motion seconded by Ms. Morgan and unanimously approved.

5. **Sally Gran, Finance Chief Deputy Clerk, and Debbie Keyser, Human Resources Consultant**, updated the Commission on their research regarding employee health insurance. Ms. Gran and Ms. Keyser requested more time to review several other options and asked that the Commission schedule a final workshop. Subsequent to the workshop, Ms. Gran and Ms. Keyser will report their findings and recommendations to the Commission at the meeting on Thursday, March 22, 2012. The workshop will be scheduled and Ms. Gran and Ms. Keyser will be placed on the Agenda for Thursday, March 22, 2012.

6. Mr. Manuel updated the Commission on pending legislation.

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY REPORTS:

- The Department of Planning and Zoning submitted a written report.

COUNTY ADMINISTRATOR REPORTS:

Interim County Administrator, Sandra Slusher McDonald:

- Reminder of the March 13, 2012 budget work session beginning at 1:00 p.m.
- Reminder of the US Rt. 340 Corridor public meeting tonight at 7:00 p.m.

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Attended the Commission's Budget Work Session on Wednesday, March 7, 2012.
- Attended two National Park Service meetings regarding the Cement Mill property.

Commissioner Pellish:

- Attended the Commission's Budget Work Session on Wednesday, March 7, 2012.
- Attended a Jefferson County Emergency Services Agency workshop.
- Spoke on two radio shows.

Commissioner Widmyer:

- Attended the Commission's Budget Work Session on Wednesday, March 7, 2012.
- Attended a National Corn Growers Association meeting.
- Attended the NACO Conference in Washington, DC.

Commissioner Manuel:

- Attended the Commission's Budget Work Session on Wednesday, March 7, 2012.
- Attended an Affordable Housing Partnership meeting.
- Attended the Jefferson County Council on Aging pancake breakfast. Reported that the JCCOA will also sponsor an Easter dinner.

Commissioner Noland:

- Attended the Commission's Budget Work Session on Wednesday, March 7, 2012.
- Attended the NACO Conference in Washington, DC.
- Attended a Jefferson County Emergency Services Agency workshop.

There being no further business, motion by Mr. Manuel to adjourn the meeting. Motion seconded by Ms. Widmyer and unanimously approved. Upon rising, the meeting was adjourned until Thursday next, March 15, 2012 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State held at the Jefferson County Commission Meeting Room on the lower floor of the Old Charles Town Library at 200 E. Washington Street, on Thursday, March 8, 2012 beginning at 7:00 p.m.

**JOINT JEFFERSON COUNTY COMMISSION/PLANNING COMMISSION
PUBLIC MEETING RE: DRAFT OF THE U.S. RT. 340 CORRIDOR
EAST GATEWAY PLAN**

Ms. Noland called the Public Meeting to order at 7:00 p.m.

Present for the County Commission: Patricia Noland, President
Dale Manuel, Vice President
Lyn Widmyer, Commissioner
Frances Morgan, Commissioner
Walt Pellish, Commissioner

Present for the Planning Commission: Gene Taylor
Paul Taylor
Ed Burns
William Kelly Baty
Arnold W. Daily, Jr.

Present for the Planning and Zoning Department: Jennifer Brockman, Director of Planning and Zoning
Steve Barney, Zoning Administrator
Seth Rivard, Planner

Present for HEPMPO: Bob Gordon, Director
(Hagerstown Eastern Panhandle
Metropolitan Planning Organization)

Jennifer Brockman opened the presentation with an overview of the draft U.S. Rt. 340 Corridor East Gateway Plan.

Seth Rivard followed and defined the study area to the audience.
Steve Barney spoke next. He explained the components of the Small Area Plan.
Bob Gordon of HEPMPO spoke about transportation as it pertains to the study area.

Mr. Rivard and Mr. Barney discussed Future Land Use and Plan Recommendation Categories. Ms. Brockman summed up the session.

Following the presentation the Commissioners asked questions regarding the draft Plan. There was considerable discussion about the bottleneck between Virginia and West Virginia at the two bridges near Harpers Ferry. Rob Pennington, Director of Program Planning and Administration and Perry Keller, Urban Studies Team Leader, Program Planning and Administration for the West Virginia Department of Transportation addressed this and several other issues.

There being no further business, the meeting was concluded at 8:40 p.m..

PATRICIA A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED
March 15, 2012

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ADDRESSING	50842	\$ 203.57	IKON OFFICE SOLUTIONS, INC	BLACK & WHITE IMAGES COLOR IMAGES
	50843	\$ 1,735.50	D&S CONSTRUCTION	POST, ANCHORS, RIVETS, SPACERS
ASSESSOR	53291	\$ 5,887.80	BERKELEY PRINT & DESIGN LLC	ENVELOPES, 2 SIDED NOTICES, DOG TAGS
	53292	\$ 1,063.20	NATIONAL BAND & TAG CO.	ROSETTE DOG TAGS
CIRCUIT CLERK	50875	\$ 272.64	PIFER OFFICE SUPPLY CO.	HIGHLIGHTERS, PENS, ENVELOPES, TAPE
COUNTY CLERK	51042	\$ 183.92	SPIRIT OF JEFFERSON	NOTICE OF ADMINISTRATION
	51043	\$ 150.54	PIFER OFFICE SUPPLY	HEAVY DUTY STAPLER, STAPLES, BINDERS
COMMISSION	51007	\$105,798.40	WV REGIONAL JAIL	FEBRUARY 2012 BILLING
COURTHOUSE	51093	\$ 1,153.19	DAYCON	CLEANING SUPPLY
	51105	\$ 1,663.63	GLOBALSTAR	YEARLY CONTRACT SATELLITE PHONES
MAINTENANCE	51092	\$ 144.00	RCS SECURITY	3 OVERHEAD DOOR CONTACTS
Lot 18	51094	\$ 23,400.00	US PAVING LLC	PREP FOR PAVING
	51096	\$ 247.11	JEFFERSON RENTALS	BOBCAT & JACKHAMMER TO RUN PIPES
OTHER BUILDINGS	51102	\$ 508.50	BK OFFICE SUPPLY	COPY PAPER
	51103	\$ 690.00	BOLAND	LABOR TO REMOVE AIR HANDLER

J

	51104	\$	726.52	TRENARY SERVICE COMPANY	MOVE/RESET OUTDOOR HVAC
	51106	\$	454.19	RCS SECURITY	VIDEO INTERCOM BRIEL BLDG
	51107	\$	4,773.00	BOLAND	REPLACE TRANSFORMER 911 CNTR
	51108	\$	2,400.00	REESES LANSCAPE NURSERY	ANNUAL MAINT. AGREEMINT
PROSECUTING ATTORNEY	50738	\$	1,061.31	SPECIALTY BUSINESS SUPPLY	OFFICE SUPPLIES
	50740	\$	179.95	CIVIC RESEARCH INSTITUTE	DOMESTIC VIOLENCE REPORT
	50741	\$	124.00	MARCIA CHANDLER RPR	TRANSCRIPTS
SHERIFF	50895	\$	223.30	MARCIA CHANDLER	PROF. SERVICE COURT REPORTER
	51090	\$	133.95	J&K PRECISION	RECHARGE A/C
	51091	\$	114.25	COURTNEY & SONS TOWING	TOWING FOR VEHICLE SEIZURE
SHERIFF TAX	50782	\$	156.00	JEFFERSON PUBLISHING CO	2ND HALF TAX DUE NOTICE
	50783	\$	585.00	SPECIALTY BUSINESS SUPPLIES	WINDOW ENVELOPES
VARIOUS	51088	\$	626.07	NAPA	MATERIALS & SUPPLIES
	51095	\$	1,395.81	FISHER AUTO	MATERIALS & SUPPLIES
	51089	\$	2,367.40	CAPITAL TRISTATE	ELECTRICAL SUPPLIES
	51100	\$	4,332.24	84 LUMBER	BUILDING SUPPLIES NEW BUILDING
GRAND TOTAL			\$ 162,754.99		

Printed at 12:27 a.m. on 03/12/12

<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 – 1st Choice: _____

Date Requested – 2nd 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:

<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, Chief County Engineer

Department or Entity: Engineering

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 15, 2012

Date Requested – 2nd Choice: _____

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

Subject: Grant Award - WVDEP Division of Water and Waste Management and Jefferson County Commission for the FY11 Chesapeake Bay Regulatory and Accountability Grant, NPS 1399, for review of the Jefferson County Stormwater Ordinance

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Grant and to authorize the President of the County Commission to affix her signature to the appropriate documents**

Attachments:



west virginia department of environmental protection

February 28, 2012

Patricia Noland, President
Jefferson County Commission
Jefferson County, West Virginia
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

Dear President Noland:

Attached you will find grant award documents between WVDEP Division of Water and Waste Management and Jefferson County Commission for the FY11 Chesapeake Bay Regulatory and Accountability Grant, NPS 1399, for review of the Jefferson County Stormwater Ordinance.

Please sign the grant award document and supporting documents. Make a photocopy of these documents for your files, and return **only** the originals to me at the address below within 21 days of receipt of this packet. Your signature indicates your acceptance of the grant award. You should retain the grant award conditions documents for your files. Please do not return those documents to us. Once our director has signed off on the grant award document, it will be mailed to you for your files.

Thank you and please contact me at 304-926-0499, ext. 1711, if you have any questions.

Sincerely,

Stephanie R. Ferrell
NonPoint Source Program
Division of Water and Waste Management

RECEIVED

/srf
Enclosures

Jefferson County Commission



West Virginia
Department of
Environmental Protection

CFDA#	NPS Number	Sub Recipient DUNS
66.466	NPS1399	07-741-4548

Recipient Type:	Grant Year/Type:	Grant Number:	Mailing Date:	Date of Award:
Government	2011/CBRAP	19049		February 22, 2012
Sub Recipient: (Include FEIN)		Sub Recipient Contact:		
Jefferson County Commission FEIN #55-66000333 P.O. Box 250 124 East Washington Street Charles Town, WV 25414		Patricia Noland, President		
Project Title and Description:				
Jefferson County Stormwater Ordinance - This project will fund a consultant to do an all-inclusive review of Jefferson County's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, Improvement Location Permit Ordinance and Floodplain Ordinance; and conduct a comparison of these ordinances / regulations.				
Performance Period:		Total Sub Grant Award:		
February 22, 2012 – June 30, 2013		\$30,000		
<u>NOTICE OF AWARD</u>				
<p>The West Virginia Department of Environmental Protection (WVDEP), Division of Water and Waste Management (DWWM), Nonpoint Source Program has determined, based on the project proposal identified above and made a part hereof by reference, to award a sub-grant to the Sub Recipient identified above in the amount of \$30,000. This award is being granted from federal Chesapeake Bay Regulatory and Accountability Grant funds. The Sub Recipient must match the Chesapeake Bay funding at 25 %, which is \$10,000.</p> <p>This sub-grant may be terminated by WVDEP without further cause if the sub-recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section, as well as signing all included certifications and assurances, and returning all pages of this agreement to the WVDEP Sub Grant Unit listed below within 21 days after receipt. This agreement is subject to all applicable federal and statutory provisions, the referenced project proposal, and all terms and grant conditions of this agreement and any attachments. Funding is contingent upon availability.</p>				
WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION				
Scott G. Mandirola, Director West Virginia Department of Environmental Protection Division of Water and Waste Management 601 57 th Street, S.E. Charleston, WV 25304				
WVDEP Grants Manager:		WVDEP Project Manager:		
Teresa M. Koon, Assistant Director WVDEP Division of Water and Waste Management Nonpoint Source Program 601 57 th Street, S.E. Charleston, WV 25304 Phone: 304-926-0499 ext 1020		Jennifer Pauer, Project Manager Division of Water and Waste Management Nonpoint Source Program 601 57 th Street, S.E. Charleston, WV 25304 Phone: 304-926-0499 ext 1038		
Signature of Award Official	Typed Name and Title:		Date	
	Scott G. Mandirola, Director Division of Water and Waste Management			
AFFIRMATION OF AWARD				
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION				
Signature of Recipient	Typed Name and Title:		Date	
	Patricia Noland, President			



**West Virginia Department of Environmental Protection
Standard Grant Conditions**

1. The SUBGRANTEE shall ensure that all conference, meeting, convention or training space funded in whole or in part with Federal funds, complies with the Hotel and Motel Fire Safety Act of 1990.
2. The SUBGRANTEE shall comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The SUBGRANTEE is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C.
3. SUBGRANTEES who receive awards exceeding \$100,000 shall comply with Title 40 CFR Part 34-New Restrictions on Lobbying.
4. SUBGRANTEE shall ensure that no grant funds have been or will be used to engage in lobbying the Federal Government, other political activities, or in litigation against the United States. See OMB Circulars A-21, A-87, or A-122.
5. In accordance with EPA Order 1000.25 and Executive Order 13101, SUBGRANTEE agrees to use recycled paper for all reports that are prepared as a part of this grant award and delivered to WVDEP or EPA.
6. SUBGRANTEE must make an ongoing, good faith effort to maintain a drug-free workplace.
7. SUBGRANTEE shall limit salary rate (excluding overhead) paid to individual consultants, contractors or subcontractors to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2012, the limit is \$596.00 per day and \$74.50 per hour. This rate does not include transportation and subsistence costs for travel performed (the SUBGRANTEE will pay these in accordance with their normal travel reimbursement practices). Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 31.36 are not affected by this limitation unless the terms of the contract provide the SUBGRANTEE with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j).
8. If a contract is awarded under this subgrant award, the SUBGRANTEE agrees to use the following affirmative steps:
 - a. place Small Businesses in Rural Areas (SBRAs) on solicitation lists;
 - b. ensure that SBRAs are solicited whenever they are potential sources;
 - c. divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by SBRAs;
 - d. establish delivery schedules, where the work will permit, which would encourage participation by SBRAs;

United States Environmental Protection Agency
Washington, DC 20460

**Certification Regarding
Debarment, Suspension, and Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated or cause or default.

I understand that a false statement on this certification may be ground for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Patricia Noland, President, Jefferson County Commission

Typed Name & Title of Authorized Representative

Signature of Authorized Representative Date

I am unable to certify to the above statements. My explanation is attached.

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The grantee certifies that it will provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing a drug-free awareness program to inform employees about—
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation and employee assistance programs, and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after each conviction;
- (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Patricia Noland, President, Jefferson County Commission

Typed Name and Title of Certification Official

Signature

Date



**West Virginia Department of Environmental Protection
Financial, Performance Monitoring and Records Retention Grant Conditions**

Request for Funds:

1. SUBGRANTEE shall complete and sign a WVDEP Sub Recipient Request For Funds form (attached) and submit it to DEP accompanied by:
 - a. a detailed invoice,
 - b. all documents supporting the amount(s) shown on the invoice are to be attached, including but not limited to paid vendor invoices, payroll documents (Social Security Numbers redacted), mileage reimbursement forms, etc.,
 - c. identification of matching costs, if required.
2. By completing the WVDEP Sub Recipient Request For Funds form, the SUBGRANTEE is certifying that goods and services have been received or completed within the time-frame specified.
3. All expenditure transactions must be allowable under OMB Circular A-87 - Cost Principles for Local Governments and OMB Circular A-102 - Uniform Administrative Requirements for Local Governments. These circulars can be downloaded at www.whitehouse.gov/omb/circulars_default/.
4. SUBGRANTEE shall not use costs for matching federal funds received under this subgrant award that have been included or used to meet cost-sharing/matching requirement of any other federal funding award.
5. If you are not a state agency and would like to receive reimbursement through electronic deposit into your bank account, complete the paperwork for an eVendor agreement. For more information, go to <http://www.wvauditor.com/epayments/dirdep.shtml>.

Performance Reporting:

1. The SUBGRANTEE agrees to submit performance reports that include brief information on each of the following areas:
 - a. a comparison of actual accomplishments to the outputs/outcomes established in the work plan for the period,
 - b. the reasons for slippage if established outputs/outcomes were not met,
 - c. additional pertinent information.
2. Schedule – Performance Reporting
 - a. Chesapeake Bay Implementation and Non-Tidal Grants – mid-year reporting due November 15th; end-of-year reporting due May 15th.
 - b. Chesapeake Bay Regulatory and Accountability Grant – mid-year reporting due January 15th; end-of-year reporting due July 15th.
3. The SUBGRANTEE agrees to perform the activities identified and specified in the project proposal that is made a part of the subgrant award, and agrees to inform DEP as soon as problems, delays or adverse conditions become known which will materially

EPA Project Control Number

CERTIFICATION REGARDING LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS,
LOANS AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Patricia Noland, President, Jefferson County Commission

Typed Name & Title of Authorized Representative

Signature and Date of Authorized Representative



WVDEP SUB GRANT REQUEST FOR FUNDS

Request Number:

(must be consecutive)

		<u>WVDEP Use Only</u>
Date:		Commitment #:
Sub Recipient Name:		FIMS Vendor Id:
Sub Recipient Contact:		Total Amount Requested: \$
Sub Recipient Address:		Funding Period:
		CFDA #
Sub Recipient FEIN:		
Phone No:		
Fax No:		

<u>WVDEP Use Only</u>					
GRANT AWARD #:	NPS #				
FUND NO:					
FISCAL YEAR:					
ORG NO:					
ACTIVITY NO:					
OBJECT NO:					
GRANT NO:					
PROJECT NO:					
AMOUNT :	\$				
COMMITMENT NO :					

COMMENTS:

<u>SUB RECIPIENT APPROVALS</u>		<u>WVDEP APPROVALS</u>	
Sub Recipient Official's Signature	Date	Engineer Approving Signature	Date
		Inspector Approving Signature	Date
		Financial Approving Official's Signature	Date

<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: Stephen Skinner, Esquire

Department or Entity: Skinner Law

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Update on Redistricting Lawsuit**

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:

5A

3-15-12
Legal
Counsel
Review

<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: 5-10 min

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: Interview and appointment to the Jefferson County Planning Commission – (2) Three year terms ending March 31, 2012

Please provide the County Commission with a description of your request or presentation, including any background information: **Two terms expired on March 31, 2012 and therefore, appointments need to be made to fill those two terms that will expire on March 31, 2015.**

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 Planning Commission for a three year term ending March 31, 2015.**

Attachments:

Stephen D. Stolipher
P.O. Box 37
Rippon, West Virginia 25441
(304) 283-0614
stevestolipher@hotmail.com

March 7, 2011

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

Re: Jefferson County Planning Commission Vacancy

Dear Commissioners,

Please accept this as my formal request for appointment to the Jefferson County Planning Commission. I have been a life-long resident in Jefferson County and have served the community through various volunteer organizations. With over 15 years of experience in the banking industry, management, marketing and an extensive background in agriculture I feel that I could prove to be a tremendous asset to the Jefferson County Planning Commission. I feel it is important for a body such as the Jefferson County Planning Commission to have a broad range of members with varying backgrounds to serve the residents of Jefferson County. I believe my background and solid knowledge of Jefferson County would best serve this community if I were appointed to the Planning Commission.

Thank you for your consideration of my interest in serving on the Jefferson County Planning Commission.

Regards,

Stephen D. Stolipher



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

PRESIDENT
Patsy Noland

VICE PRESIDENT
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Pellish

COMMISSIONER
Lyn Widmyer

January 26, 2012

Gene Taylor
1884 Hidden Hollow Drive
Kearneysville, WV 25430

Dear Mr. Taylor:

Please be advised that your term on the Jefferson County Planning Commission will expire on March 31, 2012. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience (I have received your request) to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 1, 2012 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby
Executive Assistant

NAH
termexp

To County Commission:

I, Gene Taylor, would like
to be Reinstated on the next
Term as Planning Commissioner.
I believe it comes due in March.

Thank you,

Gene Taylor

2/17/12



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

PRESIDENT

Patsy Noland

VICE PRESIDENT

Dale Manuel

COMMISSIONER

Frances Morgan

COMMISSIONER

Walt Pellish

COMMISSIONER

Lyn Widmyer

January 26, 2012

Arnold Dailey, Jr.
1694 S. Childs Road
Kearneysville, WV 25430

Dear Mr. Dailey, Jr.:

Please be advised that your term on the Jefferson County Planning Commission will expire on March 31, 2012. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience (I have received your request) to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, March 1, 2012 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Nichelle Adams Hosby
Executive Assistant

NAH
termexp

COUNTY ADMINISTRATOR
Tim Boyde

DEPUTY COUNTY ADMINISTRATOR
Sandy Shusher McDonald

HY-CREST FARMS
~~RT-1, BOX 443~~ 1694 Schilds Rd
KEARNEYSVILLE, WV 25430

ARNOLD W. DAILEY

Jefferson County Commission:

I do not wish to be
considered for another term on
the planning commission. It's been
very enjoyable, but after 15 years
it time to step down.

Thanks.

A. W. Dailey

RECEIVED

MAR 08 2012

Jefferson County Commission

TO: Jefferson County Commission

FROM: Daniel P. Lutz, Jr. p.lutz007@gmail.com
175 Wheatland Road
Charles Town, WV 25414

SUBJECT: Request appointment to Jefferson County Planning Commission

DATE: 8 February 2012

Commissioners:

I should like to request consideration for one appointment to the Jefferson County Planning Commission for the upcoming terms.

I bring with me the intentions to review and evaluate the present regulations with an eye toward the following recommendations:

1. removal of conflicting regulations from the various ordinances presently in force.
2. streamlining the same regulations to make them comprehensible to a person of high school education.
3. elimination of policies and regulations that impede reasonable uses of lands in the county
4. reevaluating ordinances with the intent to encourage small businesses to organize and operate throughout the county
5. encourage existing subdivisions to modify their covenants to allow such programs as Community Sponsored Agriculture, small animal culture, and value added to products such as may be produced here.
6. encourage produce locally, consume locally programs for those in need, senior centers, schools, and direct marketing.
7. advocate legislation that will identify and eliminate dangerous housing that threatens life and limb.
8. create a body governing land uses in Jefferson County that is cooperative rather than an impediment to changing land uses.
9. encourage local marketing with the eye to assuring the communities that value added is not a "dirty word."
10. work with the Agriculture Development Officer to make the ordinances more user friendly to the changing face of agriculture.
11. emphasize historic preservation, particularly with regard to the role of agriculture in the development of the county.

12.reevaluate the methodology of creating industrial parks so that the lots are of adequate size and proper services to be of interest to contemporary industrial, technological, and distributive uses

I have lived in Jefferson County through my youth, and much of my adult life, excepting my military service years and years spent employed by various farm equipment companies. I have several courses of land use regulation in my educational transcript. I am a graduate of West Virginia University and have done graduate work at The American University, Washington, D.C.

I can supply a resume if requested, but I believe this narrative will suffice to show why I desire this appointment.

I want to do what I can to correct the deficiencies of the land use policies in Jefferson County. I submit this application

Sincerely,
Daniel P. Lutz, Jr. p.lutz007@gmail.com

Jefferson County Commission
PO Box 250
Charles Town, WV 25414
Fax: 304-725-7916
RE: Jefferson County Planning Commission

To whom it may concern:

I understand that an appoint has become available, and I am interested in service on the Jefferson Planning Commission. I have a strong desire to ensure that there is a balanced approach to planning for the citizens of Jefferson County. I feel that I have a unique perspective on both development and preservation.

My qualifications include:

- living in Jefferson County for almost all of my life. I am married and have three children. My family and I live in Harpers Ferry, WV on the Shenandoah River.
- graduating from Jefferson High School in 1992 and Shepherd College in 1996 with a BS in Business Administration - Marketing Concentration, and a Minor in Recreation and Leisure Studies.
- previously serving a 3 year term on the Jefferson County Parks and Recreation Committee as the treasurer and budget committee chairperson for my entire service.
- owning approximately 100 acres in Jefferson County with almost 90 of those acres preserved in the West Virginia Managed Timber program.
- owning and operating River Riders, Inc, a licensed West Virginia Outfitter purchased in 1998 and based in Harpers Ferry. We offer rafting, canopy tour, kayaking, canoeing, biking, team building, summer camp, and tubing programs, employing 165 seasonal staff, 20 year round staff, and accommodated around 60,000 guests in 2011.
- raft guiding for 18 years on various rivers in West Virginia. I am also an American Canoe Association certified whitewater kayak and swiftwater rescue instructor and a Professional Rescuer CPR and First Aid Instructor.
- being an Emergency Medical Technician and assisting Jefferson County EMS with river rescues.
- Currently serving on the West Virginia Whitewater Commission for my second three term as the budget committee chairperson for the second time.
- Past coach of indoor soccer for Parks and Recreation and managing a t-ball team for Jefferson County Little League.

I am available and await your response.
Thank you for your consideration.

Sincerely,



Matthew Knott
200 River Rock Run
Harpers Ferry, WV 25425
matt@riverriders.com
304 671 7199

WILLIAM W. MCLEOD
2895 Kearneysville Pike
Shepherdstown, West Virginia 25443
(304) 876 - 6068 - Residence
(240) 678 - 9033 -Mobile
wm.mcleod@ymail.com

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

February 28, 2012

Dear Respective Commissioners of Jefferson County:

I have an understanding, appreciation, and a desire for equitable regional planning. This has motivated me to express my current interests in seeking an appointment to the Jefferson County's Planning Commission.

My visioning, and leadership skills spanning the course of 20 some years have afforded me with many opportunities to be an active voice and member of diverse civic involvements. In turn these challenges have provided the rewards I seek.

As you will observe from the enclosed resume, I have the planning background that the Jefferson County Planning Commission desires in a well-balanced Commissioner. Highlights include various levels of responsibilities within the Cleveland, Seattle, and Boston Communities. Serving as Commissioner, community advocate and organizer for numerous nonprofits, I have championed both popular and unpopular community causes from land use planning to land conservation to the incubation, stewardship and retention of projects and programs addressing economic development, including employment and business development.

I am reminded what permits communities, such as Jefferson County, to be desirable, economically thrive, or be sustainable while others regional areas falter. Certainly, such a question has to be periodically reminded of when one makes sound, and non self-serving decisions on behalf the members of the Community. I am able effectively do so.

An equitable balance between regional development and an acceptable standard of quality of life is a challenge ever increasing. A well - planned regional economy fosters and is supportive of both an acceptable level of quality of life and economic development. The challenge is to determine what such quality of life that is inclusive of e.g. desirable schools, community services, and open space/greenspace and how to maintain such a level while being an inviting and welcoming environment for economic development. Again, I have the desire to provide such assistance in this delicate balance.

I appreciate ahead of time your consideration. I look forward to speaking with the Members of the Commission directly and the possibility of serving as a Member of the Jefferson Planning Commission. Should you have questions or concerns, please feel free to contact me.

Respectfully Yours,


William W. McLeod

WILLIAM W. MCLEOD
2895 Kearneysville Pike
Shepherdstown, West Virginia 25443
(304) 876 - 6068 - Residence
(240) 678 - 9033 -Mobile
wm.mcleod@ymail.com

EXPERTISE INCLUDES:

- | | |
|--|---|
| <ul style="list-style-type: none">• Relationship Management: program/project development, coordination, and customer service• Leadership: team building, and resource allocation and management• Financial Management: budget forecasting, and formulation• Community Planning and Development: open space planning, identification, strategizing, and acquisition• Communications: oral, written, and graphic• Community Relations: educational outreach presentations, and speaker bureau | <ul style="list-style-type: none">• Conflict Management: Identification, mediation, consensus building and resolution• Policy Development, interpretation, and Enforcement• Land Conservation, policy development, stewardship and protection• Economic Development: securing of and incubation,• Project/Program Planning, facilitation, evaluation, and reporting• Marketing Management: product segmentation, niche strategies, promotions, and special event planning and coordination |
|--|---|

- Community liaison with extensive understanding of nonprofit community based organizations, special interests groups, and culturally diverse communities.
 - Community Activist with experience in developing plausible, and highly sought after grass roots community campaigns.
 - Organizational facilitator providing insight, and direction in short and long term planning, networking, and partnership development for community based organizations, non profit executive boards, and for profit business organizations
 - Leader with abilities in supervising, team building, coaching and training of staff and volunteers.
 - Business advisor with direct experience in financial management, including budget formulation, reporting and accountability, but also marketing management.
 - Researcher with a keen ability to uncover, and interpret land trusts, foundations and grants in kind, legal documents, and organizational structures.
 - Strategist, with abilities to understand organizational missions, goals, limitations, accountabilities, and legal responsibilities thereby finding, and obtaining common ground and the elimination of organizational barriers.
-
-

Design Group of Kentlands – Shepherdstown, West Virginia
Present
Owner/Principal

2005 –

Established as a consortium of like-minded design professional collaborating in competitive, innovative, and site - specific landscape design/build solutions to a refined diverse clientele. As principal, I provide leadership, teamwork, mediation, research, consensus building, and project facilitation in the fleshing out, and analysis of design strategies, site plans, and final design solutions. I oversee and develop timelines, written proposals, presentations, and budgets. As designer I draft and graphically communicate alternative solutions to specific client's challenges. As administrator, I oversee daily management of the organization, including business planning, financial management, research, legal aspects, but also human resource management. Lastly, I develop, partner with, maintain, and expand a broad client base; but also a referral network within the landscape design industry.

WILLIAM W. MCLEOD

2002- 2005

Winchester Conservation Commission – Winchester, Massachusetts
Chairman

Determine and steward Commission's jurisdiction protecting, and enforcing Town's natural resources, and open space. Researched, analyzed, interpreted, and provided verbiage to public policy, legal documents, conservation easements, regulations, and Request for Proposals (RFPs) on behalf the Board of Selectmen. Developed, lobbied for, and issued environmental policy, and documentation, e.g. Best Management Practices (BMP's) to guide development to minimize and mitigate for loss of resources. Collaborated in partnership with the State of Massachusetts in the drafting, and writing of the Environmental Impact Reports (EIRs). Provided Chairmanship to public hearings. Provided customer service, project facilitation and technical support, consensus building, but also empathy to both external and internal stakeholders in the environmental permitting, review, and public hearing process. Led community outreach programs, including charettes, made presentations to diverse audiences, developed organizational materials for distribution. Executed educational outreach programs to educate the community at large, including Town Selectmen, Town Commissions, conservation advocates/partners and children. Participated in "open space" planning forums. Provided Commission with grant writing abilities thereby indentifying, and soliciting, and securing public and private grant. Provided technical assistance in the planning and development of the Town's Open Space and Recreation Plan.

2003 – 2005

Costco Wholesale – Everett, Massachusetts
Marketing – Business Development

Produced business development plans, marketing niche strategies, promotional activities, and related marketing materials for distribution targeted at specific audiences. Secured diverse relationships through prospecting, sales pitches, and negotiation. Maintained existing membership relationships through a high level of customer service, open communications, and providing value. Partnered with local non-profits, Commissions, and community- based organizations in diverse Boston communities to be a recognizable community partner. Established a collaborative learning environment providing employees with skills in relationship building, customer service, cross selling, and salesmanship.

1999 – 2002

Pembroke and Spears – Seattle, Washington
Project Manager

Developed partnering opportunities between entrepreneurs, private investors, and the Small Business Administration. Developed business plans and marketing strategies for diverse Internet startups, membership organizations, and grassroots crusades. Served in a public relations capacity partnering with community, investors, and media. Represented organizations at tradeshow, conferences, and special events resulting in nurtured relationships, and expanded partnerships opportunities. Developed, and trained help desk and call center staff in customer care, problem-resolution, and interpersonal communications. Designed surveys, conducted marketing research, and facilitated focus groups to measure product familiarity, measure satisfaction, and understand value. Performed routine financial management duties, including financial analysis, budget formulation and management. Provided routine reports to investors, and respective stakeholders.

1996 – 1999

Bank of America - Seattle, Washington
Washington Mutual - Seattle, Washington
Key Bank of Washington - Seattle, Washington
Relationship Officer

Cultivated, managed, and maintained diverse partnerships comprised of civic organizations, high net worth individuals, and business startup. Served in a liaison, leadership, and conflict resolution roles on behalf of financial institutions to executive boards, and community based organizations. Networked, and volunteered within the Seattle community thereby creating open communications, and understanding of diverse populations, resulting in both viable partnering opportunities, and visible presence in the Community. Provided team members with ongoing coaching in client relations, including customer service, and salesmanship skilling. Designed and coordinated organizational retreats and professional development programs. Topics addressed diversity, and team building. Collectively, led to a stronger professional camaraderie. Developed and setting goals for the organization. Adhered to federal banking regulations, and policy as mandated by the Federal Reserve and Fair Credit Reporting Act in the development of business partnerships and related lending practices. Negotiated, advised, and facilitated credit terms and conditions associated with legally binding debt instruments.

Organizational Consultant – Cleveland, Ohio

1989 1996

Neighborhood Development Corporation

Developed partnerships, membership, and relationships with Community Development Corporations (CDCs), business community, and foundations through networking, negotiations, and the building of trust.

Allen Theater – Community Organizer

Assisted in grass root- liaison efforts in the recruitment of community partnerships, rallying of supporters, and volunteers with the goal of preservation of this architecturally significant theater. Produced newsletters, flyers, and delivered presentations targeted at diverse target audiences. The theater is now part of the Playhouse Square theater district, one of the largest such districts in the country.

Dual Hub Corridor - Researcher

Independently researched public policy, federal regulations, and federal grants (Urban Development Action Grants (UDAG) and Community Development Block Grants (CDBG)). Investigated, and identified through surveys potential social, economic, and physical impacts associated with proposed project. Measured and collected community perceptions, desires, and concerns through meetings, public hearings, and design charettes.

Cleveland State University – Researcher/ Strategist

Developed strategy, and long term planning under direct supervision of outside, independent crisis management agency. The Independent assessment permitted the identification, analysis of perceptions, financial implications, but also measured and quantified organizational damage in wake of a scandal in which the University evolved. This document was developed for presented to the Administration making recommendations for minimizing damage control, but building, and reinforcing public-private partnerships, hereby building trust within Greater Cleveland and Northeast Ohio.

Tremont West Development Corporation - Cleveland, Ohio

1992 - 1993

Ohio City Development Corporation – Cleveland, Ohio

Marketing/Community Organizer

Partnered with grass root organizations, civic organizations, and government officials in the planning, stewardship and enforcement of governmental and organizational programming, and related policies. Fostered quasi – public partnerships, and business opportunities through business incubation and retention programs. Represented community based organizations at meetings, community forums, planning workshops, charettes, and public hearings. Identified organizational barriers, and made recommendations to overcome obstacles. Facilitated, and provided problem-resolution, mediation, and consensus in the community's desire for localized community development and sustainability. Co-authored land use planning documents, Request for Proposals (RFPs), and public policy verbiage. Provided Director, and Executive Board with periodic briefings, and progress report on organizational goals, programming. And budgets. Conducted research, including a community needs assessment that identified, and outlined equitable planning desires, community programming, educational opportunities and skill training for all populations, including an underserved population. Led hearings and received consensus in the desire for community development and plausible strategies for overcoming economic and social barriers. Drafted grant proposals partnering organization with foundations, other special interest groups, and government agencies with the goal of reaching common footing in program deliverables and project funding. Collaborated in devising and implementing marketing plans, long -range strategizing plans, and organizational communication plans. Communication vehicles included an audio -visual marketing piece centered on neighborhood issues, opportunities, and leadership. Delivered such a presentation through a revamped speakers bureau to diverse targeted audiences, including elected community officials, leaders, and community groups. Developed, authored, edited, and circulated a periodic organizational newsletter.

North Coast Harbor Inc. - Cleveland, Ohio
Planner/Community Affairs Representative

1986 - 1991

Collaborated in the planning and development of Cleveland's waterfront. Developed public – private partnerships comprised of elected officials, fortune 500 companies, foundations, and community organizations. Executed membership initiatives and secured sponsorships with the Cleveland business community. Assisted Project Manager in the development of the organization operational plan, and the request for proposals (RFPs). Analyzed, and researched both stakeholders and the organization. Recruited, and respectfully trained, and supervised organizational volunteers in customer service, organizational issues, and project developments. Identified strengths, weaknesses, opportunities, and threats in the realization of the future Cleveland waterfront. Researched both the Federal Aviation Administration and United States' Army Corps of Engineers regulations to better understanding ideology and jurisdiction. Facilitated an evaluation and planning process thus allowing the organization to discern and envision a preferred future. Developed marketing plans, participated in special events, conferences, and forums. Solicited, and received financial grants from private foundations, public agencies, but also private industry.

Formal Education:

Harvard Graduate School of Design – Cambridge, Massachusetts – Certificate: Urban planning, and Landscape Architecture -
Cleveland State University – Cleveland, Ohio – B.B. A – Dual degree in Marketing and Finance
Edmonds Community College – Lynnwood, Washington – A.T.A – Dual degree: Ornamental Horticulture and Landscape Design

Professional Training:

Massachusetts Association of Conservation Commissioners
Geographic Information Systems
Leadership in Energy and Environmental Design (LEED)
Computer Aided Design
Commercial Lending
Banking Regulations: Community Reinvestment, Fair Credit Reporting
Customer Service
Microsoft Office: Word, Excel, Power Point, and Access

Community Involvement:

My interests and energies revolve around community planning, economic development, the preservation of the natural environment, the Arts, and related community activism. I am a proactive, energized, community leader whose Civic involvements allow me to utilize and exercise diverse communications, make presentations, conduct hearings, and perform problem identification-resolution, negotiation, and consensus building - arbitration skills.



**Town of Winchester
Conservation Commission
Town Hall, 71 Mt. Vernon St.
Tel: (781) 721-7152
E-Mail: Evreeland@winchester.us**

February 28, 2012

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

Dear Commissioners of the Jefferson County:

I am writing to you to recommend William McLeod as candidate for Jefferson County's Planning Commission. I have known Bill for ten years, both as member and as Chairman of the Winchester Conservation Commission.

As a Commission member, Bill was an active participant in municipal government, and greatly contributed to the Winchester Conservation Commission's efforts toward open space and recreation planning, and conservation of natural resources. During his tenure as chairman, he was critical in identifying issues, collaborating with others, and building consensus towards understanding the importance of wetland reconstruction and bioengineering for flood control.

He is a forward thinking, talented, multi-disciplinary professional, whose dedication to open space planning led to improving the quality of life for the Winchester community.

His thoughts regarding the preservation of the natural environment and its role in economic vitality remain a part of our Open Space and Recreation Plan, and the Conservation Commission's contribution to the discussions of downtown development.

As a Planning Commissioner, I know that he would make sound, reflective, and unbiased contributions to the Planning Commission. He is highly motivated, an excellent collaborator, and a leader who bring about consensus. I hope that you will give him positive consideration and this opportunity. I can promise you that he will make a valuable contribution to Jefferson County

Sincerely,

Elaine Vreeland

Elaine Vreeland, Esq., Administrator
Winchester Conservation Commission

RECEIVED

FEB 28 2012

Jefferson County Commission

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

Name: Stephanie Grove, Assistant Prosecutor

Department or Entity: Prosecuting Attorney's Office

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

Date Requested – 1st Choice: March 15, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Transition Plan Reorganization update – Possible Executive Session §6-9A – a
Add stewardship of the environment to the Department of Engineering and rename it to the
Department of Engineering, Impact Fees and Watershed Protection(LW)**

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:

Transition Plan

Jefferson County, West Virginia
Administration of Impact Fees to the Engineering Department
Revised March 8, 2012

Introduction:

On February 16, 2012, the County Commission of Jefferson County approved, as part of a reorganization plan, placing the administration of impact fees under the Engineering Department. The County Commission also directed that Stephanie Grove, Assistant Prosecutor, and a transition team consisting of Sandy McDonald, County Administrator, Paul Shroyer, Finance Director and Roger Goodwin, Chief County Engineer, write a transition plan to carry out the reorganization plan. The following is the transition plan for moving the administration of impact fees from the Department of Capital Planning and Management, to the Engineering Department.

Organizational Structure:

The Engineering Department organizational structure as a result of this reorganization shall be as shown on the attached organizational chart.

Engineering Department - Transition Plan Details:

The following is an outline of the issues that need to be addressed and/or completed in order for Impact Fees to make the transition to the Engineering Department:

1. Physical Work Space:
 - a. Work/office space for the Assistant Impact Fees Coordinator will be provided in a room located adjacent to the Building Permits Clerk and the Office Manager, on the first floor of the Mason Building, 116 East Washington Street, Suite 100.
 - b. The Assistant Impact Fees Coordinator shall bring with her, all office equipment and supplies currently utilized in the performance of her job, including but not limited to: computer work station, software, desk, chair, bookshelf, office supplies, books, manuals, data files, records, file cabinets, etc.

- c. The Maintenance Department will relocate the existing permits & inspections file cabinets, which are located in the proposed office space for the Assistant Impact Fees Coordinator, to the Engineering Department's basement file storage room, prior to relocating the Assistant Impact Fees Coordinator to this office.
- d. The Engineering Department Office Manager shall coordinate with the Maintenance Department, the move of all office furniture, file cabinets, equipment, office supplies, etc. to the Engineering Department.
- e. Issue the Assistant Impact Fees Coordinator a building access key and have it programmed by the maintenance department for access authorized by the Chief County Engineer.
- f. Transfer Impact Fees' phone number to the new work space.
- g. Impact Fees' new address changed on all forms, letterhead, etc.
- h. Get Engineering Department office signs changed, as deemed necessary.
- i. Post a notice on the door of the Capital Planning & Management office notifying people that impact fees is now located in the Engineering Department.
- j. Send letters to all city governments within the County informing them that impact fees will now be collected in the Engineering Department

2. Personnel Management:

- a. Chief County Engineer to determine if the Assistant Impact Fees Coordinator's title should be changed to a more representative job title within the Engineering Department hierarchy, as a result of the reorganization.
- b. The Assistant Impact Fees Coordinator shall provide an outline of job related training she has completed along with her assessment of her job related skill strengths and weaknesses. The Assistant Impact Fees Coordinator shall provide a list of job related training she believes is necessary in order for her to be successful at carrying out her job duties.

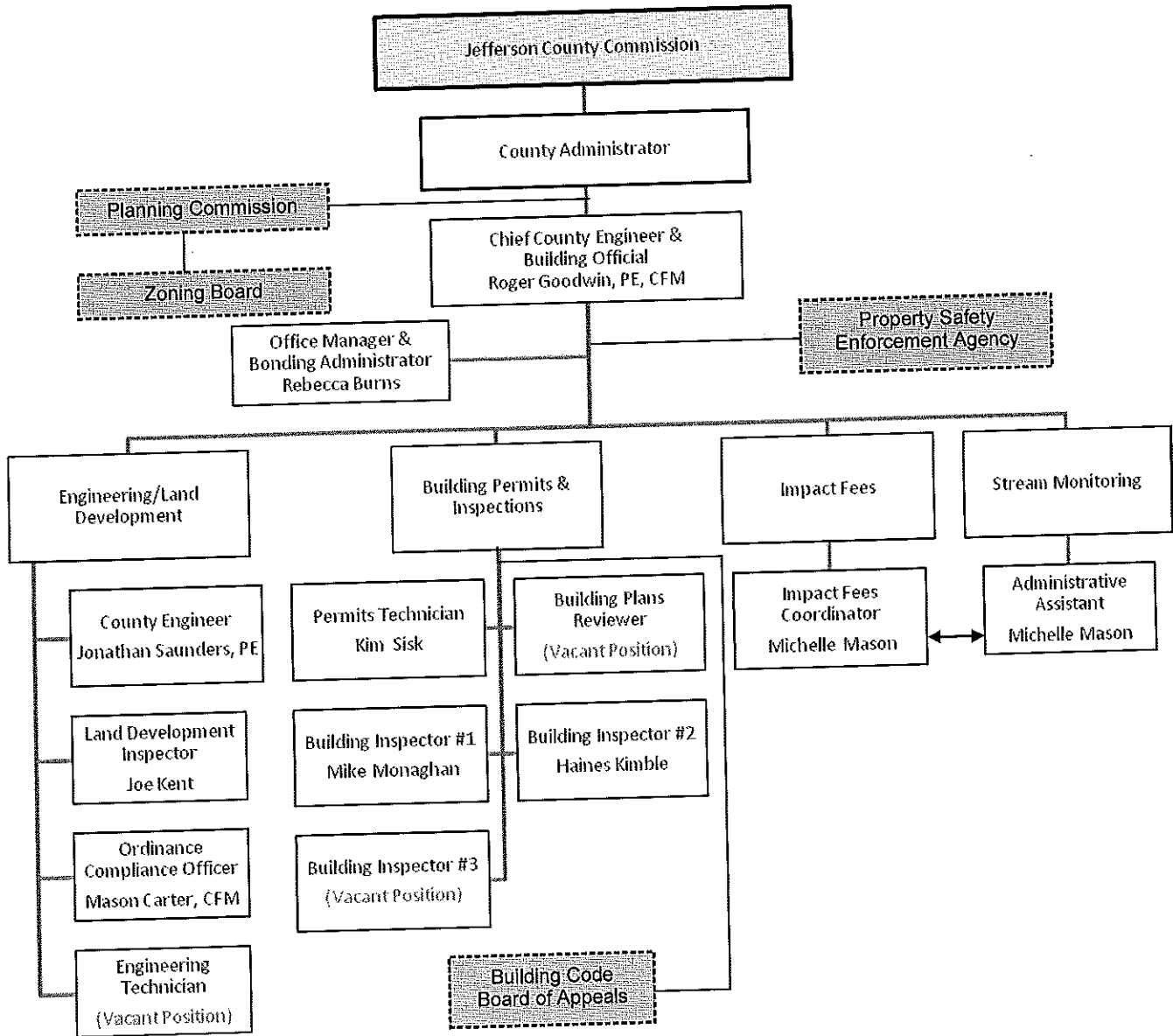
- c. Establish annual job related goals and expectations for the Assistant Impact Fees Coordinator.
 - d. Have the Office Manager provide an Engineering Department orientation for the Assistant Impact Fees Coordinator, including an overview of the Engineering Department's scope of responsibilities and a general overview of standard office operating procedures and personnel policies; and a discussion of how best to integrate the administration of impact fees into the Engineering Department.
 - e. Have the Assistant Impact Fees Coordinator get a new ID/name badge with the Engineering Department name on it.
 - f. Get the Assistant Impact Fees Coordinator's information on accrued vacation and sick leave.
 - g. Set up Engineering Department time sheet/payroll information for the Assistant Impact Fees Coordinator.
 - h. Assess and address any inequities in compensation resulting from the department reorganization.
 - i. The essential functions of the Impact Fees Coordinator shall be reviewed and assigned to the Chief County Engineer, Assistant Impact Fees Coordinator, Finance Director, or other staff, as deemed appropriate.
 - j. Obtain a copy of the Assistant Impact Fees Coordinator's job classification information and the job description, and modify the job description to include any additional duties assigned by the Chief County Engineer and the essential functions of the Impact Fees Coordinator, that she is capable of performing.
 - k. Revise the Chief County Engineer's job description.
3. Administration of Impact Fees:
- a. The Assistant Impact Fees Coordinator shall provide a copy of all applicable state codes and ordinances, and a summary of each.
 - b. The Assistant Impact Fees Coordinator shall provide copies of all software, databases and forms, etc. (hard copy and digital) used in the processing and collection of Impact Fees.

- c. The Assistant Impact Fees Coordinator shall provide an outline of the process for the receipt and deposit of impact fees and management of bank accounts (including bank account numbers) used for that purpose. This information shall be provided to the Finance Director for review, guidance and/or recommended changes, as necessary.
- d. The Assistant Impact Fees Coordinator shall provide an outline of the impact fee administration process, including but not limited to: impact fee calculation and assessment, the review and approval process, payment and receipt of impact fees, daily operational process and procedures, review of capital project funding requests, and the management and distribution of impact fees to various agencies for capital projects, etc.
- e. The Assistant Impact Fees Coordinator shall provide/develop an office manual that includes, but is not limited to, the following:
- A copy and summary of state code related to impact fees
 - A copy and summary of the impact fee ordinance
 - An outline of impact fee administrative processes, guidelines and procedures
 - A description and location of database files
 - A master copy of all standard forms (hard & digital copies)
 - Outline of financial management practices and procedures and list of bank accounts
 - Procedures, guidelines and legal requirements on the management of capital improvement funding requests and the disbursement of funds
 - Practices and procedures for contracting for consultant studies
 - Copy of all consultant studies completed to date, etc.
- f. The Chief County Engineer shall oversee the Assistant Impact Fees Coordinator in developing the office manual, in order to become knowledgeable of the various aspects of impact fee administration.
- g. When necessary, information and guidance may be obtained from Mark Schiavone on an as-needed consulting basis; and the consultant Tishler Bise may be utilized for future impact fee studies.

4. Engineering Department 2012--2013 Budget issues:
 - a. Obtain and review the current Capital Planning & Management Department's 2011-2012 FY budget, and determine which components of the budget are to be transferred to the Engineering Department budget. This will be coordinated with the Finance Director.
 - b. Provide the Finance Director with a revised Engineering Department budget that includes the funds necessary for the administration of impact fees, by February 28, 2012.

PROPOSED 2012-2013 ORGANIZATIONAL CHART

Jefferson County, West Virginia
Engineering Department



**Jefferson County
Job Description**

Position Title:	Impact Fee Program Specialist	Grade Level:	III
Department	Jefferson County Engineering Dept.	Date:	March 8, 2012
Reports to:	Chief County Engineer	FLSA Status	NE

Statement of Duties: Assists in the coordination and administration of the County's Impact Fee Program, as required by the Impact Fee Ordinance. Employee is required to perform all similar or related duties, and other administrative assistant type duties of the department.

Supervision Required: Under general supervision of the Chief County Engineer, the employee is familiar with all aspects of the Impact Fee Program and work routine and uses initiative in carrying out assignments independently without specific instruction. The Chief County Engineer provides additional, specific instruction for new, difficult or unusual assignments, including suggested work methods. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee's work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring all aspects of Impact Fee collection and expenditure on approved Capital Improvement Projects to balance before proceeding.

Supervisory Responsibility: Employee has no staff to supervise, but may give direction and guidance to co-workers cross-trained to assist and carry out the daily operational functions in the employee's absence. Work operations are subject to unpredictable fluctuations.

Confidentiality: Employee has access to some confidential information (including related department records, client information and information related to law suits), not department-wide, that is obtained during performance of essential functions, where the effect of any disclosure would probably be negligible or where the full significance of the overall confidential matter would not be apparent in the work performed.

