

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, APRIL 12, 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

- Special Session on March 13, 2012
- Regular Session on March 22, 2012
- Special Session on March 21, 2012
- Special Session on March 22, 2012
- Special Session on March 27, 2012
- Special Session on March 27, 2012
- Regular Session on March 29, 2012

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Jennifer Maghan, County Clerk
- Discuss and adopt the Secretary of State's Order regarding the correction to the instructions for selecting candidates at large to the National Convention on the Republican Ballot - Discussion/Action
2. 10:00 a.m. Ken Lowe, Charles Town HBPA
- Resolution in support of Live Year Round Thoroughbred Racing and Breeding in Jefferson County and the State of West Virginia - Discussion/Action
3. 10:15 a.m. Debbie Keyser, Human Resource Manager and Sally Gran, Chief Deputy Finance Clerk
- Decision on Health Insurance Benefits - Discussion/Action

4. 10:30 a.m. **Break**
5. 10:45 a.m. **Paul Shroyer, Director of Financial Management**
 - Approval of Budget Revision 006 - Discussion/Action
 - Internal Budget Revision #1006 - Discussion/Action
 - Friends of Happy Retreat fund request - Discussion/Action
 - Notice of Approval of the Levy Estimate (Budget) received from Glen B. Gainer, III, West Virginia State Auditor
 - Audit reports of Jefferson County for fiscal years ended June 30, 2010, and June 30, 2011 received - Discussion/Action
 - Fiscal Analysis for request for funds for the addition of two new bailiffs - Discussion/Action
6. 11:00 a.m. **Stephanie Grove, Assistant Prosecutor**
 - Legal Updates - Discussion/Action
 - Ex Parte Issue - Discussion/Action
 - Transition Plan Update - Discussion/Action
7. 11:15 a.m. **Olga Adams, Potomac Headwaters RC&D**
 - Quarterly Report - Discussion/Action
 - Budget Request - Discussion/Action
8. 11:30 a.m. **Victoria Slater- Madert, Children's Home Society**
 - West Virginia Division of Justice and Community Services, Justice Assistance Grant Proposal - Discussion/Action

UNFINISHED BUSINESS:

9. Further discussion on the purchase of the Briel Building and to set a date for a Public Hearing (PN) - Discussion/Action

NEW BUSINESS:

10. Approval to reappoint Harold Slaughter, Jr. To the Berkeley/Jefferson Criminal Justice Board - Discussion/Action

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY REPORTS

- Engineering Department
- Jefferson County Emergency Services Agency
- Homeland Security and Emergency Management