Accountability: Consequences of errors or poor judgment may include adverse public relations, missed deadlines, monetary loss, legal repercussions, labor/material costs, and/or jeopardize programs.

Judgment: Numerous standardized practices, procedures, general instructions, and ordinance or regulations govern the work, and in some cases, may require additional interpretation. Judgment is needed to locate, select and apply the most pertinent practice, procedure, regulation or guideline.

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, ordinances, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Department of Engineering
Impact Fees Program Specialist
Revised 3/08/2012

Jefferson County Job Description

Work Environment: The work environment involves everyday discomforts typical of indoor environments such as office settings, with infrequent 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: Relationships are primarily with co-workers and the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating problems. Other regular contacts are with service recipients and employees of outside organizations such as vendors, banks and/or developers/contractors. More than ordinary courtesy, tact and diplomacy may be required to resolve complaints or deal with hostile, uncooperative or unformed persons. Employee may furnish news media with routine information such as meeting agendas or departmental procedures.

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. Calculate, assess, collect, and deposit impact fees. Ensure the proper accounting and distribution of impact fee monies in the form of requisitions received from impact fee-fundable entities along with daily and monthly reconciliation of financial accounts.
2. Completing all data entry and tracking of impact fee monies and expenditures using the Jefferson County Impact Fee Tracking System (JCIFTS), Jefferson County Impact Account Management System (JCIFTS_AAM), and Requisition Tracking System (RTS) databases.
3. Manages several databases and software programs for the maintenance of records of all aspects of the impact fee program.
4. Prepare periodic reports of impact fee accounts, collections and expenditures.
5. Review and make determinations regarding requests for Impact Fee exemptions.
6. Analyze Capital Improvement Plans for the various fee-enabled entities; summarize projects with impact fee funding potential.
7. Coordinates with other County departments for Capital Improvement Plan submissions and assist in the production of the County Capital Improvement Plan for the various fee-enabled entities. Manage CIP submissions using Capital Improvement Plan on-line (CIPol) database, and Requisition Tracking System (RTS) database tracking expenditure requests and procedures.

Department of Engineering
Impact Fees Program Specialist
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**Jefferson County
Job Description**

8. Manages pertinent capital inventories for the fee-enabled entities.
9. Conduct meetings and training sessions regarding impact fees and all their subsequent applications and distributions.
10. Conduct monthly audits with coordination of reports concerning buildings permit activity and maintain monthly audit logs.
11. Create cash flow analysis from fee collection data, track impact fee expenditures and provide data and reporting to the appropriate governing body and government agencies.
12. Reporting development activity and revenue collections to Jefferson County Public Service District in the form of Monthly Impact Fee Reports indicating the number of Impact Fee Applications (excluding exemptions) and collection for the month.
13. Work with the County Commission, other County departments, commissions and boards to ensure compliance with the Impact Fee Ordinance and to reduce the possibilities and potential for litigation.
14. Provides excellent customer service to members of the public, impact fee-enabled entities, other County departments and commissions and elected officials. Provide instruction on impact fee application process, exemption documentation and other impact fee related matters; ensure the proper communication and sharing of information to guarantee the correct processing of exemption applications, transfer of funds and accuracy of building permit applications.
15. Maintain current Impact Fee schedules and all Impact Fee and Capital Improvement Plan Program forms which are available in several formats including HTML, Excel, and Microsoft Word as both documents and templates.
16. Template development using HTML, CSS, Visual Basic, MySQL, TopStyle Lite, and Programmers Notepad along with maintaining Unit Development folders (UDF) and Development Notes of all created templates.
17. Perform general office duties of a clerical and administrative nature.

Recommended Minimum Qualifications:

Education and Experience: Associate's degree or technical college certification in business support or a related field, with minimum of five to seven (5-7) years of related work experience; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

Special Requirements: None required.

Jefferson County Job Description

Knowledge, Abilities and Skill

Knowledge: Common policies, practices and operating procedures of the office and department; and laws and regulations pertinent to position functions. Working knowledge of the Microsoft Office Suite with advanced proficiency with Access and Word software. Accounting/bookkeeping software and financial practices. Operation of office machines and has proficient computer and internet skills all used in support of department operations.

Abilities: Ability to follow established policy and procedures and work with minimum direction. Ability to create and maintain databases and generate reports; and manage and balance financial accounts. Ability to interact effectively and appropriately with the public and other personnel, perform multiple tasks, and maintain confidential information.

Skills: Proficient personal computer skills, mathematical skills, recordkeeping and clerical skills, written and oral communication skills, public speaking, outstanding interpersonal 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: Little or no 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, filing, and sorting.

Visual Demands: Visual demands include constantly reading documents for general understanding and for analytical purposes. Color vision is required for this position.

Jefferson County, West Virginia
Draft Job Description
Revised 03/08/2012

Position Title:	Chief County Engineer	Grade Level:	VII
Department	Engineering Department	Date:	March 8, 2012
Reports to:	County Commission	FLSA Status:	Exempt

Statement of Duties: Manages the Engineering, Building Permits and Inspections, Ordinance Compliance, Floodplain Management, Impact Fees Assessment and Collection, and Stream Monitoring functions of the County; and performs civil engineering and related application of engineering principles, practices and theories. Employee is required to perform all similar or related duties.

Supervision Required: Employee works under the policy direction of the County Commission, and exercises authority over total operations of the county in conformance with general directives and objectives set forth by the governing body. Seeks counsel of governing body only on matters of policy adjustment or where required by law.

Supervisory Responsibility: Employee is responsible for the management of ten (10) full time employees. Responsibilities include the direction and success of department programs, preparing and administering budgets, developing short and long-range objectives; and overseeing the personnel function, including or effectively recommending hiring, training, and disciplining of employees. Work operations are subject to random/unpredictable workload fluctuations.

Confidentiality: Employee has access to confidential department personnel files, law suits, criminal records, department records, and confidential economic development project information.

Accountability: Consequences of errors or poor judgment may include adverse public relations, missed deadlines, monetary loss, legal repercussions, labor/material costs, injury to self or others, and/or jeopardize programs.

Judgment: 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. The employee is recognized as the department or functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies and practices.

Complexity: The work consists of employing many different concepts, theories, principles, techniques and practices relating to an administrative field. Assignments typically concern such matters as studying trends in the field for application to the work; assessing services and recommending improvements.

Engineering Department
 Chief County Engineer
 03/08/2012

Jefferson County, West Virginia
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Work Environment: The work environment involves everyday discomforts typical of indoor environments such as office settings, with infrequent 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 Contacts: Relationships are constantly with co-workers, the public and with groups and/or individuals who have conflicting opinions or objectives, diverse points of view or differences where skillful negotiating and achieving compromise is required to secure support, concurrence and acceptance or compliance. The employee may represent to the public a functional area of the county on matters of procedures or policy where perceptiveness is required to analyze circumstances in order to act appropriately.

Occupational Risks: Duties generally do not present potential risk of injury to the employee. Minor injury could occur, however, through the employee's failure to follow safety precautions or procedures. Examples of injury include minor bruises from falls, minor cuts or burns or minor muscular strains from lifting or carrying equipment or materials. Special safety precautions, training, or protective clothing such as gowns, coats, gloves, glasses, hard hats or boots may be required.

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. Plan, organize, coordinate, direct and supervise the Engineering Department, the Office of Building Permits and Inspections, Impact Fees, and Stream Monitoring.
2. Responsible for the supervision of personnel, including but not limited to: recruitment, selection, assignment, motivation, training, performance, evaluation and coaching.
3. Collaborate the development of the budget for the Engineering Department.
4. Supervise the Engineering Department's review of community impact statements, traffic impact studies, commercial site plans, residential and commercial preliminary and final plats, minor subdivision plats, and third-party engineering inspection and testing reports for content, statutory compliance and conformance with professional engineering design practices to ensure submittals are in accordance with ordinances.
5. Oversee the construction bond functions, including but not limited to reviewing bond estimates, performing bond reduction and bond release site work inspections, and processing bond time extension requests; and supervising the administrative functions

Engineering Department
Chief County Engineer
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Jefferson County, West Virginia
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of all bonding agreements and bond surety in accordance with the county bonding policy.

6. Supervise the Office of Building Permits and Inspections' building permit and inspection functions; and ensure the ongoing training, testing and certification of the permits and inspection staff by the International Code Council and the West Virginia State Fire Marshal's Office.
7. Oversee compliance with the Flood Plain Ordinance, perform flood plain delineations, make base flood elevation determinations for Elevation Certificates, and review submissions for Letters of Map Revision (LOMR), including review and approval of hydrologic and hydraulic stream studies.
8. Meet with developers, professional consultants, contractors and citizens to discuss ordinances and answer questions.
9. Provide staff support for all activities of the Property Safety Enforcement Agency, and the Building Code Board of Appeals including but not limited to maintaining all documentation, performing inspections, ensuring service of petitions/complaints, meetings with citizens, presenting evidence and providing court testimony, and overseeing contracted services.
10. Respond to and resolve public inquiries and complaints to ensure a high standard of customer service to employees of the county, elected officials, members of the public, governmental agencies, and others served by the Engineering Department.
11. Makes oral and written presentations to the County Commission, Planning Commission, and other public and private groups; represents the department and the County with other government agencies.
12. Analyzes proposed legislation, regulations, and ordinances for their impact on the department and county operations and for their adherence to engineering principles.
13. Attend training courses, continuing education courses, professional society meetings and meetings on community related issues in order to meet requirements of the West Virginia Board of Registration for Professional Engineers and W.V. State Fire Marshal; and to stay informed on legal, technical and civil engineering issues relevant to the department and the county.

Engineering Department
Chief County Engineer
03/08/2012

Jefferson County, West Virginia
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14. Administer the Impact Fees Ordinance, including supervising the functions of the Impact Fees Program Specialist, writing ordinances, preparation and presentation of reports, conducting meetings, and manage the accounting and distribution of impact fees.
15. Provide oversight of stream monitoring functions limited to the following: 1) Storage and management of stream monitoring equipment, 2) Maintenance of web links to required stream monitoring protocols and methodology, 3) Depository of stream monitoring data collected by watershed groups.

Recommended Minimum Qualifications:

Education and Experience: Bachelor's degree with more than ten (10) years related work experience in the area of engineering and building construction; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

Special Requirements:

West Virginia Professional Engineer License (W.V. State Board of Registration for Professional Engineers) and Building Code Official and Building Inspector Certification (W.V. State Fire Marshall; WV State Code, Title 87-7), Certified Floodplain Manager (Association of State Floodplain Managers), and a valid Motor Vehicle Operator's License.

Knowledge, Abilities and Skill

Knowledge: Application of Civil Engineering principles, practices and theory; knowledge, understanding and administration of the International Building Codes; knowledge and understanding of building construction process and methods; knowledge and understanding of the FEMA National Flood Insurance Program and regulations; knowledge and understanding of heavy site construction process and methods; knowledge and understanding of state and federal laws and ordinances pertinent to position functions and general knowledge of the legal process/court system; knowledge of procedures for solicitation of proposals and bids for consulting and construction projects. Also, general understanding of use of the internet in support of department operations.

Abilities: Ability to read and understand construction drawings and specifications. Ability to establish and maintain effective working relationships with department staff, state regulatory authorities, the public, as well as contractors and consultants doing business with the county. Ability to establish and maintain a work reporting system and other related records and to perform multiple tasks. Ability to research information and analyze and summarize data/information and make recommendations.

Engineering Department
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Jefferson County, West Virginia
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Revised 03/08/2012

Skill: Proficient written, oral communication, , and public speaking skills, computer, software and technology skills, mathematical skills, record keeping skills, excellent time and personnel management skills.

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 Skills: Work requires some agility and physical strength, such as moving in, about construction sites, or over rough terrain, or standing or walking most of the work period.

Motor Skills: Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination. Examples include operating a motor vehicle, copy machine, telephone, using a personal computer, typing, or climbing a ladder.

Visual Skills: Visual demands require the employee to constantly read and interpret documents for general understanding and analytical purposes; employee also routinely reviews non-written materials (e.g. maps and blueprints). Color vision is required for this position.

Engineering Department
Chief County Engineer
03/08/2012

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

Name: Stephanie Grove

Department or Entity: Assistant Prosecuting Attorney

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: Action/Discussion: Employment Agreement for Director of Capital Planning and Management, Possible Executive Session

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>
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AGENDA REQUEST FORM

Name: Stacie Rohn

Department or Entity: Teen Court Project

Estimation of amount of time needed for appointment: 30 minutes, with questions and answers

Date Requested – 1st Choice: March 8

Date Requested – 2nd Choice: March 15

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

Subject:

Teen Court – This diversionary program for teen offenders is written into the WV State Code, (ARTICLE 5. JUVENILE PROCEEDINGS, §49-5-13d Teen court program) as an option for counties and municipalities. It is a highly effective youth development program that requires teen offenders to do community service to restore their relationship with the victims and community.

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

At the June 2, 2011 meeting of the Jefferson County Commission, the commissioners voted to assess the \$5 fee to all tickets pending a revision to include all citations and not only traffic citations. I would like to present the amended resolution with the assistance of Ms. Stephanie Grove, County Attorney and respectfully request that the fine be collected once the final resolution is signed.

The County Commission will receive quarterly updates on the progress of Jefferson County Teen Court as well as notification as each municipality begins fee assessment. I can be reached at (304) 671-6743 should you have any questions about Jefferson County Teen Court.

Below is the description of Teen Court:

WHAT IS TEEN COURT?

Teen Court is a unique "second chance" justice program for youth between the ages of 11 and 18 who are alleged to have committed a status offense or an act of delinquency which would be a misdemeanor if committed by an adult. Upon successful completion of the program charges against the defendant are dismissed.

Teen Court is a legally binding alternative system of justice that offers young offenders an opportunity to make restitution for their offenses through community service, educational classes, and jury service. This allows them to avoid fines and sentences handed down by the criminal justice system. Teen Court tries real cases with real consequences. Teen Court is a "hands on" educational opportunity that allows both offenders and teen volunteers to better understand our system of justice.

In addition to the obvious benefit of interrupting a developing pattern of inappropriate behavior, the Teen Court program helps to reinforce self-esteem, provide motivation for self-improvement and promote a healthy attitude toward authority.

A youth referred to Teen Court has his/her case argued by teenage prosecuting and defense attorneys before a jury of peers, consisting of volunteers from grades seven through twelve of local county schools and returning youth who were previously defendants. The teen jury determines each defendant's sentence based on the nature of the offense committed, and assigns the number of hours of community service to be performed. Each defendant is also sentenced to serve a number of jury terms.

Teen Court is also designed to educate youth about the judicial process. Through direct participation, Teen Court addresses responsibility for one's behavior and accountability to one's community and peers, and enhances respect for the judicial process. Each participant in Teen Court, whether a defendant, juror, bailiff, teen attorney, or adult volunteer; is involved in a positive and meaningful way.

HOW DOES TEEN COURT WORK?

Cases are referred, for offenses that occur primarily within the school and local community, by the circuit court if the court finds the youth a suitable candidate for the program.

Youth who are accepted into the program and appear before a teen jury. They are represented by a teen "defense attorney." The prosecutor is also a teen "attorney" and both attorneys are assisted by adult attorney mentors. Each teen attorney makes an opening statement, the defendant testifies and is cross-examined. Evidence is considered. An adult judge presides and the teen jury deliberates and reaches a verdict and determines the sentence which includes mandatory community service and jury duty in future Teen Courts. Upon completion of the Teen Court sentence the Municipal Court charges against the juvenile are dismissed.

WHO IS ELIGIBLE FOR TEEN COURT?

Youth who are under the age of 18 and who are alleged to have committed a status offense or an act of delinquency which would be considered a misdemeanor if committed by an adult. The decision to extend the option to enter the Teen Court as an alternative procedure is made

by the local circuit court if the court finds that the youth is suitable for the program. Also, the youth must consent to participation in the program as must his or her parent or guardian. A youth may only appear in Teen Court once within a two-year period.

HOW ARE THE TEEN JUROR, BAILIFFS, AND ATTORNEYS SELECTED?

Volunteer students from grades seven through twelve from local county schools are selected to serve on Teen Courts. School administrators and teachers may also nominate teens for participation in Teen Court. Teens may also nominate themselves. Parents/guardians must consent to the teens' participation. Mandatory training sessions are held each semester for all interested teens. Teens appointed as attorneys are assigned an adult attorney mentor to assist them in trial preparation. Previously sentenced teens are added to the peer jury pool.

WHAT TYPES OF SENTENCES ARE IMPOSED BY TEEN COURT?

Sentences imposed by teen juries must include community service and participation in future Teen Court sessions as jurors. Sentences may also include restitution to the victim, letters of apology, remedial classes (theft, alcohol education, etc.) and essays. Sentencing is intended to be constructive, and to involve the defendant actively in the community as well as in future Teen Court sessions.

HOW IS TEEN COURT FUNDED?

In counties with Teen Courts, a fee of up to \$5 is added to all traffic violations, all felonies, misdemeanors and local ordinances. Fees are collected by the clerk of courts and deposited into an account specifically for the operation and administration of a teen court program. The clerk of court of the conviction assesses the fees and remits them to the teen court program. Mandatory fees established by the county commission or city council for teen court are paid by the defendant on a judgment of guilty or a nolo contendere plea for each violation committed in the county or municipality of any felony, misdemeanor or any local ordinance, including traffic violations and moving violations but excluding municipal parking ordinances.

WHAT ARE THE BENEFITS OF TEEN COURT?

To the defendant:

- *Interruption of a potential pattern of inappropriate behavior.*
- *Improvement of self-esteem resulting from successful completion of the program.*
- *Reinforcement of positive behavior.*
- *Accountability. An opportunity for a young person to avoid a criminal record.*

To the community:

- *Service to the community benefiting the entire community.*
- *Parent-guardian involvement.*
- *Reduction of the case load in the juvenile justice system.*

- *Dramatic reduction in the number of repeat offenders.*

To the schools:

- *A positive alternative for students who have stepped "off track" for the first time.*
- *Judgment of a teen by their "peers" which in many cases has a more powerful impact than adult discipline.*
- *Real consequences for delinquent behavior in the school environment.*

To the student volunteers:

- *Involvement in redirecting peers.*
- *A better understanding of the judicial system by teens through hands-on participation.*
- *Reinforcement of good citizenship.*
- *Improvement of public speaking and advocacy skills.*

HOW CAN I LEARN MORE?

The Family Resource Network of the Panhandle is working to bring Teen Court to Jefferson and Berkeley Counties. To learn more or give your support, contact Teresa at 304-263-0603, ext. 228 or uwepfrn@comcast.net or Sarah Gabrielson at joyg2009@yahoo.com.

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

The FRN requests that the County Commission approve the addition of a mandatory \$5 fee to be paid by the defendant on a judgment of guilty or a plea of nolo contendere for each violation committed in the county of any felony, misdemeanor or any local ordinance, including traffic violations and moving violations but excluding municipal parking ordinances.

This fee is outlined in (ARTICLE 5. JUVENILE PROCEEDINGS, §49-5-13d Teen court program), reprinted below:

Each county that operates, or wishes to operate, a teen court program as provided in this section is hereby authorized to adopt a mandatory fee of up to five dollars to be assessed as provided in this subsection. Municipal courts may assess a fee pursuant to the provisions of this section upon authorization by the city council of said municipality. Assessments collected by the clerk of the court pursuant to this subsection shall be deposited into an account specifically for the operation and administration of a teen court program. The clerk of the court of conviction shall collect the fees established in this subsection and shall remit the fees to the teen court program.

Any mandatory fee established by a county commission or city council in accordance with the provisions of this subsection shall be paid by the defendant on a judgment of guilty or a plea of nolo contendere for each violation committed in the county or municipality of any felony, misdemeanor or any local ordinance, including traffic violations and moving violations but excluding municipal parking ordinances.

Attachments:

What is Teen Court?

Informational brochure

RESOLUTION SUPPORTING TEEN COURT

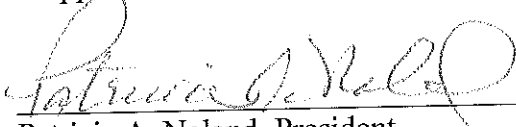
WHEREAS, West Virginia Code § 49-5-13d was amended to authorize counties to adopt a mandatory fee when a county elects to institute a Teen Court Program, to fund that program; and

WHEREAS, West Virginia Code § 49-5-13d now provides "Each county that operates or wishes to operate, a Teen Court Program as provided in this section is hereby authorized to adopt a mandatory fee of up to five dollars (\$5.00) to be assessed as provided in this subsection. Assessments collected by the Clerk of the Court pursuant to this subsection shall be deposited into an account specifically for the operation and administration of a teen court program. The Clerk of the Court of conviction shall collect the fees established in this subsection and shall remit the fees to the Teen Court Program. Any mandatory fee established by the County Commission in accordance with the provisions of this subsection shall be paid by the Defendant on a judgment of guilty or a plea of nolo contendere for each violation committed in the County of any felony, misdemeanor or any local ordinance, including traffic violations and moving violations" and

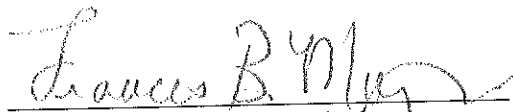
Accordingly, it is ADJUDGED, ORDERED AND DECREED that a Mandatory Fee is established in accordance with the provisions of West Virginia Code § 49-5-13d in the amount of Five and 00/100 Dollars (\$5.00) to be paid by the Defendant on judgment of guilty or a plea of nolo contendere for each violation committed in the County of any felony, misdemeanor or any local ordinance and that the Clerk of the Court shall collect the fee established herein and shall remit the fees to the Jefferson County Teen Court Program.

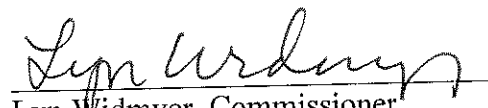
The Clerk of the County Commission of Jefferson County is directed to forward a certified copy of this Order to the Clerk of the Circuit Court of Jefferson County, West Virginia, and the Clerk of the Magistrate's Court of Jefferson County, West Virginia.

Upon a motion of Dale Manuel, seconded by Frances Morgan, the order pertaining to the Teen Court Fee is approved and adopted by the County Commission of Jefferson County, West Virginia.


Patricia A. Noland, President


Dale Manuel, Commissioner


Frances Morgan, Commissioner


Lyn Widmyer, Commissioner


Walt Pellish, Commissioner

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

AGENDA REQUEST FORM

Name: Ed Hannon & Ed Smith

Department or Entity: 5 Year Plan PR Committee

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: Thursday March 8, 2012

Date Requested – 2nd Choice: Thursday March 15, 2012

If a specific date is needed, please provide reason for specific date: **Due to the time line this committee is attempting to meet we are requesting the first available time to meet with the Commission.**

Subject: **Request the County Commission set a date for Public Hearing on the 5 year plan Ordinance.**

Please provide the County Commission with a description of your request or presentation, including any background information: **At the Joint JCESA Board and County Commission Meeting on February 28, 2012 we came to the agreement to schedule the Public Hearing on the 5 year plan Ordinance. There was additional information requested by the County Commission which will be delivered by the end of next week.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I would like to make a motion to schedule a Public Hearing on the 5 year plan Ordinance for Thursday March 22, 2012. Included in the Ordinance will be the fee structure.**

Attachments:

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

AGENDA REQUEST FORM

Name: Joe Sacchet, Executive Director

Department or Entity: **Berkeley/Jefferson Day Report Center**

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 15, 2012

Date Requested – 2nd Choice: _____

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

Subject: Grant Submission for 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:



406 South Raleigh Street
Martinsburg WV 25401

Phone: 304-267-5000 ext
3961
Fax: 304-596-2047

Berkeley/Jefferson Day Report Center

3/8/12

Ms. Patsy Noland
Jefferson County Commission
124 East Washington Street
PO Box 250
Charles Town, WV 25414

Re: Grant Submission FY 2013

Dear Ms. Noland,

Attached is a copy of the grant submission for the Berkeley/Jefferson Day Report Center for FY 2013. I wanted to briefly explain some of the grant areas that have contributed to the increased overall budget submission. Several increased line item costs over previous years includes two primary areas. The first is the hourly fee we pay to contractual staff for their treatment services. Since this Center opened the rate per hour has always been \$35.00. This fee initially was low and today in Berkeley and Jefferson Counties the professional rate per hour is between \$110.00 and \$130.00. In order to meet the demands of having professional licensed counselors available the hourly rate has to be increased to least \$65.00 per hour and even at that increase it still remains on the low side. Also in the immediate future I hope to establish a Memorandum of Understanding between the Berkeley/Jefferson Community Criminal Justice Board and a local mental health care provider to contractually provide professional counselors for the Berkeley and Jefferson Counties centers. This will ensure continuity of counseling services and minimize any downtime due to a provider being on extended sick leave, scheduled vacations or resignations.

The second major area of cost increase is in drug testing supplies and confirmation costs. These associated costs are for clients and those on bond supervision. The Day Report Center tests randomly all clients weekly. When a client is active in the program, participating well in groups and tested negative weekly for at least two months he/she can be placed on bi-monthly testing. This helps not only to support those people's positive actions but also helps reduce testing costs. Those on bond supervision are not given that opportunity because of that status. The cost for each device is \$10.00 and that is collected from the person at the time of the test. The costs for drug confirmations are expensive and passed onto those testing but extremely hard to collect.

I also wanted to bring to your attention that I have attached separately an Excel spread sheet that will provide monthly cost analysis in three specific areas of savings. Those areas are Court Referred Defendants (General), Court Referred Defendants (Individuals) and Bond Supervisions.

I wanted to provide to you and the Council this information prior to my appearing before you next week. Both you and the Council members have been very supportive and I want to continue to help serve the citizens of the Eastern Panhandle and the county governments.



406 South Raleigh Street
Martinsburg WV 25401

Phone: 304-267-5000 ext
3961
Fax: 304-596-2047

Berkeley/Jefferson Day Report Center

Sincerely,

Joseph Sacchet/Director

**Cost Analysis For Bond Supervision (Berkeley)
Based On Actual Days on Bond**

FY: **Referral Type** **Cost Analysis BJDRC: Bond/Savings**

FY 2010

Defendant 1	Bond Super	\$1,122.00
Defendant 2	Bond Super	\$5,856.00
Defendant 3	Bond Super	\$12,200.00
Defendant 4	Bond Super	\$10,248.00
Defendant 5	Bond Super	\$7,613.00
Defendant 6	Bond Super	\$439.00
Defendant 7	Bond Super	\$5,319.00
Defendant 8	Bond Super	\$3,367.00

Total: \$46,164.00

FY 2011

Defendant 1	Bond Super	\$1,073.00
Defendant 2	Bond Super	\$3,611.00
Defendant 3	Bond Super	\$2,342.00
Defendant 4	Bond Super	\$4,392.00
Defendant 5	Bond Super	\$12,590.00
Defendant 6	Bond Super	\$8,101.00
Defendant 7	Bond Super	\$3,855.00
Defendant 8	Bond Super	\$8,784.00
Defendant 9	Bond Super	\$2,391.00
Defendant 10	Bond Super	\$17,568.00
Defendant 11	Bond Super	\$5,759.00
Defendant 12	Bond Super	\$4,392.00

Total: \$74,858.00

FY 2012

Defendant 1	Bond Super	\$1,903.00
Defendant 2	Bond Super	\$6,051.00
Defendant 3	Bond Super	\$5,856.00
Defendant 4	Bond Super	\$6,686.00
Defendant 5	Bond Super	\$1,562.00
Defendant 6	Bond Super	\$8,345.00
Defendant 7	Bond Super	\$2,003.00
Defendant 8	Bond Super	\$9,516.00
Defendant 9	Bond Super	\$9,516.00

Total: \$51,438.00

**Cost Analysis For Bond Supervision (Jefferson)
Based On Actual Days On Bond**

FY:	Referral Type	Cost Analysis BJDC: Bond/Savings
FY 2010		
Defendant 1	Bond Super	\$7,320.00
	Total:	\$7,320.00
FY 2011		
Defendant 1	Bond Super	\$7,320.00
Defendant 2	Bond Super	\$8,491.00
Defendant 3	Bond Super	\$2,782.00
Defendant 4	Bond Super	\$4,392.00
Defendant 5	Bond Super	\$1,415.00
Defendant 6	Bond Super	\$1,172.00
Defendant 7	Bond Super	\$15,128.00
Defendant 8	Bond Super	\$239.00
Defendant 9	Bond Super	\$9,565.00
	Total:	\$50,504.00
FY 2012		
Defendant 1	Bond Super	\$3,220.00
Defendant 2	Bond Super	\$2,928.00
Defendant 3	Bond Super	\$5,856.00
Defendant 4	Bond Super	\$5,612.00
Defendant 5	Bond Super	\$6,344.00
Defendant 6	Bond Super	\$2,147.00
Defendant 7	Bond Super	\$9,516.00
Defendant 8	Bond Super	\$2,245.00
Defendant 9	Bond Super	\$6,735.00
Defendant 10	Bond Super	\$2,635.00
Defendant 11	Bond Super	\$7,613.00
Defendant 12	Bond Super	\$2,587.00
Defendant 13	Bond Super	\$3,319.00
Defendant 14	Bond Super	\$2,635.00
Defendant 15	Bond Super	\$5,026.00
	Total:	\$68,418.00

**Cost Analysis For Bond Supervision (Morgan)
Based On Actual Days On Bond**

FY:	Referral Type	Cost Analysis BJDRC: Bond/Savings
FY 2011		
Defendant 1	Bond Super	\$2,684.00
Defendant 2	Bond Super	\$2,391.00
Defendant 3	Bond Super	\$2,489.00
	Total:	\$7,564.00
FY 2012		
Defendant 1	Bond Super	\$2,342.00
Defendant 2	Bond Super	\$4,929.00
Defendant 3	Bond Super	\$5,563.00
Defendant 4	Bond Super	\$5,026.00
Defendant 5	Bond Super	\$9,516.00
Defendant 6	Bond Super	\$4,434.00
	Total:	\$31,810.00

Cost Analysis For Court Referred Defendants (Berkeley)

Actuals to Date: FY 2012

Referrals	Referral Type	Projected Savings	Actual Savings
July Referrals			
Defendant 1: Completed	6 mos ERJ, susp for 1 Yr prob, comp DRC	\$8,784.00	\$8,784.00
Defendant 2: Current	6 mos ERJ susp, 2 Yrs prob, comp DRC	\$8,784.00	\$8,784.00
Defendant 3: Violated	6 mos ERJ susp, 1 Yr unsup prob, comp DRC	\$4,929.00	\$4,929.00
Defendant 4: Current	Pre Trial Diversion	\$16,738.00	\$10,248.00
Defendant 5: Completed	Pre Trial Diversion	\$16,738.00	\$7,320.00
Defendant 6: Current	6 mos ERJ susp, 1 Yr unsup prob, comp DRC	\$8,784.00	\$8,784.00
Defendant 7: Violated	90 days ERJ susp, 1 Yr prob, comp DRC	\$4,392.00	\$4,392.00
	Total:	\$69,149.00	\$53,241.00
August Referrals			
Defendant 1: Current	Pre Trial Diversion, comp DRC	\$14,640.00	\$7,662.00
Defendant 2: Violated	Pre Trial Diversion, comp DRC	\$1,464.00	\$1,464.00
Defendant 3: Current	Pre Trial Diversion, comp DRC	\$15,957.00	\$8,784.00
Defendant 4: Current	60 days ERJ susp, 1 Yr unsup prob, comp DRC	\$2,928.00	\$2,928.00
Defendant 5: Current	Pre Trial Diversion, comp DRC	\$16,104.00	\$8,784.00
Defendant 6: Violated	Pre Trial Diversion, comp DRC	\$1,464.00	\$1,464.00
Defendant 7: Current	Pre Trial Diversion, comp DRC	\$14,884.00	\$7,857.00
Defendant 8: Current	1 Yr ERJ susp, 2 Yrs unsup prob, comp DRC	\$14,987.00	\$4,392.00
	Total:	\$82,428.00	\$43,335.00
September Referrals			
Defendant 1: Completed	6 mos in ERJ, 1 Yr unsup prob, comp DRC	\$7,320.00	\$7,320.00
Defendant 2: Current	1 to 5 Yrs ERJ susp, 5 Yrs unsup prob, comp DRC	\$13,176.00	\$7,320.00
Defendant 3: Current	6 mos in ERJ, 1 Yr unsup prob, comp DRC	\$10,248.00	\$7,320.00
Defendant 4: Current	Pre Trial Diversion, comp DRC	\$14,298.00	\$7,320.00
Defendant 5: Current	6 mos ERJ susp, 2 Yrs unsup prob, comp DRC	\$8,640.00	\$7,320.00
Defendant 6: Violated	Pre Trial Diversion, comp DRC	\$1,464.00	\$1,464.00
Defendant 7: Current	60 days ERJ susp, 1 Yr unsup prob, comp DRC	\$2,928.00	\$2,928.00
	Total:	\$58,074.00	\$40,992.00
October Referrals			
Defendant 1: Current	5 mos/29 days ERJ susp, 2 Yrs prob, comp DRC	\$8,735.00	\$5,856.00
Defendant 2: Current	Pre Trial Diversion, comp DRC	\$12,932.00	\$5,856.00
Defendant 3: Violated	1 Yr ERJ susp, 1 Yr unsup prob, comp DRC	\$2,928.00	\$2,928.00
Defendant 4: Current	1 Yr ERJ susp, 2 Yrs unsup prob, 9 mos DRC	\$12,932.00	\$5,856.00
Defendant 5: Current	6 mos ERJ susp, 2 Yrs unsup prob, comp DRC	\$8,784.00	\$5,856.00
	Total:	\$46,311.00	\$26,352.00
November Referrals			
Defendant 1: Current	1 Yr./12 days ERJ/ all but 12 susp, 2 Yrs prob, comp DRC	\$10,931.00	\$4,392.00
Defendant 2: Current	6 mos ERJ susp, 1 Yr unsup prob, comp DRC	\$8,784.00	\$3,660.00
	Total:	\$19,715.00	\$8,052.00

**Cost Analysis For Court Referred Defendants (Berkeley)
Actuals to Date: FY 2012**

Referrals	Referral Type	Projected Savings	Actual Savings
December Referrals			
Defendant 1: Current	1 Yr ERJ susp, 8 mos unprob, comp DRC	\$10,004.00	\$2,928.00
Defendant 2: Current	Pre Trial Diversion, comp DRC	\$9,955.00	\$2,928.00
Defendant 3: Current	90 days ERJ susp, 1 Yr unprob, comp DRC	\$4,392.00	\$1,855.00
Defendant 4: Current	Pre Trial Diversion, comp DRC	\$9,223.00	\$2,343.00
Defendant 5: Current	1 Yr ERJ susp, 1 Yr unprob, comp DRC	\$10,004.00	\$2,928.00
	Total:	\$43,578.00	\$12,982.00
January Referrals			
Defendant 1: Current	6 mos/1 day ERJ susp, 1 Yr unprob, comp DRC	\$8,637.00	\$1,467.00
Defendant 2: Current	1 Yr ERJ susp, 1 Yr unprob, comp DRC	\$7,905.00	\$1,467.00
Defendant 3: Current	Pre Trial Diversion, comp DRC	\$8,344.00	\$1,467.00
Defendant 4: Current	6 mos/1 day ERJ susp, 1 Yr unprob, comp DRC	\$8,198.00	\$1,467.00
Defendant 5: Current	Pre Trial Diversion, comp DRC	\$4,392.00	\$1,467.00
Defendant 6: Current	Pre Trial Diversion, comp DRC	\$4,392.00	\$1,467.00
	Total:	\$41,868.00	\$8,802.00
	YTD Total:	\$361,123.00	\$193,756.00

Cost Analysis For Court Referred Defendants (Jefferson)

Actuals to Date: FY 2012

Referrals	Referral Type	Projected Savings	Actual Savings
July Referrals			
Defendant 1: Current	Pre Trial Diversion, comp DRC	\$17,568.00	\$9,223.00
Defendant 2: Violated	1 Yr ERJ susp, 3 Yrs prob, comp DRC	\$1,464.00	\$1,464.00
	Total:	\$19,032.00	\$10,687.00
August Referrals			
Defendant 1: Violated	180 days ERJ/ 109 days susp, 180 days prob, comp DRC	\$3,367.00	\$3,367.00
	Total:	\$3,367.00	\$3,367.00
September Referrals			
Defendant 1: Completed	Pre Trial Diversion -- 12/22/11 Nolle Pros	\$4,392.00	\$4,392.00
	Total:	\$4,392.00	\$4,392.00
October Referrals			
Defendant 1: Current	Not < than 1/ not > than 10 Yrs, 5 Yrs prob, comp DRC	\$13,029.00	\$5,856.00
Defendant 2: Violated	Pre Trial Diversion	\$4,392.00	\$4,392.00
Defendant 3: Current	30 days ERJ susp, 365 days prob, comp DRC	\$1,464.00	\$1,464.00
Defendant 4: Completed	Pre Trial Diversion, comp DRC	\$2,928.00	\$2,928.00
Defendant 5: Completed	Pre Trial Diversion, comp DRC	\$2,928.00	\$2,928.00
	Total:	\$24,741.00	\$17,568.00
November Referrals			
Defendant 1: Current	Pre Trial Diversion, comp DRC	\$11,614.00	\$4,392.00
	Total:	\$11,614.00	\$4,392.00
January Referrals			
Defendant 1: Current	90 days ERJ susp, 90 days prob, DRC	\$4,392.00	\$1,806.00
	Total:	\$4,392.00	\$1,806.00
	YTD Total	\$67,538.00	\$42,212.00

Cost Analysis For Court Referred Defendants (Morgan)

Actuals to Date: FY 2012

Referrals	Referral Type	Projected Savings	Actual Savings
July Referrals			
Defendant 1: Current	6 mos ERJ susp, 1 Yr unsup prob, 9 mos DRC	\$8,784.00	\$8,784.00
Defendant 2: Current	6 mos ERJ susp, 2 Yrs unsup prob, 1 Yr DRC	\$8,784.00	\$8,784.00
	Total:	\$17,568.00	\$17,568.00
August Referrals			
Defendant 1: Violated	90 days ERJ/ 90 days in abeyance, 7 mos DRC	\$1,708.00	\$1,708.00
	Total:	\$1,708.00	\$1,708.00
October Referrals			
Defendant 1: Current	90 days ERJ susp, 90 days in abeyance, 6 mos DRC	\$4,392.00	\$4,392.00
	Total:	\$4,392.00	\$4,392.00
November Referrals			
Defendant 1: Current	Reinstatement of prob, comp DRC/drug screening	\$9,906.00	\$4,392.00
Defendant 2: Current	6 mos ERJ susp, 1 Yr unsup prob, comp DRC 80/ C Ser	\$8,784.00	\$4,636.00
	Total:	\$18,690.00	\$9,028.00
December Referrals			
Defendant 1: Current	90 days ERJ susp, 12 mos 1 day unsup prob, comp DRC	\$4,392.00	\$3,075.00
	Total:	\$4,392.00	\$3,075.00
January Referrals			
Defendant 1: Current	Pre Trial Diversion	\$7,320.00	\$1,464.00
	Total:	\$7,320.00	\$1,464.00
	YTD Total:	\$54,070.00	\$37,235.00

Projected Cost Analysis for Court Referred Defendants from 7/1/11 to 6/30/12 (Berkeley)

This only reflects defendants placed in the DRC as of 7/1/11

Referral Date	Intake Completed	Qualified	Eligible to Participate	Projected Savings	Actual Savings (To Date)
July. 2011	7	7	7	\$69,149.00	\$53,241.00
Aug. 2011	8	8	8	\$82,428.00	\$43,335.00
Sept. 2011	7	7	7	\$58,074.00	\$40,992.00
Oct. 2011	5	5	5	\$46,311.00	\$26,352.00
Nov. 2011	2	2	2	\$19,715.00	\$8,052.00
Dec. 2011	5	5	5	\$43,578.00	\$12,982.00
Jan. 2012	6	6	6	\$41,868.00	\$8,802.00
Total Projected Savings:				\$291,974.00	\$193,756.00

Defendants Placed in DRC prior to 7/1/11 and completed during this Fiscal Year

Total Completed	17	Total Savings	\$96,537.00	\$96,537.00
Combined Total Savings			\$388,511.00	\$290,293.00

Projected Cost Analysis for Court Referred Defendants from 7/1/11 to 6/30/12 (Jefferson)

This only reflects defendants placed in the DRC as of 7/1/11

Referral Date	Intake Completed	Qualified	Eligible To Participate	Projected Savings	Actual Savings
July. 2011	2	2	2	\$19,032.00	\$10,687.00
Aug. 2011	1	1	1	\$3,367.00	\$3,367.00
Sept. 2011	1	1	1	\$4,392.00	\$4,392.00
Oct. 2011	5	5	5	\$24,741.00	\$17,568.00
Nov. 2011	1	1	1	\$11,614.00	\$4,392.00
Jan. 2012	1	1	1	\$4,392.00	\$1,806.00
Total Projected Savings:				\$67,538.00	\$42,212.00

Defendants Placed in DRC prior to 7/1/11 and completed during this Fiscal Year

Total Completed	4	Total Savings:	\$18,836.00	\$18,836.00
Combined Total Savings:			\$86,374.00	\$61,048.00

Projected Cost Analysis for Court Referred Defendants from 7/1/11 to 6/30/12 (Morgan)

This only reflects defendants placed in the DRC as of 7/1/11

Referral Date	Intake Completed	Qualified	Eligible To Participate	Projected Savings	Actual Savings
July. 2011	2	2	2	\$17,568.00	\$17,568.00
Aug. 2011	1	1	1	\$1,708.00	\$1,708.00
Oct. 2011	1	1	1	\$4,392.00	\$4,392.00
Nov. 2011	2	2	2	\$18,690.00	\$9,028.00
Dec. 2011	1	1	1	4,392.00	\$3,075.00
Jan. 2012	1	1	1	\$7,320.00	\$1,464.00
			Total Projected Savings:	\$54,070.00	\$37,235.00
Defendants placed in the DRC prior to 7/1/11 and completed during this Fiscal Year					
	Total Completed	1	Total Savings	\$7,954.00	\$7,954.00
			Combined Total Savings:	\$62,024.00	\$45,189.00

**West Virginia Community Corrections
Grant Program Application**

**General Administrative Information
Page 1**

<p><u>Applicant Agency:</u> Berkeley County Council Address: 400 W. Stephen Street Martinsburg, WV 25401</p> <p>Phone: 304 264-1923 Fax Number: 304 267-5049</p>	<p><u>Type of Agency:</u> <input type="checkbox"/> State <input checked="" type="checkbox"/> County</p> <p><u>Type of Application:</u> <input checked="" type="checkbox"/> For State Funds <input type="checkbox"/> No State Funds</p>
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<p><u>Project Director:</u> William Stubblefield PD Title: County Council President Address: 400 W. Stephen Street Martinsburg, WV 25401</p> <p>Phone: 304 264-1923 Fax: 304 267-5049 Email: wstubblefield@berkeleycountycomm.org</p>	<p><u>Fiscal Officer:</u> Deborah Hammond FO Title: County Administrator Address: 400 W. Stephen St Martinsburg, WV 25401</p> <p>Phone: 304 264-1923 Fax: 304 267-5049 Email: dhammond@berkeleycountycomm.org</p>
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State Funds Requested: \$300,703.89 **Amount Awarded:**
Local Funds Utilized: \$168,872.89
Project Period: July 1, 2012 – June 30, 2013

(for DJCS use only)

Number of years previously funded: 4 **Estimated Number to be Served:** 40
Geographic Area(s) Served: Berkeley and Jefferson Counties
Total Population: 158,667 (2010 US Census)
Project Title: Berkeley/Jefferson County Day Report Center (BJDRC)

Project Description: The BJDRC is an alternative sentencing program that combines control with intensive delivery of services to offenders sentenced/referred by various courts, prosecuting attorneys, probation officers.

Certification: To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by the governing body and the applicant will comply with the attached special conditions and assurances, if funding is provided.

<p><u>Authorized Official:</u> William Stubblefield</p>	<p><u>AO Title:</u> President, Berkeley County Council</p>
<p>Address: 400 West Stephen Street Martinsburg, WV 25401</p>	<p>Phone: 304 254-1923 Fax: 304 267-5049 E-Mail: wstubblefield@berkeleycountycomm.org</p>
<p>Signature:</p>	<p>Date:</p>

West Virginia Community Corrections Grant Program Application	Budget Summary Page 2
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Applicant: Berkeley County Council	FEIN Number: 55-6000296
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Budget Category	WV Community Corrections Requested Funds (A)	Local (Match) Funds (B)	Total Budget (A + B)
Personnel/Contractual	\$229,067.89	\$133,171.38	\$362,239.27
Travel/Training	\$4,872.00	\$2,088.00	\$6,960.00
Equipment	\$4,495.00	\$1,926.00	\$6,421.00
Other	\$62,269.00	\$26,687.00	\$88,956.00
Totals	\$300,703.89	\$163,872.38	\$464,576.27

**All funds must be rounded to the nearest whole dollar amount*

Funding Strategy

Funding Source(s)	Amount	Status
Berkeley County Council	\$94,206.00	C
Jefferson County Commission	\$69,665.48	C
State of West Virginia	\$300,703.89	P
Total	\$464,576.27	

- Funding Source - Separately list each source of funds that will be used in the program.
- Amount - Enter the amount received or anticipated for each
- Status - Indicate the status of each funding source as follows:
 - P – Projected grant, loan or donation
 - A – Application submitted and under review
 - C – Funds Committed
 - R – Funds received, appropriated or on hand

**West Virginia Community Corrections
Grant Program Application**

**Budget Detail
Page 3**

Detailed Project Cost by Budget Category	Requested Community Corrections Funds	Local Funds Utilized	Grant Funds Approved
Personnel / Contractual: SEE CONTINUATION SHEETS	\$229,067.89	\$133,171.38	(DJCS Use Only)
Travel / Training: SEE CONTINUATION SHEETS	\$4,872.00	\$2,088.00	
Equipment (\$1,000/unit): SEE CONTINUATION SHEETS	\$4,495.00	\$1,926.00	
Other: SEE CONTINUATION SHEETS	\$62,269.00	\$26,687.00	
Total Requested WVCC Funds	\$300,703.89		
Total Local Matching Funds		\$163,872.38	
Total Funds APPROVED for Project			(For DJCS Only)

**CONTINUATION PAGE
BUDGET DETAIL**

PAGE 1	Category/Item	Total Cost	Berkeley	Jefferson	Total Local	WV CC Funds	Sub Local	Sub WVCC	SubTotals
	Personnel - Berkeley County								
	DRC Director - J. Sacchet	61,360.00	9,204.00	9,204.00	18,408.00	\$42,952.00			
	Salary: \$57,000; FICA: \$4,360								
	DRC Officer - M. Newlin	37,677.50	11,303.00	0.00	11,303.00	\$26,374.50			
	Salary: \$35,000; FICA: \$2,677								
	Admin Secty - B. Tucker (+4% COLA)	30,227.60	7,556.90	1,511.38	9,068.28	\$21,159.32			
	Salary: \$ 28,080; FICA: \$2,147.6 - match is prorated based on Jeff Co hires								
	Comm Serv Coordinator/Driver	21,000.00	17,500.00	3,500.00	21,000.00	\$0.00			
	- G. Gross (cash match) match is prorated based on Jeff Co hires								
	- Jefferson County								
	DRC Officer TBA - Starts 7/1/2012	37,677.50	0.00	11,303.00	11,303.00	\$26,374.50			
	Salary: \$35,000; FICA: \$2,677								
	Admin Secty - TBA Starts 11/1/2012	19,376.67	0.00	5,813.10	5,813.10	\$13,563.57			
	Salary: \$27,000; FICA: \$2,065								
	Comm Serv Coord/Driver - 11/1/2012	14,000.00	0.00	14,000.00	14,000.00	\$0.00			
	TBA. Salary: \$21,000 (cash match)								
	Contractual								
	Community Alt to Violence (BIPPS)	10,920.00	1,638.00	1,638.00	3,276.00	\$7,644.00			
	\$910 per month x 52								
	Counselors - Martinsburg	97,500.00	29,250.00	0.00	29,250.00	\$68,250.00			
	30hr/wk @ \$65 x 50 weeks								
	Counselors - Charles Town	32,500.00	0.00	9,750.00	9,750.00	\$22,750.00	133,171.38	229,067.89	362,239.27
	10hr/wk @ \$65 x 50 weeks								
	Travel & Training								
	Travel/Training								
	3 - 5day trips (3x lodging+M&IE+ mileage/trip; 3x (475+220+247))	1,960.00	294.00	294.00	588.00	\$1,372.00			
	Fuel & Maintenance-Jeff Co van	2,500.00	0.00	750.00	750.00	\$1,750.00			
	Fuel & Maintenance-Berkeley van	2,500.00	750.00	0.00	750.00	\$1,750.00	2,088.00	4,872.00	6,960.00
	Equipment								
	Fax/Copier/Printer - Charles Town	5,221.00	0.00	1,566.00	1,566.00	\$3,655.00			
	TV/VCR-DVD/Stand-Charles Town	1,200.00	0.00	360.00	360.00	\$840.00	1,926.00	\$4,495.00	6,421.00

CONTINUATION PAGE
BUDGET DETAIL

PAGE 2	Category/Item	Total Cost	Berkeley	Jefferson	Total Local	WV CC Funds	Sub Local	Sub WVCC	SubTotals
Other	Intoximeter - Charles Town	725.00	0.00	217.00	217.00	\$508.00			
	Drug screening supplies								
	Berkeley - \$3,000/month x 12								
	Jefferson - \$1,500/month x 12								
	total = \$54,000	54,000.00	10,800.00	5,400.00	16,200.00	\$37,800.00			
	Insurance - Brickstreet								
	Berkeley-\$2006; Jefferson-\$1,800	3,806.00	602.00	540.00	1,142.00	\$2,664.00			
	BRIM - WV Brd of Risk & Ins Mgmt								
	Berkeley-\$3,010; Jefferson-\$1,800	4,810.00	903.00	540.00	1,443.00	\$3,367.00			
	WV Unemployment/Wkrs Comp								
	Berkeley-\$2,000; Jefferson-\$2,000	4,000.00	600.00	600.00	1,200.00	\$2,800.00			
	Insurance for Jefferson Co. Van	1,750.00	0.00	525.00	525.00	\$1,225.00			
	Building Repair/Maintenance	1,500.00	450.00	0.00	450.00	\$1,050.00			
	Office Supplies- Berkeley-\$2,800								
	Jefferson-\$1,800	4,600.00	840.00	540.00	1,380.00	\$3,220.00			
	LS/CMI Inventory -Berkeley \$2,000								
	-jefferson\$1,200	3,200.00	600.00	360.00	960.00	\$2,240.00			
	Cleaning supplies -Berkeley \$1,800	1,800.00	540.00	0.00	540.00	\$1,260.00			
	Printing/Postage - \$550/\$400	950.00	143.00	142.00	285.00	\$665.00			
	Advertising for new hires	1,500.00	225.00	225.00	450.00	\$1,050.00			
	Fees & Taxes								
	Annual Warrant Database -\$550								
	WV State Tax Department -\$60								
	B&O Tax - \$160	770.00	116.00	115.00	231.00	\$539.00			
	Service Contracts on Printers								
	@ \$720/unit/yr	1,440.00	216.00	216.00	432.00	\$1,008.00			
	WV CC Assoc Dues/3 employees	105.00	16.00	16.00	32.00	\$73.00			
	Utilities - Electric/Water/Sewer								
	Berkeley - \$2200								
	Jefferson- \$1800	4,000.00	660.00	540.00	1,200.00	\$2,800.00	26,687.00	62,269.00	88,956.00
TOTALS		464,576.27	94,206.90	69,665.48	163,872.38	\$300,703.89	163,872.38	300,703.89	464,576.27

2013 Budget Draft2

Provide specific information that explains each proposed expense for the project. State clearly and in concise detail the breakdown and justification of need for each item requested for funding in the Budget Detail pages. Also, provide an identified breakdown of matching funds. Be sure to label the breakdown of matching funds as such. Attach additional pages if necessary.

PERSONNEL:

Berkeley County: Salaries + FICA are requested for Joseph P. Sacchet, Day Report Center (DRC) Director (\$57,000+\$4,360); M. Newlin, DRC Officer (\$35,000+\$2,677); and Brook Tucker, Administrative Secretary, with a 4% COLA (\$28,080+\$2,147.60). Job descriptions and/or resumes for each of these positions are attached.

Jefferson County: starting 7/1/2012 a DRC Officer - TBA, (\$35,000+\$2677); starting 11/1/2012 an Administrative Secretary - TBA (\$27,000+\$2,065 annual rate) and a Comm Service Coordinator - TBA (\$21,000 annual rate - all cash match) for 8 months: \$19376.67 and \$14,000 respectively.

Brickstreet, BRIM, and WV Unemployment/Workmen's Compensation costs are listed in the OTHER category. These are all full-time positions; because of the variety of activities ongoing in the DRC, there will be times when crossover of functions will be required to meet program goals. Funds for hiring a fiscal agent are not required because these functions have been and will be carried out in-house by the Berkeley County Council staff at no charge to the CC program. A Community Services Coordinator/Driver, Mr. G. Gross, has been hired for Berkeley County at \$21,000 and an equivalent position in Jefferson county (the latter starting in 11/1/2012) are totally paid for by local funds. The cash match is proportionately divided between Berkeley and Jefferson. For the Personnel category, \$90,895.38 in local funds are committed and \$130,423.89 are requested in CC funds.

CONTRACTUAL SERVICES:

A variety of counseling services for defendants will be provided through contractual arrangements with various local agencies. Community Alternatives to Violence (BIPPS) will provide services at \$910 per month, amounting to \$10,900 per year. In addition, counselors will be hired at \$65 per hour in both Martinsburg and Charles Town. In Martinsburg we have planned for 15 group sessions per week -- each group session requiring 2 hours (one in the group, one administrative); in Charles Town we have planned for 5 group session per week. The costs for these services for 50 weeks per year are estimated at \$97,500 in Martinsburg and \$32,500 in Charles Town. For Contractual Services, \$42,276 in local funds are committed, with \$98,644 requested in CC funds. (For the Personnel and Contractual Services combined, \$133,171.38 in local funds are committed and \$229,067.89 in CC funds are requested).

TRAVEL AND TRAINING:

The DRC Director will be required to attend administrative meeting in Charleston

three times over the course of the project period. These trips will each require one overnight stay and one travel day at an estimated total cost of \$1,960. Staff training will be done locally and the costs absorbed by the program. The DRC program has two vans which will require fuel and periodic maintenance. The estimated costs for Berkeley County are \$2,500 and those for Jefferson County are \$2,500. (Insurance for the Berkeley County van is paid through the Berkeley County Council; insurance for the Jefferson County Van is listed under Other expenses). Total costs for this category are \$6,960; local match is \$2,088 and \$4,872 is requested from CC funds.

EQUIPMENT:

The bulk of the equipment requested is for the DRC office in Charles Town and consists of a Fax/Copier/Printer at \$5,221, a computer at \$1,400, a TV/VCR-DVD Player/Stand (for counseling and training purposes) at \$1,200. The total cost of equipment is \$6,421 with local match amounting to \$1,926 and \$4,495 requested from CC funds.

OTHER EXPENSES:

An essential part of the program is the drug testing for defendants. This requires disposable mouth pieces for the Portable Breath Tester, Drug Screen Kits, drug testing services, and other related supplies. The cost of these supplies has escalated substantially over the past year. For the planned number of defendants in the program and the expected frequency of testing the cost of supplies will amount to \$3000 per month in Berkeley County and \$1500 per month in Jefferson County. In addition, an intoximeter is needed for Jefferson County at \$725. The total cost of these supplies will amount to \$54,725.

The annual insurance cost for Brickstreet, WV BRIM and WV Unemployment/Workman's Com are estimated at \$12,616.

Insurance for the van based in Jefferson County will cost \$1,750 per year.

Building repair and maintenance for the Berkeley County office is estimated at \$1,500. Office supplies, including stationery, copy paper, and toner for both offices are estimated at \$4,600. The proprietary Level of Service/Case Management Inventory (LS/CMI) used in intake screening will cost \$2,000 in Berkeley and \$1,200 in Jefferson. Cleaning supplies for the Berkeley County facility amount to \$1,800 (the cleaning the Jefferson County office is done by the Jefferson County facilities staff). Printing and postage will cost \$950 and advertising for recruiting new staff will cost \$1,500

Fees and Taxes include the fee for access to the Annual Warrant Database, the WV State Tax, and the Berkeley County B&O Tax. Together these amount to \$770. Service contracts for the two printers are \$720 each per year. Cost for membership in the WV Community Corrections Association amounts to \$35 each

for the Director of the DRC and two case managers.

Finally, utilities, including electricity, water and sewer, will cost \$2,200 in Berkeley County and \$1,800 in Jefferson County.

The Other Expenses category amounts to a total of \$88,956. The local match is \$26,687 and \$62,629 is requested in CC funds.

Please provide information that describes the proposed project. State clearly and in concise detail the purpose and direction of the project, including all components described in the project narrative section of the application instructions. All components must be addressed in the order listed in the instructions. Attach additional pages if necessary and label additional pages as 5a, 5b, 5c, etc.

PROBLEM STATEMENT:

Currently, according to the most recent U.S. Census figures, Berkeley and Jefferson Counties represent the highest population growth areas in West Virginia. Specifically, Berkeley County's population growth of 37% from 2000 to 2010 was by far the highest in the State during that period; Jefferson County's population increased by 26.8% during that same period. Morgan County also experienced relative substantial growth (17.4%) during this time. Berkeley County is currently the second most populous county in West Virginia with a population of 104,169. This is second only to Kanawha, which experienced a decline in population from 2000 to 2010. Overall, the combined three easternmost counties of the Eastern Panhandle (Berkeley, Jefferson, and Morgan) grew by 29.4% from 2000 to 2010 (from 133,038 to 172,208). This increase in population has adversely impacted the local jail population, as crime rates have increased commensurately with the area's growth. The counties, as a result, have faced crippling jail bills totaling literally millions of dollars. The introduction of the Day Report Center has not only helped to lessen these numbers, but has also helped these offenders address their various issues. Typically, jails (as opposed to prisons) offer little if any rehabilitation programming. The Day Report Center, however, specifically targets offenders' needs by offering such contractual treatment as batterers intervention and substance abuse counseling. Such programming not only reduces jail costs, but also helps to lower recidivism rates.

The Berkeley/Jefferson Day Report Center in Martinsburg and Charles Town receives referrals from each of the counties Magistrates and Circuit Courts. Many of these referrals are pre-trial diversions, conditions of probation and sentencing. The client base in the Berkeley and Jefferson County reflects a high level of crimes perpetrated to support drug addiction and alcohol related crimes. The target male population reflects a 28 year old individual, who is unemployed and supports criminal offenses directly related to a drug and or alcohol offense. These include charges for DUI, Battery, Destruction of Property, Domestic Battery and Shoplifting. The targeted female population reflects a 29-year-old individual with a confirmed drug and/or alcohol dependency and charged with offenses for Cruelty to Animals, False Pretense, Possession of Controlled Substance, Prescription Fraud, Shoplifting and Forgery. These defendants are referred to the program for eligibility screening and placement into programs to address their primary and secondary treatment needs. The need for these services reflect the high cost being paid in jail detention and the need by the courts to better address defendants needs to alleviate re-arrest and permanent incarceration. Both Day Report Centers are working with the Courts, Prosecutors, Public Defenders Offices, and Probation to address the treatment needs of defendants in both counties.

Please provide information that describes the proposed project. State clearly and in concise detail the purpose and direction of the project, including all components described in the project narrative section of the application instructions. All components must be addressed in the order listed in the instructions. Attach additional pages if necessary and label additional pages as 5a, 5b, 5c, etc.

PROGRAM DESCRIPTION:

The Berkeley/Jefferson Day Report Center support a staff inclusive of the Executive Director, an Administrative Assistant/Secretary, two contractual licensed professional counselors, a facilitator for the Batterer's Intervention Prevention Program, a full time DRC officer and a Community Service Supervisor/Van Driver. The Van Driver is funded from the counties cash match. The Day Report Center has a client base of fifty nine (59) clients and twenty four (24) bond supervision cases. The DRC supports the clients by providing Drug and Alcohol Management, Life Skills, BIPPS, individual counseling and drug/alcohol testing. These numbers have increased significantly since the last budget submission, and also reflects an increased number of defendants from Morgan County.

Funding for FY 2012-2013 is crucial to provide continued program growth. It is our goal to fully open the center in Charles Town to handle the residents of Jefferson County. Renovations were completed and that center is opened presently only on Tuesday's and Friday's. During this present year staffing was accomplished by using staff from the Martinsburg DRC. This process is everything but ideal and in order to completely manage that site a full complement of staff is mandatory.

The referrals being received from these two counties reflects a general population that has a very high drug/alcohol related crimes and those behavioral problems associated with that type of abuse. Also, entwined with this type of profile includes those related crimes such as DUI's, destruction of property, public intoxication, breaking and entering, petty larceny, uttering and forgery. Those defendants who criminal violations are of a non-violent nature can be channeled in to a DRC, receive appropriate treatment, maintain present employment or obtain employment, support their family with minimum impact and provide assistance in reducing the per-diem regional jail cost.

In the past year, clients who have completed the program have successfully reintegrated back into the community using the resources learned while attending this program. Support efforts in the community such as NA and AA, programs offered through the County Health Departments and DHHR have proven successful in assisting those individuals who completed the Day Report Center. The impact this Center has had on the target population has also created a support system that these individuals can use to maintain their sobriety and lead a more productive life.

Please provide information that describes the proposed project. State clearly and in concise detail the purpose and direction of the project, including all components described in the project narrative section of the application instructions. All components must be addressed in the order listed in the instructions. Attach additional pages if necessary and label additional pages as 5a, 5b, 5c, etc.

PROJECT EVALUATION:

The Community Corrections Information System provides to each DRC a valuable resource to track client/program data. Once an assessment on a client is completed using the LS/CMI the results are recorded in that system. Participant's attendance, program completions, drug/alcohol screenings, community service attendance, program completions and other measurable goals can be tracked. Each treatment staff person will be involved in an aspect of the assessment process and the finished report will be compiled by the Director. Strengths and deficiencies will then be reviewed and addressed by program staff thereby increasing program efficiency and accountability.

STRATEGIC PLAN FOR THE LOCAL COMMUNITY CRIMINAL JUSTICE BOARD (LCCJB)

The LCCJB is the backbone of the Berkeley/Jefferson Day Report Center providing support, guidance and professional knowledge towards the opening of the Center. Members of this board are very involved and dedicated to the DRC's goals attainment and have assisted in addressing problems associated with opening a DRC. The board originally met each month but now meets every other month unless a special session has to occur to address an immediate issue. The by-laws found in Attachment C outline in detail the duties/responsibilities of the board. Many of the Board Member's terms recently have expired and in every case each member requested to remain active in their position.

Please provide information that describes the proposed project. State clearly and in concise detail the purpose and direction of the project, including all components described in the project narrative section of the application instructions. All components must be addressed in the order listed in the instructions. Attach additional pages if necessary and label additional pages as 5a, 5b, 5c, etc.

PLAN OF SUSTAINABILITY:

The Berkeley/Jefferson Day Center has been operational since October, 2009 and still depends primarily on funding from the West Virginia Community Corrections grant program and the matching funds from the two participating counties. The Director of the Berkeley/Jefferson Day Report Center completed a Drug & Alcohol Testing Provider Agreement to administer drug and alcohol screening to the West Virginia Department of Health & Human Resources Bureau for Children & Families for Berkeley County. This endeavor has been in effect since November 2011 and has been expanded to include Jefferson County residents being tested at the Charles Town site.

The second plan to enhance future sustainability is to continue networking with grant writers in Berkeley and Jefferson Counties. Recent efforts to obtain additional grant funding were unsuccessful due to cutbacks in both federal and state funding sources. Continued efforts will be taken to research future grants that could be applied to this community corrections program. Contacts by the Director to obtain assistance from other Day Report Centers will be a main focus during the next fiscal year.

A third approach mentioned in last year's submission was to enter into a MOU with the Morgan County Commission that would enable that jurisdiction to place potential defendants into the Day Report Center at a charge of \$100.00 per client month. The agreement has been beneficial to Morgan County and the DRC and is growing both in terms of clients and bond supervision.

The final plan of action is to begin the preliminary ground work to open a tri-county drug screening lab to serve not only the DRC but also other county law enforcement agencies, local municipalities and federal agencies located in the three county areas. Morgan County has expressed interest in this venture and documentation is being obtained regarding start up costs, equipment and physical plant needs.

Goal - Broad statement about what the program intends to accomplish. This statement should state the long-term desired impact of the program, set scope or foundation, state long-range target or purpose, identify target population, and state the condition to be changed.

Objective - A specific statement of the desired short-term, immediate outcome of the program which will show accomplishment of the goal. Each objective must be **S.M.A.R.T.** (**S**pecific, **M**easurable, **A**ttainable, **R**esults oriented and **T**ime bound).

Outcome Measure - The data or tool used to measure achievement of the objective. How will data be collected, analyzed, and results shared.

Activities - What will be done and who will accomplish it. **You must have at least one (1) activity per objective.**

Timeline - When will the activity begin and end. **You must have a timeline for each activity.**

Goal Number: _____

Objective Number: _____

Outcome Measure:

Activities to meet objective:

- 1.
- 2.
- 3.
- 4.

Timeline for each activity:

- 1.
- 2.
- 3.
- 4.

Objective Number: _____

Outcome Measure:

Activities to meet objective:

- 1.
- 2.
- 3.
- 4.

Timeline for each activity:

- 1.
- 2.
- 3.
- 4.

Goal
Number: _____

Objective
Number: _____

Outcome
Measure:

Activities to meet objective:

- 1.
- 2.
- 3.
- 4.

Timeline for each activity:

- 1.
- 2.
- 3.
- 4.

Objective
Number: _____

Outcome
Measure:

Activities to meet objective:

- 1.
- 2.
- 3.
- 4.

Timeline for each activity:

- 1.
- 2.
- 3.
- 4.

Goal
Number: _____

Objective
Number: _____

Outcome
Measure:

Activities to meet objective:

- 1.
- 2.
- 3.
- 4.

Timeline for each activity:

- 1.
- 2.
- 3.
- 4.

Appendix B:

GOAL: 1

Staff the Charles Town Day Report Center in Jefferson County.

OBJECTIVE 1-1:

Hire a full time case manager to provide those services to the Charles Town site.

OUTCOME

MEASURE 1-1:

Advertise in appropriate news publications for this position. Develop the job description prior to advertising.

ACTIVITIES TO MEET OBJECTIVE 1-1

1. Schedule interviews for this position and include a case manager from another Day Report Center.

TIMELINE FOR THIS ACTIVITY:

1. July 1, 2012 place advertising in classified for position.
-

Appendix B:

GOAL: 1

Staff the Charles Town Day Report Center in Jefferson County.

OBJECTIVE 1-2:

Hire a full time secretarial position to provide clerical support for staff at the Charles Town site.

OUTCOME

MEASURE 1-2:

Advertise in local media for this position.

ACTIVITIES TO MEET OBJECTIVE 1-2

1. Develop a job description for the position.
2. Coordinate the scheduling of interviews of applicants.

TIMELINE FOR THIS ACTIVITY:

2. July 1, 2012 begin interviewing for the position and hire within three weeks.
-

Appendix B:

GOAL: 1

Staff the Charles Town Day Report Center in Jefferson County.

OBJECTIVE 1-3:

Hire a contractual licensed counselor (s) to staff the Charles Town site.

OUTCOME

MEASURE 1-3:

Advertise in local media for this position.

ACTIVITIES TO MEET OBJECTIVE 1-3

1. Develop a job description for the position.
2. Schedule interviews to hire the most eligible candidate.

TIMELINE FOR THIS ACTIVITY:

3. July 1, 2012 begin interviewing for the position and hire within three weeks.
-

GOAL: 2

Contact with the West Virginia Department of Health and Human Resources, Bureau for Children and Families to provide drug screening for department referred and or court ordered individuals who are receiving Child Protective/Youth Services from the Department.

OBJECTIVE 2-1:

Coordinate with the DHHR office in Morgan County to develop a protocol agreement for all parties outlining the process that DHHR clients will follow to be drug screened.

OUTCOME**MEASURE 2-1:**

Prepare a written protocol/procedure to be approved and signed by both Morgan County and the Berkeley/Jefferson Community Corrections Board and its Director.

ACTIVITIES TO MEET OBJECTIVE 2-1:

1. Meet with Morgan County to draft an acceptable Memorandum of Understanding (MOU)
2. Present the MOU to all parties for adopting and signatures.

TIMELINE FOR THIS ACTIVITY:

The time line to commence with this drug screening procedure for DHHR is predicated on the approval date received from Charles Town. This DRC is presently conducting these services to Berkeley and Jefferson Counties.

Goal #2

Contract with the West Virginia Department of Health and Human Resources, Bureau for Children and Families to provide drug screening for Department referred and or Court ordered individuals who are receiving Child Protective/Youth Services from the department.

OBJECTIVE 2-2:

Develop with the Morgan County DHHR office an invoicing system required by DHHR and approved by the Berkeley/Jefferson Community Criminal Justice Board.

OUTCOME MEASURE 2-2:

Prepare a ledger account to be administered by the DRC Financial Manager in Keeping with all accounting procedures.

ACTIVITIES TO MEET OBJECTIVE 2-2:

The Director with DHHR assistance will review their invoicing forms and incorporate them into the Day Report Centers.

TIMELINE FOR THIS ACTIVITY:

The timeline to commence with this drug screening procedure for DHHR is predicated on the final grant approval.

Goal #2

Contract with the West Virginia Department of Health and Human Resources, Bureau for Children and Families to provide drug screening for Department referred and or Court ordered individuals who are receiving Child Protective/Youth Services from the department.

OBJECTIVE 2-3:

Develop a secondary plan to hire one individual to administer these specific drug screens in a location agreeable to the DHHR office in Morgan County.

OUTCOME MEASURE 2-3:

Advertise, interview, hire and train the person to administer these drug screens.

ACTIVITIES TO MEET OBJECTIVE 2-3:

The Director of the BJDRC will coordinate all aspects relating to having a person on staff and trained to perform these tests.

TIMELINE FOR THIS ACTIVITY:

The timeline to commence with this drug screening procedure for DHHR is predicated on the final grant approval.

Goal #3

During FY 2013 client intakes/assessments will be conducted on individuals referred to the DRC by the Circuit Court, Magistrate Court, as well as those referred from the Prosecutors Office and Probation Office. All efforts must be taken to increase the client level at that site to better serve that county.

OBJECTIVE 3-1:

All individuals sentenced/referred to the Jefferson County DRC will be assessed for risk, substance abuse, cognitive functioning and if appropriate their educational level. The number of screened clients will be entered into the WV Community Corrections Information System.

OUTCOME MEASURE 3-1:

The Level of Service/Case Management Inventory (LS/CMI), Substance Abuse Subtle (PSDQ) will be used to measure achievement percentage.

ACTIVITIES TO MEET OBJECTIVE 3-1:

1. Ensure convenient screening times for clients. Van transportation can be available for clients if necessary.
2. Provide direct outreach to the Magistrate Courts and the Prosecutors Office to increase present client levels.

TIMELINE FOR THIS ACTIVITY:

1. Assessments/screenings will be conducted within 24 to 48 hours from the time the referral is received.
 2. Coordinate these actions with the hiring of support staff for this site.
-

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-1:

To provide substance abuse counseling to offenders sentenced or referred to the Jefferson DRC site for alcohol and substance abuse related crimes or whose assessments results indicate a probability for continued substance abuse dependence. Client participation is monitored daily and if a client does not participate the issue is addressed by the BJDRC Director and treatment team.

OUTCOME MEASURE 4-1:

Entries made in to the WV Community Corrections Information System and group therapy and the counselors progress notes.

ACTIVITIES TO MEET OBJECTIVE 4-1:

1. Individual counseling sessions conducted by LPC's
2. Groups conducted by LPC's

TIMELINE FOR THIS ACTIVITY 4-1:

1. Determined by the LPC (Licensed Professional Counselor) and ends upon DRC completion.
 2. Sessions are weekly and end when the LPC determines the client's progress.
-

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-2:

To provide cognitive and Life Skills counseling to all offenders sentenced to the Jefferson Day Report Center. Due to differences in the amount of time clients are sentenced to the DRC client's duration in the cognitive and life skills groups is based upon their scheduled release from the program. Client's participation is monitored daily and if a client's level of participation is not acceptable the DRC Director will address the matter with the client and the treatment team.

OUTCOME MEASURE 4-2:

Those entries made into the WV Community Corrections Information System and progress noted on each client's level of participation made by the LPC.

ACTIVITIES TO MEET OBJECTIVE 4-2:

1. Scheduled individual and group counseling sessions conducted by the LPC (Licensed Professional Counselor.)
2. Group Life Skills sessions conducted by LPC. Sessions are weekly and conclude when LPC has determined the client's level of progress.

TIMELINE FOR THIS ACTIVITY 4-2:

1. Determined by the LPC and concludes upon DRC completion.
 2. Sessions are weekly and completed upon client's progress by the LPC.
-

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-3:

To provide 24 hours of Drug and Alcohol Education I classes at the Charles Town DRC to offenders sentenced or referred to the DRC for a misdemeanor drug or alcohol related offense or whose assessment results indicate a probability of continued substance abuse or dependency.

OUTCOME MEASURE 4-3:

Entries made into the WV Community Corrections Information System, professional progress notes maintained by the LPC and pre/post test results.

ACTIVITIES TO MEET OBJECTIVE 4-3:

Provide classes to clients who meet entry requirements by certified Alcohol and Drug Counselors.

TIMELINE FOR THIS ACTIVITY 4-3:

Meet once per week for two hour session for twelve week duration.

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-4:

To provide 24 hours of Drug and Alcohol Education II classes at the Charles Town DRC to offenders sentenced or referred to the DRC for a misdemeanor drug or alcohol related offense or whose assessment results indicate a high probability of continued substance abuse or dependency.

OUTCOME MEASURE 4-4:

Entries made into the WV Community Corrections Information System, professional progress notes maintained by the LPC and pre/post test results.

ACTIVITIES TO MEET OBJECTIVE 4-4:

Provide classes to clients who meet entry LEVEL requirements by certified Alcohol and Drug Counselors.

TIMELINE FOR THIS ACTIVITY 4-4:

Meet once per week for two hour session for twelve week duration.

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-5:

To provide Batterer's Intervention Prevention Program classes at the Charles Town DRC to offenders who have been convicted or pled guilty to a domestic violence charge. These classes will be provided through the Common Purpose of the Eastern Panhandle – Community Alternatives to Violence Program. Clients are required to actively participate in class in order to receive credit for attendance. Progress notes on each client are completed by the facilitator and filed in each client's progress report folder. A Certificate of Completion will be awarded to each client who completes the 32 week session group.

OUTCOME MEASURE 4-5:

Entries made into the WV Community Corrections Information System, BIPPS weekly attendance sheet and copies of completion certificates.

ACTIVITIES TO MEET OBJECTIVE 4-5:

Provide BIPPS classes to clients convicted or who pled to a domestic violence offense by a BIPPS counselor.

TIMELINE FOR THIS ACTIVITY 4-5:

Program is 32 weeks in duration and meets once per week for a two hour session.

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-6:

To provide General Equivalency Diploma Classes at the Charles Town Day Report Center to clients who did not possess a high school diploma or a GED. The ultimate goal is to help clients obtain their GED. However, most clients are not in the program long enough to meet this objective. Therefore, our objective is to help 90% of GED students raise their educational level.

OUTCOME MEASURE 4-6:

Entries made into the WV Community Corrections Information System. Measures will also be tracked by comparing entry scores with exist scores on the GED assessment test.

ACTIVITIES TO MEET OBJECTIVE 4-6:

Provide GED classes and online programming to clients. This will be coordinated by a state licensed GED teacher.

TIMELINE FOR THIS ACTIVITY 4-6:

This process is ongoing while a client is participating in the DRC program.

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-7:

To provide computer skills classes at the Charles Town DRC site to clients who are not familiar with computers or who need to increase their proficiency in using computers.

OUTCOME MEASURE 4-7:

1. The number of clients attending/completing classes on a monthly basis.
2. Entries made into the WV Community Corrections Information System and all pre/post test results.

ACTIVITIES TO MEET OBJECTIVE 4-7:

Provide basic computer skills class to assist clients in job placement.

TIMELINE FOR THIS ACTIVITY 4-7:

Times and schedules will be determined by the availability of contractual staff.

Goal #4:

During FY 2013 treatment services will be increased at the Jefferson DRC site to provide to the growing client base by that Counties Circuit and Magistrate Courts, Prosecutors Office and Probation office.

OBJECTIVE 4-8:

To make referrals to the Eastern Panhandle Workforce Investment Board's Career Center to assist clients from Jefferson County with acquiring new job skills. This is to focus on clients who are unemployed or underemployed and who want to obtain a better job.

OUTCOME MEASURE 4-8:

Entries made into the WV Community Corrections Information System and acceptance verification of client's from the Career Center and attendance and progress data supplied to the DRC.

ACTIVITIES TO MEET OBJECTIVE 4-8:

Times and schedules will be determined by the Career Center Staff and the DRC Officer.

TIMELINE FOR THIS ACTIVITY 4-8:

Times and schedules will be determined by the availability of contractual staff.

Goal #5:

Reduce alcohol usage by BJDRC clients at both Day Report Center sites.

OBJECTIVE 5-1:

Clients will be randomly drug screened throughout their participation at both Day Report Centers. The BJDRC has a zero tolerance policy for drug usage. Drug test results are maintained on file and all positive results are sent to the appropriate court and prosecutor's office with a request for a status hearing to determine continued program participation.

OUTCOME MEASURE 5-1:

Entries made into the WV Community Corrections Information System and drug screening results to include lab confirmations.

ACTIVITIES TO MEET OBJECTIVE 5-1:

1. Use of 13 panel drug screen
2. Use of a Continuous Alcohol Monitoring Device (SCRAM UNITS)

TIMELINE FOR THIS ACTIVITY 5-1:

Times and schedules will be determined by the availability of contractual staff.

Goal #6:

During FY 2013 continue meeting with victim services providers to coordinate the sharing of information to better address victim issues and to enhance public safety whenever feasible.

OBJECTIVE 6-1:

Victim services are obtained through the Berkeley and Jefferson County Prosecutor's Offices with external agency referrals to such organizations as the Shenandoah Women's Center and the Alternatives to Violence Program as well as other private programs. Meetings will be held with victim services providers throughout the fiscal year to discuss victims. Meetings will be tracked and reported.

OUTCOME MEASURE 6-1:

Entries made into the WV Community Corrections Information System and shared information from victim services agencies.

ACTIVITIES TO MEET OBJECTIVE 6-1:

Coordination of victim services with named agencies by the DRC Officer. Meetings will be held with provider as required.

TIMELINE FOR THIS ACTIVITY 6-1:

As determined by the Victim Services Provider and the DRC Officer.

Provide a membership list of the LCCJB, including name, title, agency affiliation, mailing address, telephone number, fax number, email address, and amount of time on the board for each member. *Letters of commitment or MOU's from each board member, reflecting their understanding of the requirements of the Board will be required for Attachment C of this grant application.*

Berkeley/Jefferson Community Criminal Justice Board
Updated 3/12/10

Stat	Term	Position	Name	Organization	Phone	Fax	Email
		Began					
V	2008	President	Games-Neely, Pame	Berkeley County Prosecutor 380 W. South St. Suite 1100 Martinsburg, WV 25401	304-264-1971 304-263-6092		pneely@berkeleycountycomt
V	2008	Vice-President	Lawson, Deborah	Public Defender 313 Monroe St. Martinsburg, WV 25404	304-263-8909 304-267-0418		pddlawson@comcast.net
V	2008	Secretary	Zdziera, Carolyn	BIPPS Community Alternatives to Violence 891 Auto Parts Place Box 136 Martinsburg, WV 25403	304-262-4424/540-327-7849 866-332-2906		czdziera@msn.com
V	2008	Treasurer	LeMaster, Kenneth	Berkeley County Sheriff 802 Emmett Rousch Dr. Suite C Martinsburg, WV 25401	304-267-7000, 676-97236 (304) 267-7806		bcs0802@earthlink.net
V	2008	Member	Callen, Jan	United Way of the Eastern Panha 218 W. King St. Martinsburg, WV 25401	304-263-0603/676-5038 304-263-0614		uwepceo@comcast.net
NV	2008	Member	Hofe, C Mark	Director Berkeley County Probation Depart 380 W. South St. Martinsburg, WV 25401	304-264-1969 (304) 267-3710		mark.hofe@courtsww.gov
V	2008	Member	Hoff, Sheri L	Jefferson County Schools 110 Mordington Ave. Charles Town, WV 25414	304-728-9221, 540-247-9878 304-728-4574		shoff@access.k12.wv.us
NV	2008	Member	Hutchinson, Brenda	Morgan County Commission 77 Fairfax St. Room 101 Berkeley Springs, WV 25411	304-258-8540 304-258-7305		bhutchinson13@gmail.com
V	2008	Member	Lorenzetti, Ralph	Jefferson County Prosecuting Attc 304-724-6279/728-3243			Rlorenzetti@jeffersoncountyw

Berkeley/Jefferson Community Criminal Justice Board
Updated 3/12/10

			P. O. Box 729 Charles Town, WV 25414	304-728-3293		
V	2008	Member	McLaughlin, Debra Morgan County Prosecutor 77 Fairfax St. Suite 2A Berkeley Springs, WV 25411	304-258-8621 (304) 258-8638		debramh@aol.com
V	2008	Member	McQuade, Ruth Law Offices of Ruth A. McQuade P. O. Box 1774 Shepherdstown, WV 25443	304-876/6619 (304) 876-9147		ramquade@comcast.net
V	2008	Member	Stephens, Ron Director, Pupil Services Berkeley County Schools 401 S. Queen St. Martinsburg, WV 25401	304-267-3500 304-263-3633		restephe@access.k12.wv.us
NV	2008	Member	Morgan, Frances Jefferson County Commission 124 E. Washington St. P. O. Box 250 Charles Town, WV 25414	304-728-3284 304-725-7916		fbertymorgan@aol.com
NV	2008	Member	Rissler, Mary Paul Jefferson County Magistrate Judicial Center 110 N. George St. Charles Town, WV 25414	304-728-3274 304-728-3235		mprissler@frontiernet.net
NV	2008	Member	Sacchet, Joe Day Report Center 406 S. Raleigh St. Martinsburg, WV 25401	304-267-5000 EXT. 3960 304-596-2047		jsacchet@berkeleycounty.com
NV	2008	Member	Sanders, David Circuit Court Judge Jefferson County Courthouse 100 E. Washington St. Charles Town, WV 25414	304-728-3231 304-728-3398		sanded@mail.wvnet.edu
V	2008	Member	Shirley, Bobby Jefferson County Sheriff's Depart 112 Industrial Blvd. Keameysville, WV 25430	304-728-3205 304-728-3299		dring@jeffersoncountywv.org tshirley@icsdvw.com

Berkeley/Jefferson Community Criminal Justice Board
Updated 3/12/10

V	2008	Member	Slaughter, Harold	Psychological Consulting, Inc. 431 S. Raleigh St. Martinsburg, WV 25401	304-263-9095		wpsycan@aol.com
V	2008	Member	Smith, Ann	Shenandoah Women's Center 236 W. Martin St. Martinsburg, WV 25401	304-263-8522 304-263-8559		aksmith@swcinc.org
V	2008	Member	Soltis, Marty	Jefferson County Schools 110 Mordington Ave. Charles Town, WV 25414	304-728-9248 304-724-5311		msoltis@access.k12.wv.us
V	2010	Member	Wright, Nathaniel	President, Ministerial Association Lily of the Valley Chapel			pasiorwright4@verizon.net

Please use this page to provide (or attach a copy of) the program's organizational chart which includes the proposed funded positions for this project. Please list all staff members, position titles, salaries, and funding source for salaries.

BERKELEY/JEFFERSON DAY REPORT CENTERS

**BERKELEY/JEFFERSON
COMMUNITY CRIMINAL
JUSTICE BOARD**

**EXECUTIVE DIRECTOR
BERKELEY & JEFFERSON
COUNTIES
\$57,000 Annual Salary
Joseph P. Sacchet**

**ADMIN ASSISTANT
BERKELEY COUNTY**

**\$ 27,000 Annual Salary
Brook E. Tucker**

**DRC OFFICER
BERKELEY COUNTY**

\$35,000 Annual Salary

**COMMUNITY SERVICE
SUPERVISOR/VAN DRIVER**

**BERKELEY COUNTY
\$21,840 Annual Salary
Gene G. Gross
Cash Match**

**CONTRACTUAL
TREATMENT STAFF**

**BERKELEY COUNTY
LPC - \$65.00 Per Hour
CAV - \$45.00 Per Hour**

Funding Source: WV Community Corrections Grant/County Match Funds

Provide a brief statement outlining the program agency's procedures for hiring employees who are funded under this grant. Include with this application a job description and qualifications for the position(s) proposed under the grant. If position(s) are currently filled, then include a resume for each position filled.

**West Virginia Community Corrections Hiring Procedures, Job Descriptions Grant
Program Application and Resumes
Page 9**

Provide a brief statement outlining the program agency's procedures for hiring employees who are funded under this grant. Include with this application a job description and qualifications for the position(s) proposed under the grant. If position(s) are currently filled, then include a resume for each position filled.

HIRING PROCEDURES FOR THE BERKELEY/JEFFERSON DAY REPORT CENTER

The Director who wishes to fill a vacant position will complete and submit a Personnel Request Form to the Board for authorization and discuss any changes to the job description.

Whenever possible and practical, current Center employees will be given first consideration for open positions if they are qualified. The Director, or the Assistant Director or Board Secretary in the absence of a Director, will assure that all job announcements are posted internally at the Center and the Administrator of both Berkeley and Jefferson County Commissions for posting internally (via email and on bulletin boards, if available), and externally (newspaper advertisement) for a period of not less than ten (10) calendar days. Any employee interested in applying for a position shall forward a resume to the Center Director or Assistant Director or Board Secretary in the absence of a Director, prior to the deadline established in the job announcement, in order to be considered a candidate for the open position.

Consideration for employment will be based solely on an applicant's qualifications for the position. The Director, Assistant Director, Board or Board Committee in the absence of a Director, will review the most qualified applicants, conduct employee related reference checks and inform the Board of his/her choice to fill the vacancy. The Director will further make a recommendation as to compensation. The final recommendation will be made to the Berkeley/Jefferson Community Criminal Justice Board who has full authority for matters relating to employment and compensation.

Upon the Board's approval, a conditional offer of employment will be made to the successful applicants. All offers of employment will be contingent on successful completion of a background investigation and possibly a physical and drug screen.

All rules subject to exceptions by law, which may otherwise apply.

JOB DESCRIPTION

Regional Director

Work Hours: 40 hrs a week
Position: Full-Time

Definition of Work

Be able to perform managerial work in directing the operations of multi-county Day Report Centers.

Distinguishing features of this position

An employee in this position performs professional and administrative work directing the day-to-day operations of several Day Reporting Centers. Work is characterized by the performance and operation of specialized court ordered, county, state, and federal contracts and programs for adults. Be able to manage and supervise several counties under one board. Work is performed with a wide degree of independence and latitude. Supervision is exercised over professional program directors and/or assistant directors and office support personnel. Work is performed under the general supervision of the Community Criminal Justice Board and County Commission with guidance on policy matters.

Examples of Work performed

- Initiates annual federal, state and county grants for all multi-county programs and Drug Treatment Labs. Also be responsible for actively seeking out additional funding from other grants available.
- Plans and prepares annual budget, grant applications, and manages program expenditures including coordination of monthly, quarterly and annual financial reports for all multi-county Day Report Centers.
- Attends local and state meetings and serves as program liaison to referring institutions, various boards, commissions, advisory panels, and judicial system.
- Interviews participants and coordinates client's referrals and screens pre-trial referrals.
- Assists in the development of state, federal and county contracts with Program Director/Assistant Director.
- Monitors reporting and contracting requirements.
- Initiates contact with various community resources and agencies.
- Supervises and evaluates Assistant Directors and Program Directors in Day Report Centers.
- Coordinates staff meetings and staff development activities with multi-county Program Directors.
- Performs related duties as required.

Knowledge, Skills and Abilities

- Thorough knowledge of the criminal justice system.
- Thorough knowledge of adult criminal justice system, laws, programs and activities.
- Considerable knowledge of related community resources and agencies.

- Skills in the use of modern office equipment, computers and common word processing, spreadsheet and file maintenance software.
- Ability to develop and administer program standard and objectives.
- Ability to direct and supervise personnel.
- Ability to interact with program participants with firmness, tact and impartiality.
- Ability to establish and maintain effective working relationships with advisory board personnel, subordinates, the general public, and court and school officials.

Minimum Education and experience

Qualifications: Graduation with a master's degree in a relevant field of study (i.e., counseling, corrections, criminal justice and social work) from an accredited college or university.

Experience: Five years of progressively responsible positions in working with the target population. Five years experience in management and supervision.

Acceptance:

I hereby accept this as an accurate job description as community service supervisor and I will abide by the standards set forward in it.

Employee Name (Print) Date

Employee Signature Date

Joseph P. Sacchet

1255 Lindsay Lane
Hagerstown, MD 21742
(301) 791-1005

Objective:

Secure professional placement in a business/organization using the management skills developed while being the C.E.O. of three adult male prisons. Apply the skills obtained through previous job experience, which included organizing and evaluating institutional operations, budget management and staff development.

Work Experience:

- CITIGROUP, Hagerstown, Maryland
Site Security Manager
(February 2006-November 2008)
- MARYLAND CORRECTIONAL INSTITUTE, Hagerstown, Maryland
Warden
(June 2003-June 2005)
- ROXBURY CORRECTIONAL INSTITUTE, Hagerstown, Maryland
Warden
(May 1997-June 2003)
- MARYLAND CORRECTIONAL TRAINING CENTER, Hagerstown, Maryland
Warden
Assistant Warden
(April 1992-May 1997)
(September 1986-April 1992)
- ROXBURY CORRECTIONAL INSTITUTE, Hagerstown, Maryland
Classification Senior Counselor
MCCS Audit Standards Coordinator
Administrative Assistant to Warden
(September 1985-September 1986)
(October 1984-September 1985)
(June 1983-October 1984)
- MARYLAND CORRECTIONAL TRAINING CENTER, Hagerstown, Maryland
Administrative Assistant to Warden
Correctional Classifications Counselor
(June 1981-June 1983)
(October 1974-June 1981)
- HAGERSTOWN POLICE DEPARTMENT, Hagerstown, Maryland
Uniformed Patrol Officer
(September 1973-October 1974)

Strengths and Skills:

As a warden from April 1992-June 2005, job functions and responsibilities included the following:
Planning, organizing and evaluating for the overall management of the institution:

- Reviewing and devised long range plans, goals, and objectives and provided input into the coordination of institutional programs, including five year budgetary planning.
- Established policies, procedures, priorities, and deadlines governing all institutional operations.
- Established standards for the attainment of goals that ensured all institutional operation and programs were effectively coordinated.
- Reviewed the attainment of goals relative to available resources and the Division's mission, taking corrective action or making recommendations when necessary to meet requirements, objectives and goals.

Directed all institutional operations and programs to include: Inmate custody and treatment, maintenance and security of the entire physical plant including land, building, furnishings, equipment and machinery, personnel, dietary and case management, also psychological and medical services.

- Exercised overall administration and management of the institution.
- Implemented and managed programs outlined by State statutes and regulations, agency policies, federal courts and accepted correctional standards.

- Exercised independent judgment and action on all related issues.
- Complied with applicable government regulations, departmental/divisional orders, agency policies and accepted correctional standards.

Maintained lines of communication in order to manage institutional operations effectively and efficiently.

- Administered personnel matters to include employee performance appraisals, disciplinary actions, hiring and promotions, etc.
- Identified training needs to develop subordinates and took action necessary to address needs, ensuring that subordinates complete required training within the budget and scheduling limitations.
- Motivated employees through appropriate rewards and corrective actions
- Supported the EEO program.

Managed and administered annual budget, including estimates and justifications.

- Controlled expenditures of appropriated funds.
- Reviewed contracts and accounts for the utilization and expenditures of resources and monitored use of funds.
- Directed the economical use of employee and inmate workers, money and material.

LEVEL, FREQUENCY AND PURPOSE OR WORK CONTACTS

1. Weekly (and at times daily) contact with the Commissioner, Deputy Commissioner, and Assistant Commissioner in order to provide information and receive guidance.
2. Daily briefings with institutional subordinate staff to disseminate information and provide guidance and direction.
3. Met as needed with the Officers of State and Federal courts and inmate attorneys to provide information and to explain procedures and decisions.
4. Met as needed with members of the public and/or civic and inmate advocacy groups to provide information and discuss concerns.

DECISIONS AND RECOMMENDATIONS

1. Directly supervised all major Capital Construction Projects, including involvement in the planning and construction phases of major development projects. Participation in weekly construction variances were communicated to me and relayed to the Divisional Headquarters.
 - a. Actively assisted in the design and construction of the Roxbury Correctional Institution. This facility was originally designed as a 720-bed adult male prison.
 - b. Actively assisted in the design and construction phase at the Maryland Correctional Training Center for Housing Unit 6, which would house 420 adult males. These efforts also included monitoring the renovation of the building's main kitchen.
 - c. Actively assisted in the design and construction of the complex "Central Kitchen" and its expansion five years later. The central kitchen facility is a state of the art food service preparation facility and prepares meals for 7,000 inmates in the Hagerstown Complex and 14,000 additional inmates in Central and Western Maryland.
 - d. Played an active and key role in the design phases for the replacement of the perimeter fence, intrusion systems, perimeter road and interior zone fencing at the Maryland Correctional Training Center.
2. Recommendations made to the Secretary of DPSCS through DOC Headquarters as to termination of employment of employees.
3. Decisions made daily regarding methods for managing all programs in the instruction.

Administrative Assistant to the Warden:

Key purpose and function was to provide assistance to the wardens in all administrative areas necessary for that individual to efficiently and effectively administer a prison population, staff, budget and security. Duties included:

- Supervision of department personnel both in terms of direct supervision and indirect supervision.
- Initial writing and annual updating of Institutional and Custodial Directives.

- Chairing the "Institutional Motor Vehicle Accident Review Board", and the "Institutional Fire/Safety Committee"
- Initiating and maintaining all directives and communications pertaining to the Maryland Commission on Correctional Standards.
- Actively participating in employee promotional boards and initial interview boards
- Preparing five year Capital Budget plans and a feasibility study regarding a complex Motor Pool operation

Correctional Classification Senior Counselor:

Overall tasks for this position included providing counseling to inmates with respect to the inmate's adjustment within the institution, preparation for release, consideration for less security status and inmate problems in general.

- Routinely corresponded with public and private agencies and inmates' families in preparing an inmate's case for special considerations such as minimum security, institutional transfers, etc.
- Conducted regularly schedule classification meetings, attending M.A.P. multi-meeting, considering inmates for the Multi-Disciplinary Counseling Process and presenting their case before the institutional board.

Education:

Professional Courses/Training provided by the State of Maryland:

- Emergency Plans Development
- Proper Application of Use of Force
- Environment Awareness and Issues
- Airborne/Blood borne Pathogen as it relates to staff/inmates
- Security Threat Groups-The influence they play within Corrections
- Sexual Harassment-Issues and Procedures
- Religious Freedom Restoration Act-An overview
- Tool/Key Control in Corrections
- University of Maryland Robert H. Smith School of Business-Maryland Government Executive Institute Program
- Comp Master Training-Word/PowerPoint/Access/Excel (June 2006)

Shippensburg University, Shippensburg, PA
Criminal Justice School of Graduate Study
 University of Baltimore, Baltimore, MD
Bachelor of Science in Criminal Justice

(34 Credit hours)

(Graduated June 1973)

References furnished upon request

**JOB DESCRIPTION
ADMINISTRATIVE ASSISTANT/SECRETARY**

Nature of Work

This is a multi-functional administrative position which involves responsibility for closely monitoring and tracking Day Report Center grants and budget.

Examples of Work Performed

1. Closely tracks all expenses related to the Day Report Center budget:
 - a. Performs weekly calculation of all expenses for submission to county commission office in order for expenses to be paid.
 - b. Prepares and tracks monthly grant reports for submission to the Community Corrections Office, WV Division of Criminal Justice Services – includes calculation of all expenses and organizing expenses into proper categories in order to receive monthly reimbursement checks.
 - c. Tracks home incarceration collections and expenses.
2. Attends bi-monthly meetings of the Eastern Panhandle Community Criminal Justice Board and prepares meeting minutes.
3. Tracks payroll and benefits for all staff.
4. Tracks vacation, sick leave, and comp time for all full-time staff members.
5. Organizes quarterly report sent to all circuit court judges, magistrates, prosecuting attorneys and county commissions in four-county catchment area.
6. Maintains day/evening master and individual schedules for clients.
7. Prepares absentee and community service forms for clients.
8. Attends monthly day and evening treatment team meetings and prepares reports of the meetings.
9. Conducts random drug testing.
10. Performs general office duties that include organization of files, answering phones, use of fax machine and copy machine, typing, sending mailings.

11. Performs client billing on a monthly basis
12. Tracks payments from clients and agencies
13. Performs other related duties as required by the director.

Minimum Qualifications

Training:

Minimum of Associate's degree in Business Administration, Bachelor's preferred.

Experience:

One year experience as an administrative assistant to include fiscal responsibilities.

Desirable Knowledge, Skills and Abilities

1. Knowledge of standard and legal English, proper spelling, and punctuation.
2. Ability to perform mathematical applications.
3. Excellent organizational skills.
4. Ability to communicate professionally through oral and written methods.
5. Ability to handle multiple tasks with efficiency.
6. General knowledge of basic office procedures including use of office equipment.
7. Ability to work as a team member.
8. Knowledge of proper etiquette relating to office practices and procedures.
10. Ability to understand and follow complex oral and written instructions.
11. Skill in the use of a computer and various associated software i.e. Microsoft Office (Word, Access, Excel, and PowerPoint).



BROOK E. TUCKER

102 North Kentucky Ave., Martinsburg WV 25401 (304) 279-4239

EMPLOYMENT HISTORY

Berkeley/Jefferson Day Report Center
Martinsburg, WV

07/27/09 - present

- Administrative Assistant/Finance Officer
- Multi-task position including but not limited to assisting the Executive Director as well as working closely with prosecutor's offices. Performing onsite drug testing and maintaining client records, and schedules, drug testing schedules, as well as billing. Created online schedule for the Day Report Center open to the public on the Berkeley County Commission website. Prepare and fax criminal background checks to Berkeley and Jefferson County Central Dispatch. Communicate and coordinate with contracted staff with budgeting, client schedules, and placement in groups. Bookkeeping, prepare monthly budget, tracking grant monies, as well as maintaining center purchase orders and billing. Certified in routine drug testing to female clients. Official Notary Public by the State of West Virginia onsite for the Day Report Center.

Region 9

02/17/09-04/03/09

Martinsburg, WV

- Administrative Assistant
- Assisted the Executive Director and Fiscal Agent. Duties included receptionist, filing, typing, copying, maintaining office supplies, inventory, preparing correspondence and proofreading. Attended monthly board meetings as well as scheduled in house meetings for guest organizations and transcribing meeting minutes. Prepared conference areas for meetings and maintained reception area. Worked closely with state and local agencies, City Council and County Commission.

Bars and Booths, Inc.
Charles Town, WV

10/12/08-012/08/09

Office Assistant

- Worked for a online retail outlet in the home office assisting the sales and shipping departments. Daily duties included maintaining online website working closely with content of website as well as contact with customers and vendors. Proofreading, uploading photographs, and description of product. Maintained office area with filing, copying, mailing, running errands and other services as needed. Cleaned and maintained appearance of 4, 000 square foot

showroom.