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

11. Break for Lunch

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

12. 1:30 p.m. Bill Polk, Director of Maintenance
- Quarterly Report
- Presentation on Landscaping decision - Discussion/Action
- Discuss IT items for the maintenance department - Discussion/Action

~~~~~ EVENING SESSION ~~~~~

13. 7:00 p.m. Community Informational Meeting
- The purpose of the Community Informational meeting is to gather public input on the proposed Jefferson County Fire and EMS fee - Discussion

CORRESPONDENCE:

Letter of appreciation regarding a contribution of \$5,000 received from the Boys & Girls Club.

Notice of Special Session of the County Commission to Lay The Levy on Tuesday, April 17, 2012 at 10:00 a.m.

Notice of Jefferson County Council of Governments Roundtable meeting on Wednesday, April 25, 2012 at 5:00 p.m.

Minutes received from the March 5, 2012 Jefferson County Public Service District Board meeting.

Weekly Settlement reports for Hollywood Casino at Charles Town Races and Slots for week ending March 24, 2012 and March 31, 2012 received from West Virginia Lottery.

Letter from Comcast concerning program changes coming April and May of 2012.

Letter of appreciation to the County Commission for the care and improvements to the Charles Town Library received from P. Douglas Perks, Director of the Library.

Letter concerning the resignation of Joseph Sacchet received from Pamela Jean Games-Neely as well as the resignation from Mr. Sacchet.

Letter reporting the success of LAWS program and the maintenance team regarding the visit of the Supreme Court Justices visit to the Courthouse received from Chief Judge 23rd Judicial Circuit, David H. Sanders.

Letter received from Caitlin Myers regarding her nomination to represent Charles Town Middle School and the community as a member of the Jr. National Young Leaders in Washington, DC.

Reminder received from County Commissioners Association of West Virginia concerning April 13th, 2012 as the last day to send entries for the County Government Essay Contest for eighth grade students.

Memorandum received from the West Virginia Association of Counties regarding the Republican Party noting 19 Delegates.

Valley Views Newsletter received from the Potomac Valley Audubon Society.

Spring Newsletter received from the Courthouse Facilities Improvement Authority.

March edition of the West Virginia Ethics Reporter received.

4-H March and April Newsletter received from the West Virginia University Jefferson County Extension Office.

Letter received from Richard Zigler concerning the Tax Assessor's Office not taxing HOAs' on their common areas.

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 Tuesday, March 13, 2012, beginning at 1:00 o'clock p.m.

PRESENT: Patsy Noland, President
Dale Manuel, Vice President
Walter Pellish, Commissioner
Frances Morgan, Commissioner (Ms. Morgan left at 2:30 p.m. with notice)
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 NO. 2

Commissioner Noland opened the session at 1:00 p.m.

The Pledge of Allegiance was led by Commissioner Widmyer.

Paul Shroyer presented a preliminary budget and answered questions from the Commissioners.

1. The first budget item considered by the Commissioners was the request from the **Jefferson County Development Authority** for funding of \$80,019.00. The Commissioners opted to eliminate \$25,000.00 for a proposed sign leaving funds of \$55,019.00 for the Development Authority. It was agreed that an additional \$5,000.00 would be budgeted for a seat on the Airport Authority. The Commissioners questioned who is eligible for a seat on the Airport Authority and will ask Stephanie Grove, Assistant Prosecuting Attorney, to research the issue and report her findings to the Commission before a final decision is made.

The Commission will match whatever municipalities contribute up to \$20,000 in funding to the JCDA if the county's five municipalities combine to contribute that amount. There was a general consensus of all the Commissioners regarding funds to the Development Authority.

2. The second budget item considered was funds requested by the **Jefferson County Emergency Services Agency**. Mr. Shroyer recommended allotting the JCESA \$225,000.00 and direct that it be contingent upon completion of the State audit. There was a general consensus of the Commissioners to accept Mr. Shroyer's recommendation.

The Commissioners took a short break at 2:50 p.m.
The Commissioners resumed the work session at 2:55 p.m.

3. Third was the County Commission's budget.

Revised 04-03-12

With regard to IT Support Ms. Widmyer suggested putting a place mark on that line item in the amount of \$76,875.00. There was general consensus among the Commissioners.