Colonial Farm Nursery

01/09/05 – 04/07/07

Martinsburg, WV

Greenhouse sales/cashier

- Full time year round position working as a cashier, salesperson, and greenhouse worker. General greenhouse duties including planting, trimming, and setting up plants for display and sale. Loading and unloading plant material. Cleaning and care of nursery and greenhouse stock. Customer service as a horticulture expert. Assisting the landscape department. Creative aspects of creating and arranging potted material, seasonal displays and customer requests.

Personal

Gardener

4/16/2004 – 11/25/2004

Martinsburg, WV

Landscaper/Garden Design

- Owned a full time landscape business creating garden beds and design for area clients in the Eastern Panhandle. Maintaining existing gardens on a weekly or bi-weekly basis. Mulching, planting, weeding, watering, trimming, and general clean up. Participated in the Homes and Garden tour of Spring 2004 at a historical home and was a full time gardener for an estate outside of Martinsburg.

Potomac Farms Nursery

02/14/2002 – 4/12/2004

Shepherdstown, WV

Head Cashier/Assistant Manager

- Full time Head Cashier managing the garden center area in inventory, stock, training new cashiers, accounting, daily bank deposits, maintaining appearance of garden center showroom area as well as maintaining the front of the nursery. Assisted nursery owner, nursery manager and greenhouse manager on a daily basis. Duties included, answering and transferring phone calls to appropriate departments, tracking customer requests and keeping track of inventory.

Making and tagging nursery stock and making signs for the greenhouse department. Assisted the landscape department managers. Scheduling employees, scheduling deliveries, and ordering supplies. In the winter months, worked in the greenhouse planting seasonal greenhouse stock and preparing for the Spring. Customer service skills, receptionist, horticulture expert to customers.

EDUCATION

- Martinsburg High School 1991
- Shepherd University 1998
- WVU Extension Service – Master Gardener Course 2004
-



406 South Raleigh Street
Martinsburg WV 25401

Phone: 304-267-5000 ext
3961
Fax: 304-596-2047

Berkeley/Jefferson Day Report Center

3/5/12

At the present time the DRC Officer position is vacant and will be filled in the near future.


Joseph Sacchet
Director/BJDRC

JOB DESCRIPTION DRC OFFICER

Salary Range: ~~\$22,500-30,500~~ ^{35,000}
Work Hours: 40 hrs a week
Position: Full-Time

Definition of Work

The DRC Officer positions will provide services mainly through assessment and referral. When brokered, these services will be monitored and evaluated in concert with the treatment plan. Periodically DRC Officers will provide directly the following. Travel is only on as needed basis.

Examples of Work Performed

- Provides ongoing supervision and rehabilitative services to an assigned caseload. Duties include, but are not limited to, intake assessments, drug screening, community supervision, as well as in-home visits.
- Maintains contact with community resources in order to arrange referrals and services as necessary.
- Interviews clients, their families and interested individuals as necessary to determine the nature of the problems to be encountered.
- Prepares reports, correspondences, and documents as necessary, maintains records of contacts with clients.
- Performs related work as required.

Desirable knowledge, abilities, and skill

- Knowledge of principles of DRC Officers, court system, criminal justice, counseling, therapy, adult education and vocational education, as well as probation, parole and corrections work.
- Knowledge of state laws, rules, and cases affecting probation, parole, and corrections.
- Knowledge of state laws, rules, and cases affecting probation, parole, and corrections.
- Ability to collect and analyze court documents, mental health summaries, educational material and diagnosis.
- Knowledge of local community structure and resources.
- Ability to work within the community and to use available resources.
- Ability to maintain records and make oral and written reports and assessment to the courts and local resources.

Required Education

Qualifications: Licensed at the baccalaureate level, knowledge of provider systems within the region and entry level clinical skills.

Acceptance:

I hereby accept this as an accurate job description as community service supervisor and I will abide by the standards set forward in it.

Employee Name (Print)

Date

Employee Signature

Date

RESUME

Jessie L. Rayl
305 S. Maple Avenue
Martinsburg, WV 25401
(304) 263-1364 (Home)
(304) 262-8020 (work)
(304) 671-9780 (cell)
(304) 262-8099 (fax)
eaglewings@wvdsi.net

I am a licensed professional counselor who provides mental health / substance abuse assessments, diagnostics, and counseling to clients from age seven and above. I work independently as an individual practitioner.

EDUCATION:

West Virginia University, Morgantown, West Virginia; (August 1992 -- May 1995), Masters degree in Community Mental Health Counseling

Fairmont State University, Fairmont WV; (January 1986 -- December 1988) Bachelors Degree in Community Psychology

Allegheny Community College, Cumberland Maryland (August 1983 -- May 1985) Associate Degree in Secretarial Science, Medical option

EMPLOYMENT:

November 2003 to present: Self-employed, Jessie Rayl DBA Pathways Counseling Services, Mental Health / Substance Abuse Counselor

September 1993 - October 2003: EastRidge Health Systems, Triage Case Manager, Crisis Worker, Mental Health Counselor

1990 -- 1993: Medical Transcriber for various facilities including

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Jessie L. Rayl, MA, ALPS, LPC

EMPLOYMENT:

. Private practice psychotherapist, 101 Medical Court, Suite 108, Martinsburg WV 25401 (February 2004 to present)

. Eastridge Health Systems, 235 WS. Water Street, Martinsburg WV 25401 (September 1993 to October 2003). Triage case management, transcription, crisis worker, and psychotherapist.

. City Hospital, Inc. Martinsburg WV 25401. (1990 - 1992). Transcribed medical reports from dictations by psychiatrists, social workers and doctors.

. West Virginia Advocates for the Developmentally Disabled, Charleston WV 25301. (1988 - 1990). Provided advocacy for 75 consumers with developmental disabilities throughout the eastern panhandle of West Virginia.

NOTE: I have worked in various capacities (1980 - 1988) including American Red Cross, bookstore, medical secretary, staff aide at Potomac Center.

MEMBERSHIPS:

. American Mental Health Counselors Association: 2006 to present . President, Mountain State Council of the Blind (September 2003 to present) . President, Tri-county Chapter of MSCB (January 2005 to present)

. President: American Council of the Blind Human Service Professionals (July 2005 to present)

. Vice President, Consumer Advisory Council of West Virginia Division of Rehabilitation (April 2005) to present

. Martinsburg Lions' Club (2001 to present)

. *Pilot Dog Alumni Association*

. American Mental Health Counselors Association: 2006 to present . West Virginia Counseling Association (1995 to present)

LICENSING / CERTIFICATION:

Approved Licensed Professional Supervisor: (August, 2007)

. Licensed Professional Counselor, West Virginia Board of Examiners (1998 to present) License #1375

. Certified Cognitive-Behavior Therapist / National Association of Forensics Counselors (1998 to present)

. Eligible for National Board of Certification (1998 to present)

References on request

Gaitherburg private office and City Hospital, Inc, Martinsburg WV

1988 -- 1990: West Virginia Advocates, Advocate for Developmentally Disabled

1986-- 1988: Fairmont State Bookstore, Receptionist

1982 -- 1985: Medical transcriber for Jeffery S. Life, MD, Romney WV

1984 -- 1986: Potomac Center, Romney WV; Aid for developmentally Disabled

AFFILIATIONS:

American Mental Health Counselors Association: 2003

American Council of the Blind: 2003

Mountain State Council of the Blind: 2003

(Established new state affiliate in 2003, President for past six years; President of local chapter for past six years, continue to be involved with ACB and MSCB in advocacy roles and on the national Advocacy level)

Berkeley/Jefferson County Day Report Center

406 South Raleigh St.
Martinsburg WV 25401
Joseph P. Sacchet, Director
304-264-1971 Ext. 4170

Contractual Agreement

This contractual agreement is entered into between Jessie Rayl_(hereafter Contractor) and the Berkeley/Jefferson County Day Report Center (hereafter "DRC").

It is agreed that Contractor will conduct individual counseling sessions, group counseling and supervision services on-site at the DRC for DRC clients as scheduled by the Administrative Assistant/Secretary or the Director of the Berkeley/Jefferson County Day Report Center.

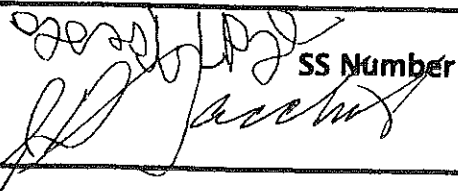
This agreement is for a twelve month period beginning on 9/21/11 and ending on 9/21/12. A fee of \$35.00 per hour will be paid for group and individual counseling as requested and scheduled.

Furthermore, it is agreed that either the Contractor or the Director of the DRC can terminate this contract, with or without cause, by providing at least two weeks written notice of the date the contract is to be terminated.

I, Jessie Rayl, the Contractor specified in the contractual agreement, do hereby agree to the terms and conditions outlined in the contract. I acknowledge that I have previously been given a copy of the Rules of Conduct for Contract employees and the Berkeley/Jefferson County Day Report Center. As a contractual employee, I agree to govern myself according the DRC's Rules of Conduct and Confidentiality Policy.

12.14.11

Name

 SS Number

Date

12.14.11

Joseph P. Sacchet, Executive Director

Date

JOB DESCRIPTION SUBSTANCE ABUSE COUNSELOR

Nature of Work

Conduct substance abuse assessments and provide group and individual substance abuse counseling to a diversity of clients referred by the circuit courts, magistrate courts, family court, prosecuting attorneys, defense attorneys, probation officers or department of health and human resources.

Examples of Work Performed

1. Assess new clients
 - a. Biopsychosocial History
 - b. Chemical History
 - c. Score SASSI
 - d. Complete Summary of Substance Abuse Assessment
 - e. Provide client information concerning presenting problem and any other ancillary problems identified through the SASSI assessment to the person in charge of the client data base.
 - f. Prepare assessment report and mail to court or agency making referral

2. Facilitate substance abuse groups
 - a. Process Group
 - b. Relapse Prevention Group
 - c. Problem Solving Group
 - d. Big Book Study Group
 - e. Basic Text Study Group

3. Provide individual substance abuse counseling.

4. Write daily progress notes on each client seen in group and individual counseling.

5. File progress reports and keep files in order.

6. Pick up extra groups as needed to cover vacation/sick days.

7. Prepare contracts to be signed by client, set up appointment for the signing and review and sign contract with client.

8. Help to prepare client's daily and master schedules.

9. Work with director, substance abuse coordinator, and other counselors to re-vamp substance abuse component of program as needed.

Minimum Qualifications

Training:

1. Minimum of a Bachelor's degree in counseling, social work or a related field. Master's degree highly preferred.
2. An addictions certification (C.A.C., C.A.C.-S., or C.C.A.C.) preferred. A professional license (T.L.S.W., L.S.W., or L.P.C.) recommended, but not required. If not certified, must be willing to obtain certification.

Experience:

At least one year of experience providing group and / or individual substance abuse counseling. Experience in both preferred.

Desirable Knowledge, Skills and Abilities

1. Good working knowledge of the disease concept of addictions.
2. Good working knowledge of 12 Step Groups (AA, NA, Al Anon, etc.).
3. Strong counseling ethics.
4. Experience working with resistant clients preferred.
5. Criminal justice or similar experience helpful, but not required.
6. Good oral and written communications skills.
7. Knowledge of group and individual counseling techniques.
8. Ability to establish and maintain effective working relationships with other employees, judges, attorneys, probation staff, court officials, and the general public.
9. Ability to work well as part of a team.

West Virginia Board of Examiners in Counseling

Advises all who shall read this document, that reposing special trust and confidence in the knowledge, dedication and competence of

Jessie Leona Rayl
License Number 1375

And in recognition of which, the Board has determined by the authority vested in it, to title the above named as a

Licensed Professional Counselor (LPC)

Approved Licensed Professional Supervisor (ALPS)

For practice in the field of Counseling as such upon enrollment thereof as provided in the West Virginia Code 30-31-5

License Issued
3/26/1998

Current Renewal Date

WVBEC

Valid Until

June 30, 2011

John J. Charonko
John J. Charonko, Chair

John H. Niles
John H. Niles, Secretary



WEST VIRGINIA UNIVERSITY



THE COLLEGE OF BUSINESS ADMINISTRATION

STATE COLLEGE, WEST VIRGINIA

DEPARTMENT OF ACCOUNTING

STATE COLLEGE, W. VA.

DEPARTMENT OF ACCOUNTING

STATE COLLEGE, WEST VIRGINIA

STATE COLLEGE, WEST VIRGINIA

VIRGINIA UNIVERSITY



DEPARTMENT OF DEAN TUCKER'S OFFICE

ALL MEMBERS OF THE FACULTY
AND STAFF OF THE UNIVERSITY
AND THE PRESIDENT OF THE BOARD
AND THE BOARD OF TRUSTEES

MRS. LUCIA RAY

DEPARTMENT OF
NORTH OF THE
UNIVERSITY

THE UNIVERSITY OF THE STATE OF VIRGINIA
AND THE BOARD OF TRUSTEES
AND THE PRESIDENT OF THE BOARD
AND THE BOARD OF TRUSTEES

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Cathleen A. Burns

8921 Little River Turnpike Fairfax, VA 22031 * (703)597-3622 * cburns2995@aol.com

EDUCATION:

- ~ M.A., Community Counseling, George Washington University, 1991
- ~ B.S.N., Nursing, College of Mount St. Joseph, 1982

CREDENTIALS:

- Licensed Professional Counselor, Virginia, 1994
- Licensed Professional Counselor, WV, 2011

PROFESSIONAL EXPERIENCE:

Pineridge Counseling Center, Fairfax, VA
Counselor, 1994-present

Pineridge Counseling Center is a private mental health practice providing comprehensive psychological services, including but not limited to, evaluation, consultation and psychotherapy. Treatment for children, adolescents and families is the cornerstone of the practice.

Responsibilities include:

- ~ Provide individual, couples, family and group counseling to clients with a variety of mental health issues including depression, anxiety, child abuse, domestic violence, physical, sexual, and/or emotional abuse, substance abuse, learning disabilities, anger management, ADHD, grief, and eating disorders. Provide counseling services related to child abuse, adoption, academic, family, parenting, marital and relational issues.
- ~ Act as liaison to local, county and state agencies, area medical professionals, and social service agencies to collaboratively deliver services to the public.
- ~ Respond Promptly to requests for services, referrals and information. Assure clients unable to be served within the scope of the practice are directed to appropriate resources within the community.
- ~ Maintain accurate records and submit timely reports to local and state agencies.

Cathleen A. Burns

8921 Little River Turnpike Fairfax, VA 22031 * (703)597-3622 * cburns2995@aol.com

Full Circle Farm: Growth and Healing Center (Not for Profit), V.P. Summit Point, WV
Counselor, 2011- present

Full Circle Farm: Growth and Healing Center is a not for profit organization that is dedicated to facilitating the healing journey of the human spirit through the connection of humans, horses and nature in a peaceful private setting. Services are offered to children, adolescents, adults and families with a range of presenting issues including anxiety, depression, substance abuse, relational issues, parenting issues, eating disorders, self-esteem issues, attention issues and anger management. Services are provided for individuals, families and groups. All staff are EAGALA certified. Equine Assisted Learning programs and Equine Assisted Psychotherapy services are available.

Responsibilities include:

- ~ Co-facilitate sessions with individuals, families and groups.
- ~ Evaluate clients and refer clients who are appropriate for equine assisted psychotherapy.
- ~ Case management.
- ~ Program development.
- ~ Participate in community outreach.
- ~ Participate and develop fund raising.

Berkeley/Jefferson County Day Report Center

406 South Raleigh St.
Martinsburg WV 25401
Joseph P. Sacchet, Director
304-264-1971 Ext. 4170

Contractual Agreement

This contractual agreement is entered into between Cathleen A. Burns (hereafter Contractor) and the Berkeley/Jefferson County Day Report Center (hereafter "DRC").

It is agreed that Contractor will conduct individual counseling sessions, group counseling and supervision services on-site at the DRC for DRC clients as scheduled by the Administrative Assistant/Secretary or the Director of the Berkeley/Jefferson County Day Report Center.

This agreement is to begin on 1/23/12 and ending on 6/31/12. A fee of \$35.00 per hour will be paid for group and individual counseling as requested and scheduled.

Furthermore, it is agreed that either the Contractor or the Director of the DRC can terminate this contract, with or without cause, by providing at least two weeks written notice of the date the contract is to be terminated.

I, Cathleen A. Burns, the Contractor specified in the contractual agreement, do hereby agree to the terms and conditions outlined in the contract. I acknowledge that I have previously been given a copy of the Rules of Conduct for Contract employees and the Berkeley/Jefferson County Day Report Center. As a contractual employee, I agree to govern myself according to the DRC's Rules of Conduct and Confidentiality Policy.

Name	SS Number	Date
<i>Cathleen Burns</i>	281615493	2-21-12
Joseph P. Sacchet, Executive Director <i>J.P. Sacchet</i>	2-22-12	Date

JOB DESCRIPTION SUBSTANCE ABUSE COUNSELOR

Nature of Work

Conduct substance abuse assessments and provide group and individual substance abuse counseling to a diversity of clients referred by the circuit courts, magistrate courts, family court, prosecuting attorneys, defense attorneys, probation officers or department of health and human resources.

Examples of Work Performed

1. Assess new clients
 - a. Biopsychosocial History
 - b. Chemical History
 - c. Score SASSI
 - d. Complete Summary of Substance Abuse Assessment
 - e. Provide client information concerning presenting problem and any other ancillary problems identified through assessments.
2. Facilitate substance abuse groups
 - a. Process Group
 - b. Relapse Prevention Group
 - c. Problem Solving Group
 - d. Big Book Study Group
 - e. Basic Text Study Group
3. Provide individual substance abuse counseling.
4. Write daily progress notes on each client seen in group and individual counseling.
5. File progress reports and keep files in order.
6. Pick up extra groups as needed to cover vacation/sick days.
7. Work with director and other staff to revamp substance abuse component of program as needed.
8. Upon request from the courts, conduct pre-dispositional assessments and make recommendations to the court on the appropriateness of the program to fit the needs of the defendant.
9. Provide progress reports as requested.
10. Perform other related duties as required by the Director.

Minimum Qualifications

Training:

1. Minimum of a Bachelor's degree in counseling, social work or a related field. Master's degree highly preferred.
2. An addictions certification (C.A.C., C.A.C.-S., or C.C.A.C.) preferred. A professional license (T.L.S.W., L.S.W., or L.P.C.) recommended, but not required. If not certified, must be willing to obtain certification.

Experience:

At least one year of experience providing group and / or individual substance abuse counseling. Experience in both preferred.

Desirable Knowledge, Skills and Abilities

1. Good working knowledge of the disease concept of addictions.
2. Good working knowledge of 12 Step Groups (AA, NA, Al Anon, etc.).
3. Strong counseling ethics.
4. Experience working with resistant clients preferred.
5. Criminal justice or similar experience helpful, but not required.
6. Good oral and written communications skills.
7. Knowledge of group and individual counseling techniques.
8. Ability to establish and maintain effective working relationships with other employees, judges, attorneys, probation staff, court officials, and the general public.
9. Ability to work well as part of a team.

Carolyn Zdziera

Objective To obtain a challenging position in a friendly, dynamic work environment

Summary of qualifications A seasoned professional finance and human services manager with solid experience in the business and non-profit communities.

Work Experience

April, 2005 to Present Community Alternatives to Violence, Martinsburg, West Virginia

Executive Director

- Redirect 10-year program for male and female perpetrators of domestic violence throughout the Eastern Panhandle
- Develop and implement strategies for fundraising and board development
- Train and supervise 8 group facilitators

April, 2005 to April 2009 National Conservation Training Center, Children's Tree House, Shepherdstown, West Virginia

Accountant

- Assume operational responsibility for accounting function from contracted CPA
- Train Executive Director in Quickbooks Pro
- Analyze and resolve significant accounts receivables issues

February, 2005 to June, 2005 Boys & Girls Club of Northern Shenandoah Valley Winchester, Virginia

Interim Executive Director

- Managed organizational transition from local after-school program to area Boys & Girls Club
- In concert with Board of Directors, wrote funding grants and completed annual reports
- Administered program & fiscal operations

June, 2003 to May, 2005 Frederick County Department of Social Services Winchester, Virginia

Frederick/Winchester/Clarke Revenue Maximization Coordinator

- Set up systems to monitor eligibility for seven public and private agencies dealing with at-risk youth

- Tracked claims and reimbursements from agencies for federal match grants.
- Marketed program to prospective agencies to increase funding for new and expanded programs

**1992-2003 Washington Suburban Press Network Reston, Virginia
Business Manager**

- Developed & executed management/financial systems, policies and procedures, as the first employee of startup advertising network
- Selected, installed, and managed accounting & order entry software
- Coordinating with President/CEO, played major role in growing the company from \$1M to \$8M business entity

Education

2005 Certification: Trainer & Facilitator

Duluth Domestic Violence Curriculum

2003 Certification: Parenting Your Out Of Control Teenager

2001 Liberty University Lynchburg, VA

MS Counseling Credits

1990 American University Washington, DC

One Year toward MBA

1966-1972 Towson University Towson, Maryland

BS/BA Sociology/English

Proficient in: Microsoft Office, including Excel, Word, Access, & Power Point. Quickbooks software. NT administration

Developing & writing needs assessments & requirements for various accounting & order entry systems.

Community

Activities

Community Corrections Board of the Eastern Panhandle, September 2008-Present

Patrick Henry Estates Homeowners Association, President, 2006-

Domestic Violence Task Force of the Panhandle, 2006-Present

United Way Health & Human Service Collaborative, Families & Children Task Force, 2007 to Present

United Way Martin Luther King Day Coordinator, 2004

Young Life of Northern Shenandoah Valley, Committee Member, 2004

Boys & Girls Clubs of Northern Shenandoah Valley, Special Projects Volunteer, 2003-2004

Lay Counselling to singles & marrieds through churches

Berkeley/Jefferson County Day Report Center

406 South Raleigh St.
Martinsburg WV 25401
Joseph P. Sacchet, Director
304-267-5000 ext. 3960

Contractual Agreement

This contractual agreement is entered into between Community Alternatives to Violence (hereafter Contractor) and the Berkeley/Jefferson County Day Report Center (hereafter "DRC").

It is agreed that Contractor will conduct individual counseling sessions, group counseling and supervision services on-site at the DRC for DRC clients as scheduled by the Administrative Assistant/Secretary or the Director of the Berkeley/Jefferson County Day Report Center.

This agreement is for a twelve month period beginning on October 1st 2011 and ending on October 1st 2012. A fee of \$ 45.00 per hour will be paid for group and individual counseling as requested and scheduled.

Furthermore, it is agreed that either the Contractor or the Director of the DRC can terminate this contract, with or without cause, by providing at least two weeks written notice of the date the contract is to be terminated.

I, Cynthia Largent-Hill, for Community Alternatives to Violence, the Contractor specified in the contractual agreement, do hereby agree to the terms and conditions outlined in the contract. I acknowledge that I have previously been given a copy of the Rules of Conduct for Contract employees and the Berkeley/Jefferson County Day Report Center. As a contractual employee, I agree to govern myself according the DRC's Rules of Conduct and Confidentiality Policy.

<u>Cynthia Largent-Hill</u>	<u>55-9751906</u>	<u>12/19/11</u>
Name	FERN	Date
<u>Joseph P. Sacchet</u>		<u>12-20-11</u>
Joseph P. Sacchet, Executive Director		Date

LICENSE

STATE OF WEST VIRGINIA
FAMILY PROTECTION SERVICES BOARD
CHARLESTON, WEST VIRGINIA

This Certifies that a license is granted to

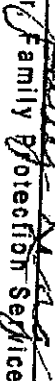
The Batterer Intervention and Prevention Program of Community Alternatives to Violence

In Martinsburg, Berkeley County, West Virginia

To operate a Domestic Violence Batterer Intervention and Prevention Program under the provisions of the West Virginia Code, Chapter 48, subject to the licensure standards set forth in Title 191, Series 3 of the Legislative Rule for Operation of the Family Protection Services Board. This License shall be in effect until the date of expiration hereinafter set forth unless revoked for due cause by the Family Protection Services Board, State of West Virginia, as provided in the Chapter.

SITES INCLUDED UNDER THIS LICENSE
BERKELEY SPRINGS, CHARLES TOWN AND MARTINSBURG

Data of Issuance: July 1, 2011
Date of Expiration: June 30, 2012


Chair, Family Protection Services Board

Alicia Haymaker

67 McCoys Ferry Road
Hedgesville, WV 25427
Alicia.haymaker@live.com
304-820-3941

Objective: To obtain a position with the Berkeley County Commission as a Professional Licensed Counselor.

Special Skills: I have the ability to speak, understand, and write the Spanish Language, great inter-personal skills, and computer systems skills. Trained in many specific behavioral cognitive classes and programs needed in a criminal justice setting such as "Thinking for a Change," "Anger Management," and "Drug Rehabilitation." I have experience training other employees in the many different drug, alcohol, and behavioral health classes and programs within the Maryland Department of Corrections.

Education:

May 2007	Graduated with Honors with a Master of Science Degree in Criminal Justice from the University of Baltimore
May 2005	Graduated with Honors with a Bachelor of Arts in Political Science from Marshall University with Minors in History and Spanish

Employment:

08/10-05/11 Horry Georgetown Community & Technical College
Conway, SC

Adjunct Professor

1. I currently teach lower & upper level criminal justice courses
2. Facilitate class discussion and disseminate course information
3. Provide a prompt and accurate recording of students' grades

01/08-05/10 MCI-H in Hagerstown, Maryland

Case Management Specialist-I

1. Classify inmates' security level based on the specific criteria outlined in the DPSCS DCDs.
2. Provide job and career services placement along with facilitating employment readiness and basic work skill programs.
3. Assign inmates to specific job bank, education, or other assignments as directed by the inmates' specific circumstances and requirements.

09/07-05/08

MCTC in Hagerstown, Maryland

Correctional Educator

1. Taught college level history classes: Western Civilizations I & II and Archaeology
2. Developed the core curriculum for continuing education programs in corrections
3. Monitored and facilitated all course work and course exams

10/06-04/07

MCI-H in Hagerstown, Maryland

Correctional Educator

1. Taught college level history classes: American History I & II
2. Developed the core curriculum for continuing education programs in corrections
3. Monitored and facilitated all course work and course exams

03/06-12/07

Eastern Regional Jail in Martinsburg, West Virginia

Head Drug & Alcohol Counselor

1. Facilitated and developed drug and alcohol rehabilitation classes
2. Handled inmate inquiries
3. Organized all lists and information for inmate social programs
4. Created different policy and procedures for the jail
5. Trained other counselors in the different drug, alcohol, and behavioral programs implemented at the jail

Computers: Word, Excel, PowerPoint, Windows 95/98/NT/XP

Extracurricular activities:

Student Government Director of Community Service & Senator at Marshall University from 2002-2005.

President of Pi Sigma Alpha- Political Science Honor Fraternity in 2005
Vice-President & Co-Founder of Phi Alpha Delta- Law Fraternity in 2005

References:

1. Mr. Mark Vernarelli- Public Information Officer for Maryland Department of Public Safety & Correctional Services
-Towson, Maryland
-Phone is 410-339-5065
2. Mrs. Jacqueline Shank- Case Management Supervisor at Maryland Correctional Institution
-Email is JAShank@dpscs.state.md.us
-Phone is 240-420-1311
3. Mr. Larry Bunting-Director of Inmate Programs at Eastern Regional Jail
-94 Grapevine Road
-Martinsburg, West Virginia 25405
-Phone is 304-267-0045

**JOB DESCRIPTION
SUBSTANCE ABUSE COUNSELOR**

Nature of Work

Conduct substance abuse assessments and provide group and individual substance abuse counseling to a diversity of clients referred by the circuit courts, magistrate courts, family court, prosecuting attorneys, defense attorneys, probation officers or department of health and human resources.

Examples of Work Performed

1. Assess new clients
 - a. Biopsychosocial History
 - b. Chemical History
 - c. Score SASSI
 - d. Complete Summary of Substance Abuse Assessment
 - e. Provide client information concerning presenting problem and any other ancillary problems identified through assessments.
2. Facilitate substance abuse groups
 - a. Process Group
 - b. Relapse Prevention Group
 - c. Problem Solving Group
 - d. Big Book Study Group
 - e. Basic Text Study Group
3. Provide individual substance abuse counseling.
4. Write daily progress notes on each client seen in group and individual counseling.
5. File progress reports and keep files in order.
6. Pick up extra groups as needed to cover vacation/sick days.
7. Work with director and other staff to revamp substance abuse component of program as needed.
8. Upon request from the courts, conduct pre-dispositional assessments and make recommendations to the court on the appropriateness of the program to fit the needs of the defendant.
9. Provide progress reports as requested.
10. Perform other related duties as required by the Director.

Minimum Qualifications

Training:

1. Minimum of a Bachelor's degree in counseling, social work or a related field. Master's degree highly preferred.
2. An addictions certification (C.A.C., C.A.C.-S., or C.C.A.C.) preferred. A professional license (T.L.S.W., L.S.W., or L.P.C.) recommended, but not required. If not certified, must be willing to obtain certification.

Experience:

At least one year of experience providing group and / or individual substance abuse counseling. Experience in both preferred.

Desirable Knowledge, Skills and Abilities

1. Good working knowledge of the disease concept of addictions.
2. Good working knowledge of 12 Step Groups (AA, NA, Al Anon, etc.).
3. Strong counseling ethics.
4. Experience working with resistant clients preferred.
5. Criminal justice or similar experience helpful, but not required.
6. Good oral and written communications skills.
7. Knowledge of group and individual counseling techniques.
8. Ability to establish and maintain effective working relationships with other employees, judges, attorneys, probation staff, court officials, and the general public.
9. Ability to work well as part of a team.

STATE OF MARYLAND

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

CERTIFICATE OF COMPLETION

presented to

Alicia Haymaker

by the

MARYLAND DIVISION OF CORRECTION

*This certificate is presented in recognition of
completion of the (VOICE) Victim Offender Impact of
Crime and Education Training for Trainers Program
Held June 9th, and June 10th, of 2008*

Rebecca Offutt
Rebecca Offutt
VOICE Trainers

Thomas Sheasley
Thomas Sheasley
VOICE Trainer

Debra Neighoff
Debra Neighoff
Director of Victim Services

THINKING FOR A CHANGE

CERTIFICATE OF COMPLETION

This is to certify that

Melicia Bryant

has completed

Thinking for a Change:
An Integrated Approach to
Changing Offender Behavior

November 14 - 17, 2006

Facilitator

Kathryn Toler

Kathryn Toler, Lead Teacher
Mount Olive Correctional Complex



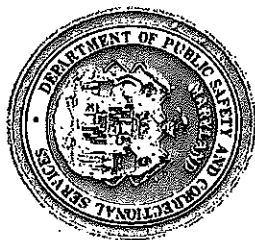
Trainer

Gary Sayre

Gary Sayre, Transition Skills Teacher
Mount Olive Correctional Complex



State of Maryland
Department of Public Safety and
Correctional Services



Criminal Justice Information System

THIS IS TO CERTIFY THAT

A L I C I A H A Y M A K E R

HAS SATISFACTORILY COMPLETED THE

NCIC LIMITED ACCESS COURSE

MARCH 13, 2008

DATE ISSUED

Robert Savianni

INSTRUCTOR

Carole J. Shelton

CJIS-CR DIRECTOR

Berkeley/Jefferson County Day Report Center

406 South Raleigh St.
Martinsburg WV 25401
Joseph P. Sacchet, Director
304-267-5000 ext. 3960

Contractual Agreement

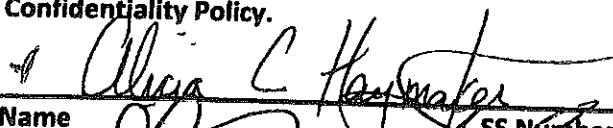
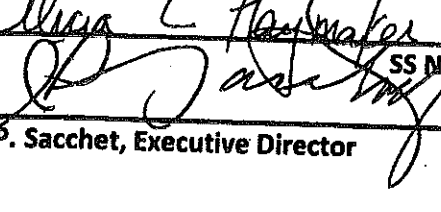
This contractual agreement is entered into between Alicia Haymaker (hereafter Contractor) and the Berkeley/Jefferson County Day Report Center (hereafter "DRC").

It is agreed that Contractor will conduct individual counseling sessions, group counseling and supervision services on-site at the DRC for DRC clients as scheduled by the Administrative Assistant/Secretary or the Director of the Berkeley/Jefferson County Day Report Center.

This agreement is for a twelve month period beginning on 8/15/11 and ending on 8/15/12. A fee of \$40.00 per hour will be paid for group and individual counseling as requested and scheduled.

Furthermore, it is agreed that either the Contractor or the Director of the DRC can terminate this contract, with or without cause, by providing at least two weeks written notice of the date the contract is to be terminated.

I, Alicia Haymaker, the Contractor specified in the contractual agreement, do hereby agree to the terms and conditions outlined in the contract. I acknowledge that I have previously been given a copy of the Rules of Conduct for Contract employees and the Berkeley/Jefferson County Day Report Center. As a contractual employee, I agree to govern myself according the DRC's Rules of Conduct and Confidentiality Policy.

		229-29-2700	8/15/11
Name	SS Number		Date
Joseph P. Sacchet, Executive Director			Date

Berkeley/Jefferson County Day Report Center

406 South Raleigh St.
Martinsburg WV 25401
Joseph P. Sacchet, Director
304-264-1971 Ext. 4170

Contractual Agreement

This contractual agreement is entered into between Alicia Haymaker (hereafter Contractor) and the Berkeley/Jefferson County Day Report Center (hereafter "DRC").

It is agreed that Contractor will conduct individual counseling sessions, group counseling and supervision services at the DHHR office located in Morgan County for DRC CLIENTS AS SCHEDULED BY THE Coordinator of Counseling Services or the Director of the Berkeley/Jefferson County Day Report Center.

This agreement is for a twelve month period beginning on 2/24/12 and ending on 2/24/13. A fee of \$35.00 per hour will be paid for group and individual counseling as requested and scheduled.

Furthermore, it is agreed that either the Contractor or the Director of the DRC can terminate this contract, with or without cause, by providing at least two weeks written notice of the date the contract is to be terminated.

I, Alicia Haymaker, the Contractor specified in the contractual agreement, do hereby agree to the terms and conditions outlined in the contract. I acknowledge that I have previously been given a copy of the Rules of Conduct for Contract employees and the Berkeley/Jefferson County Day Report Center. As a contractual employee, I agree to govern myself according to the DRC's Rules of Conduct and Confidentiality Policy.

<u>Alicia C. Haymaker</u>	<u>229-29-2700</u>	<u>2/25/12</u>
Name	SS Number	Date
<u>[Signature]</u>		<u>2-25-12</u>
Joseph P. Sacchet, Executive Director		Date

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

All correspondence to DJCS, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any DJCS grant program, should be mailed to the following address:

West Virginia Division of Justice & Community Services
1204 Kanawha Boulevard, East
Charleston, West Virginia 25301

1. LAWS OF WEST VIRGINIA:

This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by DJCS, regardless of the original funding source. This grant is on a "REIMBURSEMENT ONLY" mechanism.

2. LEGAL AUTHORITY:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. RELATIONSHIP:

The relationship of the grantee to DJCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind DJCS for any obligation or expense without the express prior written approval from DJCS.

4. COMMENCEMENT WITHIN 60 DAYS:

This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to DJCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. OPERATIONAL WITHIN 90 DAYS:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to DJCS explaining the delay in implementation. Upon receipt of the 90-day letter, DJCS may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

6. WRITTEN APPROVAL OF CHANGES:

The grantee must obtain prior written approval from DJCS for all project changes (programmatic, fiscal or otherwise).

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

7. CIVIL RIGHTS COMPLIANCE:

Grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, grantees will take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities.

8. PRESS RELEASE:

Pursuant to the Stevens Amendment, any release of information pertaining to this grant must include the following information:

1. grant amount;
2. State involvement (name of state entity responsible for administering the grant); and,
3. Federal involvement if applicable (name of federal entity responsible for administering the grant).

9. LOBBYING:

Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in OMB circular A-122, and/or relevant State laws.

10. ACCESS TO RECORDS:

DJCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.

11. CONFLICT OF INTEREST:

No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family.

12. POLITICAL ACTIVITY:

The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.)

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

13. RELEASE OF INFORMATION:

All records, papers and other documents kept by recipients of grant funds are required to be made available to DJCS. These records and other documents submitted to DJCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code.

DJCS recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement, personnel or juvenile sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, all determinations concerning the release of information of this nature are made on a case-by-case basis by DJCS, and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult DJCS regarding concerns or questions about the release of potentially sensitive information under state and local laws.

14. NATIONAL AND STATE EVALUATION EFFORTS:

The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

15. OBLIGATION OF PROJECT FUNDS:

Funds may not, without prior written approval from DJCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.

16. USE OF FUNDS:

Funds awarded through DJCS may be expended **ONLY** for the purposes and activities specifically covered by the grantee's approved project description and budget. By attaching their signature, the grantee recognizes that any deviations from the original grant budget are unallowable.

17. ALLOWABLE AND UNALLOWABLE COSTS:

Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards.

18. PEER REVIEW SUB GRANTEE EVALUATION PROCESS:

The applicant agrees to discharge if necessary - at the request of DJCS - knowledgeable, competent personnel (preferably a Project Director) to participate in a contemplated "peer review" process/advisory council. The purpose of this process would be to assist DJCS in making grant funding recommendations and furthered policy development regarding individual grant programs throughout the State. This would be no more than 2-3 days per annum.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

19. NON-SUPPLANTING:

Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.

20. MATCHING CONTRIBUTION:

The grantee will have available, and will expend as needed, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by the West Virginia Division of Justice & Community Services. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines established by the West Virginia Division of Justice & Community Services for this program. All grantees must maintain records that clearly show the source, the amount and the timing of all matching contributions. Please be reminded that match is not "required"; however, if it is committed and indicated on the budget pages of this application, then this special condition is affected.

21. PROJECT INCOME:

All income earned by the grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by DJCS as are established for granted funds. All grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

22. CONSULTANT FEES:

Approval of this grant does not indicate an approval of consultant rates in excess of \$450 per day. Specific and detailed justification must be submitted to, and approved by DJCS prior to obligation or expenditure of such funds.

23. SUSPENSION OF FUNDING:

DJCS may suspend, in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other cause shown.

24. SANCTIONS FOR NONCOMPLIANCE:

In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, DJCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the grantee until the grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
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STANDARD CONDITIONS AND ASSURANCES

25. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASE:

The grantee shall submit one copy of all reports and proposed publications resulting from this agreement to DJCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the West Virginia Division of Justice & Community Services (or simply "DJCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia or the Division of Justice & Community Services."

"This project supported by Grant No. _____ awarded by the West Virginia Division of Justice & Community Services and the U.S. Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also included the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United State Department of Justice."

26. PROPERTY ACCOUNTABILITY:

The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by DJCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from DJCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to DJCS. Property must be used for the intended grant purposes, if not being used in accordance with terms of the grant property will revert back to DJCS.

27. CRIMINAL PENALTIES:

Whoever embezzles or endeavors to embezzle, willfully misapplies, steals or obtains by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the administration; or whether receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act shall be subject to prosecution under the provisions of Section 1011 of Title 18, United States Code. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to the Act, whether received directly or indirectly from the administration, shall be subject to the provisions of Section 871 of Title 18, United States Code.

28. REPORTS:

Each grantee shall submit such reports as DJCS shall deem reasonably necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

29. PURCHASING:

When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or other agency.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
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STANDARD CONDITIONS AND ASSURANCES

30. COLLABORATION W/OTHER FED. AND STATE GRANTS:

Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment and any other resources deemed necessary by DJCS.

31. INFORMATION SYSTEMS:

With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to DJCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to DJCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916/392-2550) should be contacted to determine availability of software prior to any development effort.

32. INCIDENT BASED REPORTING COMPLIANCY:

Grant applicants (cities & county commissions) will not be considered for funding if the applicant is not current with submitting Incident Based Reporting (IBR) information to the West Virginia State Police (if applicable). Grantees must remain current with submitting IBR information to the West Virginia State Police or grant funding will be withheld until such time as that grantee becomes IBR compliant.

33. TIME EXTENSIONS:

In general, time extensions for this program will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated.

34. USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:

Grantee understands and agrees that it cannot use any grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

35. LIMITED ENGLISH PROFICIENCY:

Grantee must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency. For more information on the civil rights responsibilities that grantees have in providing language services to limited English proficiency individuals, please see the website www.lep.gov.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

36. COMPUTER EQUIPMENT:

Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. The following are **minimum** hardware requirements, as well as software requirements, established by DJCS for this grant program, which must be recognized when purchasing computer equipment, in whole or in part, utilizing grant funds:

Minimum Hardware Requirements:

- Intel Pentium III 733 MHz Processor; 133MHz front side bus
- 512K L2 Cache
- 128 MB SDRAM 100 MHz expandable to at least 384 MB
- 10 Gig. EIDE Ultra ATA 7200RPM Hard Drive
- 3.5" 1.44 MB Floppy Diskette Drive
- 48X Max Internal CD-ROM drive or 8X DVD-ROM drive
- 3 PCI, 1 16-bit ISA slot, 1 PCI/ISA (shared), 1 AGP slot
- ATI 8 MB AGP 2X Rage Pro Video Card
- 1 Parallel, 2 Serial, 2 USB
- 101/104-Key Keyboard (PS/2)
- PS/2 Port Compatible Mouse

Recommended Hardware Components:

- Mid-tower case
- 16-Bit 3D Sound Blaster Compatible w/ 64 voice wavetable and speakers (**may** be integrated)
- 3Com 10/100 PCI Ethernet Network Card
- APC UPS Backup power protection (adequate size to handle power load)
- Iomega Internal Zip Disk Drive

Software Requirements:

Whenever possible, software should operate within open industry standards. For example, Windows 2000 Operating System, Microsoft Office 2000 Professional, etc.

Warranty Requirements:

3 Year on-site warranty

37. PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:

Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

38. PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:

- I.) Federal Office of Management and Budget (OMB) Circular A-133 sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth in OMB Circular A-133 at the time of award.

As of 10/1/04, the requirements set forth by OMB Circular A-133 are as follows: Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office.

- II.) OMB Circular A-110 sets forth standards for obtaining consistency and uniformity for the audit of institutions of higher education, hospitals, and other non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-110.

As if 10/1/04, the requirements set forth by OMB Circular A-110 are as follows: Recipients and sub recipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133.

- III.) If an audit must be conducted pursuant to OMB Circular A-133 and A-110, a copy of the audit shall be submitted to DCJS as well as to the Federal clearinghouse.

As of 10/1/04, the Federal clearing house is as follows:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

39. PROGRAM ACCOUNTABILITY – STATE AUDIT REQUIREMENTS:

- I.) Sub grantee assures that it has read, understands, and is in full compliance with all requirements as set forth in §12-4-14., Code of West Virginia, or as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with §12-4-14. Sub grantee further understands that if it is currently debarred or is not in compliance with §12-4-14., it is ineligible to receive funding from the West Virginia Division of Justice Community Services.

40. CONFIDENTIALITY OF RESEARCH INFORMATION:

Pursuant to Section 229 of the Act, research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

41. LEASE AGREEMENTS:

Grantee agrees to provide DJCS with a description of proposals to use grant funds to enter into lease arrangements with private entities for the purpose of fulfilling the goals and objectives of this project.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

42. EQUAL EMPLOYMENT OPPORTUNITY PLAN:

Each grantee certifies, that it has executed and has on file, an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. All EEO findings should be reported to Office for Civil Rights, Office of Justice Programs, US Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531

43. VETERANS PREFERENCE:

This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. DJCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

44. IMMIGRATION AND NATURALIZATION VERIFICATION:

The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.

45. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:

It is the sense of DJCS that to the greatest extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.

46. PERSONNEL TRAINING:

For projects involving payment of personnel or overtime pay, DJCS reserves the right to require training as a condition of the grant before or at any time during the project period.

47. ACCOUNTING REQUIREMENTS:

Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, must be retained and be available for audit purposes.

48. OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:

Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the OJP Financial Guide.

49. TRANSFER OF FUNDS PROHIBITION:

The grantee is expressly prohibited from transferring funds between any DJCS programs.

50. MARKING OF EQUIPMENT:

Grantee will ensure that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the West Virginia Division of Justice & Community Services."

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

51. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:

Grantee acknowledges that DJCS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support.

Grantee agrees to consult with DJCS re the allocation of any patent rights that arise from, or are purchased with, this funding.

52. CENTRAL CONTRACTOR REGISTRATION:

Grantee agrees to register with the Central Contractor Registration (CCR), www.ccr.gov and provide documentation to DJCS within 30 days of award notification that they have done so.

53. DATA UNIVERSAL NUMBERING SYSTEM:

Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, www.dnb.com and provide documentation to DJCS within 30 days of award notification that they have done so.

54. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:

Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002.

- Deinstitutionalization of status offenders (DSO).
- Separation of juveniles from adults in institutions (separation).
- Removal of juveniles from adult jails and lockups (jail removal).
- Reduction of disproportionate minority contact (DMC), where it exists.

This includes, but is not limited to, completing the annual the WV Certification of Non-Secure Facilities and submitting to DJCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.

55. BIDDING PROCEDURES:

Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

56. COMPLIANCE WITH FEDERAL PROCEDURES:

The applicant assures that it will comply with the provisions of 28 Code of Federal Regulation (CFR) applicable to grants and cooperative agreements, including:

- a. Part 11, Applicability of Office of Management and Budget Circulars.
- b. Part 18, Administrative Review Procedures.
- c. Part 20, Criminal Justice Information Systems.
- d. Part 22, Confidentiality of Identifiable Research and Statistical Information.
- e. Part 23, Criminal Intelligence Systems Operating Policies.
- f. Part 30, Intergovernmental Review of Department of Justice Programs and Activities
- g. Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures

57. ADDITIONAL REGULATIONS AND PROCEDURES:

In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A-122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines.

- a. National Environmental Policy Act of 1969 (NEPA).
- b. National Historic Preservation Act of 1966.
- c. Flood Disaster Protection Act of 1973.
- d. Clean Air Act and Federal Water Pollution Control Act Amendments of 1972.
- e. Control Act Amendments of 1972.
- f. Safe Drinking Water Act.
- g. Endangered Species Act of 1973.
- h. Wild and Scenic Rivers Act.
- i. Fish and Wildlife Coordination Act.
- j. Historical and Archaeological Data Preservation.
- k. Coastal Zone Management Act of 1979.
- l. Animal Welfare Act of 1970.
- m. Impoundment Control Act of 1974.
- n. Uniform Relation Assistance and Real Property Acquisitions Policies Act of 1970.
- o. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended
- p. Death in Custody Act of 2000.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

**West Virginia Community Corrections Grant
Program**

SPECIAL CONDITIONS AND ASSURANCES

58. Public Availability of information:

The sub grantee agrees to comply with the terms and condition of pertinent federal and state freedom of information acts, and to require its contractors to comply with these requirements

59. CONSULTANTS / CONTRACTS:

No contract or agreement may be entered into by the sub grantee for the execution of project activities or provision of service that is not incorporated in the approved grant, and without prior written approval of DJCS. Grant approval by DJCS does not constitute consultant/contract approval.

60. REPORTING OF IRREGULARITIES:

Sub grantees are responsible for reporting promptly to DJCS the nature and circumstances surrounding any fiscal irregularities discovered. Failure to report known irregularities may result in suspension of the grant or other remedial action.

61. VEHICLE PROCUREMENT:

Applicants purchasing vehicles with West Virginia Community Corrections funds are required to adhere to the established bidding procedures for their respective units of government. To ensure reputable vendors are obtained, applicants may consider utilizing the current applicable state contract.

62. COMMUNICATION EQUIPMENT:

All portable communication equipment purchased utilizing West Virginia Community Corrections funds must be compatible with programmable hand-held units, available through purchase via state contract.

63. ADDITIONAL SPECIAL CONDITIONS AND ASSURANCES:

The Community Corrections Subcommittee may add additional special conditions and assurances after a submitted proposal application has been reviewed by the Subcommittee. Program approval and funding approval may be contingent on the applicant agreeing to comply with the additional special conditions and assurances.

64. COMMUNITY CORRECTIONS DATABASE:

The applicant shall agree to utilize the Division of Justice and Community Services database to input all relevant information, maintain required documentation, and develop special reports to be used by the individual program as well as by the Division of Justice and Community Services.

65. LEVEL OF SERVICE/CASE MANAGEMENT INVENTORY

The LS/CM I assessment instrument is required by the WV Community Corrections Subcommittee for use by all community corrections programs funded by the West Virginia Community Corrections grant program funds.

**WEST VIRGINIA
DIVISION OF JUSTICE & COMMUNITY
SERVICES**

**West Virginia Community Corrections Grant
Program**

SPECIAL CONDITIONS AND ASSURANCES

66. Quarterly Meetings:

The applicant shall agree to have in attendance the Project Director and/or Program Director at quarterly meetings. These meetings will be located throughout the State. Each Community Corrections program will host a quarterly meeting; with a listing of the host sites being published by DJCS with each new funding cycle. When hosting a meeting it is the responsibility of the Program Director to make all necessary contacts, set the agenda, and facilitate the meetings.

I certify that I have read all the standard and special conditions and assurances of this grant program and agree to comply with these requirements.

Authorized Official Signature (Original)

West Virginia Community Corrections Grant Program Application	Operational Budget
Grant Program Application	Attachment A

Attach the operational budget for the local community corrections program along with a brief 3-year strategic financial and programmatic plan of operation. An operational budget must be submitted for each county with a physical program site; however, only one 3-year plan is required as long as all counties included in the application is sufficiently covered in the plan.

OPERATIONAL BUDGET

The Berkeley/Jefferson Day Report Center has its primary site located in Martinsburg, Berkeley County and has opened a second location in Charles Town, Jefferson County. Financial support for the Day Report Center is still the WV Community Corrections Grant Program and the 30% match from the Berkeley County Council and the Jefferson county Commission. Minor program expenses are also defrayed by clients fees of \$100.00 per client/month and the \$10.00 charge per drug screen for clients and those strictly on bond supervision. Application has also been made to the WV Department of Health & Human Resources, Bureau for Children and Families to provide drug screening to their clients for Berkeley and Jefferson counties. A financial agreement has been established and initiated between DHHR and the Day Report Center to be compensated for each test administered. A second avenue of income involves Morgan County's DRC participation. Presently Morgan County does refer defendants to the DRC. The Director has met with Morgan County Commissioners and the Prosecutors Office regarding their involvement. Due to the distinct differences in demographics between Berkeley and Jefferson County to that of Morgan an agreement has been reached enabling Morgan to pay a monthly per deim rate of \$100.00 for each client referred. This will enable Morgan time to make a decision regarding grant cycle 2012/2013. These two sources of revenue will greatly enhance the growth of both DRC sites.

THREE YEAR PLAN:

FY 2013:

Provided the funding being requested is approved a concentrated effort to fully operationalize the Day Report Center in Charles Town; Jefferson County will be a primary goal. This includes the hiring of full time positions to include Secretary, Day Report Center Officer, Community Service Supervisor/Driver and contractual treatment staff based on the centers growth. Also an important aspect of this is to work with the Magistrate Court and the Prosecutors and Public Defenders Offices to emphasize the importance of their support to maximize client/defendant growth in the program. This center can easily support 50 to 60 clients.

FY 2013/2014:

Meet with appropriate officials of Berkeley, Jefferson and Morgan Counties to develop interest for a multi-county drug testing lab that would serve not only the Day Report Centers but also the significant number of federal and state agencies including all law enforcement organizations/agencies, all U.S. Military agencies and private industries within that jurisdiction. A feasibility study should be considered to include the actual need for a lab, site location and the initial start up costs. Day Report Centers that have started drug testing labs have benefited from the revenue generated and this effort can also provide a revenue base for the sponsoring county. This endeavor would be time consuming but beneficial to the tri-county area.

FY 2014:

Continue with the goal of opening a drug testing lab to serve the tri-county area and provide a revenue base for the Berkeley/Jefferson Day Report Center.

LONG TERM SUPPORT:

Long term support is multifaceted beginning with the level of counties financial support. This not only includes Berkeley and Jefferson but also having Morgan on board with their full participation. Additionally conducting all drug screens for the Bureau of Children and Families for not only Berkeley and Jefferson but in the future Morgan County DHHR office also. My goal to explore the benefits and process to have a drug lab which is by far the greatest revenue venture that a program such as this could take to ensure continued funding.

**CONTINUATION PAGE
BUDGET DETAIL**

PAGE 1	Category/Item	Total Cost	Berkeley	Jefferson	Total Local	WV CC Funds	Sub Local	Sub WVCC	SubTotals
	Personnel - Berkeley County								
	DRC Director - J. Sacchet	61,360.00	9,204.00	9,204.00	18,408.00	\$42,952.00			
	Salary: \$57,000; FICA: \$4,360								
	DRC Officer - M. Newlin	37,677.50	11,303.00	0.00	11,303.00	\$26,374.50			
	Salary: \$35,000; FICA: \$2,677								
	Admin Secty - B. Tucker (+4% COLA)	30,227.60	7,556.90	1,511.38	9,068.28	\$21,159.32			
	Salary: \$ 28,080; FICA: \$2,147.6 - match is prorated based on Jeff Co hires								
	Comm Serv Coordinator/Driver	21,000.00	17,500.00	3,500.00	21,000.00	\$0.00			
	- G. Gross (cash match) match is prorated based on Jeff Co hires								
	- Jefferson County								
	DRC Officer TBA - Starts 7/1/2012	37,677.50	0.00	11,303.00	11,303.00	\$26,374.50			
	Salary: \$35,000; FICA: \$2,677								
	Admin Secty - TBA Starts 11/1/2012	19,376.67	0.00	5,813.10	5,813.10	\$13,563.57			
	Salary: \$27,000; FICA: \$2,065								
	Comm Serv Coord/Driver - 11/1/2012	14,000.00	0.00	14,000.00	14,000.00	\$0.00			
	TBA. Salary: \$21,000 (cash match)								
	Contractual								
	Community Alt to Violence (BIPPS)								
	\$910 per month x 52	10,920.00	1,638.00	1,638.00	3,276.00	\$7,644.00			
	Counselors - Martinsburg								
	30hr/wk @ \$65 x 50 weeks	97,500.00	29,250.00	0.00	29,250.00	\$68,250.00			
	Counselors - Charles Town								
	10hr/wk @ \$65 x 50 weeks	32,500.00	0.00	9,750.00	9,750.00	\$22,750.00	133,171.38	229,067.89	362,239.27
	Travel & Training								
	Travel/Training								
	3 - 5day trips (3x lodging+M&IE+ mileage/trip; 3x (475+220+247))	1,960.00	294.00	294.00	588.00	\$1,372.00			
	Fuel & Maintenance-Jeff Co van	2,500.00	0.00	750.00	750.00	\$1,750.00			
	Fuel & Maintenance-Berkeley van	2,500.00	750.00	0.00	750.00	\$1,750.00	2,088.00	4,872.00	6,960.00
	Equipment								
	Fax/Copier/Printer - Charles Town	5,221.00	0.00	1,566.00	1,566.00	\$3,655.00			
	TV/VCR-DVD/Stand-Charles Town	1,200.00	0.00	360.00	360.00	\$840.00	1,926.00	\$4,495.00	6,421.00

CONTINUATION PAGE
BUDGET DETAIL

PAGE 2 Other	Category/Item	Total Cost	Berkeley	Jefferson	Total Local	WV CC Funds	Sub Local	Sub WVCC	SubTotals
	Intoximeter - Charles Town	725.00	0.00	217.00	217.00	\$508.00			
	Drug screening supplies								
	Berkeley - \$3,000/month x 12								
	Jefferson - \$1,500/month x 12								
	total = \$54,000	54,000.00	10,800.00	5,400.00	16,200.00	\$37,800.00			
	Insurance - Brickstreet								
	Berkeley-\$2006; Jefferson-\$1,800	3,806.00	602.00	540.00	1,142.00	\$2,664.00			
	BRIM - WV Brd of Risk & Ins Mgmt								
	Berkeley-\$3,010; Jefferson-\$1,800	4,810.00	903.00	540.00	1,443.00	\$3,367.00			
	WV Unemployment/Wkrs Comp								
	Berkeley-\$2,000; Jefferson-\$2,000	4,000.00	600.00	600.00	1,200.00	\$2,800.00			
	Insurance for Jefferson Co. Van	1,750.00	0.00	525.00	525.00	\$1,225.00			
	Building Repair/Maintenance	1,500.00	450.00	0.00	450.00	\$1,050.00			
	Office Supplies- Berkeley-\$2,800								
	Jefferson-\$1,800	4,600.00	840.00	540.00	1,380.00	\$3,220.00			
	LS/CMI Inventory -Berkeley \$2,000								
	-Jefferson\$1,200	3,200.00	600.00	360.00	960.00	\$2,240.00			
	Cleaning supplies -Berkeley \$1,800	1,800.00	540.00	0.00	540.00	\$1,260.00			
	Printing/Postage - \$550/\$400	950.00	143.00	142.00	285.00	\$665.00			
	Advertising for new hires	1,500.00	225.00	225.00	450.00	\$1,050.00			
	Fees & Taxes								
	Annual Warrant Database -\$550								
	WV State Tax Department -\$60								
	B&O Tax - \$160	770.00	116.00	115.00	231.00	\$539.00			
	Service Contracts on Printers								
	@ \$720/unit/yr	1,440.00	216.00	216.00	432.00	\$1,008.00			
	WV CC Assoc Dues/3 employees	105.00	16.00	16.00	32.00	\$73.00			
	Utilities - Electric/Water/Sewer								
	Berkeley - \$2200								
	Jefferson-\$1800	4,000.00	660.00	540.00	1,200.00	\$2,800.00	26,687.00	62,269.00	88,956.00
TOTALS		464,576.27	94,206.90	69,665.48	163,872.38	\$300,703.89	163,872.38	300,703.89	464,576.27

West Virginia Community Corrections Grant Program Application	Commitment Letters/MOU Local Board Members Attachment B
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Please attach in this section commitment letters received from all members of the Local Community Corrections Board which indicates their willingness and understanding of serving on the local board. A Memorandum of Understanding (MOU) that details member expectations and responsibilities signed by each board member will suffice for individual commitment letters.



891 Auto Parts Place Box 136

Martinsburg, WV 25403

p/304-262-4424

f/866-332-2906

www.comnav.org

ending violence...one home at a time

February 23, 2012

Mr. Joseph P. Sacchet
Executive Director
Berkeley/Jefferson Day Report Center
406 S. Raleigh St.
Martinsburg, WV 25401

Dear Mr. Sacchet:

Once again, I am delighted to submit a letter of support and commitment for the Berkeley/Jefferson Day Report Center. As a Board member, I have been privileged to be involved in the governance of the Day Report Center since its inception, and I continue to admire the Board's professionalism and their concern that the Center be successful in reducing jail costs and ultimately, recidivism.

As a provider of BIPPS classes for the Center, I am pleased to report that referrals to our classes have increased from 10 to 20 over the past year. BIPPS participants have a 100% completion rate, a far cry from the 40% completion rate which programs of this kind experience nationally who are not associated with a Day Report Center.

2011 marked the opening of the Jefferson County Day Report Center, the beginning of a contract with DHHR for drug screening, and the initiation of a Morgan County referral process. While you are to be commended on moving these activities forward, my close association with the Center has pointed to the critical need for additional staff and benefits coverage to ensure staff retention, which can only be met by increased funding participation on the State and County levels.

Sincerely,


Carolyn Zdziera
Executive Director

Psychological Consulting, Inc.
Harold D. Slaughter, Jr., M.S.
Psychologist
431 South Raleigh Street
Martinsburg, West Virginia 25401
(304) 263-9095

February 28, 2012

To Whom it May Concern:

Subject: Berkeley/Jefferson County Day Report Center

We are currently serving on the Board of Directors because of our years of expertise in providing both assessment and mental health services to the community at large, as well as to the corrections community.

We bring to the Board the mental health/treatment perspective. With the increased number of individuals with emotional problems being incarcerated, it is increasingly important to address their special needs. Understanding of emotional and addiction issues is extremely important in establishing programs which offer alternatives to incarceration. We are available to the other Board members, and to the staff, of the Day Report Center for both consultation and education.

It is our hope to continue as a member of the Board of Directors, because we strongly support community-based corrections programs and, specifically, strongly support the efforts of the Berkeley/Jefferson County Day Report Center.

Sincerely,



Harold D. Slaughter, Jr. M.S.
Licensed Psychologist (WV 202)

HDS:gs

OFFICE OF



JEFFERSON COUNTY

MAGISTRATE COURT

P.O. BOX 607
CHARLES TOWN, WEST VIRGINIA 25414

TELEPHONE: 304-728-3233
FAX: 304-728-3235

February 28, 2012

Joseph Sacchet, Director
Berkeley/Jefferson Day Report Center
406 South Raleigh Street
Martinsburg, WV 25401

Dear Mr. Sacchet:

This letter is written in support of the Day Report Center.

The DRC has been open approximately two (2) years, and it has been rewarding to watch it grow, and meet the needs of the individuals we send for enrollment into the programs.

It provides counseling and life-skills education to those who appear to be stuck in an otherwise unproductive life. I truly believe that for some these programs may be the step forward that keeps them from repeating their unlawful lifestyle. It is an effective, cost-saving alternative to jail.

I look forward to working with you in the future.

A handwritten signature in cursive script that reads "Mary Paul Rissler".

Mary Paul Rissler
Magistrate, Jefferson County

PUBLIC DEFENDER CORPORATION

FOR THE 23RD JUDICIAL CIRCUIT



295 MONROE STREET MARTINSBURG, WV 25404

(304) 263-8909 Fax (304) 267-0418 pubdefend@comcast.net

February 27, 2012

Joe Sacchet, Director
Berkeley/Jefferson Day Report Center
406 South Raleigh Street
Martinsburg, West Virginia 25401

Re: **Berkeley /Jefferson Day Report Center**

Dear Joe,

I have been on the Board of the Day Report Center since its beginning. Although the actual startup took longer than originally anticipated, the Center is now fully operational and serving our clients in a useful and productive manner. I am pleased with the manner in which the Center is serving the needs of our clients.

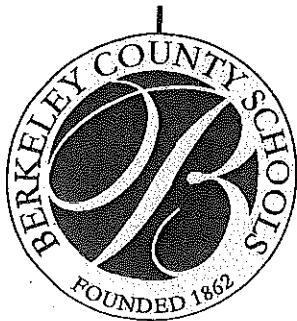
I anticipate that the Center will continue to grow over the next year to better serve this office's clients as well as the needs of the entire Berkeley County community. This office is committed to supporting the Center in any appropriate manner.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'D Lawson', written in a cursive style.

Deborah A. Lawson
Chief Public Defender

DAL:jw



Department of Student Support Services

Ronald Stephens, Executive Director

February 27, 2012

Mr. Joseph P. Sacchet
Executive Director
Berkeley/Jefferson Day Report Center
406 S. Raleigh St.
Martinsburg, WV 25401

Dear Mr. Sacchet:

I am pleased to submit a letter of support and commitment for the Berkeley/Jefferson Day Report Center. As a Board member, I have been working with you and the other Board members in addressing a critical area of need for our counties. I share the feeling that this program offers a viable alternative and a possible solution to the ever increasing costs of incarceration.

I do hope that under your guidance we are able to continue to grow and offer our communities this option. In order for this to occur, continued support from sources like this grant is necessary. Thank you for all you do to make our community a better place for all those living here.

Sincerely,

Ron Stephens
Board Member

Board Members

Dr. William F. Queen
President

Rick A. Pill
Vice-President

Todd M. Beckwith
Member

Dr. Darin L. Gilpin
Member

Ron Gray
Member

RALPH A. LORENZETTI, JR.
PROSECUTING ATTORNEY

CHARLES B. HOWARD
ASSISTANT PROSECUTING ATTORNEY

JAMES CASIMIRO III
ASSISTANT PROSECUTING ATTORNEY

BRANDON C.H. SIMS
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., 2nd Floor
Charles Town, WV 25414
(304) 728-3243
fax (304) 728-3293
paoffice@jeffersoncountywv.org
www.jeffersoncountywv.org/pa

LAURENCE R. GROFFORD
ASSISTANT PROSECUTING ATTORNEY

HASSAN RASHEED
ASSISTANT PROSECUTING ATTORNEY

CIVIL DIVISION
(304) 728-3318
fax: (304) 728-3353

STEPHANIE F. GROVE
ASSISTANT PROSECUTING ATTORNEY

STEPHEN V. GROH
ASSISTANT PROSECUTING ATTORNEY

February 29, 2012

Joseph P. Sacchet
Executive Director
Berkeley/Jefferson Community Corrections
406 South Raleigh Street
Martinsburg, West Virginia 25401

RE: Commitment Letter

Dear Mr. Sacchet:

As the Prosecuting Attorney for Jefferson County, my role on the Board is two fold. One, I wish to have additional options to protect the citizens of my County by having a facility that addresses some of the underlying problems leading persons to commit crimes, such as education, job skills, anger, and drug/alcohol abuse. Two, I wish to have options that save the citizen's for the high cost of housing minor criminals. The Day Report Center addresses both these goals, therefore, I intend to continue to be a part of the Corrections Board.

Sincerely,

Ralph A. Lorenzetti
Prosecuting Attorney

RAL/msb



United Way of the Eastern Panhandle, Inc.

218 W. King Street, Martinsburg, WV 25401

Phone: (304) 263-0603 * Fax: (304) 263-0614

E-mail: uwepceo@comcast.net * Web: www.uwayep.org

February 24, 2012

To Whom It May Concern:

Subject: Berkeley/Jefferson County Day Report Center

United Way of the Eastern Panhandle (UWEP) is committed to cooperating with and supporting the Berkeley/Jefferson County Day Report Center.

Specifically, that support will be to provide a senior staff member to set on the governing board of directors and to facilitate access to health and human services in the Eastern Panhandle. UWEP partners with Telamon Corporation and the West Virginia Department of Health and Human Resources (DHHR) to operate an Eastern Panhandle Information and Referral Center and Regional Resource Coordinator in order to provide one-stop client access to community-based services. UWEP will assist the DRC staff in attaining and maintaining awareness of services throughout the region and in facilitating client access to local services.

UWEP addresses critical individual needs and works to create lasting changes to improve community conditions. We see the DRC as an innovative approach for community-based corrections programs that provide the judicial system with sentencing alternatives for those offenders who may require less than institutional care. Collaboration with UWEP will enhance DRC support efforts of offenders assigned to the program.

UWEP strongly supports the DRC request for grant funding and recommends its immediate approval in order to complete the establishment of the Berkeley/Jefferson County Day Report Center.

Sincerely,

A handwritten signature in cursive script that reads "Jan Callen".

Jan Callen
President/CEO



TWENTY-THIRD JUDICIAL CIRCUIT

Chief Probation Officer

C. Mark Hoff

Deputy Chief

DeLaine Miller

PROBATION DEPARTMENT

380 W. SOUTH STREET

Suite 1200

Martinsburg, West Virginia 25401

(304) 264-1969 * Fax (304) 267-3710

Probation Officers

Richard Ashworth

William Brooks

Rick Furell

Sahana M. Mills

Carolyn Williams

Laura Winkler

March 2, 2012

M E M O R A N D U M

TO WHOM IT MAY CONCERN:

This is submitted as a letter of support for the Berkeley-Jefferson County Day Report Center. Currently, according to the most recent U.S Census figures, Berkeley and Jefferson Counties represent the highest population growth areas in West Virginia. Specifically, Berkeley County's population growth of 37% from 2000 to 2010 was by far the highest in the State during that period; Jefferson County's population increased by 26.8% during that same period. Morgan County also experienced relative substantial growth (17.4%) during this time. Berkeley County is currently the second most populous county in West Virginia with a population of 104,169. This is second only to Kanawha, which experienced a decline in population from 2000 to 2010. Overall, the combined three easternmost counties of the Eastern Panhandle (Berkeley, Jefferson, and Morgan) grew by 29.4% from 2000 to 2010 (from 133,038 to 172,208). This increase in population has adversely impacted the local jail population, as crime rates have increased commensurately with the area's growth. The counties, as a result, have faced crippling jail bills totaling literally millions of dollars. The introduction of the Day Report Center has not only helped to lessen these numbers, but has also helped these offenders address their various issues. Typically, jails (as opposed to prisons) offer little if any rehabilitational programming. The Day Report Center, however, specifically targets offenders' needs by offering such contractual treatment as batterers intervention and substance abuse counseling. Such programming not only reduces jail costs, but also helps to lower recidivism rates. Accordingly, I am recommending that the Berkeley-Jefferson County Day Report Center's application for continued funding be granted.

Personnel from this Department prepared the original grant for this Day Report Center, and I have been a member of the Board of Directors since the Center's inception. I am accordingly deeply committed to the Center, and pledge to continue to work to fulfill the Center's ideals and promise to the Berkeley/Jefferson County community.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Mark Hofe', written in a cursive style.

C. Mark Hofe
Chief Probation Officer
23rd Judicial Circuit Probation Department

cc: File

West Virginia Community Corrections Grant Program Application	Other Required Program Information Attachment C
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A copy of the following information must be submitted with this attachment in order for the application to be complete. Please refer to page xvii of the application instructions for more details:

1. **Approved Program Mission**
2. **Brief Description of each Service provided by the program**
3. **Schedule of Services offered through the program**
4. **Approved By-laws of local Board**
5. **Certification Letter regarding Program Policy/Procedure Manual**



406 South Raleigh Street
Martinsburg WV 25401

Phone: 304-267-5000 ext
3961
Fax: 304-596-2047

Berkeley/Jefferson Day Report Center

March 5, 2012

On January 20, 2010, the motion was made by Pamela Games-Neely and seconded by Carolyn Zdziera to adopt the following Mission Statement:

It shall be the mission of the Berkeley-Jefferson Community Criminal Justice Board to provide to the courts of Berkeley and Jefferson County, a community corrections program, that will offer to the judges and magistrates of those courts sentencing alternatives for those offenders who may require less than institutional custody, thus diverting offenders from the state regional jail or correctional facilities by punishing them with community-based sanctions, thereby reserving state regional jail or correctional facilities for those offenders who are deemed to be the most dangerous to the community and promoting accountability of offenders to their community and to provide the judges and magistrates of those courts, pretrial diversion of persons into the community corrections program, while pending prosecution or resolution of charges but who are not yet convicted offenders.

All in favor of adopting the above Mission Statement:

Pamela Games-Neely- Berkeley County Prosecutor
Carolyn Zdziera – Community Alternatives to Violence
Ralph Lorenzetti-Jefferson County Prosecutor
Deborah Lawson-Public Defender
Ron Stephens-Berkeley County Schools
Sheri Hoff-Jefferson County Schools
Ann Smith-Shenandoah Womens Center
Jan Callen-United Way
Kenny Lemaster-Berkeley County Sheriff's Department
Ruth McQuade

This mission statement is still in effect.

TREATMENT PROGRAMS

AA/NA - A discussion time for participants to talk with one another in a group setting about addiction and how it impacted his/her life. Group support.

DRUG AND ALCOHOL GROUP: This group is designed for individuals who have had problems of drug abuse/dependence. It is largely psycho-educational, providing individuals with a better understanding of addiction and how to effect positive change in their lives. A thorough discussion of relapse and how to deal with it. There will be a discussion of other mental health issues which may have significant impact on addiction. Other topics will be addressed based on the particular needs of the group. Discussion of family relationships, self assessment of long-term goals, spiritual, health and other issues germane to leading a healthier lifestyle. Periodic drug testing will be included. Individuals who relapse will be referred into a relapse group. 1 ½ hrs per week. 12 week program.

SUBSTANCE ABUSE – Two substance abuse counseling services are available each day, provided by contracted professionals. Assessments, group and individual treatment are provided by the local mental health agency. The average population in substance abuse classes is 12 with five classes running a week. Clients spend a minimum of 2 – 4 hours as outpatient and nine hours as intensive outpatient a week in one of the available classes.

RELAPSE PREVENTION assists clients in identifying relapse triggers, exploring irrational (addictive) thoughts and behaviors, and developing appropriate coping skills to promote long-term recovery.

RELAPSE GROUP – will be for individuals who have had a relapse while being enrolled in the basic drug/alcohol group. After the relapse is discovered, if there are no other legal entanglements, the individuals will be enrolled in the Relapse Group. This group will use psycho-educational material as contained in the drug/alcohol group. There will be an emphasis of a personal explorations of the dysfunctional behaviors of the referent. There will be thorough explorations of ways to develop a more substantial program of sobriety, problem solving and development of appropriate and effective coping skills. This group will meet twice weekly for 1 ½ hours at a time.

BATTERER INTERVENTION PREVENTION PROGRAMS (BIPPS) – the BIPP program is facilitated by one contracted employee with the aid of an assistant. The Batterer group has one class with a maximum population of twelve. This 32-week intensive educational program focuses on changing violent behavior and changing attitudes that promote abusive behavior.

ANGER GROUP– Will consist of a small group of individuals who have had issues of anger over a period of time. The group will provide psycho-educational information about the theory of anger and aggression, anger's function, the importance of thoughts, lifestyle, physiological responses of anger, irrational beliefs, principles of anger control, triggers of aggression, and coping skills. The group will

meet 1 ½ hour weekly for 12 weeks. If deemed appropriate, additional therapy may be recommended after the group concludes.

LIFE SKILLS – In a discussion setting, offenders address issues such as anger management, gender roles, stereotypes, relationship-building skills, parenting and education, time/money management, job seeking, resume writing, health and nutrition.

EDUCATION COMPONENT – In stressing the link between education and employment, offenders receive instruction in basic computer skills, written and oral communication for the workplace, and math for the workplace, as well as for everyday situations. Offenders without high school diplomas receive instruction to help them obtain their GED.

COGNITIVE THERAPY - Through a systematic approach, this program teaches offenders the process of making decisions based on consequences of behavior, as opposed to decisions based upon feelings and emotions. Rational cognitive therapy assists in reducing the rate of recidivism by addressing client's impulsivity and enhancing rational decision-making abilities.

Individual therapy is available for clients needing therapy that is more intensive or who may not benefit from group therapy. Individual therapy is provided by a Certified Addictions Counselor/LSW-Licensed Social Worker/Certified Criminal Justice Professional, also trained to provide counseling services to meet the unique needs of individuals in a criminal justice setting.

All therapy groups are offered at a minimum of once a week and a client's individual needs can be met by attending one or more therapy groups, individual counseling, and 12-step meetings.

PROBLEM GAMBLING – this group will provide a thorough psycho-educational background about gambling and ways of over-coming it. The group will distinguish between problem gambling and pathological gambling. There will be psychosocial interviews of all participants, including specific assessments such as the SOGS and GA 20 Questions. The group will be taught about the progression of gambling, its psychological, sociological and familial consequences, mistaken beliefs, the ego defenses, values, beliefs, financial matters and other material germane to the specific needs of the group members.

COMMUNITY SERVICE – Community service is a key component of the Center in providing opportunities for the offender to repay the community. Employed offenders are required to perform eight hours per week of community service with the unemployed offenders performing up to 28 hours per weeks. Appropriate community services included but are not limited to litter pick up, building cleaning, park maintenance, grass cutting, and snow removal. Offenders with specialized skills are matched with community projects where their skills can be best utilized.



406 South Raleigh Street
Martinsburg WV 25401

Phone: 304-267-5000 ext
3961
Fax: 304-596-2047

Berkeley/Jefferson Day Report Center

March 2, 2012

Berkeley/Jefferson Day Report Center Weekly Schedule

Martinsburg Site

Monday	Drug and Alcohol Group	11 a.m.
	Drug and Alcohol Group	2 p.m.
Tuesday	B.I.P.P.S. – Batterers Intervention	5:30 p.m.
Wednesday	Life Skills Group	10 a.m.
	B.I.P.P.S. – Batterers Intervention	10 a.m.
	Anger Group	6 p.m.
Thursday	Anger Group	10 a.m.
	B.I.P.P.S. – Batterers Intervention	1 p.m.
	Evening Drug and Alcohol Group	7 p.m.

Jefferson Site

Thursday	Drug and Alcohol Group	2:30 p.m.
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Morgan County DHHR Office

Friday	Drug and Alcohol Group	9 a.m.
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BYLAWS

Berkeley/Jefferson Community Criminal Justice Board

ARTICLE I – NAME

The name of the organization shall be the Berkeley/Jefferson Community Criminal Justice Board.

ARTICLE II – PURPOSE

The Berkeley/Jefferson Community Criminal Justice Board is organized pursuant to Chapter 62, Article 11C, Section 6(a) of the West Virginia Code (§62-11C-6(a)) for the purpose of developing, establishing and maintaining community-based corrections programs to provide the judicial system with sentencing alternatives for those offenders who may require less than institutional care.

ARTICLE III – MEMBERSHIP

Membership shall consist only of the members of the Board.

ARTICLE IV – MEETINGS

Section 4.1 Regular Meetings: The Board shall, beginning with the month of January of each year, meet on a quarterly basis. The date, time and location of the regular meetings shall be set by the Board.

Section 4.2 Special Meetings: Special meetings may be called by the Executive Director or President of the Board of Directors, and shall be called by the Executive Director upon the signed written request of at least four (4) members of the Board entitled to vote at the meeting, to address any issues that may require action by the Board before the next regularly scheduled meeting. Only business within the purpose or purposes described in the notice of the meeting may be conducted at a special meeting of the Board.

Special 4.3 Notice of Special Meetings: Written notice stating the place, day and hour of the meeting, and the purpose or purposes for which the special meeting is called shall be delivered or sent by mail or facsimile to each member with the signature of the Executive Director or President subscribed thereto not less than three (3) days, excluding weekends, before the date of the meeting. Attendance by a member, without objection to the notice, at a special meeting shall constitute a waiver of notice of the special meeting.

Section 4.4 Quorum: Seven (7) members of the fifteen (15) member Board, including ex officio non-voting members, shall be necessary and sufficient at all meetings to constitute a quorum for the transaction of business.

Section 4.5 Manner of Conducting Business: All meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*; to the extent these rules do not contradict the bylaws of the Berkeley/Jefferson Community Criminal Justice Board.

ARTICLE V – BOARD MEMBERS

Section 5.1 Board Composition and Size: The Board shall be comprised of the members established in Chapter 62, Article 11C, Section 6(d)(1)-(7) of the West Virginia Code (§62-11C-6(d)(1)-(7)). The Board shall consist of no more than fifteen (15) voting members.

The Board may, at the discretion of the West Virginia Supreme Court of Appeals, also include the ex officio non-voting members as provided for in Chapter 62, Article 11C, Section 6(e)(1)-(3) of the West Virginia Code (§62-11C-6(e)(1)-(3)).

Section 5.2 Board Role and Compensation: The Board's role includes the duties delineated in Chapter 62, Article 11C, Section 6(f)(1)-(4) of the West Virginia Code (§62-11C-6(f)(1)-(4)). The Board receives no compensation.

Section 5.3 Terms: All Board members serve by virtue of their employment and at the discretion of the county commission that appointed them to the Board.

Section 5.4 Resignation, Termination and Absences: Resignation from the Board must be in writing and received by the Executive Director. A board member may be removed for attendance problems if any of the following conditions exist in regard to a board member's attendance to board meetings:

- A. The member has two (2) un-notified absences in a row (un-notified means the member did not give prior to the Board's Executive Director or another board member that s/he would not be able to attend);
- B. The member has three (3) notified absences in a row; or

C. The member misses one-third (1/3) of the total number of Board meetings in a twelve-month period.

A recommendation to the appointing county commission for removal of a board member may be made for other reasons by a three-fourths (3/4) vote of the remaining members.

Section 5.5 Vacancies: Vacancies on the Board are to be filled by the appropriate county commission or other appointing authority as set forth in Chapter 62, Article 11C, Section 6(d)(1)-(7) or Section 6(e)(1)-(3) of the West Virginia Code (§62-11C-6(d)(1)-(7) or §62-11C-6(e)(1)-(3)).

ARTICLE VI – OFFICERS AND DUTIES

Section 6.1 Officers and Duties: There shall be four officers of the Board consisting of a President, Vice-President, and Secretary/Treasurer. All officers are elected for terms of one year by the Board.

Section 6.2 President: The President shall preside at all Board meetings, shall have general supervision of the affairs of the Board, and shall perform such other duties as are incident to the office or are properly required of the President by the Board. In the event the President is unable to attend a meeting, the President shall arrange for other members of the executive committee to preside at the meeting in the following order: Vice-President and Secretary/Treasurer.

Section 6.3 Vice-President: The Vice-President will chair committees on special subjects as designated by the Board.

Section 6.4 Secretary: The Secretary shall perform those duties that are incident to the office or are properly required of the Secretary by the Board.

Section 6.5 Treasurer: The Treasurer shall manage the money held by the Board or on behalf of the Board, and shall provide regular statements of the status of the finances of the Board, as directed. In addition, the Treasurer shall undertake all of the financial obligations to the County Commission as enumerated in the West Virginia Code, Section 62-11C-8.

Section 6.6 Executive Director: The Board may hire an Executive Director who shall be responsible for the administration and conduct of the business and affairs of the Board pursuant to guidelines established by the Board. The Executive Director shall have full authority for direction of the employees of the Board. The Executive Director will attend all board meetings, report on the progress of the organization, and answer questions of the board members. The Board can designate other duties

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as necessary. The Executive Director is to be compensated for his or her services in such amount and manner as the Board shall determine.

Section 6.7 Delegation: If any officer of the Board is absent or unable to act and no other person is authorized to act in such officer's place by the provisions of these Bylaws, the Board may from time to time delegate the powers or duties of such officer to any other officer or member or any person it may select.

Section 6.8 Officer Vacancies: Vacancies in any office arising from any cause may be filled by the Board at any regular or special meeting of the Board.

Section 6.9 Other Officers: The Board may appoint such other officers or agents as it shall deem necessary or expedient, who shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board.

Section 6.10 Term --- Removal: The officers of the Board shall hold office until their successors are chosen. The election of officers shall take place at the first meeting of each calendar year. Any officer or agent elected or appointed by the Board may be removed at any time, with or without cause, by the affirmative vote of a majority of the whole Board, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

ARTICLE VII --- COMMITTEES

Section 7.1 --- Executive and Other Committees: The Board may appoint, from time to time, from its own number, standing or temporary committees consisting each of no fewer than two (2) members. Such committees may be vested with such powers as the Board may determine by resolution passed by a majority of the full Board, provided, however, that no such committee shall have the authority of the Board in reference to:

- A. Amending, altering, or repealing these Bylaws;
- B. Electing, appointing, or removing any director or officer of the Board;
- C. Authorizing the sale, lease, exchange or mortgage, of all or substantially all of the property and assets of the Board;
- D. Authorizing the voluntary dissolution of the Board or revoking proceeds therefore; or
- E. Amending, altering, or repealing any resolution of the Board which by its term provides that it shall not be amended, altered, or repealed by such committee.

All committees so appointed shall keep regular minutes of the transactions of their meetings and shall cause them to be recorded in books kept for that purpose in the office of the Board. The designation of any such committee and the delegation of authority thereto, shall not relieve the Board of any responsibility imposed by law.

Section 7.2 Executive Committee: The four officers serve as members of the Executive Committee. Except for the power to amend the Bylaws, the Executive Committee shall have all of the powers and authority of the Board in the intervals between meetings of the Board, subject to the directions and control of the Board.

Section 7.3 Finance Committee: The Treasurer is the chair of the Finance Committee, which includes three other Board members. The Finance Committee is responsible for developing and reviewing fiscal procedures and annual budget with staff and other Board members. The Board must approve the budget, and all expenditures must be within the budget. Any major change in the budget. Any major change in the budget must be approved by the Board or the Executive Committee. Annual reports are required to be submitted to the Board showing income, expenditures and pending income. The financial records of the organization are public information and shall be available to the Board and the public.

ARTICLE VIII – FISCAL YEAR

The fiscal year shall run from July 1 of each year to June 30 of the following year.

ARTICLE IX – BOOKS AND RECORDS

The Board shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its meetings and shall keep a record of its members, giving the names and addresses of all members.

ARTICLE X – AMENDMENTS

These Bylaws may be amended when necessary by a majority of the Board. Proposed amendments must be submitted to the Executive Director to be sent out with regular Board announcements.

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406 South Raleigh Street
Martinsburg WV 25401

Phone: 304-267-5000 ext
3961
Fax: 304-596-2047

Berkeley/Jefferson Day Report Center

Joseph P. Sacchet
Berkeley/Jefferson Day Report Center
406 South Raleigh Street
Martinsburg WV 25401


February 27, 2012

To Whom It May Concern:

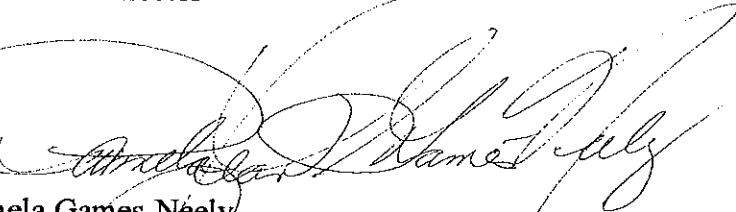
Reference: Letter of Certification

The Berkeley/Jefferson Day Report Center created a sub-committee chaired by the Director to develop a Policy & Procedure Manual for this program. A completed P&P Manual was presented, discussed and accepted at Criminal Justice Board meeting on August 19, 2009. This document will be updated annually by that anniversary date. Board members have in their possession a copy of that document.

X


Joseph P. Sacchet
Executive Director

X


Pamela Games-Neely
President, Berkeley/Jefferson Community Criminal Justice Board

<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: _____

Department or Entity: **County Commission** _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd 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:

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 15, Issue 8

March 2, 2012

Legislative Lineup Week 7...

CCAWV Legislative Lineup - March 1, 2012 - Surviving Bills
By Vivian Parsons, Executive Director

Hi folks,

Well the dust has settled and here are the surviving bills of county interest. Nine days and counting..... As always, call me if you have questions, 304-415-1608.

Especially Notice these bills:

HJR 113 - "County Option Homestead Exemption Bill"

SB 487 - expanding definitions of county economic development authority so counties can receive the monies in the Coalbed Methane Gas Distribution Fund

SB 526 - permissive authority for county commission to impose additional transfer tax for dedication to regional jails and drug treatment.

SB 167 - allowing county to accept credit card payments

SB 437 - Governor's Substance Abuse bill

SB 468 - Allowing Courthouse Facilities Improvement Authority to issue bonds

HB 4547 - Creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act - Allows for the use of (5%) salvage value tax credits

HB 4030 - prioritizes payments of fees from court costs which could cost counties revenues

--
If you look under the column, "Last Action," I've tried to group bills, buy where they are in the process (ex. On the floor, in Senate Finance, in Senate Judiciary and so forth).

Personalized Bill Tracking List

2012crossover - 2012 Regular Session

Bill	Title	SA(Same As)/ SI(Similar To)	Last Action	Committee Reference	Notes
<u>SB</u> <u>31</u>	Relating to voting precincts and standard receiving boards		02/02/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
<u>SB</u> <u>36</u>	Relating to disclosure requirements for certain public construction contracts		02/29/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Labor Senate Reference 2 - Judiciary	
<u>SB</u> <u>100</u>	Relating to fees collected by circuit court clerks		03/02/12 - To House On 3rd reading, Special Calendar 3rd Reading, Special Calendar	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
<u>HJR</u> <u>113</u>	The "Homestead Exemption Increase Amendment"		03/01/12 - To Senate Judiciary	House Reference 1 - Constitutional Revision House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
<u>SB</u> <u>167</u>	Authorizing counties and municipalities accept credit or check card as payment		02/02/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization	
<u>SB</u> <u>222</u>	Creating criminal offense for interfering with emergency service call	<u>SI</u> <u>HB</u> <u>4397</u>	02/09/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary	

<u>SB</u> <u>342</u>	Relating generally to criminal justice system	<u>SA HB</u> <u>4123</u>	02/29/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>SB</u> <u>354</u>	Authorizing county commissions appoint temporary successors to certain county officer vacancies	<u>SA HB</u> <u>4305</u>	02/29/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>SB</u> <u>362</u>	Authorizing bond issuance for Cacapon Resort State Park and Beech Fork State Park capital improvements		02/29/12 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Natural Resources Senate Reference 2 - Finance
<u>SB</u> <u>365</u>	Increasing membership of PEIA Finance Board	<u>SA HB</u> <u>4304</u>	03/02/12 - To House From House Calendar, 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Political Subdivisions House Reference 2 - Government Organization Senate Reference 1 - Banking and Insurance Senate Reference 2 - Government Organization
<u>SB</u> <u>387</u>	Requiring training of floodplain managers		02/29/12 - To House House Government Organization	House Reference 1 - Government Organization Senate Reference 1 - Government Organization
<u>SB</u> <u>417</u>	Establishing right to disposition of deceased's remains	<u>SA HB</u> <u>4051</u>	02/29/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>437</u>	Relating generally to substance abuse	<u>SA HB</u> <u>4336</u>	02/29/12 - To House House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Health and Human Resources Senate Reference 2 -

				Judiciary Senate Reference 3 - Finance
<u>SB</u> <u>461</u>	Conforming election complaint procedures statute to federal code	<u>SA HB</u> <u>4402</u>	03/02/12 - To House From Special Calendar, 2nd reading, placed on House Calendar 2nd Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>468</u>	Allowing Courthouse Facilities Improvement Authority issue bonds	<u>SA HB</u> <u>4534</u>	02/22/12 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>SB</u> <u>469</u>	Relating generally to other post-employment benefits	<u>SA HB</u> <u>4364</u>	02/21/12 - To House Approved by Governor 2/20/12 - Senate Journal	House Reference 1 - Finance Senate Reference 1 - Finance
<u>SB</u> <u>471</u>	Authorizing Supreme Court establish mental hygiene commissioners' compensation	<u>SA HB</u> <u>4292</u>	02/20/12 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>SB</u> <u>479</u>	Creating Spay Neuter Program and Fund		03/01/12 - To House House Finance	House Reference 1 - Agriculture House Reference 2 - Finance Senate Reference 1 - Agriculture Senate Reference 2 - Judiciary
<u>SB</u> <u>487</u>	Creating Coalbed Methane Gas Distribution Fund		02/29/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance
<u>SB</u> <u>499</u>	Clarifying PEIA is not "insurer" or engaged in "business of insurance"	<u>SA HB</u> <u>4417</u>	02/20/12 - To House House Banking and Insurance	House Reference 1 - Banking and Insurance House Reference 2 - Judiciary Senate Reference 1 - Banking and Insurance Senate Reference 2 - Judiciary

				Judiciary Senate Reference 3 - Finance
<u>SB</u> <u>461</u>	Conforming election complaint procedures statute to federal code	<u>SA HB</u> <u>4402</u>	03/02/12 - To House From Special Calendar, 2nd reading, placed on House Calendar 2nd Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>468</u>	Allowing Courthouse Facilities Improvement Authority issue bonds	<u>SA HB</u> <u>4534</u>	02/22/12 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>SB</u> <u>469</u>	Relating generally to other post-employment benefits	<u>SA HB</u> <u>4364</u>	02/21/12 - To House Approved by Governor 2/20/12 - Senate Journal	House Reference 1 - Finance Senate Reference 1 - Finance
<u>SB</u> <u>471</u>	Authorizing Supreme Court establish mental hygiene commissioners' compensation	<u>SA HB</u> <u>4292</u>	02/20/12 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>SB</u> <u>479</u>	Creating Spay Neuter Program and Fund		03/01/12 - To House House Finance	House Reference 1 - Agriculture House Reference 2 - Finance Senate Reference 1 - Agriculture Senate Reference 2 - Judiciary
<u>SB</u> <u>487</u>	Creating Coalbed Methane Gas Distribution Fund		02/29/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance
<u>SB</u> <u>499</u>	Clarifying PEIA is not "insurer" or engaged in "business of insurance"	<u>SA HB</u> <u>4417</u>	02/20/12 - To House House Banking and Insurance	House Reference 1 - Banking and Insurance House Reference 2 - Judiciary Senate Reference 1 - Banking and Insurance Senate Reference 2 - Judiciary

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<u>SB</u> <u>507</u>	Relating to voluntary and involuntary hospitalization of mentally ill persons	<u>SA HB</u> <u>4321</u>	02/22/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>510</u>	Amending election canvass and recount procedures	<u>SA HB</u> <u>3103</u> <u>SA HB</u> <u>4296</u>	02/21/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>517</u>	Including community beautification and reclamation programs in authorized community corrections programs		02/29/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Agriculture Senate Reference 2 - Judiciary
<u>SB</u> <u>518</u>	Prohibiting certain persons from holding elected or appointed office	<u>SI HB</u> <u>2103</u> <u>SI HB</u> <u>4464</u>	02/21/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>526</u>	Relating to dedication of proceeds from county excise tax on transfer of real property	<u>SI HB</u> <u>4117</u>	02/22/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Finance
<u>SB</u> <u>554</u>	Relating to write-in voting when using electronic voting systems	<u>SA HB</u> <u>4302</u> <u>SI HB</u> <u>4526</u>	02/21/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>SB</u> <u>624</u>	Relating generally to use of alternative-fuel motor vehicles	<u>SA HB</u> <u>4629</u>	02/29/12 - To House House Finance	House Reference 1 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance
<u>SB</u> <u>634</u>	Authorizing certain municipalities impose limited special public safety assessment fee		02/29/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Government Organization Senate Reference 3 - Finance

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<u>SB</u> <u>637</u>	Relating to maintenance of voter registration lists and records	<u>SA HB</u> <u>4452</u>	02/29/12 - To House House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>2402</u>	Redefining the term "public record" as it is used in the Freedom of Information Act		01/19/12 - To Senate Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>4028</u>	Authorizing the temporary suspension of certification of emergency medical service personnel or licensure of emergency medical service agencies without a hearing or prior notice if there is probable cause		03/01/12 - To Senate Judiciary	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>HB</u> <u>4030</u>	Prioritizing the payment of fees, costs, bonds, fines or other sums charged or assessed in magistrate courts in civil and criminal matters		02/29/12 - To Senate Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance
<u>HB</u> <u>4063</u>	Relating to civil service commissions in political subdivisions		03/01/12 - To Senate Judiciary	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>HB</u> <u>4068</u>	Providing that antique motor vehicles be valued at their salvage value for personal property tax purposes		02/29/12 - To Senate Transportation and Infrastructure	House Reference 1 - Roads and Transportation House Reference 2 - Finance Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance

<u>HB</u> <u>4086</u>	Designating certain property as a qualified capital addition to a manufacturing facility	<u>SA</u> <u>SB</u> <u>206</u>	01/26/12 - To House Approved by Governor 1/26/12 - House Journal	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance Senate Reference 1 - Finance
<u>HB</u> <u>4107</u>	Relating to volunteer firefighter training	<u>SA</u> <u>SB</u> <u>213</u>	02/23/12 - To House Approved by Governor 2/23/12	House Reference 1 - Government Organization Senate Reference 1 - Government Organization
<u>HB</u> <u>4238</u>	Establishing procedures for address confidentiality program participants on the special absentee voting list	<u>SA</u> <u>SB</u> <u>376</u>	03/02/12 - To Senate On 1st reading 1st Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>4250</u>	Creating the Uniform Real Property Electronic Recording Act	<u>SA</u> <u>SB</u> <u>363</u>	01/31/12 - To Senate Interstate Cooperation	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Interstate Cooperation Senate Reference 2 - Judiciary
<u>HB</u> <u>4257</u>	Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986	<u>SA</u> <u>SB</u> <u>400</u>	02/29/12 - To Senate Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>4263</u>	The West Virginia Buy American Act	<u>SI</u> <u>SB</u> <u>381</u>	03/01/12 - To Senate Finance	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Finance
<u>HB</u> <u>4403</u>	Changing the filing deadline for certified write-in candidates	<u>SA</u> <u>SB</u> <u>476</u>	02/20/12 - To Senate Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>4424</u>	Relating to modified mental hygiene procedures	<u>SA</u> <u>SB</u> <u>578</u>	02/28/12 - To Senate Judiciary	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Judiciary

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<u>HB</u> <u>4438</u>	Provider Sponsored Network Act	<u>SA</u> <u>SB</u> <u>581</u>	03/01/12 - To Senate Judiciary	House Reference 1 - Health and Human Resources House Reference 2 - Finance Senate Reference 1 - Judiciary
<u>HB</u> <u>4451</u>	Ensuring that county executive committees have control of designating the persons who serve as ballot commissioner		02/24/12 - To Senate Government Organization	House Reference 1 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>HB</u> <u>4488</u>	Reforming, altering or modifying a county commission		02/29/12 - To Senate Government Organization	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary
<u>HB</u> <u>4506</u>	Relating to absentee ballot fraud		03/01/12 - To Senate Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary
<u>HB</u> <u>4522</u>	Providing additional contempt powers for family court judges	<u>SA</u> <u>SB</u> <u>638</u>	03/01/12 - To Senate Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary
<u>HB</u> <u>4547</u>	Creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act	<u>SI</u> <u>SB</u> <u>534</u>	03/01/12 - To Senate Economic Development	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance

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<u>HB</u> <u>4567</u>	Permitting the Harrison county commission to levy a special district tax	<u>SI SB</u> <u>620</u>	03/01/12 - To Senate Finance	House Reference 1 - Political Subdivisions House Reference 2 - Finance Senate Reference 1 - Finance
<u>HB</u> <u>4613</u>	Relating to development of broadband infrastructure and broadband deployment in this state	<u>SA SB</u> <u>635</u>	03/01/12 - To Senate Transportation and Infrastructure	House Reference 1 - Finance Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance
<u>HB</u> <u>4630</u>	Modifying the membership of the Braxton County Recreational Development Authority		03/02/12 - To Senate On 1st reading 1st Reading	House Reference 1 - Political Subdivisions Senate Reference 1 - Government Organization
<u>HB</u> <u>4653</u>	Relating to public school support computation of local share		03/01/12 - To Senate Education	House Reference 1 - Finance Senate Reference 1 - Education Senate Reference 2 - Finance
<u>HB</u> <u>4654</u>	Relating to the provision of mailing services by the CPRB to certain retiree organizations		03/01/12 - To Senate Pensions	House Reference 1 - Government Organization Senate Reference 1 - Pensions

TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES

FROM: PATTI HAMILTON



**THE COUNTY LEGISLATIVE LINE
Friday, March 3rd, 2012**

Capitol Quotes:

"At some point we have to say that these drug-related problems are the #1 problem in WV. At some point we need to start making the tough decisions and stop this catastrophe in the making." Sen. McCabe, noting that the substance abuse bill, SB 437, has no funding or revenue stream in it and does nothing about meth ingredients except real-time tracking

"At least, I've found that to be advisable." Sen. Laird, on an amendment that if a court order states what to do with seized weapons, that should be amended into SB 149

"My bottom line is that the most reasonable interpretation of Article IX is that the Legislature must set the compensation for the officers specified in that Article." Professor Robert Bastress, WVU College of Law, answering a question I emailed him regarding whether the Constitution requires that the compensation of county officials be set by the Legislature

Wednesday, Feb. 29th was cross-over day when all bills must pass their house of origin and I must say that it was the quietest cross-over day I've ever experienced. Usually the Senate is busy sending bills out of committee and suspending rules to get them passed but this year they committed not to suspend the rule to read the bills over 3 days. It made for a quiet day with very little committee work.

If a bill does not pass its house of origin by this day, it is pretty much dead unless it can be rolled into another bill to which it is "germane." As of the morning of March 1st, the Senate passed 174 bills, the House 146, and 17 have completed legislation.

I sent out to everyone the Daily Mail story on Monday regarding setting of salaries by counties rather than by the Legislature. Professor Bastress (quoted above) sent me a detailed response that affirmed what we have always presumed to be the case: "prescribed by law" is interpreted to mean by statute of the Legislature. It is very clear for County & Circuit Clerks in the Constitution but two sections have to be read together to determine that the Legislature shall set the salaries of the constitutional officers. We have provided this information to all members of the Senate.