Mr. Shroyer gave his recommendation regarding the IT situation. The issue of whether to have the IT in-house or out-source IT will be discussed at a future date.

Following the discussion of IT Support and Human Resources, Ms. Noland continued the work session until Wednesday, March 21, 2012.

PATRICIA A. NOLAND, PRESIDENT

Minutes

Jefferson County Commission

Thursday, March 22, 2012

A meeting of the Jefferson County Commission was held on Thursday, March 22, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, West Virginia. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Sandy McDonald, Interim County Administrator, Debbie Stellato, Administrative Assistant and Jimmie Eddy, Bailiff. (An audio tape of this March 22, 2012 meeting is available through the Jefferson County Commission Office.)

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

PLEDGE OF ALLEGIANCE:

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion by Mr. Manuel to postpone approval of the March 13, 2012 Special Session Minutes until next week. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the March 22, 2012 Minutes of the regular Commission meeting as amended. Motion seconded by Ms. Widmyer and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$41,435.64, being purchase order numbers: 50877, 50878, 50876, 51044, 51045, 41549, 50977, 50983, 50984, 53196, 51109, 51111, 51114, 51115, 51116, 51117, 51118 and 50784. Motion seconded by Ms. Widmyer and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable in the amount of \$314,293.44. Ms. Morgan noted that of that amount nearly \$106,000.00 was for jail costs. Motion seconded by Ms. Widmyer and unanimously approved.

PUBLIC COMMENT:

David Tabb voiced his concerns about various County issues.

PRESENTATIONS:

1. Stephanie Grove, Assistant Prosecuting Attorney, presented the requested exonerations to the Commission as Angela Banks, Assessor, was out-of-town on County business.

Stephanie Grove, for Angie Banks, County Assessor, requested exoneration for Blue Ridge Acres Civic Association, Inc. in the total amount of \$1,874.80. Motion by Mr. Manuel to approve exoneration of \$1,874.80 for Blue Ridge Acres Civic Association, Inc., Ticket Nos. 10439, 10440, 10441, 10445, 10446, 10447, 10454, 10455 and 10456 as presented by Ms. Grove. Motion seconded by Ms. Widmyer and unanimously approved.

Name	District	Type	Ticket #	Amount
Blue Ridge Acres Civic Association, Inc.	Harpers Ferry	Real Estate	10439	\$24.92
Same	Same	Same	10440	\$290.00
Same	Same	Same	10441	\$312.66
Same	Same	Same	10445	\$28.88
Same	Same	Same	10446	\$284.36
Same	Same	Same	10447	\$306.58
Same	Same	Same	10454	\$27.88
Same	Same	Same	10455	\$274.44
Same	Same	Same	10456	\$300.16

Stephanie Grove, for Angie Banks, County Assessor, requested exoneration for River View Association, Inc. in the total amount of \$814.64. Motion by Ms. Morgan to approve exoneration of \$814.64 for River View Association, Inc., Ticket Nos. 5589, 5590, 5660, 5661, 5706 and 5707 as presented by Ms. Grove. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
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River View Association, Inc.	Harpers Ferry	Real Estate	5589	\$241.42
Same	Same	Same	5590	\$40.78
Same	Same	Same	5660	\$230.86
Same	Same	Same	5661	\$40.00
Same	Same	Same	5706	\$222.98
Same	Same	Same	5707	\$38.60

- Ms. Noland read the Commission's Resolution in appreciation of Arnold W. Daily, Jr.'s excellent service for 15 years on the Jefferson County Planning Commission. Mr. Daily was not present.

Ms. Noland also presented a Resolution authorizing the Commission's participation in the Eastern Panhandle HOME Consortium of West Virginia.

RESOLUTION IN RECOGNITION OF ARNOLD DAILY, JR. FOR HIS SERVICE ON THE JEFFERSON COUNTY PLANNING COMMISSION

WHEREAS, the Jefferson County Commission held the first Jefferson County Planning Commission meeting on April 27, 1967,

WHEREAS, the Jefferson County Planning Commission is comprised of volunteers within Jefferson County who are knowledgeable and committed to serving the residents in Jefferson County, WV;

WHEREAS, Arnold Daily, Jr. was appointed by the Jefferson County Commission to the Jefferson County Planning Commission in 1997 and has served in this capacity for fifteen years;

WHEREAS, Arnold Daily, Jr. was a valuable asset to Jefferson County as a member of the Jefferson County Planning Commission by providing his knowledge and applying his professional expertise in order to preserve and enhance the land of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County have benefited from the knowledge and expertise provided by Arnold Daily, Jr. as the result of his involvement, dedication and loyalty to the Jefferson County Planning Commission;