Some of our legislative priorities are still alive:

SB 31 – consolidating voting precincts where feasible (such as 3 precincts in one school cafeteria)

SB 67 – authorizing counties to accept credit or check card as payment for fees

SB 365 – adding a non-state representative to the PEIA Finance Board

SB 434 – adding last 4 digits & birth date to suggestion & suggestee execution

SB 437 – Governor's substance abuse bill; there will be a \$5 million appropriation in the budget but otherwise there is no funding source for treatment

SB 468 – Allowing Courthouse Facilities Improvement Authority to issue bonds

SB 526 – this is the "morphed" transfer tax bill that instead of allowing counties to keep what they currently send to the state, it authorizes a county commission to impose additional transfer fee for purposes of regional jail bills and substance abuse treatment

SB 608 – authorizing use of search warrant to draw blood sample from DUI suspect

HB 2521 – eliminate service of DV orders by certified mail

HB 3128 – filing civil petition for expungement

HB 4356 – create misdemeanor for child neglect resulting in substantial risk of bodily injury

Bills that need killin' :

SB 149 –disposition of firearms (Sheriffs oppose)

SB 637 – voter registration lists' sales & monitoring (Sec. Of State's bill opposed by County Clerks)

HB 4018 – grant real estate appraisers access to assessors' forms (Assessors oppose)

HB 4030 – prioritizes payments of fees from court costs; never been in statute before and puts worthless checks & restitution 2nd & 3rd ahead of many county beneficiaries of the fees (such as community corrections, law enforcement training, courthouse facilities, etc.)

HB 4068 – antique cars assessed at \$600 (Assessors oppose)

HB 4086 – broadening of salvage value for qualified capital additions

HB 4257 – same day voter registration during early voting for military, family & any overseas voter who comes home after registration has closed (Sec. Of State's bill that County Clerks oppose opening it up to any overseas voter)

Bills that need watched:

HJR 113 – county option homestead exemption (petition comes back to the Legislature who can change what county wanted; if fully implemented would cost \$46 million in property tax revenue which would grow each year)

SJR 9 – “Boy Scout” Exemption Amendment (Could this have unintended consequences?)

Other bills of interest:

SB 342 – sentencing reform

SB 354 – allow county commission to appoint a temporary successor for no more than 30 days when there's a vacancy in county office prior to making the permanent appointment

SB 510 – canvass procedures

SB 519 – restoration of drivers' licenses; should help with jail bills for those driving on suspended

SB 643 – administrative forfeiture procedures for property involved in controlled substance trafficking; should mean some additional revenue for counties

Keep up with the Legislature:

www.legis.state.wv.us and

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

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 15, Issue 9

March 8, 2012

Legislative Lineup Week 8...Almost Over!!!

Hi folks,

Only 2 more days to go in the regular session (the governor has extended the session by 3 days to work on the state budget bill). All bills still in committee at this time have little chance for survival, as bills are to be read on the floor 3 separate days. Rules can, however, be suspended by the body if the votes are there, but we haven't seen much of that this session. As always, call me if you have questions, 304-415-1608.

First a quick update on some bills of special importance we've been following:

HJR 113 - "County Option Homestead Exemption Bill" - *Likely dead, has a double reference in Senate and has not moved.*

SB 487 - expanding definitions of county economic development authority so counties can receive the monies in the Coalbed Methane Gas Distribution Fund - *This bill has passed out of House Finance and is on 1st reading today!*

SB 526 - permissive authority for county commission to impose additional transfer tax for dedication to regional jails and drug treatment. - *This bill is most likely dead, still sitting in House Finance.*

SB 167 - allowing county to accept credit card payments. - *This bill is likely dead, still sitting in House Judiciary.*

SB 437 - Governor's Substance Abuse bill - *This bill is on 1st reading on the House Floor.*

SB 468 - Allowing Courthouse Facilities Improvement Authority to issue bonds - *This bill is likely dead, still sitting in House Finance.*

HB 4547 - Creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act - Allows for the use of (5%) salvage value tax credits - *Likely Dead, still in Senate Economic Development.*

HB 4030 - prioritizes payments of fees from court costs which could cost counties revenues - *The Senate Judiciary Committee has passed this bill, but it has a 2nd reference to Senate Finance, which makes passage less likely.*

Attached are all the bills of county interest we've been following since cross-over day...

West Virginia Legislature

PERSONALIZED BILL TRACKING LIST

Senate	House	Joint	Bill Status	WV Code	Audits/ Reports	Educational	Contact
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Personalized Bill Tracking List

2012crossover - 2012 Regular Session

Bill	Title	SA (Same As)/ SI (Similar To)	Last Action	Committee Reference	Notes
SB 31 (None)	Relating to voting precincts and standard receiving boards		02/02/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 36 (None)	Relating to disclosure requirements for certain public construction contracts		03/09/12 - To House On 2nd reading, Special Calendar 2nd Reading, Special Calendar	House Reference 1 - Judiciary Senate Reference 1 - Labor Senate Reference 2 - Judiciary	
SB 100 (None)	Relating to fees collected by circuit court clerks		03/05/12 - To House received message	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	Completed Legislative Action. To Governor
HJR 113 (None)	The "Homestead Exemption Increase Amendment"		03/01/12 - To Senate Judiciary	House Reference 1 - Constitutional Revision House Reference 2 - Finance	Likely dead...has double reference and has not moved.

				Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 167 (None)	Authorizing counties and municipalities accept credit or check card as payment		03/02/12 - To House Judiciary	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization	Still in House Judiciary
SB 222 (None)	Creating criminal offense for interfering with emergency service call	SI HB 4387	02/09/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary	
SB 342 (None)	Relating generally to criminal justice system	SA HB 4123	03/08/12 - To House From Calendar, 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	Committee cut all but three major provisions of a prison reform bill. kept alive a prison-based substance abuse treatment program, mandating a minimum six months of parole for all prisoners and allowing parole and probation violators to face incremental sanctions rather than return to prison. The committee removed provisions capping bail for misdemeanor crimes, allowing two deferred prosecutions for simple drug possession and allowing police to issue a citation rather than arrest someone for many misdemeanors. The revised bill cuts a proposed pilot program for drug offenders requiring immediate sanctions like a night in jail for testing positive on drug tests.
SB 354 (None)	Authorizing county commissions	SA HB 4305	02/29/12 - To House Judiciary	House Reference 1 -	Still in House Judiciary

	appoint temporary successors to certain county officer vacancies			Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 362 (None)	Authorizing bond issuance for Cacapon Resort State Park and Beech Fork State Park capital improvements		03/07/12 - To Senate Communicated to	House Reference 1 - Finance Senate Reference 1 - Natural Resources Senate Reference 2 - Finance	This bill passed the House with a title amendment, so will have to go back to Senate before it's finished.
SB 365 (None)	Increasing membership of PEIA Finance Board	SI HB 2667 SA HB 4304	03/07/12 - To House Message received	House Reference 1 - Political Subdivisions House Reference 2 - Government Organization Senate Reference 1 - Banking and Insurance Senate Reference 2 - Government Organization	Completed Legislation awaiting Governor's signature
SB 387 (None)	Requiring training of floodplain managers		03/08/12 - To House Message received	House Reference 1 - Government Organization Senate Reference 1 - Government Organization	Completed Legislation awaiting Governor's signature
SB 417 (None)	Establishing right to disposition of deceased's remains	SA HB 4051	02/29/12 - To House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	

SB 437 (None)	Relating generally to substance abuse	SA HB 4336	03/08/12 - To House From Calendar, 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Health and Human Resources Senate Reference 2 - Judiciary Senate Reference 3 - Finance	This bill will cap individual sales of pseudoephedrine medicines at 24 grams per year. The cold remedy limits would not apply to prescribed drugs. The bill would also have West Virginia join a tracking system for these behind-the-counter medicines.
SB 461 (None)	Conforming election complaint procedures statute to federal code	SA HB 4402	03/08/12 - To House On 2nd reading, Calendar 2nd Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
SB 468 (None)	Allowing Courthouse Facilities Improvement Authority issue bonds	SA HB 4534	02/22/12 - To House Finance	House Reference 1 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	Most likely Dead.
SB 469 (None)	Relating generally to other post-employment benefits	SA HB 4364	02/21/12 - To House Approved by Governor 2/20/12 - Journal	House Reference 1 - Finance Senate Reference 1 - Finance	Signed by the Governor
SB 471 (None)	Authorizing Supreme Court establish mental hygiene commissioners' compensation	SA HB 4292	03/08/12 - To House Message received	House Reference 1 - Finance Senate Reference 1 - Judiciary	Completed Legislation awaiting Governor's signature

				Senate Reference 2 - Finance	
SB 479 (None)	Creating Spay Neuter Program and Fund		03/01/12 - To House Finance	House Reference 1 - Agriculture House Reference 2 - Finance Senate Reference 1 - Agriculture Senate Reference 2 - Judiciary	Made into a study resolution.
SB 487 (None)	Creating Coalbed Methane Gas Distribution Fund	SI HB 4473	03/08/12 - To House From Calendar, 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance	This bill expands the definition of eligible county economic development authorities that can receive the coalbed methane monies. the bill specifies the permissible uses of fund moneys, removes the requirement of Development Office approval of use of fund moneys and creates an accounting and reporting mechanism. CCAVV supports passage of this bill!
SB 499 (None)	Clarifying PEIA is not "insurer" or engaged in "business of insurance"	SA HB 4417	02/20/12 - To House Banking and Insurance	House Reference 1 - Banking and Insurance House Reference 2 - Judiciary Senate Reference 1 - Banking and Insurance Senate Reference 2 - Judiciary	Most likely Dead.
SB 507 (None)	Relating to voluntary and involuntary hospitalization of mentally ill persons	SA HB 4321	03/08/12 - To House On 2nd reading, Special Calendar 2nd Reading, Special	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	

			Calendar		
SB 510 (None)	Amending election canvass and recount procedures	SA HB 4295 SA HB 3103	02/21/12 - To House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
SB 517 (None)	Including community beautification and reclamation programs in authorized community corrections programs		03/08/12 - To House From Calendar, 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Agriculture Senate Reference 2 - Judiciary	
SB 518 (None)	Prohibiting certain persons from holding elected or appointed office	SI HB 2103 SI HB 4464	02/21/12 - To House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
SB 526 (None)	Relating to dedication of proceeds from county excise tax on transfer of real property	SI HB 2785 SI HB 4117	03/05/12 - To House Finance	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Finance	Most likely Dead.
SB 554 (None)	Relating to write-in voting when using electronic voting systems	SA HB 4302 SI HB 4526	02/21/12 - To House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
SB 624 (None)	Relating generally to use of alternative-fuel motor vehicles	SA HB 4629	02/29/12 - To House Finance	House Reference 1 - Finance Senate Reference 1 - Economic	Most likely Dead.

				Development Senate Reference 2 - Finance	
SB 634 (None)	Authorizing certain municipalities impose limited special public safety assessment fee		03/08/12 - To House From Calendar, 1st reading, placed on Special Calendar 1st Reading, Special Calendar	House Reference 1 - Political Subdivisions House Reference 2 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Government Organization Senate Reference 3 - Finance	
SB 637 (None)	Relating to maintenance of voter registration lists and records	SA HB 4452	02/29/12 - To House Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
HB 2402 (None)	Redefining the term "public record" as it is used in the Freedom of Information Act		01/19/12 - To Senate Judiciary	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	Made into a study resolution.
HB 4028 (None)	Authorizing the temporary suspension of certification of emergency medical service personnel or licensure of emergency medical service agencies without a hearing or prior notice if there is probable cause		03/08/12 - To Senate On 1st reading 1st Reading	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	

HB 4030 (None)	Prioritizing the payment of fees, costs, bonds, fines or other sums charged or assessed in magistrate courts in civil and criminal matters		03/08/12 - To Senate On 2nd reading to Finance	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	This bill passed out of Senate Judiciary, but still has a 2nd refermce to Senate Finance.
HB 4063 (None)	Relating to civil service commissions in political subdivisions		03/08/12 - To Senate On 3rd reading 3rd Reading	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
HB 4068 (None)	Providing that antique motor vehicles be valued at their salvage value for personal property tax purposes		03/05/12 - To Senate On 2nd reading to Finance	House Reference 1 - Roads and Transportation House Reference 2 - Finance Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance	Could still pass...
HB 4086 (None)	Designating certain property as a qualified capital addition to a manufacturing facility	SA SB 206	01/26/12 - To House Approved by Governor 1/26/12 - Journal	House Reference 1 - Energy, Industry and Labor, Economic Development and Small	Signed by the Governor

				Business House Reference 2 - Finance Senate Reference 1 - Finance	
HB 4107 (None)	Relating to volunteer firefighter training	SA SB 213	02/23/12 - To House Approved by Governor 2/23/12	House Reference 1 - Government Organization Senate Reference 1 - Government Organization	Signed by the Governor
HB 4238 (None)	Establishing procedures for address confidentiality program participants on the special absentee voting list	SA SB 376	03/07/12 - To House Message received	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	Completed Legislation awaiting Governor's signature
HB 4250 (None)	Creating the Uniform Real Property Electronic Recording Act	SA SB 363	01/31/12 - To Senate Interstate Cooperation	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Interstate Cooperation Senate Reference 2 - Judiciary	
HB 4257 (None)	Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986	SA SB 400	03/08/12 - To Senate On 2nd reading 2nd Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
HB 4263 (None)	The West Virginia Buy American Act	SI SB 381	03/01/12 - To Senate Finance	House Reference 1 - Judiciary House Reference 2 -	

				Finance Senate Reference 1 - Finance	
HB 4403 (None)	Changing the filing deadline for certified write-in candidates	SA SB 476	03/08/12 - To Senate On 3rd reading 3rd Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
HB 4424 (None)	Relating to modified mental hygiene procedures	SA SB 578	03/08/12 - To Senate On 2nd reading 2nd Reading	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary Senate Reference 1 - Judiciary	
HB 4438 (None)	Provider Sponsored Network Act	SA SB 581	03/08/12 - To Senate On 2nd reading 2nd Reading	House Reference 1 - Health and Human Resources House Reference 2 - Finance Senate Reference 1 - Judiciary	
HB 4451 (None)	Ensuring that county executive committees have control of designating the persons who serve as ballot commissioner		03/08/12 - To Senate On 1st reading 1st Reading	House Reference 1 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
HB 4488 (None)	Reforming, altering or modifying a county commission		02/29/12 - To Senate Government Organization	House Reference 1 - Political Subdivisions	On the agenda Thursday, March 8th

				House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
HB 4506 (None)	Relating to absentee ballot fraud		03/01/12 - To Senate Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary	
HB 4522 (None)	Providing additional contempt powers for family court judges	SA SB 638	03/08/12 - To Senate On 2nd reading 2nd Reading	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	
HB 4547 (None)	Creating the West Virginia Innovation Free-Trade Business Technology Property Valuation Act and the West Virginia Innovation Free-Trade Tax Credit Act	SI SB 534	03/01/12 - To Senate Economic Development	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance	Most likely Dead.
HB 4567 (None)	Permitting the Harrison county commission to levy a special district tax	SI SB 620	03/08/12 - To Senate On 3rd reading 3rd Reading	House Reference 1 - Political Subdivisions House	

				Reference 2 - Finance Senate Reference 1 - Finance	
HB 4613 (None)	Relating to development of broadband infrastructure and broadband deployment in this state	SA SB 635	03/05/12 - To Senate On 2nd reading to Finance	House Reference 1 - Finance Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance	
HB 4630 (None)	Modifying the membership of the Braxton County Recreational Development Authority		03/07/12 - To House Message received	House Reference 1 - Political Subdivisions Senate Reference 1 - Government Organization	Completed Legislation awaiting Governor's signature
HB 4653 (None)	Relating to public school support computation of local share		03/01/12 - To Senate Education	House Reference 1 - Finance Senate Reference 1 - Education Senate Reference 2 - Finance	
HB 4654 (None)	Relating to the provision of mailing services by the CPRB to certain retiree organizations		03/08/12 - To House Message received	House Reference 1 - Government Organization Senate Reference 1 - Pensions	Completed Legislation awaiting Governor's signature

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

FROM: PATTI HAMILTON



**THE COUNTY LEGISLATIVE LINE
Friday, March 10th , 2012**

Capitol Quotes:

"Piggybacking – it's a legal term." Political Subdivisions attorney explaining an amendment to SB 167, our credit card acceptance bill; the amendment will allow county offices to piggyback on a vendor if credit cards are already accepted in the sheriff's tax office (no bids required)

"Are you sure you don't want an increased fee? We could get it vetoed that way." Sen. Plymale to a DMV representative, referring to a DMV fee increase bill that passed the Legislature last year and was vetoed by the Governor

"This bill is trying to create a devolution of power." Del. Moore on SB 487 which would give control of coalbed methane funds from the state Development office to counties

"I'd like to concur with my friend from McDowell." Del. O'Neal

"Thank you, brother." Del. Moore

"Isn't it a fact that the great bulk of the jail bills are paid by counties." Del. Frazier objecting to an amendment to SB 526 that would give part of a county option transfer tax to municipalities; the amendment failed

"We continue to suffer from the rocking chair syndrome where we have a little activity but we really don't go anywhere." Del. Ireland on his frustration with regional jail bills and substance abuse

"I respect that they can make a judgment that's best for them." Del. Fleischauer referring to county commissions' ability to enact provisions of SB 526 or not

RECEIVED

MAR 09 2012

"I don't practice in that area although I'm becoming more knowledgeable, unfortunately." Del. Manchin commenting on a bill dealing with divorce & alimony

"We are creating a single class and providing a tax benefit to people who understand the rules of the game." Sen. McCabe about HB 4068, providing \$1,000 assessed value of all antique

"I've got some antique buildings." Del. Facemire in a tongue-in-cheek remark about antique cars

"I hate to think we shortchanged our kids by pandering to a small interest group." Sen. Plymale, referring to money for education that might be lost if antique cars are given special treatment

"Big Girls Don't Cry" is my theme song for the session! We have seen issues die for no apparent reason, the most important being the salary bill.

The session ends at midnight on March 10th although there are so few active bills, relatively speaking, that I really don't know why the Legislature couldn't adjourn before midnight. I think there is concern that the press will criticize them for adjourning early but if there's nothing left to do, there's nothing left to do!

Our SB 167 credit card acceptance bill may get amended into another bill in the House Friday. It didn't get out of House Judiciary but mainly because they just ran out of time. I'm keeping my fingers crossed that it works and counties will have this ability if they want to offer it.

HB 4068, antique cars given assessed value of \$1,000, was the subject of lengthy discussion in Senate Finance. They did a strike and insert amendment putting in the provisions of Com Sub for SB 460 which both raises the minimum appraised value of regular cars to \$700 and gives antique cars assessed value of \$1,000. The bill passed with an amendment to the antique value to \$5,000. Del. Ireland spoke to the bill saying it offers "equality and simplicity." The tax department's fiscal note on Com Sub for SB 460 (now HB 4068) states that it will be an increase of \$1.5 million although that may be overestimated.

Here's an update on some bills:

SJR 9 – “Boy Scout Amendment” for property tax exemption appears to be dead and may be a study resolution.

SB 31 – County Clerks’ bill to allow for consolidating precincts where feasible by increasing the maximum number to 3,000 registered voters appears to be dead; pending in House Judiciary

SB 167 – Authorizing counties & municipalities to accept credit/debit cards for payment appears to be dead unless we are successful in getting it amended into another bill

SB 342 – “Public Safety and Offender Accountability Act,” appears to be set for passage although will probably have to go to conference committee

SB 354 – Allowing county commissions to appoint a temporary successor to a vacant county office for 30 days prior to making a permanent appointment appears to be dead; pending in House Judiciary

SB 365 – A non-state representative on the PEIA Finance Board has completed legislative action. Yea!!

SB 437 – Governor’s substance abuse bill will be going to conference committee for sure; several differences in House & Senate version but neither have any funding for treatment

SB 468 – Authorizing Courthouse Facilities Improvement Authority to issue bonds appears to be dead pending in House Finance; may become a study resolution. The bill had no money attached to it and we’re not quite sure what there is to study!

SB 469 – OPEB bill has been signed by the Governor; may be good news on how much it reduces the Annual Required Contribution, or OPEB liability but bad news for retirees (current & future) for the amount of premium they will be paying because of the greatly reduced subsidy

SB 487 – Coalbed Methane Gas Distribution frees up some funds that are not getting to counties and gives counties more control; appears to be set for passage

SB 526 – County option additional transfer tax appears to be dead; county commission could add to transfer tax at their discretion for use to pay regional jail bills (50%) and fund substance abuse treatment (50%); died in House Finance

SB 608 – Prosecutors bill to allow for search warrant to draw blood sample from DUI suspect appears to be dead; pending in House Judiciary

SB 637 – Maintenance of voter registration lists, a Secretary of State's bill *opposed* by County Clerks, appears to be dead

HJR 113 – County Option Homestead Exemption Amendment appears to have died in Senate Judiciary

HB 4018 – Making Assessors sell documents to licensed real estate appraisers appears to be dead in Senate Government Organization

HB 4068 – Making Assessors value antique cars at \$1,000 has now incorporated Com Sub for SB 460 with a value of \$5,000 and a minimum appraised value for vehicles increased from \$200 to \$700

HB 4257 – Provides for late voter registration for military and military personnel; amended on Thursday by Sen. Wells to add "national security employees;" Senate version does *not* include any overseas voter unless they are military or "national security;" set for passage in Senate on Friday

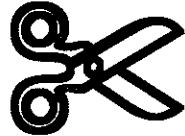
HB 4488 – Reforming a county commission, including the option of election by magisterial district, passed out of Senate Government Organization but may be dead since it's also referenced to Senate Judiciary (Del. Doyle's bill but we don't know who actually wants it)

We think all the salvage value bills are dead so that's good news.

The House of Delegates recognized its many members who are not running for re-election. Speaker Thompson became emotional as he called the names, some of whom have served for many years.

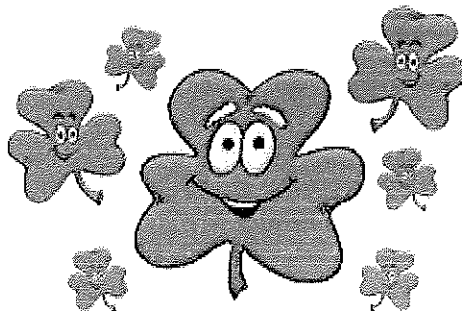
The Legislature adjourns Sine Die at midnight Saturday and then goes into special session for the budget.

Ribbon Cutting



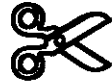
PADDY'S PUB

210 W. Liberty Street
Charles Town



Friday,
March 16, 2012
2:00 p. m.

Ribbon Cutting and Mixer



HAMPTON INN

157 Pemlico Drive
Charles Town



Wednesday, March 21, 2012
5:00 p.m.

Ethics Reporter

Since the Last Reporter

Since the January edition of the **REPORTER**, the West Virginia Ethics Commission published seven Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its February 2 meeting, the West Virginia Ethics Commission approved opinions relating to the: permissibility of a state employee whose agency funds a non-profit organization serving on the board of that organization; permissibility of a city council member being employed by the city; permissibility of a county commission purchasing property from a real estate business with

which a member of the commission is associated; permissibility of a county agency employing a relative of one of its supervisors; permissibility of a municipal water board employing the board's chairperson; permissibility of a county commissioner voting on matters affecting his public employer and; the permissibility of a statewide elected official accepting travel expenses from a state vendor to attend and speak at an international conference.

ADVISORY OPINION REPORT

Advisory Opinion 2011-22 concerned the permissibility of a state employee whose agency funds a non-profit organization serving on the board of directors for that organization.

The non-profit organization receives funding from the federal and state governments,

and provides services across a wide range to state and local agencies, while cooperating with affiliated non-profit groups. Board members serving with the group receive no compensation.

The Ethics Commission examined the provisions of 6B-2-5(b) prohibiting a public official from using their position to produce a private gain for themselves or for another in reviewing this case.

The Commission ruled in this instance that there was not potential violation of ethical standards for a state official to serve on the board of a non-profit group that receives funding from that official's agency. The Commission cited previous case precedent for its decision as well as the potential benefits of having a state employee monitoring the use of state funds as a member of the group.

Advisory Opinion

2012-01 concerned the permissibility of a city council member being employed by the city.

The city created a position, defined by an ordinance and filled by a member of city council, to enforce all building code and inspection rules. The individual filling the position is appointed by city council and reports to the mayor. Disputes about the building official's decisions come before council for resolution. A citizen not questions the propriety of a member of council serving in this position.

The Ethics Commission analyzed the provisions of 6B-2-5(b) prohibiting a public official from using their office to produce a private gain for themselves or another, those of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have direct authority or control, and those in 6B-2-5(j) concerning the limitations facing public officials in voting on matters affecting their

interests but also provides an exception by not prohibiting an official from holding employment in the public domain.

The Ethics Commission ruled that precedent from a 1992 case in nearly exactly similar circumstances is still controlling and that the building official may also serve as a city council member.

However, the Commission did rule that the council member faced limitations by not being permitted to take actions on matters directly affecting his personnel standing with the city unless those actions similarly affected other city employees also. The council member must also only conduct council business on his personal time and not while otherwise in the employ of the city performing his regular duties.

Advisory Opinion

2012-02 addressed the permissibility of a county commission purchasing property from a real estate business with which a member of the

commission is associated.

In this case, the county's building commission, with the assistance of the prosecuting attorney, has recommended that the county commission purchase a piece of property that would provide significant benefits for the county's daily operations. The property is being sold through a real estate firm where a member of the county commission is employed, although the commissioner is not an owner of the firm, is not an owner of the property being considered for purchase by the county and will not receive any compensation from the potential transaction.

The Ethics Commission reviewed the language of 6B-2-5(b) prohibiting public officials from using their offices to produce private gains for themselves or others, of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have authority or control, the restrictions on public officials in voting found in 6B-2-5(j), and the

strict provisions found in Chapter 61-10-15 making it unlawful for a member of a county commission to have either direct or indirect pecuniary interests in a matter over which they have voice, control or influence with the exception of situations specifically defined in code regarding a commissioner's employment relationship.

The Ethics Commission found that the potential real estate transaction involving a commissioner's employer did not constitute a violation of the ethics act since the commissioner had no interest in the matter and derived no compensation beyond his normal salary.

However, the Commission also cautioned the county commissioner not to use his position or influence to benefit his employer in this matter, and that he must recuse himself from any of the deliberations concerning the issue.

In addition, the Commission ruled that the exceptions defined

in 61-10-15 that would permit a county commissioner to avoid a potential violation are all met in this instance because of the limited nature of the commissioner's conflict between his public duties and his private employment with the real estate firm.

Advisory Opinion

2012-03 concerned the permissibility of a county agency employing the relative of one of its supervisors.

In this case, the agency has a well-established process for reviewing, evaluating and hiring candidates for vacant positions. The agency's deputy's son is one of the candidates qualified to be considered for an opening. While the deputy is not involved in the hiring process, if hired, his son would be under his supervision and authority on the job. The son is still living at home with his parents.

In its consideration of this case, the Ethics Commission examined the provisions of 6B-2-5(b) prohibiting public officials from using their positions to derive personal benefits for

themselves or others, the 6B-2-5(d) prohibiting public officials from having an interest in a contract over which they have authority or control, but which also contains an exception for employment and for recusal in cases where conflicts arise, the language of 6B-2-5(j) restricting public officials from involvement in certain activities, including in the hiring of a relative, the nepotism rule found at WVCSR 158-6-3 and the Chapter 61-10-15 prohibitions against a county board officer to have a direct or indirect pecuniary interest in any action over which they have voice, influence or control.

In this instance, the Ethics Commission found that the agency was not restricted in hiring the deputy's son by the provisions of the Ethics Act or by the language of 61-10-15. In the case of the Ethics Act, the deputy must fully recuse himself from the hiring process in the case of his son, and then in any personnel matters or supervisory activity concerning his son. In the latter instance, the

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Commission ruled that the deputy was an employee of the county and not an officer of any type restricted by the statute.

However, the Ethics Commission ruled that given the unique nature of the employment involved (emergency services) the deputy may supervise his son in the field only when emergency work is underway.

Advisory Opinion 2012-04 related to the permissibility of a municipal water board employing the board's chairperson.

In this situation, the water board has advertised to hire a part-time supervisor over the system's operations—a position which is part-time in nature and which is limited only to candidates who do not hold a full time job. The water board's only employee applied for the job, only to discover that he would have to resign a full time job in order to accept the part-time supervisor position. The water board chairman is

seeking permission to continue in that role and to also assume the supervisor role as well.

The Commission examined the provisions of 6B-2-5(b)(1) prohibiting a public official from using their office to generate a private gain for themselves.

In its opinion, the Commission examined many previous precedents from past rulings dealing with this general topic and the mixed outcomes that had been decided given the facts present in each case. However in this case, the Commission ruled that the chairman of the municipal water board could not be employed by the board as its supervisor—even if the chairman resigned his position with the board.

The Commission concluded that the outline of the job description of the supervisor's position appeared to be constructed in a manner as to limit the number of potential applicants, perhaps even to one applicant, the board chairman. As such, the

Commission refused to authorize the hiring and urged the water board to revisit the job description and qualifications before hiring anyone for the position.

Advisory Opinion 2012-05 addressed the permissibility of a county commissioner voting on matters affecting his public employer.

A teacher desires to be a candidate for county commission in the county where he resides and teaches. From time to time matters affecting the school system or individual schools comes before the county commission and the requestor seeks guidance on the propriety of his participation in those matters should he be elected to the commission.

At issue for the Ethics Commission were the provisions of 6B-2-5(b) prohibiting a public official from using their office to produce a private gain for themselves or another, the 6B-2-5(d)(1) standards restricting a public official from having an interest in a

matter over which they exercise authority or control, and the 6B-2-5(j) language governing voting by public officials and the procedures used to manage and address conflicts of interest should they arise.

In its opinion, the Ethics Commission ruled that the teacher is not precluded from serving on the county commission if elected. However, the Ethics Commission also determined that should a matter come before the county commission that uniquely affects the board of education only, the commissioner should recuse himself from voting and participating in these situations because the board of education cannot be considered as a "class" of five or more since each county only operates one school system.

Advisory Opinion 2012-06 concerned the permissibility of a statewide elected official accepting travel expenses from a state vendor to attend and

speak at an international conference.

In this instance, the requestor disclosed himself publicly to be the State Auditor, Glen Gainer. The Auditor requested guidance on a vendor to his office paying his expenses for a trip to Australia to present his work in fraud prevention and related topics to an international conference.

The Auditor believes that West Virginia will derive benefits from his attendance at this conference. The vendor is willing to assert that its representatives will not be engaging in any business negotiations with the Auditor and that it will comply with all federal and state laws applicable to this situation and dealing with foreign governments.

The Ethics Commission analyzed the provisions of 6B-2-5(b) prohibiting public officials from using their office for private gain, 6B-2-5(c) prohibiting an official from accepting a gift from anyone with interests pending before him, with the exception of reasonable food,

travel and lodging expenses.

In its opinion, the Ethics Commission states that the vendor's proposed payment of travel related expenses is permissible under applicable state law and regulations. However, the Commission expanded on this view by also making it clear that the Auditor could not endorse the vendor's product in his presentation to the conference and that neither could the Auditor join with the vendor in meeting with other Australian governmental officials as part of the vendor's overall marketing efforts.

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NONE PUBLISHED

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TRADE ASSOCIATIONS AND LOBBYISTS

NONE PUBLISHED

MISCELLANEOUS

NONE PUBLISHED

ADVISORY OPINION NO. 2012-04

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WEST VIRGINIA ETHICS COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE**OPINION SOUGHT**

An Attorney for a Municipal Water Board asks if the Ethics Act permits the Board to employ the Board's Chairperson as its Supervisor

FACTS RELIED UPON BY THE COMMISSION

City Council appoints the Members of the Water Board. There are five Members. The Board Members select the Chairperson from the Members of the Board. The Supervisor oversees the day-to-day operations of the Water Board, and is effectively the Executive Director. Among other duties, the Supervisor oversees the office, billing, all aspects of the financial operation, operation, maintenance, all expenditures, overtime and scheduling. Additionally, the Supervisor supervises employees.

The Requester states that the Board has advertised the position in the local paper as a part time position that requires the employee to be available as needed, around the clock, with no additional compensation. Further, the Supervisor must reside in the area of the municipality. The pay rate will not exceed \$20 per hour. Finally, the Supervisor is prohibited from being employed elsewhere during normal business hours.

Only the Board's Chairperson and a current full-time Board employee applied for the position. According to the Requester, the Board employee stated that he had not seen the advertisement before applying and signed a written statement withdrawing his application upon learning that he could not also retain his full-time position with the Board. Thereupon, the Board hired its Chairperson as its paid Supervisor. The Board has put in place a procedure whereby the Board will supervise the Supervisor.

The Requester asks whether the Ethics Act permits its Chairperson to continue as both Chairperson of the Board and its paid part-time Supervisor.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1) reads, in relevant part:

A public official or public employee may not knowingly or intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person... The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

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

In creating these ethical standards for public officials, the Legislature additionally recognized that "many part-time public officials and public employees serv[e] in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service[.]" W. Va. Code § 6B-1-2(c).

The Ethics Act's prohibition against use of office for private gain was designed to steer public servants away from inherently questionable situations. This prohibition is intended to prevent not only actual impropriety, but also situations which give the appearance of impropriety.

Many years ago, in Advisory Opinion 91-16, the Commission was presented with multiple questions concerning the employment of the Solid Waste Authority's Chairperson as its part-time Executive Director. After addressing the other issues at length, the Commission concluded, without further analysis, "The Commission would note that the public employee may not serve as the Chairman [sic] of the Solid Waste Authority and the Executive Director of the Solid Waste Authority simultaneously."

Thereafter, in A.O. 91-50, relying on A.O. 91-16, the Commission affirmed its conclusion and stated, "Consequently, the Solid Waste Authority Chairman [sic] must resign his position as an appointed member of the Authority before accepting the paid position as Director of the Solid Waste Authority."

The Commission recognizes that the Ethics Act has a provision that expressly allows the employment of persons with a government body.¹ For example, in AO 2012-01 issued on this date, citing earlier advisory opinions authorizing such, the Commission reaffirmed that a City Council Member may be employed by the City where s/he serves as an elected Council Member. The Commission noted, however, that other rules may limit such dual employment/service.

As it relates to the employment of the Chairperson of a Board, a different rule of law applies. This situation is more analogous to the employment of a Mayor by a municipality. In fact, the Commission has frequently interpreted Ethics Act in the context of the employment of a Mayor by the municipality. For example, in A.O. 2006-05, the Commission ruled that a Mayor in a Strong-Mayor form of government could not

¹ "... [N]o elected or appointed public official or public employee . . . may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control: **Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body....**" (Emphasis added). W. Va. Code § 6B-2-5(d)(1).

be employed by the Town. The Commission reasoned that the spirit and intent of the prohibition against use of office for private gain would be violated if an elected Mayor is employed by his or her governing body on a permanent basis when the Mayor has the power to hire, fire and supervise employees.

The Commission summarized the basis for this prohibition as follows:

Although both positions are part-time and the Mayor would be able to fulfill both job responsibilities during the course of a work week, an inescapable conflict exists as the Mayor must supervise the City's employees. The conflict could not be avoided by the Mayor recusing himself on relevant votes or even delegating management responsibilities over his other positions. While the Mayor may be able to balance these job responsibilities and perform his positions in an impartial manner, as a matter of public policy and due to the conflicting nature of the duties and responsibilities, the Ethics Commission finds that the Ethics Act prohibits the Mayor from also being regularly employed by the City.

Advisory Opinion 2006-05; See also Contract Exemption 2009-01.²

Here, the Board has proposed to supervise the Supervisor, removing a direct conflict similar to that presented in the Strong Mayor opinions. The Supervisor retains, however, the remaining administrative powers. Yet, even in a municipality where the Mayor and Council members share the administrative powers, the Commission found that the Mayor is prohibited under the Ethics Act from being regularly employed by the municipality. In Contract Exemption 2010-03, the Commission held:

The Commission hereby finds that because the Mayor and Council members share the administrative powers of the Village, the Mayor is in a position similar to that of a Mayor in a Strong-Mayor form of government. Hence, the analysis and prior precedents of a Strong-Mayor form of government are applicable to the Mayor in a Mayor-Council form of government. Accordingly, the Commission finds that the Mayor is prohibited under the Ethics Act from being regularly employed by the Village.

The Chairperson of a municipal board has an inherent, over-riding interest in every aspect of each employee's employment with the board. Simply removing the oversight of his own employment is insufficient to negate the conflict of interest inherent in being one's own boss. Therefore, the Commission hereby generally finds that the Ethics Act prohibits a Chairperson (or Board President) from being employed by the Board simultaneously. Thus, under most circumstances, if a Board believed that its

² In Contract Exemption 2009-01, the Commission found that it would violate W. Va. Code § 6B-2-5(d)(1) for the Mayor of the Town of Mabscott to continue to be employed as Police Chief; Head of the Street Department; and/or Assistant Fire Chief during his service as the Town's Mayor. The Commission's ruling relied upon prior precedent and prohibition of employment of the Mayor in a Strong-Mayor form of government.

Chairperson (or Board President) is the best candidate to be employed by the Board, then the Chairperson (or Board President) must resign his position as Chairperson (or Board President) of the Board, but may remain a member of the Board.³ Additionally, in such circumstances, the employee/Board Member may not be a member of the Board Personnel Committee.

In this particular instance, however, the Commission finds the facts to be so unique that it cannot permit the Board to hire its Chairperson even if he resigns his position as Chairperson. The Commission finds that it appears that the Board may have tailored the job description in such a way that only the Board's Chairperson meets the qualifications. For example, the Supervisor position requires 15 years managerial experience in municipal potable water, which the Chairperson has from his years on the Board. The position does not require the Supervisor to have any professional license or certification. Further, the Commission takes administrative notice that few, if any, jobs require a part-time position to be available around the clock and not have other employment during normal business hours.

In Advisory Opinion 92-20, a Mayor and City Council sought permission to hire the Mayor's spouse without giving public notice of the position and by transferring the Mayor's salary to the spouse. The Commission noted that the position was created specifically for the Mayor's spouse and was not available to other qualified and interested individuals. Denying the request, the Commission ruled that while W. Va. Code § 6B-2-5(b)(1) does not presumptively prohibit the employment of a Mayor's spouse, here the Mayor and City Council failed to follow the Commission's nepotism guidelines, e.g. advertising the position, considering all qualified applicants, and removing the Mayor from the process.

Here, although the Board advertised the position and the Chairperson was removed from the process, it does not appear that any other person had a meaningful opportunity to be considered for the position because the job was so narrowly tailored. Even before the position was advertised, when the Board learned that the previous Supervisor was retiring, in discussions among the Members they concluded that their Chairperson was the best candidate, without having advertised the position. In Advisory Opinion 91-16, the Commission reviewed the proposed employment of the Chairperson of a County Solid Waste Authority by the Authority, and stated:

Nepotism has been defined by the Commission as favoritism shown or patronage granted by persons in high office to relatives or close friends in employment matters without giving public notice and consideration to other applicants or the qualifications required to perform the job. The Commission assumes that the Authority Chairman [sic] would be considered a "close friend" of the other Solid Waste Authority Members.

³ This opinion clarifies AOs 91-16 and 91-50 which could be interpreted to require the Chairperson to resign as a member of the board before accepting employment with the board.

This opinion should not be interpreted to require all municipal and county governing bodies to publicly advertise every employment opportunity, especially if it is a short-term, temporary position or an emergency situation. Instead, when the public body knows in advance that one of its preferred candidates is a relative, close friend, or fellow member of the public body, in order to avoid violating W. Va. Code § 6B-2-5(b) (1), then the public body must follow the Commission's nepotism guidelines more fully set forth at W.V.C.S.R. § 158-6-3.


Thus, the Ethics Commission concludes that the Requester may not employ its Chairperson as its Supervisor. If the Requester is unable to find a qualified candidate after a meaningful search using relevant, less unnecessarily restrictive requirements, then it may return to the Commission to seek a Contract Exemption to hire the Board's Chairperson; to do so requires the Board to prove that hiring anyone else would result in undue hardship, excessive cost, or substantial interference with government operations.

The Board shall, within thirty (30) days, notify the Ethics Commission how it will comply with this opinion. Further, the Board is hereby granted a transition period of ninety (90) days from the date of this opinion to comply with this opinion.

During this time, the Commission encourages the Board to examine its job description carefully to determine whether the restrictions noted herein are necessary for the Supervisor to be effective. Further, the Board, if it elects to re-advertise the position, shall widely advertise the position throughout the area, not just in the local paper, and shall allow sufficient time for the advertisement to run, but not less than one week.

The Commission appreciates the Board's cooperation in seeking advice, and is confident that the Board will follow the guidance set forth herein.

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


R. Kemp Morton, Chairperson

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **Public Employee** who is a candidate for County Commission asks whether he may, if elected, vote on matters affecting his public employer.

FACTS RELIED UPON BY THE COMMISSION

The Requester is employed by a County Board of Education (BOE) as a teacher in the county school system. He teaches at a local high school. He has recently filed to become a candidate for County Commission in the county in which he is employed as a teacher.

He states that, at times, matters come before the County Commission relating to the BOE. For example, if a local high school baseball team needs its field replaced, it may ask the County Commission to jointly fund the project.

He states that he believes he should be able to vote on such matters as it involves the school system, not him directly. In contrast, the Requester states that, if it directly involved the school where he teaches, he would recuse himself.

The Requester generally states that County Commissioners with children or grandchildren in the county school system also face ethical challenges in voting on matters affecting the school system due to their vested interest in seeking what is best for their children or grandchildren. He generally poses the philosophical question of whether their personal relationship with their children is any different than his personal interest in seeking what is best for the county school system through his position as a County Commissioner.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

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

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

W. Va. Code § 6B-2-5(d)(1) provides in part that ... no elected or appointed public official ... or business with which he or she is associated may be a party to or have an interest in ... a contract which such official or employee may have direct authority to enter into, or over which he or she may have control: Provided, That nothing herein shall be construed to make

unlawful the employment of any person with any governmental body....

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

(j) *Limitations on Voting.*

(1) Public officials . . . may not vote on a matter:

(A) In which **they** (emphasis supplied), an immediate family member, or a business with which they or an immediate family member is associated have a financial interest.

(II) A public official may vote:

(A) If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses; or

(3) For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

ADVISORY OPINION

The Commission must determine whether a public employee, who is also an elected official, may vote on matters affecting his or her public employer. The Commission considered this question in 2006 when a City Mayor asked whether he may vote on matters relating to his public employer, a public university. In that opinion, A.O. 2006-09, the Commission ruled that to avoid the appearance of impropriety, the City Mayor/public employee, could not vote on matters affecting his public employer.

Since the issuance of that opinion, the Ethics Act was amended to set forth specific guidance on when public officials may vote. See W.Va. Code § 6B-2-5(j).¹ One provision states that public officials may **not** vote on a matter in which **they** (emphasis supplied) have a financial interest. The Ethics Act does not define, for purposes of this provision, what constitutes a personal financial interest.

¹ H. B. 4524 (2008 Regular Session)

The Ethics Commission has previously analyzed the voting provision in regard to whether it prohibits a public official from voting on matters affecting non-profit boards on which they served as uncompensated (emphasis supplied) board members. In that opinion, A.O. 2011-02, the Commission focused on the language in the voting restrictions relating to what constitutes a financial interest in regard to non-profit board members who derive no financial benefit from their work with a non-profit.² Here, in contrast, the Commission must determine whether employment by a public agency constitutes a "financial interest" which requires recusal.

The Commission finds that for purposes of this voting limitation, employment by a public agency constitute a personal financial interest which prohibits a public employee from voting on matters which affect his or her public employer. The reasoning for this conclusion is that public employees have a financial interest in their continued employment and the financial stability of their public employer. While this financial interest does not rise to an interest which prohibits their public employer from contracting with the public agency on which they serve as a public official; still, this financial interest requires recusal in all matters affecting the public employer. See also 2011-03 wherein the Commission ruled that a County Commissioner may **not** vote on matters relating to a city-owned hospital where he is employed; and, A.O. 92-13 wherein the Commission ruled that a Director of a State Agency, in his capacity as an appointed Advisory Board Members, may **not** vote on matters relating to the public agency by which he was employed.³

There is an exception in the Ethics Act which states that a public official may vote on matters which affect a class of persons. A class is defined as five or more similarly situated persons or businesses. The Commission finds that, even if a vote on matters affecting the school system affects all citizens in the county with school age children, this fact does not bring the Requester within the class exception. Instead, while he is a teacher at a local high school, his employer is the County BOE. As such, votes on matters affecting the BOE are matters which uniquely affect his employer, not a class of five or more similarly situated County BOEs. This finding is also consistent with the general principle that a public official's fiduciary duty is owed to the governing body on which he or she serves, not his employer.

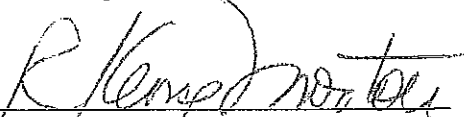
In regard to the philosophical question posed by the Requester in regard to elected County Officials with children or grandchildren having a vested interest in the school system, the Commission finds that there is a legal and policy distinction as their interests are different. In particular, they are not employees of the school system. As such, the public would not

² W.Va. Code § 6B-2-5(j)(1)(D) expressly prohibits a public official from voting on matters involving a nonprofit by which either the public official or his or her immediate family members are employed.

³ In contrast, in A.O. 97-29, the Commission ruled that a State Board Member who was employed by an Economic Development Authority could vote on matters before the State Board relating to the location of a project in his county. The basis for the Commission's decision was that while the vote would indirectly affect the Economic Development Authority through its efforts to bring new businesses into the county, the Authority did not own the property. Additionally, the Commission's decision was limited to the precise facts presented.

perceive that they may be casting a vote based upon the position of their public employer. While they have a financial interest in the quality of the school system, this interest falls within the class exception as matters affecting the school system similarly affect all citizens who have children or grandchildren in the school system.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.* and W.Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.


R. Kemp Morton, III Chairperson

ADVISORY OPINION NO. 2012-02

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **County Commissioner**, who is also a licensed real estate sales associate, asks whether the County may purchase property from a real estate business with which he is associated.

FACTS RELIED UPON BY THE COMMISSION

A County Commission is considering a property purchase. The decision to purchase this property was made by the County's Building Commission, an arm of the County Commission.

According to the County's Prosecutor, the Building Commission has determined that it is in the best interest of the County to purchase the property. The Prosecutor states that it made this decision based upon the following factors: the subject property is adjacent to property owned by the County; the Building Commission has determined that this property is the only available property that will satisfy the needs of the County to have a place for the convenient storage of maintenance equipment; and, due to its location, the property may also be used for parking for county employees. The Prosecutor states that the Building Commission did not evaluate other properties as there are no other properties available in the immediate vicinity that are on the market for sale.

The listing agent for the subject property is a real estate business with which the Requester has a business relationship. The Requester is a licensed real estate sales associate. He states that a requirement of his licensure is to work under the supervision of a broker. The owner and/or a principal in the real estate firm which serves as the listing agent for the property in question is the broker by which he is supervised. He states that he is not an employee or owner of the business/broker and receives no W-2 or 1099 from this business. His only compensation from the real estate business is in the form of commissions he receives on property sales for which he serves as the listing agent.

He is not the listing agent on the property under consideration for purchase by the County. Moreover, he states that he will receive no compensation from the sale of the subject property nor is his compensation from this business tied to its overall sales, only his own. Finally, neither he nor any of his family members have an ownership interest in the property.

CODE PROVISIONS AND LEGISLATIVE RULE RELIED UPON BY THE COMMISSION

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

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

W. Va. Code § 6B-2-5(d)(1) provides in part that ... no elected or appointed public official ... or business with which he ... is associated may be a party to or have an interest in ... a contract which such official or employee may have direct authority to enter into, or over which he ... may have control...

W. Va. C.S.R. § 158-8-4 states that... [P]ublic officials or public employees or members of their immediate family are considered to be "associated" with a business if they or their immediate family member are a director, officer or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

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

(j) *Limitations on Voting.*

(1) Public officials . . . may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest. Business with which they are associated means a business of which the person or an immediate family member is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

(II) A public official may vote:

(A) If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses; or

(3) For a public official's recusal to be effective, it is necessary to excuse himself ... from participating in the discussion and decision-making process by physically removing himself ... from the room during the period, fully disclosing his ... interests, and recusing himself ... from voting on the issue.

W. Va. Code § 61-10-15 states in part that ... (a) It is unlawful for any member of a county commission ... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal or teacher, he or she may have any voice, influence or control...

...

(e) The provisions of subsection (a) of this section do not apply to any person who is a salaried employee of a vendor or supplier under a contract subject to the provisions of said subsection if the employee, his or her spouse or child:

- (1) Is not a party to the contract;
- (2) Is not an owner, a shareholder, a director or an officer of a private entity under the contract;
- (3) Receives no commission, bonus or other direct remuneration or thing of value by virtue of the contract;
- (4) Does not participate in the deliberations or awarding of the contract; and
- (5) Does not approve or otherwise authorize the payment for any services performed or supplies furnished under the contract.

ADVISORY OPINION

Both the Ethics Act, W. Va. Code § 6B-2-5(d)(1), and a separate criminal misdemeanor statute, W. Va. Code § 61-10-15, prohibit county officials from having an interest in public contracts. These prohibitions were designed by the Legislature to steer public servants away from inherently questionable situations. These prohibitions are intended to prevent not only actual impropriety, but also situations which give the appearance of impropriety.

The Ethics Act

Pursuant to W.Va. Code § 6B-2-5(d)(1), a public official may not have more than a limited interest in the profits or benefits of a public contract over which he has direct authority or control. In this case, the Requester is an elected member of the County Commission that is considering purchasing property listed by a real estate business with which he is associated.

Neither the Requester nor his immediate family members have an ownership interest in the subject property. The Requester is not: a director or officer; the listing agent for the property; or, entitled to receive any commission from the sale of the property. Further, his compensation and bonuses, if any, are not tied to the sales of other agents in the business. As a result of the foregoing, the Ethics Commission finds that the Requester does not have a prohibited financial interest in the subject sale based upon the plain language in the Ethics Act and related legislative rule. Hence, while he is associated with the business, he does not have a prohibited financial interest for purposes of the Ethics Act. See A.O. 2011-03 and W.Va. C.S.R. § 158-8-4 which sets forth the circumstances under which a public official's association with a business constitutes a prohibited financial interest in a public contract for purposes of the limitations in the Ethics Act, W.Va. Code § 6B-2-5(d)(1).

Limitations do apply. The Requester may not use his position to influence the purchase of the property, e.g. he may not communicate with his fellow County Commissioners, Members of the Building Commission, or their respective staffs, on matters relating to the property. Moreover, the decision of the County Commission or Building Commission to purchase the property must be based upon the best interests of the county, **not** favoritism.

If a matter relating to the subject sale comes before the County Commission, then the Requester must recuse himself from all discussions and votes on such matter. For recusal to be proper under the Ethics Act, he must disclose his interest and excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the discussion and vote on the matter. Additionally, the minutes of the meeting must reflect the basis for the recusal and that he left the room during all consideration, discussion and vote on the item(s) under consideration.

West Virginia Code § 61-10-15

W. Va. Code § 61-10-15, a separate criminal statute, contains a stricter standard than the Ethics Act, and imposes criminal penalties against any "member of a county commission, district school officer, secretary of a board of education, supervisor or superintendent, principal or teacher of public schools or any member of any other county or district board or any county or district officer" who are pecuniarily interested, either directly or indirectly, in the proceeds from a public contract over which the public official may exercise voice, influence or control. Any person who violates this provision is guilty of a misdemeanor and may be removed from public office. See generally Alexander v. Ritchie, 53 S.E.2d 735 (W.Va. 1949).

In 2002 the Legislature amended this provision to exempt public officials who are employees of a vendor or supplier if the public official:

- (1) Is not a party to the contract;
- (2) Is not an owner, a shareholder, a director or an officer of a private entity under the contract;
- (3) Receives no commission, bonus or other direct remuneration or thing of value by virtue of the contract;
- (4) Does not participate in the deliberations or awarding of the contract; and
- (5) Does not approve or otherwise authorize the payment for any services performed or supplies furnished under the contract.

Based upon the facts presented, the Commission finds that the five part test is met. See A.O. 2011-03. Hence, the County Commission may proceed to purchase the subject property. Still, the Requester and County must abide by the limitations set forth above.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.* and W.Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.


R. Kemp Morton, III Chairperson

ADVISORY OPINION NO. 2012-03

Issued On February 2, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **County Agency** asks if it may employ a relative of one of its supervisors without violating the Ethics Act.

FACTS RELIED UPON BY THE COMMISSION

The Requester is a public agency that provides emergency ambulance service to residents of the County in which it is located. Established pursuant to Chapter 7, Article 15 of the W. Va. Code, the Agency is a sub-unit of the County Commission.

The Agency is governed by a seven-member Board of Directors, and a program manager who oversees the day-to-day administration. The Agency employs individuals in a variety of disciplines (e.g. EMT-B(asic); Paramedics; etc) to assist in the mission of the Agency. The employees of the Agency abide by a hierarchal chain of command, with the Chief being the head supervisor of the employees. The chain of command includes a Deputy Chief/Supervisor, a Training Officer, and various ranking leaders (e.g. Captains and Lieutenants).

The Agency has a rolling application system whereby it accepts applications throughout the year. They do not post for job positions. Instead, at various times throughout the year, the Board of Directors reviews the applications submitted. The Requester has a Hiring Committee, consisting of several Board members, the Chief, and program manager. The Deputy Chief/Supervisor also typically is involved in the hiring process. The Hiring Committee initially reviews all the applications for qualifications. If qualified, the applicants are then tested and interviewed by the Hiring Committee. According to the Requester, the Deputy Chief and other leaders are typically involved in the interview process.

Following the interviews, the Hiring Committee makes a recommendation to the full Board of Directors to accept multiple applicants for possible hire. If approved, the applicants are placed in a pool of other previously accepted applicants from throughout the year. This accepted pool of applicants is referred to as the "to hire list".

When a need arises within the Agency for a particular position, the President of the Board of Directors, program manager, and Chief collectively make a determination as to who to hire from the list.

Recently, several individuals applied for employment with the Agency. One of the applicants for employment was the son of the Agency's "Deputy Chief/Supervisor".

According to the Requester, the son was interviewed by the program manager, Chief, Training Officer, and several members of the Board of Directors. His father, the Deputy Chief, did not participate in the interview or in any hiring decisions. Following the interview process, the son was placed on the "to hire list" by the Board and continues to remain on the list. The Requester states that when a position comes open, the son is eligible to be hired.

The Requester asks if the Ethics Act permits the Agency to hire the Deputy Chief's son. The Requester states that the Deputy Chief has not been involved in his son's hiring. The Requester also states that the son is a qualified EMT. However, the Requester notes that the son still resides with his father, and, if hired, would be under the supervision and command of his father who is the Deputy Chief/Supervisor.

CODE PROVISIONS AND LEGISLATIVE RULE RELIED UPON BY THE COMMISSION

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

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

...

The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

Further, W. Va. Code § 6B-2-5(d) states in relevant part:

(1)...[N]o elected official may be a party to or have an interest in a contract which such official may have direct authority to enter into, or over which he or she may have control: Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body.

...

(3) If a public official or employee has an interest in the profits or benefits of a contract, then he or she may not make, participate in making, or in any way attempt to use his office or employment to influence a government decision affecting his or her financial or limited financial interest. Public officials shall also comply with the voting rules prescribed in subsection (j) of this section.

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

(1) Public officials... may not vote on a matter:

...

(C) A personnel matter involving the public official's spouse or relative;

...

(II) A public official may vote:

If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses....

...

(3) For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

Additionally, W. Va. C.S.R. § 158-6-3 (Nepotism) states in relevant part:

3.1. As used in this section, the term "nepotism" means favoritism shown or patronage granted by a public official or public employee to relatives or cohabitating sexual partners in employment matters without giving public notice and consideration to other applicants or qualifications required to perform the job.

3.2. "Relatives" are defined as individuals who are related to the public official or public employee as father, mother, son, daughter, brother, sister, or spouse.

3.3. A public official or public employee may avoid the appearance of nepotism by following these steps in hiring a relative or cohabitating sexual partner for a public position:

- a. The public should be given reasonable advance notice of the availability of the job.
 1. The notice should include a description of the job responsibilities, the qualifications required, the pay and the manner in which application for the job can be made.
 2. The method of giving notice will of course vary from job to job but there must be reasonable public awareness of the availability of the job. Newspaper want ads and notices on the bulletin boards in public areas of the building are the most obvious and effective methods.
 3. The notice must be made soon enough to give those members of the public who are interested in the job an opportunity to make application.
- b. An objective, independent third party should be involved in the selection where a cohabitating sexual partner or family member is among those who have made application for the job.
 1. To the extent possible, the public official or public employee should stay out of the selection process altogether. If he or she

is one of several people with the authority to hire, others with authority should make the selection. If appropriate, the matter should be handled by his or her supervisor, or in the case of an elected official by a qualified person in another office.

2. A public official or public employee should at least have some independent person take part in the selection. He or she should avoid using a subordinate for the independent person.
3. If a public official or public employee must share in the decision, he or she should exercise his or her best objective judgment in making the selection, and be prepared to justify his or her selection.

3.4. All hiring by public officials and public employees of relatives prior to the twenty-ninth day of February, 1992 is not subject to review under the ethics act, in Chapter 6B of the West Virginia Code.

3.5. A public official should not use his or her position for the private gain of a relative or cohabitating sexual partner by improperly giving bonuses, raises or other employment benefits to such person.

Finally, W. Va. Code § 61-10-15(a) reads, in pertinent part:

It is unlawful for any member of a county commission, . . . or any member of any other county or district board or any county or district officer to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal or teacher, he or she may have any voice, influence or control...

ADVISORY OPINION

In establishing the Ethics Act, the Legislature sought to create a code of ethics to guide public officials and employees in their public employment. The expressed goal was to assist public servants in avoiding conflicts between their public service and any outside personal interests. W. Va. Code § 6B-1-2(d). Favoritism in the hiring of a relative in public employment- typically referred to as nepotism- raises one such potential conflict.

The Requester's situation raises unique circumstances warranting the Commission's review. While the Commission has addressed the situation on multiple occasions, the Commission's last Advisory Opinion on this issue was in 1998. As such, and in effort to remind public servants who are considering employing relatives, the Commission takes this opportunity to summarize the ethics provisions and related laws governing the employment of relatives.

I.

Overview of Pertinent Provisions

In numerous Advisory Opinions between 1990 and 1998, the Ethics Commission

addressed various employment questions relating to relatives and immediate family members.¹ While some of the opinions presented unique circumstances, the general holding, as summarized in Advisory Opinion 98-05, was as follows:

No provision of the Ethics Act makes a person ineligible for consideration for a job with a public agency simply because they are related to the person doing the hiring or to others employed in the agency. The Act, does however, contain a prohibition against public servants misusing their public positions for their own private gain or the private gain of others.

Indeed, the Ethics Act private gain prohibition is one of the primary provisions implicated in the hiring of relatives. W. Va. Code § 6B-2-5(b). As a result, the Commission promulgated a legislative rule to guide public officials and employees in the hiring of relatives. W. Va. C.S.R. § 158-6-3. The Rule outlines steps whereby a public servant may avoid the appearance of favoritism in the hiring process. In particular, the Rule encourages public notice and transparency, and recommends that the public official or public employee stay out of the selection process altogether. See § 158-6-3.3.

Additionally, there are other statutory provisions which must be taken into account with the employment of relatives. Specifically, W. Va. Code 6B-2-5(j)(1)(c) states that a public official may not vote on a "personnel matter involving the public official's spouse or relative". While not expressly defined in the Ethics Act, the Commission hereby finds that the phrase "personnel matter" includes the hiring, firing, discipline, promotion, salary adjustment, or other decision affecting the employment status of an employee.

Accordingly, if a personnel matter arises involving a relative, the public official must recuse him/herself from any and all discussions/votes and must not have any involvement in the matter.²

A separate criminal statute, W. Va. Code § 61-10-15, imposes criminal penalties against **County officials** who are pecuniarily interested, either directly or indirectly, in the proceeds of a public contract over which those officials exercise "voice, influence, or control." An employment contract with a county agency constitutes a public contract.

¹ "Relative" is defined in the Ethics Act as "spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law or daughter-in-law." W. Va. Code § 6B-1-3(l). "Immediate family", with respect to an individual, is defined as "a spouse with whom the individual is living as husband and wife and any dependent child or children, dependent grandchild or grandchildren and dependent parent or parents." W. Va. Code § 6B-1-3(f).

² Under the Ethics Act, in order for "a public official's recusal to be effective, it is necessary to excuse him/herself from participating in the discussion and decision-making process by physically removing him/herself from the room during the period, fully disclosing his/her interests, and recusing him or herself from voting on the issue." W. Va. Code § 6B-2-5(j)(3). Additionally, the minutes/ record of the meeting must reflect the basis for the recusal and that the council member left the room during all consideration, discussion and vote on the item under consideration.

Therefore, if a relative resides with the county official or if the county official has a financial relationship with the relative (e.g. business together or co-sponsor of a loan), then the county official has a financial interest/benefit in the employment of the relative. In such circumstances, a determination would need to be made as to whether there is applicable exception under W. Va. Code § 61-10-15.³ If no exception is applicable, then the employment contract would be prohibited, and a contract exemption would need to be obtained from the Ethics Commission.⁴

While one or more of the foregoing provisions may be implicated in a given situation, the overriding rule in any employment situation involving a relative is for the public servant to be removed entirely from the hiring process so as to avoid an appearance of favoritism. This maintains the integrity of the government hiring process and limits complaints of bias or special treatment in favor of the relative. Further, if the relative is hired, the public servant should continue to remove him/herself from any and all personnel matters involving the relative, including the supervision of the relative, to avoid any appearance of impropriety.

II. *Requester's Situation*

A. Interest in Public Contract

Both the Ethics Act and W. Va. Code § 61-10-15, a criminal misdemeanor statute, prohibit public servants from being a party to, or having a financial interest in a public contract over which their public positions give them control. W. Va. Code § 6B-2-5(d)(1) expressly states, however, that the prohibition does not apply to "the employment of any person with any governmental body". As a result, the Ethics Act does not prohibit the Requester from hiring the son of its Deputy Chief/Supervisor. Notwithstanding this conclusion, our inquiry does not end here.

Since the Requester's Agency is a county entity, the Commission must analyze W. Va. Code § 61-10-15. This criminal provision strictly prohibits the employment of a relative if the county official has a direct or indirect financial interest. In this situation, the Requester desires to hire the son of the Deputy Chief. The son resides with his father (Deputy Chief). As such, the father has a financial interest in the employment of his son, and therefore a financial interest in any employment contract. In light of such, if the

³ Although the statute contains some express exceptions, there is no exception under W. Va. Code § 61-10-15 for a limited financial interest or for the employment with government entity, as is found in the Ethics Act. See W. Va. Code § 6B-2-5(d). As a result, county officials must abide by the strict prohibition against having any direct or indirect financial interest in a public contract, including an employment contract.

⁴ If a prohibited contract under W. Va. Code § 61-10-15 would result "in excessive cost, undue hardship, or other substantial interference with the operation of governmental body or agency," the affected government body may make written application to the Ethics Commission for an exemption from the prohibition. W. Va. Code § 61-10-15(h).

strict prohibitions of § 61-10-15 which apply to certain County officials apply here, then the son's employment with the Agency would be prohibited.

The Commission hereby finds that the father, as Deputy Chief/Supervisor, is not a county official subject to the restrictions of § 61-10-15. In making this finding the Commission notes that the father, as the Deputy Chief/Supervisor, is an employee of the Agency, and is not a county officer for purposes of § 61-10-15. See AO 97-34 (County Health Administrator not one of statutorily enumerated positions; Administrator is an employee, not an officer, for purposes of § 61-10-15).

Accordingly, the Commission finds that W. Va. Code § 61-10-15 does not prohibit the employment of the Deputy Chief's son. However, consideration must still be given to the other relevant provisions of the Ethics Act.

B. Private Gain

Having found the employment contract permissible under W. Va. Code § 61-10-15, the Commission must look at the private gain provision of the Ethics Act, and determine whether there has been favoritism in the hiring process by virtue of the familial relationship. See W. Va. Code § 6B-2-5(b) and W. Va. C.S.R. § 158-6-3.

According to the Requester, the Agency has a rolling application process, and fills positions from an approved pool of applicants. Since positions are filled on an as needed or emergency basis, there was no posting for a particular job. Rather, according to the Requester, applications are accepted on a continuous basis.

With respect to the son's application, the Requester states that the Chief Deputy removed himself from any and all consideration of his son's application. In particular, the Deputy Chief did not participate in the interview of his son, or in the approval of his son to the hire list. In addition, should a position come open which is appropriate for his son's qualifications, the Deputy Chief will not be involved in the decision-making process as to whom to select from the "to hire list".

In view of the Requester's representations, the Commission is satisfied that the Agency has taken appropriate steps to comply with the Commission's nepotism process. However, the Commission recommends that the Deputy Chief refrain from any further involvement in the hiring process while his son remains on the "to hire list" so as to avoid an appearance of impropriety or use of office for private gain to benefit his son in being selected for employment.

Accordingly, based on the Requester's representations, the Commission hereby finds that the employment of the Deputy's Chief's son is not prohibited under the Ethics Act. Should the responsibilities or job position of the father substantially change (e.g. he is promoted to chief or made a member of the Board of Directors), the foregoing analysis may be affected. If such a circumstance arises, the father should immediately contact the Ethics Commission.

III. *Employment Issues*

Although neither the Ethics Act nor W. Va. Code § 61-10-15 prohibit the employment of the Deputy's Chief's son, other issues remain. This is especially true where, as here, the father and son have a financial relationship as a result of the fact that they live together.⁵ W. Va. Code § 6B-2-5(d)(3) reads, in pertinent part:

If a public official or employee has an interest in the profits or benefits of a contract, then he or she may not make, participate in making, or in any way attempt to use his office or employment to influence a government decision affecting his or her financial or limited financial interest....

For example, in most employment situations, the Commission advises a public servant not to supervise his/her relative. Instead, the Commission typically requires the public servant's supervisor to supervise the relative.

Here, however, the job functions make removal impractical in an emergency situation. Therefore, given this unique circumstance, the Commission finds that the father (Deputy Chief/Supervisor) may continue to supervise his son during emergency calls and/or while "in the field". The Commission further finds the father may not otherwise supervise his son, or be involved in any matters related to his son. Those situations should be handled by either the Chief or some other similarly situated individual who is not a subordinate of the Deputy Chief. This removes any appearance that the father's actions or decisions will affect his son's, and indirectly his own, financial interest.

Finally, the Commission recommends that the Agency consider implementing a by-law or policy governing the employment of relatives. The Requester is free to impose stricter standards than those found in the Ethics Act or W. Va. Code § 61-10-15, including an outright ban on hiring relatives. At the very least, the Requester should review its policies concerning employment of a relative or immediate family member.

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


R. Kemp Morton, Chairperson

⁵ Although, W. Va. Code § 6B-2-5(d)(1) expressly excepts employment from the prohibition against having an interest in a public contract over which one has authority or exercises control, the Commission notes that governing bodies need to exercise caution when considering financial transactions with any entity with which one of its members may have a financial relationship.

FILED

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WEST VIRGINIA ETHICS COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE**OPINION SOUGHT**

An Attorney for a Municipal Water Board asks if the Ethics Act permits the Board to employ the Board's Chairperson as its Supervisor

FACTS RELIED UPON BY THE COMMISSION

City Council appoints the Members of the Water Board. There are five Members. The Board Members select the Chairperson from the Members of the Board. The Supervisor oversees the day-to-day operations of the Water Board, and is effectively the Executive Director. Among other duties, the Supervisor oversees the office, billing, all aspects of the financial operation, operation, maintenance, all expenditures, overtime and scheduling. Additionally, the Supervisor supervises employees.

The Requester states that the Board has advertised the position in the local paper as a part time position that requires the employee to be available as needed, around the clock, with no additional compensation. Further, the Supervisor must reside in the area of the municipality. The pay rate will not exceed \$20 per hour. Finally, the Supervisor is prohibited from being employed elsewhere during normal business hours.

Only the Board's Chairperson and a current full-time Board employee applied for the position. According to the Requester, the Board employee stated that he had not seen the advertisement before applying and signed a written statement withdrawing his application upon learning that he could not also retain his full-time position with the Board. Thereupon, the Board hired its Chairperson as its paid Supervisor. The Board has put in place a procedure whereby the Board will supervise the Supervisor.

The Requester asks whether the Ethics Act permits its Chairperson to continue as both Chairperson of the Board and its paid part-time Supervisor.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1) reads, in relevant part:

A public official or public employee may not knowingly or intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person... The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

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

In creating these ethical standards for public officials, the Legislature additionally recognized that "many part-time public officials and public employees serv[e] in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service[.]" W. Va. Code § 6B-1-2(c).

The Ethics Act's prohibition against use of office for private gain was designed to steer public servants away from inherently questionable situations. This prohibition is intended to prevent not only actual impropriety, but also situations which give the appearance of impropriety.

Many years ago, in Advisory Opinion 91-16, the Commission was presented with multiple questions concerning the employment of the Solid Waste Authority's Chairperson as its part-time Executive Director. After addressing the other issues at length, the Commission concluded, without further analysis, "The Commission would note that the public employee may not serve as the Chairman [sic] of the Solid Waste Authority and the Executive Director of the Solid Waste Authority simultaneously."

Thereafter, in A.O. 91-50, relying on A.O. 91-16, the Commission affirmed its conclusion and stated, "Consequently, the Solid Waste Authority Chairman [sic] must resign his position as an appointed member of the Authority before accepting the paid position as Director of the Solid Waste Authority."

The Commission recognizes that the Ethics Act has a provision that expressly allows the employment of persons with a government body.¹ For example, in AO 2012-01 issued on this date, citing earlier advisory opinions authorizing such, the Commission reaffirmed that a City Council Member may be employed by the City where s/he serves as an elected Council Member. The Commission noted, however, that other rules may limit such dual employment/service.

As it relates to the employment of the Chairperson of a Board, a different rule of law applies. This situation is more analogous to the employment of a Mayor by a municipality. In fact, the Commission has frequently interpreted Ethics Act in the context of the employment of a Mayor by the municipality. For example, in A.O. 2006-05, the Commission ruled that a Mayor in a Strong-Mayor form of government could not

¹ "... [N]o elected or appointed public official or public employee . . . may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control: **Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body....**" (Emphasis added). W. Va. Code § 6B-2-5(d)(1).

be employed by the Town. The Commission reasoned that the spirit and intent of the prohibition against use of office for private gain would be violated if an elected Mayor is employed by his or her governing body on a permanent basis when the Mayor has the power to hire, fire and supervise employees.

The Commission summarized the basis for this prohibition as follows:

Although both positions are part-time and the Mayor would be able to fulfill both job responsibilities during the course of a work week, an inescapable conflict exists as the Mayor must supervise the City's employees. The conflict could not be avoided by the Mayor recusing himself on relevant votes or even delegating management responsibilities over his other positions. While the Mayor may be able to balance these job responsibilities and perform his positions in an impartial manner, as a matter of public policy and due to the conflicting nature of the duties and responsibilities, the Ethics Commission finds that the Ethics Act prohibits the Mayor from also being regularly employed by the City.

Advisory Opinion 2006-05; See also Contract Exemption 2009-01.²

Here, the Board has proposed to supervise the Supervisor, removing a direct conflict similar to that presented in the Strong Mayor opinions. The Supervisor retains, however, the remaining administrative powers. Yet, even in a municipality where the Mayor and Council members share the administrative powers, the Commission found that the Mayor is prohibited under the Ethics Act from being regularly employed by the municipality. In Contract Exemption 2010-03, the Commission held:

The Commission hereby finds that because the Mayor and Council members share the administrative powers of the Village, the Mayor is in a position similar to that of a Mayor in a Strong-Mayor form of government. Hence, the analysis and prior precedents of a Strong-Mayor form of government are applicable to the Mayor in a Mayor-Council form of government. Accordingly, the Commission finds that the Mayor is prohibited under the Ethics Act from being regularly employed by the Village.

The Chairperson of a municipal board has an inherent, over-riding interest in every aspect of each employee's employment with the board. Simply removing the oversight of his own employment is insufficient to negate the conflict of interest inherent in being one's own boss. Therefore, the Commission hereby generally finds that the Ethics Act prohibits a Chairperson (or Board President) from being employed by the Board simultaneously. Thus, under most circumstances, if a Board believed that its

² In Contract Exemption 2009-01, the Commission found that it would violate W. Va. Code § 6B-2-5(d)(1) for the Mayor of the Town of Mabscott to continue to be employed as Police Chief; Head of the Street Department; and/or Assistant Fire Chief during his service as the Town's Mayor. The Commission's ruling relied upon prior precedent and prohibition of employment of the Mayor in a Strong-Mayor form of government.

Chairperson (or Board President) is the best candidate to be employed by the Board, then the Chairperson (or Board President) must resign his position as Chairperson (or Board President) of the Board, but may remain a member of the Board.³ Additionally, in such circumstances, the employee/Board Member may not be a member of the Board Personnel Committee.

In this particular instance, however, the Commission finds the facts to be so unique that it cannot permit the Board to hire its Chairperson even if he resigns his position as Chairperson. The Commission finds that it appears that the Board may have tailored the job description in such a way that only the Board's Chairperson meets the qualifications. For example, the Supervisor position requires 15 years managerial experience in municipal potable water, which the Chairperson has from his years on the Board. The position does not require the Supervisor to have any professional license or certification. Further, the Commission takes administrative notice that few, if any, jobs require a part-time position to be available around the clock and not have other employment during normal business hours.

In Advisory Opinion 92-20, a Mayor and City Council sought permission to hire the Mayor's spouse without giving public notice of the position and by transferring the Mayor's salary to the spouse. The Commission noted that the position was created specifically for the Mayor's spouse and was not available to other qualified and interested individuals. Denying the request, the Commission ruled that while W. Va. Code § 6B-2-5(b)(1) does not presumptively prohibit the employment of a Mayor's spouse, here the Mayor and City Council failed to follow the Commission's nepotism guidelines, e.g. advertising the position, considering all qualified applicants, and removing the Mayor from the process.

Here, although the Board advertised the position and the Chairperson was removed from the process, it does not appear that any other person had a meaningful opportunity to be considered for the position because the job was so narrowly tailored. Even before the position was advertised, when the Board learned that the previous Supervisor was retiring, in discussions among the Members they concluded that their Chairperson was the best candidate, without having advertised the position. In Advisory Opinion 91-16, the Commission reviewed the proposed employment of the Chairperson of a County Solid Waste Authority by the Authority, and stated:

Nepotism has been defined by the Commission as favoritism shown or patronage granted by persons in high office to relatives or close friends in employment matters without giving public notice and consideration to other applicants or the qualifications required to perform the job. The Commission assumes that the Authority Chairman [sic] would be considered a "close friend" of the other Solid Waste Authority Members.

³ This opinion clarifies AOs 91-16 and 91-50 which could be interpreted to require the Chairperson to resign as a member of the board before accepting employment with the board.

This opinion should not be interpreted to require all municipal and county governing bodies to publicly advertise every employment opportunity, especially if it is a short-term, temporary position or an emergency situation. Instead, when the public body knows in advance that one of its preferred candidates is a relative, close friend, or fellow member of the public body, in order to avoid violating W. Va. Code § 6B-2-5(b) (1), then the public body must follow the Commission's nepotism guidelines more fully set forth at W.V.C.S.R. § 158-6-3.

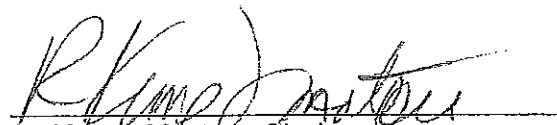
Thus, the Ethics Commission concludes that the Requester may not employ its Chairperson as its Supervisor. If the Requester is unable to find a qualified candidate after a meaningful search using relevant, less unnecessarily restrictive requirements, then it may return to the Commission to seek a Contract Exemption to hire the Board's Chairperson; to do so requires the Board to prove that hiring anyone else would result in undue hardship, excessive cost, or substantial interference with government operations.

The Board shall, within thirty (30) days, notify the Ethics Commission how it will comply with this opinion. Further, the Board is hereby granted a transition period of ninety (90) days from the date of this opinion to comply with this opinion.

During this time, the Commission encourages the Board to examine its job description carefully to determine whether the restrictions noted herein are necessary for the Supervisor to be effective. Further, the Board, if it elects to re-advertise the position, shall widely advertise the position throughout the area, not just in the local paper, and shall allow sufficient time for the advertisement to run, but not less than one week.

The Commission appreciates the Board's cooperation in seeking advice, and is confident that the Board will follow the guidance set forth herein.

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


R. Kemp Morton, Chairperson

ADVISORY OPINION NO. 2012-01

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **Mayor** asks whether a City Council Member may be employed by the City as its Building Official and, if so, what limitations apply under the Ethics Act.

FACTS RELIED UPON BY THE COMMISSION

The City, by ordinance, has created the position of Building Official. It is the duty of the Building Official to enforce all laws and ordinances relating to the construction, alteration, repair and other matters relating to the regulation of buildings or other structures within City limits. In general, the position of "Building Official" is equivalent to the more commonly used term "building inspector".

The Building Official is appointed by the City Council and his or her appointment terminates at the next succeeding general election. The City's ordinance provides that he or she is subject to the will of City Council and is under the control of the Mayor. The Requester states that the Building Official does not take an oath of office.

The City passes building code ordinances which the Building Official enforces. If a citizen has a complaint about the Building Official's enforcement of any such ordinance, that citizen has the right to come before Council to complain. As a result, the Requester states that she has a concern about the Building Official serving on Council.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

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

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

W. Va. Code § 6B-2-5(d)(1) provides in part that ... no elected or appointed public official ... or business with which he or she is associated may be a party to or have an interest in ... a contract which such official or employee may have direct authority to enter into, or over which he or she may have control: Provided, That nothing herein shall be construed to make unlawful the employment of any person with any governmental body....

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

A.O. 2012-01 (Page 1 of 6)

(j) *Limitations on Voting.*

(1) Public officials . . . may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest. Business with which they are associated means a business of which the person or an immediate family member is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

(II) A public official may vote:

(A) If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses; or

(3) For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

ADVISORY OPINION

The Ethics Act imposes limitations on public officials from having an interest in a public contract over which they exercise control. W.Va. Code § 6B-2-5(d). While this code section imposes limitations, it also contains exceptions, including the exception that "that nothing herein shall be construed to make unlawful the employment of any person with any governmental body."

The Commission has previously addressed the question posed. Specifically, in A.O. 92-26, the Commission ruled that nothing in the Ethics Act prohibits a City Council Member from also serving as the city building inspector. See *a/so* A.O.s 91-21 and 96-30. As such the Commission reaffirms its prior decisions herein.

The conclusion of the Ethics Commission is consistent with the plain language of the Act. Indeed, a historical review of the Municipal Code appears to compel this conclusion.

In particular, previously (**emphasis supplied**) the West Virginia Code contained a provision which appears to have prohibited the employment in question. The prior provision read:

It shall be unlawful for any council or board of commissioners of any town, or any member thereof, or other officer or officers thereof, to be interested personally, either directly or indirectly, or as a member, manager, officer or stockholder of any partnership, business, firm or corporation, in any contract furnishing material and supplies to any town, or to any contractor, or workmen for any town, or in any manner whatsoever, whereby the taxpayers of any such town shall become the paymaster, either directly or indirectly. Any violation of the provisions of this section, by any member of a town council or other officer or officers thereof, is a misdemeanor and, upon conviction thereof, such member or officer shall be fined not less than fifty nor more than five hundred dollars, and shall be removed from office

Relying upon this code provision, in 1949 the Attorney General issued an opinion stating that a City Recorder may **not** be employed by the City where he served on Council. 43 W. Va. Op. Att'y Gen. 338 (1949), citing W.Va. Code 8-4-22 (since repealed). Additionally, the West Virginia Supreme Court interpreted substantially similar language as prohibiting the employment of a City Council Member by the City where he or she serves.¹

Based upon information and belief this code provision was repealed in 1969 when the Municipal Code was rewritten. W.Va. Code § 8-1-1. Regardless of the exact year when this section was repealed, this strict conflict of interest provision governing municipalities is no longer in the Code.² Instead, the Municipal Code now contains a conflict of interest provision which leaves to the discretion of each City as to whether to adopt a conflict of interest policy. This provision reads:

Every city shall have plenary power and authority to provide by charter provision, and every municipality shall have plenary power and authority to provide by ordinance, that it shall be unlawful for the governing body, or any member thereof ...to be interested personally, either directly or indirectly... in any contract furnishing material, services or supplies to the municipality, or to any contractor, or workmen for the municipality, or in any manner whatsoever, whereby the taxpayers of such municipality shall become the paymaster.

W. Va. Code § 8-5-19.

¹ See Arbogast v. Shields, 14 S.E.2d 4 (W.Va. 1941) wherein the Supreme Court interpreted a similar provision incorporated into the City of Clarksburg's Charter.

² In contrast, similar language in W.Va. Code 61-10-15 strictly limits the employment of **County** Officials and their spouses.

Based upon the history of the Municipal Code, it is possible that the proviso expressly permitting for employment by any "governing body" was incorporated into the Ethics Act to make it consistent with municipal law governing this matter. Regardless, there is nothing in the Ethics Act which prohibits the employment in question.³

While nothing in the Ethics Act prohibits a building inspector/city employee from serving on City Council, limitations apply. **First**, a city employee/city council member may not vote on a personnel matter which affects him or her directly as opposed to affecting five or more employees in the same or similar manner. See W.Va. Code § 6B-2-5(j)(II)(A). **Second**, the City Council Member may not use his public office for his own private gain.⁴ **Third**, he must perform his City Council duties on his own time, **not** during his public work hours.

The Requester also inquires whether it is a conflict for the Building Official to be a City Council Member when citizens who are affected by actions of the Building Official may come before Council to address or dispute such actions. In these instances, the Commission finds that the City Council Member/Building Official must recuse himself. See C.E. 2010-06. For recusal to be proper under the Ethics Act, he must disclose his interest and excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the discussion and vote on the matter. Additionally, the minutes of the meeting must reflect the basis for the recusal and that he left the room during all consideration, discussion and vote on the item(s) under consideration.

Although there is nothing in the Ethics Act which prohibits a City Council Member from being employed by the City where he or she serves, the Commission takes this opportunity to caution public officials that in many circumstances other rules of law or prior decisions of the Commission may prohibit their employment by the governing body on which they serve. For example: (1) A Mayor may not be employed by the City where he or she serves as elected Mayor. A.O. 2006-05; (2) County Officials may not be employed by County Agencies. W.Va. Code § 61-10-15⁵; (3) Public Officials serving on a **County** (emphasis supplied) Board or Commission may not be employed by the Board or Commission on which they serve. In fact, they must resign before being considered for employment. A.O. 99-31 and W.Va. Code § 61-10-15; (4) PSD Board

³ The Commission finds that this same conclusion applies regardless if the City is organized with a strong-mayor or mayor-council form of government. W.Va. Code § 8-3-2.

⁴ Here, if elected, the City Council Member's employment will pre-date his election. If a City is considering hiring one of its own members for employment, it must make this decision based upon a fair and impartial hiring procedure, not favoritism. In other words, the position must be advertised and all qualified candidates given equal consideration. Moreover, the affected City Council Member must be recused from all discussions and votes on this matter, including decisions relating to the job description and whether the position should be created or filled. See Legislative Rule on nepotism, Title 158, Series 6.

⁵ In general, these same prohibitions in W.Va. Code § 61-10-15 also prohibit the spouses of County Officials from being employed by the County or its agencies. There are limited exceptions.

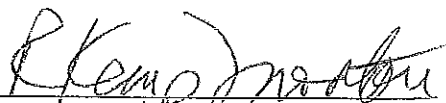
Members may not be employed by the PSD on which they serve. W.Va. Code § 61-10-15 and W.Va. Code § 16-13A-3; (5) Elected School Board Members may not be employed by the County School Board. W.Va. Code 18-5-1a; and, (6) Members of Chapter 30 Boards may not be employed by the Board on which they serve. A.O. 2006-14 and W.Va. Code § 30-1-11. Additionally, if a City or governing body believes that for public policy reasons a member of the governing body should not also be an employee, then they are free to impose stricter standards on public officials than those contained in the Ethics Act. In fact, based upon information and belief, some Cities, by ordinance, prohibit City Council Members from being employed by the City or its agencies, boards and commissions.

The limitations cited above are not intended to be inclusive of all limitations which may prohibit employment. In making hiring decisions, as with other matters, public agencies should not only be cognizant of the limitations in the Ethics Act and W.Va. Code § 61-10-15, but should always consult with their attorneys to determine what other rules of law may apply.

Additionally, while the Requester states that the Building Official is an employee, **not** a public official who is required to take an oath of office, nevertheless, the Requester may want to verify this fact through the City's attorney.⁶ Whether the Building Official is a public officer or public employee does not alter the analysis herein. Nevertheless, the common law doctrine of incompatibility, or the doctrine prohibiting self-appointment, may limit such dual office holding. See Thomas v. Wysong, 24 S.E.2d 463 (W.Va. 1943) wherein the Court reasoned, " 'Incompatibility of offices' rests not upon physical inability to perform the duties of two offices but upon the inconsistent nature of the offices and their relation to each other, rendering it improper, from considerations of public policy, for one person to perform the duties of both offices." Id. at 463.). See also Honorable Haymon H. Boggs, 38 W.Va. Op. Atty. Gen. 15 (1938) citing the common law doctrine against self-appointment which stands for the proposition, "It is contrary to public policy to permit an official board having the power to appoint to an office to exercise that power by appointing one or more of their own body. When a statute confers the appointing power, and does not expressly authorize self-appointment, the appointment of some other than self is always contemplated."

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.* and W.Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

⁶ The fact that the position of "Building Official" is an appointed position created by Ordinance may be relevant to the analysis of whether he is a public official; however, the Ethics Commission has no authority to determine whether he is a public official for purposes of analyzing the applicability, if any, of the cited common law doctrines.


R. Kemp Morton, III Chairperson

ADVISORY OPINION NO. 2011-22

Issued On February 2, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A Government funded non-profit organization asks whether an employee of the State agency that funds it may serve on the non-profit organization's board.

FACTS RELIED UPON BY THE COMMISSION

The Requester is a non-profit corporation that provides programmatic support and technical assistance to a State government agency; it is funded by both federal grants and state appropriations. It manages regional based field offices and coordinates with regional boards of directors; assists local government agencies with certification and continuing education processes; provides grant management, writing, and assistance to government agencies; and, assists state and local groups with grant activity.

The Requester asks whether an employee of the State agency that funds it may serve on the non-profit organization's board. Board members serve without compensation.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

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

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

...

The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

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

Although the Ethics Act prohibits the use of office for private gain, it anticipates that the

performance of usual and customary duties on behalf of constituents does not ordinarily constitute private gain. W. Va. Code § 6B-2-5(b). The volunteer service of a public employee to the board of a non-profit organization does not generally implicate the Act's prohibition against use of office for private gain so long as the public employee does not use her/his public position to unlawfully favor the non-profit organization.

In Advisory Opinion 2011-12, the Commission found that a Town's elected officials, may advocate on behalf of, and otherwise support, a non-profit organization despite their own and/or their relatives' board membership, the Commission wrote: "This activity is consistent with the performance of usual and customary duties associated with the office or position or the advancement of public policy, which the Ethics Act explicitly authorizes." See *also* Advisory Opinion 2010-23 (County School Superintendent's advocacy for passage of an excess levy constitutes the performance of usual and customary duties associated with the position permitted by the Ethics Act).

Indeed, the State agency which funds the Requester may desire to have one of its employees serve on Requester's board to provide fiscal oversight. The Commission takes administrative notice that many public and private boards have as a requirement that certain governing bodies appoint some or all of the members of their boards, e.g. County Commissions appoint members of County Solid Waste Authorities, W. Va. Code § 7-16-3; Municipalities appoint members of Convention and Visitors Bureaus (non-profit organizations) OMA AO 2008-07; County Commissions appoint members of a Multi-County Public Agency in participating counties, AO 2009-14; and the Morgan County Commission appoints three of the seven members of the Morgan County Rescue Service, (non-profit organization) OMA AO 2010-01.

In the alternative, the State agency may adopt stricter standards than those imposed by the Ethics Act. For example, the State agency may choose to prohibit its employees from serving on boards of directors of funding recipients; or allow them to serve but implement safeguards to remove such employees from the funding process.

Thus, the Commission hereby finds that the Ethics Act does not prohibit a public employee of the State agency from serving on the board of a non-profit organization that the State agency funds.

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


R. Kemp Morton, Chairperson

ADVISORY OPINION NO. 2012-06

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

An **Elected Member of the Board of Public Works** asks whether a business which has a financial relationship with the State may pay his travel expenses for him to serve as a speaker on a panel at an international government forum.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected Member of the Board of Public Works. His office has a contract with a financial institution to provide various financial services to the State of West Virginia. The financial institution contracts with a vendor to provide some or all of the services. The vendor is a financial service provider and is hereinafter referred to as the State subcontractor.

The Australian Government has a Department of Finance and Deregulation. This Department holds a Chief Finance Officer Forum approximately ten (10) times a year. Based upon information and belief, the Australian Government seeks a sponsor/underwriter for these forums. The forum in question is being held in Perth, Australia. While the host of the conference is Australia, it is sponsored by the State subcontractor. The State subcontractor states that the Western Australian Government is one of its clients.

The forum is entitled, "Risk Management and Program Benefits in Government Payments." The Requester has been invited by the State subcontractor to attend the forum to speak on the subject matter of public sector risk mitigation. The invitation also states that this opportunity will provide the Requester with a first-hand opportunity to observe Australia's approach to financial management and procurement. The State subcontractor will pay the travel expenses of the Requester, including international business class air travel.

The State subcontractor has also invited the Requester to meet with senior level executives at the Victorian Government in Melbourne and the Queensland Government in Brisbane. According to the invitation, "These engagements will adopt a board room meeting format and include approximately 5-10 finance and procurement managers from the respective states." The State subcontractor will also pay the Requester's travel expenses related to these proposed additional meetings, including business class air travel and lodging.

The Requester states that he believes his attendance at the forum will provide an overriding benefit to the State of West Virginia through the sharing of information between governments concerning fraud trends and internal control issues which arise due to the global nature of the economy and use of credit cards by public agencies. He states that the State's program has been nationally recognized. While the State of West Virginia uses the State subcontractor's

product, the Requester states that he will not be mentioning any specific product which is used by the State of West Virginia.

The State subcontractor states that one of the intended purposes of the trip is to strengthen its partnership with the Requester, and "the development of marketing programs and marketing strategies". Additionally, another intended purpose is for the State subcontractor to promote its brand and branded program. If the Requester accepts the State subcontractor's invitation, the Requester must sign an agreement relating to the expense reimbursement for travel. In relevant part, the State subcontractor is requiring the Requester to certify that his office is not engaged in any material contract or business negotiations at the time of the trip. Moreover, the agreement requires the Requester to warrant and represent that it is in full compliance with all applicable laws, including but not limited to the Foreign Corrupt Practices Act and the West Virginia Ethics Act.

CODE PROVISIONS AND LEGISLATIVE RULE RELIED UPON BY THE COMMISSION

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

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

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

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

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

...

(2) ... The provisions of subdivision (1) of this subsection do not apply to:

...

(D) Reasonable expenses for food, travel and lodging of the official or employee for a meeting at which the official or employee participates in a panel or has a speaking engagement....

§158-7-5. Reasonable Expenses for Panelist or Speaker.

5.1. A public official or public employee may accept payment or reimbursement for reasonable expenses for him or herself and for one

guest for food, travel and lodging incurred in attending a meeting at which he or she participates as a panel member or speaker, but may not accept payment or reimbursement for other expenses such as golf fees, carriage rides or health club fees unless these amenities are normally part of the standard hotel room charge and incidental to the use of the room.

ADVISORY OPINION

The Ethics Act expressly allows public officials to accept from interested parties "Reasonable expenses for food, travel and lodging of the official or employee for a meeting at which the official or employee participates in a panel or has a speaking engagement." W.Va. Code § 6B-2-5(c)(2)(D). In regard to the Chief Finance Officer Forum, this speaking engagement falls within the exception to the gift rule. W.V.C.S.R. §158-7-5.1.

While it falls within the cited exception, the analysis does not end here. The Ethics Act prohibits public officials from endorsing products. See *generally* A.O.s 2000-21, 2005-10 and 2007-02. Here, the question presented is interesting as the Requester has no intent to discuss a specific financial service product. Instead, the focus of his discussion is public sector risk mitigation. Still, his presentation will undoubtedly include a discussion of the use of various financial service products which are available, including the use of credit card controls in furtherance of his agency's efforts to track spending and to control fraud. From a practical standpoint, the attendees will know that the State of West Virginia uses the product offered by the State subcontractor. Moreover, the State subcontractor sets forth in its proposed travel reimbursement agreement that one of the intended purposes of the trip is the development of its marketing strategies.

In Advisory Opinions 95-05, 95-28, and 2005-04, the Commission authorized a public servant or agency to enter into arrangements that provided certain benefits to private businesses. In each case, the Commission concluded that the agreements involved an overriding public benefit sufficient to legitimize any resulting private gain. Thus, even where some element of private gain is involved, the Commission has discretion to conclude that the public benefit outweighs any potential for improper private gain. In each of these Advisory Opinions, the overriding public benefit arose in the context of an economic development initiative.¹


Thus, the Commission must determine whether the overriding benefit of the proposed trip is to the State. Based on the foregoing facts and analysis, the Commission concludes that the Requester's appearance at the forum provides a benefit to West Virginia by allowing our State to be recognized for its achievements in fraud control, and allowing the Requester to observe first-hand how Australian state governments approach financial management and procurement. Further, the event will provide an opportunity for the Requester to network with other government officials who also implement and manage electronic payments.

¹ This approach is consistent with another provision of the gift rule related to receipt of expenses to attend a seminar or conference. W.V.C.S.R. §158-7-3 provides a useful checklist to determine whether the receipt of such expenses provides a significantly greater benefit to the State agency than to the traveler.

Hence, the Commission finds that the Requester may attend the forum at the State subcontractor's expense; however, limitations apply. The Requester must provide a copy of this opinion to the State subcontractor and formally notify the State subcontractor that he is prohibited from endorsing its product. Moreover, at or before the forum, the Requester must notify the forum participants that the West Virginia Ethics Act prohibits him from endorsing a particular product and that his presentation relating to fraud control should not be construed as an endorsement of the State subcontractor's product.

In regard to the proposed meetings with senior level executives at the Victorian Government in Melbourne and the Queensland Government in Brisbane, the Commission finds that these meetings do not fall within the speaking engagement exception. Further, the Commission finds that these meetings do not provide an overriding benefit to the State of West Virginia. Hence, the Commission finds that the Requester must decline these invitations.

This advisory opinion is limited to the facts presented any may not be relied upon by other public servants. If all material facts have not been provided, or if new facts arise, the Requester should contact the Commission for further advice as it may alter the analysis and render this advice invalid. This opinion is limited to the analysis of whether the Ethic Act would be violated by the proposed conduct. The Commission is without authority to determine whether other laws or rules prohibit or otherwise restrict the proposed conduct.



R. Kemp Morton, III Chairperson

COPV

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MEMORANDUM

TO: Sandy McDonald, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Tuesday, 06 March 2012
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2012.

This transfer consists of two components:

- Impact Fee Process Numbers **1200013** through **1200030**, inclusive. Within this range there were 15 non-exempt impact fee payments. This amounts to **\$145,020.00**.
- Interest earned by the Office of Impact Fees General Account in February 2012 amounts to **\$42.39**, of which **\$36.46** is attributed to fees collected for Schools.

As per the attached invoice, the total amount of this transfer is \$145,056.46.

Check # 840

Jefferson County CommissionP.O. Box 250
Charles Town, WV 25414**Invoice**

Number: 12005

Date: 3/6/2012

Bill To:Department of Capital Planning and Management
114 E. Washington Street
Charles Town, WV 25414**Pay To:**Jefferson County Sheriff
102 Industrial Blvd.
Suite 100
Kearneysville, WV 25430

P.O. Number

0

Vendor Number

Dept./Line

Item # Charged

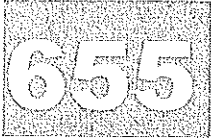
Description

Amount

	Impact Fee payments collected for month of February 2012 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582).	\$145,020.00
	Interest earned by the Office of Impact Fees General Account February 2012.	\$36.46
	Impact Fee Process Numbers 1200013 through 1200030, inclusive. Within this range, there were 15 non-exempt impact fee payments.	
Total:		\$145,056.46

Notes/Comments: Transfer of funds into School Impact Fee Account (3107582).

Check Number: 840



Account Withdraws
 Department of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 840

Trace 20120306:34245.41

Date 3/6/2012

Series 1

Recipient Sheriff of Jefferson County

Amount \$145,020.00

Account 3107582

Signature 1 Patsy Noland

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes:

Deposit Date	Process Number	Ordinance	Enact Date	Amount
2/2/2012	1200013	2003-3	11/24/2005	\$2,796.00
2/8/2012	1200014	2003-3	11/24/2005	\$11,358.00
2/14/2012	1200016	2003-3	11/24/2005	\$11,358.00
2/14/2012	1200017	2003-3	11/24/2005	\$11,358.00
2/22/2012	1200018	2003-3	11/24/2005	\$8,560.00
2/22/2012	1200019	2003-3	11/24/2005	\$0.00
2/22/2012	1200020	2003-3	11/24/2005	\$8,560.00
2/22/2012	1200021	2003-3	11/24/2005	\$8,560.00
2/22/2012	1200022	2003-3	11/24/2005	\$8,560.00
2/22/2012	1200023	2003-3	11/24/2005	\$8,560.00
2/22/2012	1200024	2003-3	11/24/2005	\$8,560.00
2/22/2012	1200025	2003-3	11/24/2005	\$0.00
2/22/2012	1200026	2003-3	11/24/2005	\$11,358.00
2/22/2012	1200027	2003-3	11/24/2005	\$11,358.00
2/29/2012	1200028	2003-3	11/24/2005	\$11,358.00
2/29/2012	1200029	2003-3	11/24/2005	\$11,358.00
2/29/2012	1200030	2003-3	11/24/2005	\$11,358.00

Total amount for this withdraw \$145,020.00

Total amount for this account \$145,020.00

Total amount all accounts \$145,020.00

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

COPY

Michelle Mason
Asst. Impact Fee Coordinator

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

MEMORANDUM

TO: Sandy McDonald, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *DM*
DATE: Tuesday, 06 March 2012
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2012.

This transfer consists of two components:

- Impact Fee Process Numbers **1200013** through **1200030**, inclusive. Within this range there were 7 non-exempt impact fee payments. This amounts to **\$1,461.00**.
- Interest earned by the Office of Impact Fees General Account in February 2012 amounts to **\$42.39**, of which **\$0.42** is attributed to fees collected for Law Enforcement.

As per the attached invoice, the total amount of this transfer is \$1,461.42.

Check # 841

Jefferson County Commission

P.O. Box 250
 Charles Town, WV 25414

Invoice

Number: 12006

Date: 3/6/2012

Bill To:

Department of Capital Planning and Management
 114 E. Washington Street
 Charles Town, WV 25414

Pay To:

Jefferson County Sheriff
 102 Industrial Blvd.
 Suite 100
 Kearneysville, WV 25430

P.O. Number

0

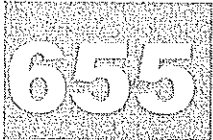
Vendor Number

Dept./Line**Item # Charged****Description****Amount**

	Impact Fee payments collected for month of February 2012 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120).	\$1,461.00
	Interest earned by the Office of Impact Fees General Account February 2012.	\$0.42
	Impact Fee Process Numbers 1200013 through 1200030, inclusive. Within this range, there were 7 non-exempt impact fee payments.	
Total:		\$1,461.42

Notes/Comments: Transfer of funds into Law Enforcement Impact Fee Account (3120120).

Check Number: 841



Account Withdraws
 Department of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 841

Trace 20120306:34429.16

Date 3/6/2012

Series 2

Recipient Sheriff of Jefferson County

Amount \$1,461.00

Account 3120120

Signature 1 Patsy Noland

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes:

Deposit Date	Process Number	Ordinance	Enact Date	Amount
2/2/2012	1200013	2005-1	3/22/2005	\$142.00
2/8/2012	1200014	2005-1	3/22/2005	\$262.00
2/14/2012	1200016	2005-1	3/22/2005	\$262.00
2/14/2012	1200017	2005-1	3/22/2005	\$262.00
2/22/2012	1200018	2005-1	3/22/2005	\$0.00
2/22/2012	1200019	2005-1	3/22/2005	\$154.00
2/22/2012	1200020	2005-1	3/22/2005	\$0.00
2/22/2012	1200021	2005-1	3/22/2005	\$0.00
2/22/2012	1200022	2005-1	3/22/2005	\$0.00
2/22/2012	1200023	2005-1	3/22/2005	\$0.00
2/22/2012	1200024	2005-1	3/22/2005	\$0.00
2/22/2012	1200025	2005-1	3/22/2005	\$117.00
2/22/2012	1200026	2005-1	3/22/2005	\$0.00
2/22/2012	1200027	2005-1	3/22/2005	\$0.00
2/29/2012	1200028	2005-1	3/22/2005	\$0.00
2/29/2012	1200029	2005-1	3/22/2005	\$0.00
2/29/2012	1200030	2005-1	3/22/2005	\$262.00
Total amount for this withdraw				\$1,461.00
Total amount for this account				\$1,461.00
Total amount all accounts				\$1,461.00

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

COPY

Michelle Mason
Asst. Impact Fee Coordinator

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

MEMORANDUM

TO: Sandy McDonald, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Tuesday, 06 March 2012
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2012.

This transfer consists of two components:

- Impact Fee Process Numbers **1200013** through **1200030**, inclusive. Within this range there were 15 non-exempt impact fee payments. This amounts to **\$9,556.00**.
- Interest earned by the Office of Impact Fees General Account in February 2012 amounts to **\$42.39**, of which **\$2.54** is attributed to fees collected for Parks & Recreation.

As per the attached invoice, the total amount of this transfer is **\$9,558.54**.

Check # 842

Jefferson County Commission

P.O. Box 250
 Charles Town, WV 25414

Invoice

Number: 12007

Date: 3/6/2012

Bill To:

Department of Capital Planning and Management
 114 E. Washington Street
 Charles Town, WV 25414

Pay To:

Jefferson County Sheriff
 102 Industrial Blvd.
 Suite 100
 Kearneysville, WV 25430

P.O. Number

0

Vendor Number

Dept./Line

Item # Charged

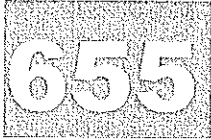
Description

Amount

	Impact Fee payments collected for month of February 2012 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808).	\$9,556.00
	Interest earned by the Office of Impact Fees General Account February 2012.	\$2.54
	Impact Fee Process Numbers 1200013 through 1200030, inclusive. Within this range, there were 15 non-exempt impact fee payments.	
Total:		\$9,558.54

Notes/Comments: Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

Check Number: 842



Account Withdraws
 Department of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 842

Trace 20120306:35267.41

Date 3/6/2012

Series 3

Recipient Sheriff of Jefferson County

Amount \$9,556.00

Account 3122808

Signature 1 Patsy Noland

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes:

Deposit Date	Process Number	Ordinance	Enact Date	Amount
2/2/2012	1200013	2005-2	5/12/2005	\$90.00
2/8/2012	1200014	2005-2	5/12/2005	\$752.00
2/14/2012	1200016	2005-2	5/12/2005	\$752.00
2/14/2012	1200017	2005-2	5/12/2005	\$752.00
2/22/2012	1200018	2005-2	5/12/2005	\$575.00
2/22/2012	1200019	2005-2	5/12/2005	\$0.00
2/22/2012	1200020	2005-2	5/12/2005	\$575.00
2/22/2012	1200021	2005-2	5/12/2005	\$575.00
2/22/2012	1200022	2005-2	5/12/2005	\$575.00
2/22/2012	1200023	2005-2	5/12/2005	\$575.00
2/22/2012	1200024	2005-2	5/12/2005	\$575.00
2/22/2012	1200025	2005-2	5/12/2005	\$0.00
2/22/2012	1200026	2005-2	5/12/2005	\$752.00
2/22/2012	1200027	2005-2	5/12/2005	\$752.00
2/29/2012	1200028	2005-2	5/12/2005	\$752.00
2/29/2012	1200029	2005-2	5/12/2005	\$752.00
2/29/2012	1200030	2005-2	5/12/2005	\$752.00
Total amount for this withdraw				\$9,556.00
Total amount for this account				\$9,556.00
Total amount all accounts				\$9,556.00

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

COPY

Michelle Mason
Asst. Impact Fee Coordinator

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

MEMORANDUM

TO: Sandy McDonald, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Tuesday, 06 March 2012
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of February 2012.

This transfer consists of two components:

- Impact Fee Process Numbers **1200013** through **1200030**, inclusive. Within this range there were 17 non-exempt impact fee payments. This amounts to **\$12,438.00**.
- Interest earned by the Office of Impact Fees General Account in February 2012 amounts to **\$42.39**, of which **\$2.97** is attributed to fees collected for Fire & EMS.

As per the attached invoice, the total amount of this transfer is \$12,440.97.

Check # 843

Jefferson County Commission

P.O. Box 250
 Charles Town, WV 25414

Invoice

Number: 12008

Date: 3/6/2012

Bill To:

Department of Capital Planning and Management
 114 E. Washington Street
 Charles Town, WV 25414

Pay To:

Jefferson County Sheriff
 102 Industrial Blvd.
 Suite 100
 Kearneysville, WV 25430

P.O. Number

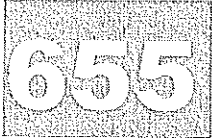
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Vendor Number

Dept./Line Item # Charged	Description	Amount
	Impact Fee payments collected for month of February 2012 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816).	\$12,438.00
	Interest earned by the Office of Impact Fees General Account February 2012.	\$2.97
	Impact Fee Process Numbers 1200013 through 1200030, inclusive. Within this range, there were 17 non-exempt impact fee payments.	
Total:		\$12,440.97

Notes/Comments: Transfer of funds into Fire & EMS Impact Fee Account (3122816).

Check Number: 843



Account Withdraws
 Department of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 843

Trace 20120306:35334.01

Date 3/6/2012

Series 4

Recipient Sheriff of Jefferson County

Amount \$12,438.00

Account 3122816

Signature 1 Patsy Noland

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

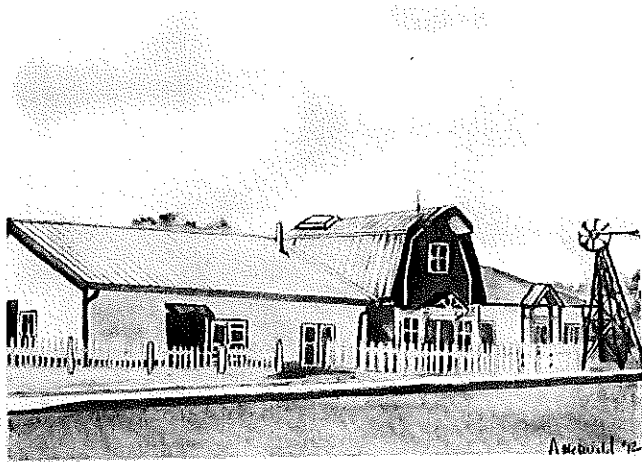
Notes:

Deposit Date	Process Number	Ordinance	Enact Date	Amount
2/2/2012	1200013	2005-3	5/12/2005	\$162.00
2/8/2012	1200014	2005-3	5/12/2005	\$698.00
2/14/2012	1200016	2005-3	5/12/2005	\$698.00
2/14/2012	1200017	2005-3	5/12/2005	\$698.00
2/22/2012	1200018	2005-3	5/12/2005	\$533.00
2/22/2012	1200019	2005-3	5/12/2005	\$1,312.00
2/22/2012	1200020	2005-3	5/12/2005	\$533.00
2/22/2012	1200021	2005-3	5/12/2005	\$533.00
2/22/2012	1200022	2005-3	5/12/2005	\$533.00
2/22/2012	1200023	2005-3	5/12/2005	\$533.00
2/22/2012	1200024	2005-3	5/12/2005	\$533.00
2/22/2012	1200025	2005-3	5/12/2005	\$2,182.00
2/22/2012	1200026	2005-3	5/12/2005	\$698.00
2/22/2012	1200027	2005-3	5/12/2005	\$698.00
2/29/2012	1200028	2005-3	5/12/2005	\$698.00
2/29/2012	1200029	2005-3	5/12/2005	\$698.00
2/29/2012	1200030	2005-3	5/12/2005	\$698.00
Total amount for this withdraw				\$12,438.00
Total amount for this account				\$12,438.00
Total amount all accounts				\$12,438.00

Artwork by Aryana McDonald



Please join us in celebration of



Children First Child Development Center

Doors open at 8:45 a.m. Event begins at 9:00 a.m.

Activities will include a tour of the school, performances by the children, and a tree planting ceremony in honor of the Steeley family.

Light refreshments will be served.

CHEERS School Family, Inc. cordially invites you to celebrate the 10-year anniversary of Children First Child Development Center.

April 23, 2012 at 9:00 a.m.

Congresswoman Shelley Moore Capito will be in attendance.

95 Children's Way, Kearneysville

Please RSVP by April 13 to Tasha Demko.

540.955.1338 or CHEERSExecutiveDirector@verizon.net

MAR 08 2012

Jefferson County Public Service District

Jefferson County Public Service District
Regular Board Meeting
February 6, 2012

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, February 6, 2012 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; Pentree Engineers, John Tuggle and Zane Summerfield; District Legal Counsel, Jim Kelsh and liaison for the County Commission, Commissioner Lyn Widmyer.

CALL TO ORDER

Chairman Cummins called the meeting to order at 7:00PM.

PUBLIC COMMENTS

None.

OLD BUSINESS

Review Minutes of January 3 Regular Board Meeting

The minutes of the January 3, 2012 regular Board meeting were approved as presented.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the January 3, 2012 minutes as presented. Unanimously approved.

Review Minutes of January 18 Public Work Session

The minutes of the January 18, 2012 public work session were approved as presented.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the January 18, 2012 minutes as presented. Unanimously approved.

Update on Options and Process Path for Creating/Revising PSD Strategic Plan

The District is continuing to identify a funding source for the project. Ms. Lawton is working with MVB to include the strategic plan in a possible loan along with other needed projects. Staff will continue to finalize the Statement of Expectations while Mr. Cummins is drafting a short term plan as discussed last month.

Action: No action taken by the Board.

Consider Request for the Return of Property at Highland Farms

Attorney Jim Campbell and developer Herb Jonkers were present for discussions on this matter. Mr. Campbell requested that this item be discussed in executive session along with the Old Standard item, but the Board chose to discuss in public session. Mr. Campbell stated the original Highland Farms project is no longer viable and corresponding NPDES permits for the proposed wastewater treatment plant have expired. The District was given the opportunity to renew these permits, but the Board chose not to do so. The developers of this project gave the property to the District specifically for a proposed wastewater treatment plant to be built, but since that time plans have changed. The development is now proposed to be much less dense with homes on wells and septic systems. On behalf of his client, Mr. Jonkers, Mr. Campbell suggested closing the books with the District relating to the four agreements with Highland Farms since neither party is proposing a wastewater treatment plant on this site. They would like to mutually abandon the concept of a plant at this location and request the return of the property. Mr. Cummins commented that many hours of engineering time and planning went into this project and this site is not taken off the table for a proposed future site for a plant. The Board would like to see this request in writing and be given time to investigate before making a decision.

Action: No action taken by the Board.

Report on Status of Proposed Transfer of New Test Well in Westridge Hills to the District

Mr. Kelsh and Ms. Lawton met with John Maxey and Scott Tatina to discuss the proposed transfer of the new test wells to the District. Both parties will work on preparing a draft agreement to present to the Board for next month. Mr. Maxey expressed his appreciation for the effort the Board, Mr. Kelsh, and staff have put into this issue. He believed this is a positive step forward. Mr. Cummins agreed and would like to see mutually agreeable bounds in an agreement with Jefferson Utilities for water access. Mr. Kelsh suggested a hydrogeological study be completed to investigate any potential liability of the wells effecting neighboring area wells. Mr. Maxey stated the report had significant work done relating to this issue and the results showed little impact. Ms. Lawton will work with Mr. Summerfield to review the report.

Action: No action taken by the Board.

NEW BUSINESS

Consider Rule 42 Prepared by Chuck Young from Cox Hollida Price

Chuck Young from Cox Hollida Price presented a Rule 42 he prepared to submit to the Public Service Commission for a possible rate increase to cover the costs of various projects. Included in this exhibit are projected costs for the strategic plan, pump station 5-3 upgrade, a new vehicle, engineering fees associated with the Flowing Springs wastewater project, and other system requirements. Mr. Young examined rates using different bond coverage scenarios. Commissioner Widmyer suggested sending out a press release once the Rule 42 is submitted to the Public Service Commission informing the public.

The Board also discussed the Other Post Employee Benefits (OPEB) issue. This issue, although occurring all over the United States, is a concern to our Board as we have the obligation as do others who have offered benefits to employees that will actually occur after they retire. The accounting method of booking these obligations has changed in the last few years which created the widespread attention to the issue. In the District's case the way it will be booked will make the District appear to be in poor financial condition which will affect our ability to attain bonds. Many public organizations are in the same situation. Recently in WV, legislation was passed for the School Boards and other State agencies to allow them to book the obligation in a way that will not have this negative effect. The legislation also will help to pay off the debt in future years.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to submit the Rule 42 Exhibit prepared by Mr. Young using the 120% coverage scenario. Unanimously approved.

Discuss Other Post-Employment Benefits (OPEB) Issue

This item was discussed in the above mentioned item.

Action: No action taken by the Board.

Consider Submitting Application for Clean Water State Revolving Fund Program FY2013 Priority List

Ms. Lawton informed the Board that it's time to get on the Clean Water State-Revolving Fund priority list for possible funding on projects during October 1, 2012 – September 30, 2013. She would like to submit applications for both the Glen Haven and Cavaland water systems upgrade and improvement project along with the alternative transmission line project. The Board directed staff to complete the applications.

Action: No action taken by the Board.

Discuss a Relationship with Ranson for the Upgrade of Transmission Lines

Ms. Lawton updated the Board. At the District's January 18th work session it was suggested that the District look into a partnership with the City of Ranson for upgrading transmission lines and redirecting flows. This partnership could possibly include the redirecting of the District flows to Ranson's Flowing Springs Pump Station. Since that meeting Mr. Summerfield and Ranson's staff have been evaluating the systems and moving forward in a collaborative effort.

Commissioner Lyn Widmyer suggested having the Planning Department brief the Board at next months meeting on the progress being made regarding the Route 340 study that is being conducted.

Action: No action taken by the Board.

Discuss Meeting with Shepherdstown Water and Sewer Utility Boards Regarding Cavaland Water System
Mr. Cummins along with the other two Board members, Ms. Lawton, Mr. Kelsh, and Mr. Harper attended the Shepherdstown Water and Sewer Utility Board meeting to discuss the possibility of them taking over the Cavaland water system or possibly sharing the costs for the upgrades. The Utility Board had been previously contacted regarding the District installing the facilities, turn the main line over to them in the form of an Alternate Mainline Extension Agreement and then the District becoming a bulk rate customer. Unfortunately, that scenario was too costly to the Districts customers. The Utility Board stated that they were not interested in running a mainline extension on their own because of the expense to their existing customers. The Board appreciated Shepherdstown Utility Board meeting with them, but the District would like to move forward with a cost scenario that does not include Shepherdstown due to the high costs to customers.

Action: No action taken by the Board.

Consider Moving Forward with an Application to West Virginia Infrastructure and Jobs Development Council for Cavaland Water System

After reviewing the cost scenarios prepared by Matt Harper of Gwin, Dobson & Foreman the Board would like to move forward with the option to "loop" all of the water mains with new properly sized lines for just the basic needs, upgrade the well houses as needed and not provide the more expensive fire service and associated infrastructure for each water system. The total combined costs for the upgrades are around \$2,000,000 which would increase the average monthly bill to \$65.90.

District staff has also been working on attaining a new easement regarding the land the current well house occupies for the Cavaland water system. Staff received an appraisal on the land which was quite costly so the District may include these costs with the upgrade project. The Board would like staff to move forward with preparing and submitting a combined application to the Infrastructure Council for the water systems and possibly include the costs of obtaining the Cavaland easement into the project costs.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to move forward with preparing the Infrastructure and Jobs Development Council application for both Glen Haven and Cavaland with a contingency fee for an easement for Cavaland. Unanimously approved.

Consider Moving Forward with an Application to West Virginia Infrastructure and Jobs Development Council for Glen Haven Water System

This item was discussed in the above agenda item.

Action: No action taken by the Board.

Discuss Sewer Service for Cave Quarters

Ms. Lawton informed the Board that Mr. Roper, owner of the Cave Quarters Estates housing development has offered to sell the sewer and possibly water system. District staff has visited the site and reviewed copies of the systems discharge monitoring reports submitted to the West Virginia Department of Environmental Protection. Staff suggested that the system be decommissioned and placed on public sewer by replacing the plant with a pump station and line possibly running to Norborne Glebe pump station or Huntfield, where it could tie into Charles Town sewer system lines at an estimated cost of \$300,000. The Board would like Ms. Lawton to ask Mr. Roper to pay for these costs and then the District may consider taking over.

Action: No action taken by the Board.

Consider Preventative Maintenance Service Contract from Godwin Pumps for Breckenridge Pump Station, Driswood Pump Station & Portable Pump

Operations Manager, Joe Freeze, informed the Board of a proposed service contract for the preventative maintenance of the Godwin pumps at the Breckenridge pump station, Driswood pump station, and the portable Godwin pump. The District currently has a maintenance contract with Apparatus Repair & Engineering for all the pump station generators. Godwin Pumps would conduct annual service visits for each of the Districts Godwin pumps for a cost of \$2,340.00. The Board would like staff to research the costs of purchasing tools, oil, filters, etc. for completing the service in-house to compare costs before making a decision.

Action: No action taken by the Board.

Discussion of any Expenses over Budget

There were no items over budget this month.

Action: No action taken by the Board.

Disbursements

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for Cavaland water expenses in the amount of \$2,526.93, Glen Haven water expenses in the amount of \$9,952.03. Unanimously approved.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for the Public Service District expenses in the amount of \$125,036.08. Unanimously approved.

Approve Transfer of \$4,944.96 from Sewer Security Deposit Account to Sewer Operating Account for Security Deposit Refunds

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$4,944.96 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

Phase 2 Watershed Implementation Plan – Ms. Lawton is collecting comments on the plan which are due by February 20th.

Pump Station 3-7 – Staff has fixed alarms and replaced batteries to attempt to fix the problem at the pump station which had failed and caused a backup. Staff is waiting for the phone company to install a new phone line for the phone alarm system.

Action: No action taken by the Board.

Public Comment

None.

Correspondence

None.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.

Mr. Appignani excused himself from the discussions on the Jefferson Utilities, Inc General Investigation case currently at the Public Service Commission.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to return to public session. Unanimously approved.

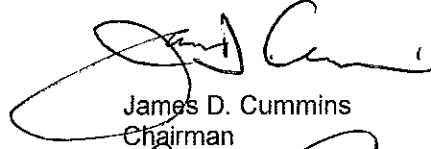
Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the amendment to the 1997 Engineering Agreement with Pentree as revised by Counsel and authorize the Chairman to execute. Unanimously approved.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to adjourn. Unanimously approved.

There being no further business at this time, the meeting was adjourned at 11:12PM

The next regular meeting is scheduled for Monday, March 5, 2012 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins
Chairman



Peter L. Appignani
Secretary

WVACO

The County Line

A monthly publication of the West Virginia Association of Counties

FEBRUARY 2012 | Number 190

ENERGIZING THE FUTURE OF COUNTIES

2012 Annual Conference—STATE OF THE COUNTIES

From the President of the West Virginia Association of Counties,
Mr. Jerry Berry, Summers County Commissioner

My fellow elected officials, ladies and gentlemen, honored guests, and associate members, thank you. Thank you for the honor and privilege to address you.

To my fellow county commissioners of whom I am grateful for the trust they have bestowed to give me the privilege to serve this association. Thank you.

I'd like to recognize and thank the best partner, advisor and confidante an Association President could ever have, our Executive Director, Patti Hamilton. And I'd also like to thank our staff, Kathy, Jack and Crystal.

I'd also like to acknowledge the presence here today of three legislators who continued to work tirelessly on behalf of us and their constituents. Senate President Jeff Kessler, House Speaker Rick Thompson, and Senate Majority Whip Richard Browning we are glad to see you here today.

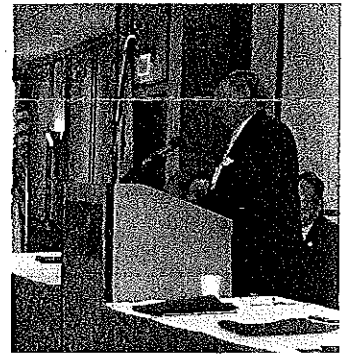
Finally, and with a deep sense of respect and gratitude, I'd like all of us to honor the heroic service of the brave men and women from our great state serving in the Armed Forces, especially the 40 members of the Armed Services from WV who gave their lives in our defense this past decade.

As we gather here this morning, we are all well aware that today the West Virginia Association of Counties is blessed with tremendous progress. And because of the I am proud to share that the state of the counties is strong and getting stronger.

In centuries long past...in a world far removed from the one we know today....the Age of Exploration captivated the minds of brave, young men. These individuals traveled through distant waters to identify the unknown, their will to explore outweighing the

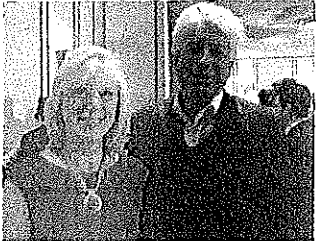
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WVACO President Jerry Berry, Summers County Commissioner

2012 Annual Conference



Patti Hamilton, WVACO Executive Director, David Hardy, Kanawha County Commissioner



Paul White, Commercial Insurance Service and Lenny Eliason, NACO President.



Senator Walt Helmick, Sec. of State Natalie Tennant, Senator Dan Foster, Virginia Sine, Berkeley Circuit Clerk, and Lucy (Virginia's sister).



US Senator Joe Manchin III



Bonita Jarrell, Boone County Sheriff's Office, Susan Baisden, Boone Assessor's Office, Sue Ann Zickefoose, Boone Circuit Clerk, Gary Williams, Boone County Clerk.



Jamie Six, Wood County Clerk and recipient of the Richard Shelton Memorial Lighthouse Award.



Prosecutors - Rick Staton, Wyoming; Michael Sparks, Mingo; Leckta Poling, Barbour; Chris Chiles, Cabell

WEST VIRGINIA ASSOCIATION OF COUNTIES
2211 WASHINGTON STREET, EAST
CHARLESTON, WV 25311

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WVACO's County Line is published monthly by the WV Association of Counties. It is mailed to county officials, legislators, Affiliated members, & other interested parties.

Patli Hamilton EXECUTIVE DIRECTOR
Kathy Yates MEMBER SERVICES COORDINATOR
Crystal Young EXECUTIVE ASSISTANT
Jack C McClung LEGAL COUNSEL

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Sue Ann Zickeloose Boone County 389-7321
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Chris Chiles Cabell County 526-8653
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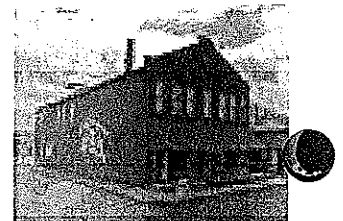
serving West Virginia's Counties



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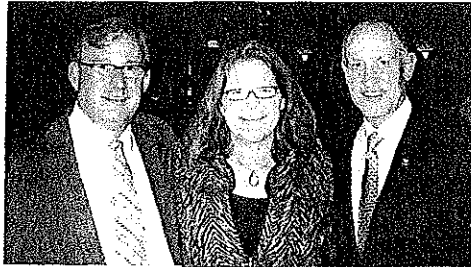
Mason County -

Point Pleasant River Museum focuses on life and commercial enterprise along the Ohio and Kanawha rivers. Located in Point Pleasant adjacent to Tu-Endie-Wei State Park and the state's largest historic mural, the museum features a 2,400-gallon aquarium, a working pilot house and a model replica of the Silver Bridge, which collapsed in 1967. Special events include Shanty Boat Night on May 11 and Tribute to the River on Sept. 1.



2012 Annual Conference
February 12-14, 2012
Charleston Embassy Suites

Answers on Page 7



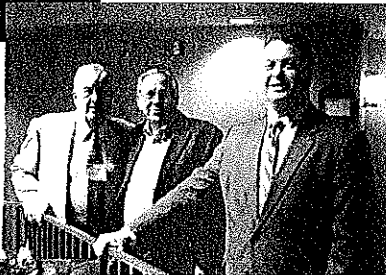
Senator Richard Browning,
 Kathy Yates (WVACO),
 Senate Pres. Jeff Kessler

Board of Directors
 hard at work!



Speaker of the House
 Rick Thompson speaks
 during the general session.

Jennings Randolph (Boone),
 David Baisden (Mingo),
 Michael Sparks (Mingo)



Drema Evans (Raleigh)
 Paul Flanagan (Raleigh)



Andrew Goldschmidt (NACo), Dee McCormick, Lenny Elason (NACo President),
 Cindy Pyles (Mineral Commissioner), Tim McCormick (Ohio Commissioner)

How's Your WV-IQ?

- The film *Sweet Dreams*, the story of Patsy Cline, was partially filmed in what WV county?
 (a) McDowell (c) Jackson
 (b) Summers (d) Berkeley
- What does the large stone in the center of the State Seal represent?
 (a) stone, WV Resource (b) strength
 (c) stability (d) farmers
- Thomas "Stonewall" Jackson was born in what WV county?
 (a) Kanawha (b) Raleigh
 (c) Marion (d) Harrison
- The WV Capitol grounds consists of how many acres?
 (a) 3 (b) 16
 (c) 12 (d) 8
- Stone that was quarried near Hinton, Summers County was contributed by West Virginia for the Washington Monument and arrived in Washington in February 1885.
 (a) True (b) False
- Coal House, the only residence in the world built entirely of coal, is located in Fairmont, Marion County. The house was occupied on June 1, 1961.
 (a) True (b) False
- Nearly 60% of West Virginia is covered by forests.
 (a) True (b) False



**YOU ARE NEEDED
 AT THE CAPITOL!**

Please plan to visit the capitol as often as possible. Your support is needed to help advance the County Officials Pay Raise Bill. Call your legislator, visit your legislator.

Let your support be known!

"Nothing is secure but life, transition, the energizing spirit." Ralph Waldo



Calendar of Events

- MARCH 21-22, 2012** **WV EXPO**
Charleston Civic Center, Kanawha County
- JUNE 3-5, 2012** **WVACo Spring Board Meeting**
Twin Falls State Park, Wyoming County
- JUNE 12-15, 2012** **County Clerks Annual In-Service Training**
Glade Springs, Raleigh County
- MAY 21-24, 2012** **Association of WV Assessors Annual Conference**
Glade Springs Resort, Raleigh County

Legislative Calendar 2012 **WE NEED YOU HERE!**



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 3rd reading in house or origin (*Joint Rule 5b*)

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

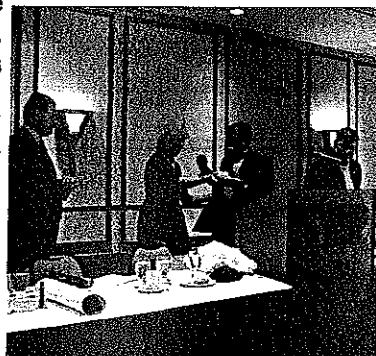
RICHARD SHELTON MEMORIAL LIGHTHOUSE AWARD

Mr. Jamie Six, Wood County Clerk was the 2012 recipient of the Richard Shelton Memorial "Lighthouse Award".

The nominees are determined by names that the member association Presidents submit as persons who have displayed leadership and guidance to the WVACo.

The winner is determined by the WVACo Board of Directors whom individually vote for the person they feel is most deserving.

Nominees for this years award were Jerry Berry, Summers County Commissioner and President of the WVACo, Cathy Gatson, Kanawha County Circuit Clerk, Jamie Six, Wood County Clerk, John Gruzinkas, Marshall County Sheriff, and Donnie Tenney, Commissioner.



MEMBER PROFILE: PATRICK BOYLE Lewis County Commissioner



Years in office: *Almost 3 years*

Education: *Fairmont State University, BS John Tyler College of Mortuary Science*

My favorite sport is: *Golf*

The hardest thing I have done: *Having the funeral for my Mother*

You would be surprised to know: *That I love to be a funeral director..*

I'm most proud of: *My sons and my farm..*

My favorite meal is: *Pork chops, mashed potatoes, green beans and Pumpkin Pie.*

The last book I read was: *Golf Magazine*

Three people (living or dead) I'd invite to dinner: *My mother, Bill Clinton and Lee Iacocca*

My favorite movie is: *Jeremiah Johnson*

My favorite music is: *Country*

My pet peeve is: *People who don't remember where they came from*

My motto is: *Enjoy Life. Don't take yourself too seriously.*



RECIPE OF THE MONTH

Marshmallow Puffs



- 2 cans Pillsbury Crescent Rolls
- 16 marshmallows
- white sugar
- Powdered sugar
- 1/2 and 1/2

- 1/4 cup butter
- cinnamon
- flour
- Almond flavoring

Put 1/2 cup sugar - 1 tablespoon flour and 2 teaspoon cinnamon in a small bowl. Mix well. Add more of any/each ingredient if you are making many rolls. I keep this mixture up to 1 month in cupboard.

Heat oven to 350. Unwrap rolls and starting at the wide end roll up 1 marshmallow that has been dipped first in melted butter and then in the sugar/cinnamon/flour mixture. Fold in ends of roll and pinch tight. Put in muffin tin that has been liberally sprayed with PAM. Bake until very golden brown. Let sit in pan for 5 minutes and then take a kitchen knife and cut around each bun - let cool on wire rack. Put tin foil on oven bottom as rolls will leak out as marshmallow melts. When cool, frost with powdered sugar/ almond flavoring and 1/2 and 1/2. Amount depends on how many you are making.

"The harder you work the luckier you get." Will Rogers

Continued from Page 1, COUNTIES countless dangers, hardships and tragedies they faced. It is an age we now define by these names: Columbus, da Gama, Vespucci and Magellan.

These brave adventurers, with only primitive tools at their disposal, charted a course by looking to the stars for guidance. The nights were not always clear.....the waters not always friendly. For each man commanding a vessel on the high seas, there was always the temptation to give up and to turn back.

But we know these men today because they held steadfast to their course, leading them to discover new worlds and to expand the opportunities for mankind.

West Virginians have charged us to set a course for our association and they have defined the stars that we must follow to expand opportunity: the star of education—we must provide opportunities that will cultivate the minds of elected officials...the star of healthy choices—we must provide our citizens opportunities to experience healthy lifestyles. Healthy communities are productive communities....and the guiding star in our constellation, unity and teamwork—we must create a climate that provides our partner associations with the best shot of working together! These are the stars on which our eyes must be focused as we chart the course for our association!

This morning, I will discuss our course forward, but first, I think we would be well served to look in the rearview mirror for just a moment. The progress we've made bears our attention.

- We have grown our non-dues revenue so that counties' dues can remain at the same level it has been since we adopted a new dues schedule based on county classifications. In the late 90's we were limping along with a budget of under \$180,000. We have grown, without dues increases, to a budget of over a half million.

- We paid off our office mortgage under President John Gruzinskas. He and Mr. Bugs Stover signed grants and lent their efforts to the movie production, and under Gerry Hough the movie came to fruition and was premiered.

- We started the dental/vision benefit plan in 2000

- The WV Counties Risk Pool was initiated in 2007

- The Local Government Leadership Academy with WVU was started in 2000

- We have had a major legislative impact on: election law, trying to keep the property tax burden from shifting to residential homeowners, law enforcement issues, etc.

- We serve as the ONLY staff for the assessors, prosecutors, circuit clerks and county clerks associations.

- We have maintained 100% membership most of the last 15 years

Recalling great explorers who looked to the night skies in their search for new lands, the first star in our constellation is education.

You may have heard me talk about moving beyond the status quo in education and training. This requires a more intense focus on innovation in our training sessions. In particular, we need strategies that place a primary focus on developing applied learning opportunities. This initiative affords

knowledge and allow their minds to expand and apply what they are learning in a real world environment...the Courthouse!

Early this morning at 4:30 there was a single mother who got up and went to work. She works hard everyday at her job serving the people in her community. In August we expect her to send her property taxes to our courthouse. And we're expected to be good stewards of that money.

Ladies and Gentlemen, we must work together to ensure that our state has the elected professionals to build and lead dynamic teams and deliver "red carpet" customer service to an increasingly demanding public, like that single mother. And WE HAVE TO REWARD OUR HARD WORKING ELECTED OFFICIALS MORE OFTEN THAN 6 or MORE YEARS!! This is something we can do and with your help we will.

Next is Healthy Counties Initiative: This one is a no brainer. Remember these 3 numbers, 3, 4 and over 50. Three bad habits, cause the four chronic diseases that result in over 50% of all deaths. The 3 bad habits are: smoking, poor diet and inactivity.

The Healthy Counties Initiative promotes the idea of creating community-based participatory processes to improve community life. A healthy communities approach employs community development strategies and involves a wide range of local institutions, community groups and private citizens, as well as health professionals, in efforts to improve the conditions that encourage and support healthy living. Let me thank Anne Berry with WVU Extension Service and the Charleston Gazette for partnering with us for this great cause. The process of healthy communities re-engages citizens in helping realize their visions for a healthier community and makes a positive change in its overall quality of life. The outcome is a physical and civic environment that promotes healthy individuals in healthy communities. Ultimately, we're aiming at nothing less than a revolution in the way all of us think about and support health for all West Virginians.

Finally the guiding star in our constellation, unity and teamwork.

In a world, where increasingly higher standards are becoming a way of life, achieving excellence and success is not easy. Although achieving success has never been an easy task, these are the times when dreams of success seem far more unrealistic or difficult than what they actually are. However, today the mantra one must adopt for the attainment of success is 'teamwork and unity'.

When one works in a team, the pressure is distributed and attainment of success seems relatively easier. Success seems to come nearer and appears more realistic. Encouraging one another in a team gives additional strength to achieve the goal. As a popular saying goes "you are one when you are with one and you are ten if you are with another four."

This applies to all walks of life, all professions and at all times. Though all the fingers are not alike, the power of a fist which brings the five fingers together is immense.

"Nothing is really work unless you would rather be doing something else." James Barrie

Continued to Page 6

Continued from Page 5, COUNTIES

The diversity in a group has a very positive multiplying effect on the strength of unity. It's simple, "Together we're stronger".

So there it is: That's what I see in the future for our association. Much of what we need to build this vision is already here in our association.

We have proud counties that reflect the diversity that is our strength. And we have beautiful small towns, where life remains simple and good.

But most of all, our association is home to many good and decent people—people from all walks of life, people who work hard. People who are respectful of others, and who do not discriminate based on gender, age, race, religion, ethnicity, disability, or sexual orientation.

So let us mark this day in remembrance of who we are and how far we have traveled.

Let it be said by our children's children that when we were tested we refused to let this journey end, that we did not turn back nor did we falter; and with eye fixed on the horizon and God's grace upon us, we carried forth that great gift of freedom & opportunity and delivered it safely to future generations.

Thank you. God bless you.

And God bless West Virginia and the United States of America.

WV Brownfields Assistance Center

2012 State Brownfields Conference:

"Brownfields 2012:

A Piece of the Redevelopment Puzzle"

September 5-6, 2012

Glade Springs Resort Daniels, WV.

The conference program will include interactive workshops, presentations on sustainable energy, and a grant competition for the FOCUS program. The Centers anticipate attendance to reach 200 and to include developers, community members, local and state government officials, and other professionals from around West Virginia.

CONTACT: Dave Saville, 304-293-7066

Sympathy -

To Senator Art Kirkendoll, former Logan County Commissioner, on the death of his brother.

To Dana Lynch, Webster County Assessor, on the passing of his brother Ricky Lynch.

TECHNICAL TIDBITS

By Kathy Yates, Member Services Coordinator

CHOOSING A MONITOR



LCD stands for Liquid Crystal Display and these monitors are much better than the older CRT computer monitors. A few of the benefits of going with an LCD monitor display is that it is nicer looking, provides better pictures, and they are quite compact as well.

Consider the Size - When you are picking out the top LCD monitor for your needs, you will want to consider the size of the monitor. This is largely going to depend on the needs you have as well as the space you have available. If you are purchasing the monitor for your computer, anything from 15" to 22" is a great size.

Check Out Viewing Angle - It is important that you look at the viewing angle of the LCD monitor before making your choice. The one problem that an LCD can have is that from the side the picture is not always so great if you have a low viewing angle.

Native Resolution - You also need to look at the native resolution of the LCD monitor display that you are considering. When you are making your choice with this LCD monitor guide, go with the screen that has more pixels with little space in between them for the best picture.

Refresh Rate of the Monitor - The refresh rate of the monitor is also important and you should choose carefully. This rate is measured by milliseconds. Today you can find screens that are up to 5ms, which is extremely fast. This is especially important if you plan to do any gaming on the computer and you really want the graphics to look great and load quickly.

Contrast Ratio is Important - Another important consideration to remember when selecting the top LCD monitor is to look at the contrast ration. In the LCD monitor guide, pick an LCD monitor that comes with a high ratio. This is actually the difference between the darkest colors displayed by the monitor and the brightest colors that it is able to display as well. This is a ratio, which may look like this: 700:1. You want to find the highest first number possible for a great look on the monitor.

Insure It Works with Your Computer - Before you buy, you will want to insure that the LCD monitor you are considering is going to work with your computer. Check not only the CPU, but ensure that your operating system can handle the best flat monitor too. Some computers, such as Macs, may require that you have additional software installed in order to run these monitors. Some operating systems may not be able to handle these monitors either and you may have to do an upgrade.

expo
2012

WEST VIRGINIA
CONSTRUCTION &
DESIGN EXPOSITION

March 21 & 22, 2012

"All I've ever wanted was a honest week's pay for an honest day's work." STEVE MARTIN

COUNTY CLERK WAYBRIGHT ELECTED TO LEAD WVACo

Jackson County Clerk Jeff Waybright will take over the leadership of the WV Association of Counties in June when President Jerry Berry passes the torch at the Spring Board meeting in June at Twin Falls State Park, Wyoming County. The 2012/2013 Leadership of the Association will be:

Pres - Jeff Waybright, Jackson Co Clerk

Imm. Past Pres - Jerry Berry, Summers Co Commissioner
(until Dec. 31st)

Vice Presidents

Donnie Tenney, Upshur Co Commissioner

Betsy Castle, Preston Co Circuit Clerk

Chris Kessler, Marshall Co Assessor

Michael Sparks, Mingo Co Prosecutor

Jim Childers, Greenbrier Co Sheriff

Donnie Evans, Monroe Co Clerk

Board Members:

Assessors

Helen Phillips, Upshur Co

Cheryl Romano, Harrison Co

Steve Keadle, Greenbrier Co

Arlene Mossor, Ritchie Co

Circuit Clerks

Brenda Miller, Ohio Co

Donnie Kopp, Harrison Co

Sue Ann Zickefoose, Boone Co

Virginia Sine, Berkeley Co

County Clerks

Diana Cromley, Mason Co

Jamie Six, Wood Co

Janice Cosco, Marion Co

Sue Morgan, Pleasants Co

Commissioners

Patrick Boyle, Lewis Co

Larry Barnhart, Pleasants Co

Mike Taylor, Randolph Co

Nancy Cartmill, Cabell Co

Sheriffs

Vince Shambaugh, Morgan Co

John Hawkins, Barbour Co

Steve Tanner, Raleigh Co

Thomas McComas, Cabell Co

Prosecutors

Chris Chiles, Cabell Co

Rick Staton, Wyoming Co

Leckta Poling, Barbour Co

Gerry Hough, Gilmer Co

Directors Emeritus

Barb Core, Marion Co Circuit Clerk

Jean Friend, Monongalia County Clerk

John Gruzinkas, Marshall Co Sheriff (until Dec. 31)

Dana Lynch, Webster Co Assessor (until Dec. 31)

Bob Pasley, Wayne Co Commissioner

David "Bugs" Stover, Wyoming Co Clerk

Jan Pest, Marshall County Clerk, was elected Secretary to the Board.

COUNTY WELLNESS.....

"You hear a lot about living a healthy lifestyle, but what does that mean?"

The trick to healthy living is making small changes...taking more steps, adding fruit to your cereal, having an extra glass of water...these are just a few ways you can start living healthy without drastic changes.

Even moderate activities like chores, gardening and walking can make a difference. Just adding a little movement to your day can:

- ✓ **Reduce** the risk of heart disease, stroke and diabetes
- ✓ **Improve** joint stability
- ✓ **Increase** and improve range of movement
- ✓ **Stimulate** your mood, reduce symptoms of anxiety, depression, and stress
- ✓ **Enhance** self esteem

You can start the process of weight loss now by adding a little more activity to your life. Start small, every little bit counts and it all adds up to burning more calories. Turn off the TV, once a week, turn off the TV and do something a little more physical with your family. Look for small ways to walk more, take the steps, park a few spaces down from the store entrance.

Eating a healthy diet is another part of the healthy lifestyle. Not only can a clean diet help with weight management, it can also improve your health and quality of life as you get older.

Eat more fruit, add it to your cereal and your salads. Sneak in more veggies, add them wherever you can--a tomato on your sandwich, peppers on your pizza, or extra veggies in your pasta sauce. Switch your salad dressing, if you eat full-fat dressing, switch to something lighter and you'll automatically eat less calories. Eat low-fat or fat-free dairy, switching to skim milk or fat free yogurt

Creating a healthy lifestyle doesn't have to mean drastic changes. In fact, drastic changes almost always lead to failure. Making small changes in how you live each day can lead to big rewards, so figure out what you can to be healthy today.

Test your WV-IQ:

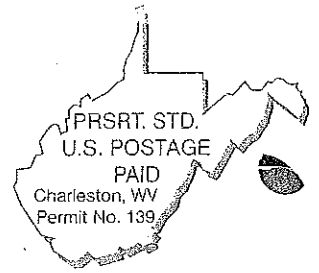
Answers for the quiz on page 3

1. (d) Martinsburg
2. (b) strength
3. (d) Harrison County, Clarksburg
4. (b) 16 acres
5. (a) True
6. (b) False, located in White Sulphur Springs, Greenbrier County
7. (b) False, nearly 75% is covered by forests





2211 Washington Street East
Charleston, WV 25311



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ADMINISTRATOR
JEFFERSON COUNTY
PO BOX 250
CHARLES TOWN, WV 25414-0250

Energizing
THE FUTURE OF
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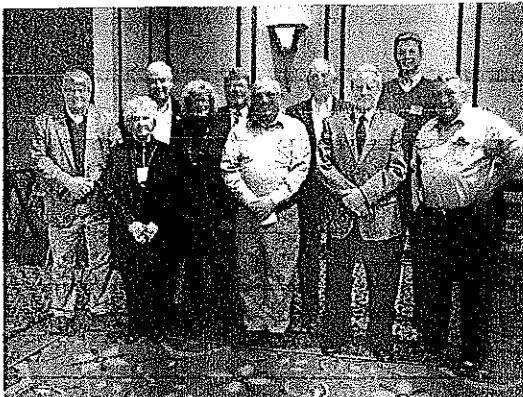
Direct to You



We want to thank you for attending the WVACO 2012 Annual Meeting.

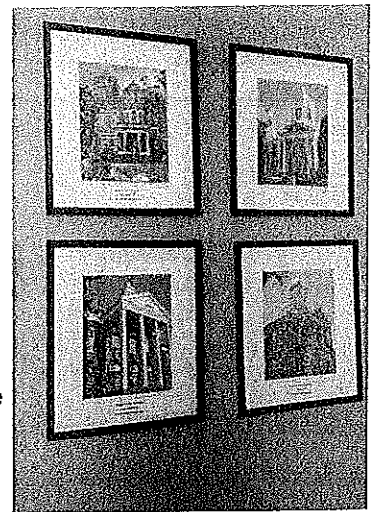
Past Presidents of the WVACO.

R-L (back to front)
William R Laird, IV,
Robert Pasley, Chris Chiles, John Sorrenti, John Gruzinskas, Jean Friend, Barbara Core, Ron Pugh, Dana Lynch, David "Bugs" Stover



When you all come to the Capitol (not if I), please notice the new decor in House Judiciary. The Culture Center staff contacted me for pictures of courthouses, based on seeing the movie, and I put them in touch with our producer, Deb of The Walkabout Company. She supplied the images of all 55 courthouses and they are now framed and hung all around the committee meeting room. I was so proud!!

Patti



WVACO

the county
LEGISLATIVE LINE

Watch your email and fax line for the WVACO County Legislative Line!!

IMPACT

HOSPICE
OF THE PANHANDLE, INC.

A bi-annual update for those who make a difference in the lives of Hospice patients and their families

UNITED AUTO WORKERS GIVE HOLIDAYS TO HOSPICE FAMILIES



The United Auto Workers (UAW) played Santa again this year with a \$500 gift to help families of hospice patients experience the holiday cheer. The UAW donation provided gift cards for six families located throughout the service area. The gift cards were used to buy food since the families had very little food, much less enough to fix a holiday meal. Three of the families purchased a few small gifts for their children.

Going beyond gift cards and toys, the UAW gift provided families some holiday cheer during what may be one of the last holidays these patients and families spend together. Thank you so much to the men and women of the UAW.

Patsy and Commissioners, you are receiving this newsletter because you make a difference to Hospice patients and families.

Issue 1: Spring 2012

Thank you to all of our donors including:



*Lena & Carroll Omps
Bloomery, WV*

Thank you for believing in hospice care for over 20 years!

*Jimmie & Beverly James
Hedgesville, WV*

Thank you for supporting hospices around the country for over 10 years!

*Tom & Virginia Seeley
Berkeley Springs, WV*

Thank you for helping hospice for over 5 years!

How Does a Dollar Grow at Hospice of the Panhandle?

In 2011, the average hospice spent \$1 for every \$3.30 raised during fundraising efforts.

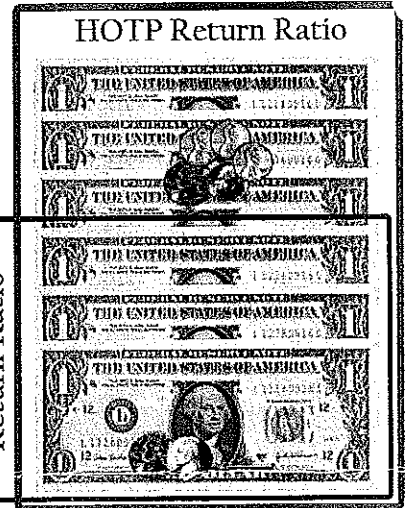
Hospice of the Panhandle, however, surpassed that mark and raised \$6.68 for every \$1 spent--double the average!

And that's how a dollar grows at HOTP.



=

Average
Return Ratio



Hospice Receives Certificate of Need for Inpatient Hospice House

Hospice of the Panhandle recently received the Certificate of Need necessary to build the planned inpatient hospice house. In West Virginia, a certificate of need is required before a health care facility can offer a new service. The certificate assures that there is adequate need in the community for such a service but also that the service is not already being offered excessively.

Currently, there are no facilities of this type available in the region, so Hospice of the Panhandle will bring a new level of care to the Eastern Panhandle while still providing the excellent in-home care for which the organization is known. The hospice house will provide short-term care for patients with pain and symptoms that cannot be controlled at home or whose caregivers are overwhelmed and need respite from the constant demands of care.



Many donors have already signed on to bring this level of care to the area. Together donors, staff and volunteers have raised \$2.9 million of the \$3 million needed to break ground. The support from the community has been amazing and a true display of how invested individuals in the Eastern Panhandle are in assuring that quality end-of-life care is available when, where and how it's needed. For more information about the Inpatient Hospice House, please contact Maria Lorensen, Development Director, at 304.267.1870, ext. 205 or mlorensen@hospiceotp.org.

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY**

The County Commission of Jefferson County will hold a public meeting on Thursday, March 22, 2011 at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library on the ground floor, 200 E. Washington Street, Charles Town, West Virginia 25414.

The purpose of the Public Hearing is to approve the Levy Estimate for Fiscal Year 2013. Also at this public hearing, the Commission will receive public comment concerning the County's budget.

The draft FY13 budget and documents are available at the following website:
www.jeffersoncountywv.org

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

The public is invited to attend.

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

Notice
Jefferson County Commission
Work Session

The County Commission of Jefferson County will meet on Wednesday, March 21st, 2012, at 9:30 a.m. in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia 25414.

The purpose of the work session will be to finalize benefit costs for the FY2013 budget, and determine the specific plan offerings for employees for the new fiscal year.

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

The Jefferson County Water Advisory Committee Watershed Signage Dedication Event

Saturday, March 31, 2012 ~ 10:00 a.m.-11:30 a.m. ~ Morgan's Grove Park, Shepherdstown, WV

The Jefferson County Water Advisory Committee cordially invites you to attend a Dedication Event. This is to recognize and thank those who provided efforts for the creation of the watershed signs and their placement. This includes the Jefferson County Commissioners, WV Department of Health & Human Services, Artist Roxanne Shields, Boy Scout Jacob Rubik, Jefferson Security Bank, Shepherdstown Community Club, City of Charles Town, Jefferson County Parks & Recreation, the Episcopal Diocese of WV, and others.

The Water Advisory Committee would like to promote awareness of all Watersheds.

The watershed signs are located in the following areas:
Blue Ridge Mountain, Elks Run, Evitts Run and Town Run.

For additional information about this event please contact:
marysell@aol.com or
wills.r@gmail.com

Anyone wishing to learn more about Watersheds in Jefferson County, please visit our website at: www.jcwavac.org

Water Advisory Committee



Jefferson County, WV