THEREFORE, the Jefferson County Commission hereby recognizes Arnold Daily, Jr. for his years of service as a loyal and dedicated member of the Jefferson County Planning Commission and in appreciation for

his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

Dated this 22nd day of March, 2012

Patricia Noland, Commissioner

Dale Manuel, Commissioner

Frances Morgan, Commissioner

Lyn Widmyer, Commissioner

Walter Pellish

RESOLUTION

A RESOLUTION OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2012 TO JUNE 30, 2013.

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, City of Shepherdstown, County of Morgan, Town of Bath, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

WHEREAS, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2012-2013; and

WHEREAS, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF MORGAN COUNTY THAT:

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, Town of Bolivar, City of Charles Town, Town of Harpers Ferry, City of Ranson, City of Shepherdstown, Morgan County, Town of Bath, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2012 to June 30, 2013 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and
3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2012 HOME Investment Partnership Program.

Adopted this _____ day of _____, 2012.

BY: _____
Name and Title

ATTEST:

Name and Title

COUNTY ADMINISTRATOR REPORTS:

Sandra Slusher McDonald, Interim County Administrator:

- Reminder that Tuesday, March 23, 2012 is LAWS Day at the Jefferson County Courthouse and Judge Sanders' will be host to the Chief Justices and high school students from Jefferson, Berkeley and Morgan counties. Parking in the County parking lot will be limited for permit holders.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Attended the League of Women Voters breakfast.
- Attended a Water Advisory Committee meeting.
- Reminder regarding the dedication of the Watershed Signage on March 31, 2012.
- Attended a Blue Ridge Fire Company meeting.
- Walked 8 hours with the Eastern Panhandle Trailblazers.

- Attended the Commission's insurance and budget workshop.
- Attended the Jefferson County Parks & Recreation meeting. Jennifer Myers was appointed the new Director of Parks & Rec.

Commissioner Manuel:

- Attended the forum for School Board candidates.
- Attended the League of Women Voters' breakfast.
- Attended the Jefferson County Emergency Services Agency meeting.
- Attended the Commission's insurance and budget workshop.
- Attended a HEPMPO meeting.
- Attended a ribbon cutting at the Hampton Inn.
- Attended the Jefferson County Parks & Recreation meeting.

Commissioner Morgan:

- Attended the League of Women Voters' breakfast.
- Attended a Blue Ridge Fire Company meeting.
- Attended the Jefferson County Emergency Services Agency meeting.
- Participated in a Farmland Protection Board monitoring.
- Attended the Commission's insurance and budget workshop.
- Attended a Historic Landmarks Commission meeting.
- Advised that there are 5-3 year terms coming available on the Jefferson County Development Authority.
- Commented on an article on autism in The Journal newspaper.

Commissioner Pellish:

- Attended the League of Women Voters' breakfast.
- Worked on Jefferson County Authority matters.
- Attended the Commission's insurance and budget workshop.
- Suggested "Take a Walk with Your County Commissioners" to allow the public to get to know the Commissioners and to advertise the new trails that Ms. Widmyer mentioned.

Commissioner Noland:

- Attended the Commission's insurance and budget workshop.
- Attended a Jefferson County Council on Aging meeting.

The Commission took a short break at 10:25 a.m.

The Commission reconvened at 10:30 a.m.

NEW BUSINESS:

3. Motion by Ms. Morgan to cancel the regular Commission meeting on Thursday, April 5, 2012. Motion seconded by Ms. Widmyer and unanimously approved.
4. **Ms. Widmyer** opened a discussion on contract renewal by suggesting that all contracts for recurring services that are \$10,000.00 or more be reviewed and re-bid every three years at a minimum. Ms. Widmyer directed Staff to prepare a policy for reviewing and re-bidding contracts \$10,000.00 and over for recurring services. She directed Ms. Grove to prepare a list of contracts that are open-ended to the proposed policy.

PRESENTATIONS continued:

5. **Paul Shroyer, Director of Financial Management** stated that the Assessor's Valuation has previously been approved by the State of West Virginia. The Commission acknowledges that it received the approved Valuation.

The Commission directed Mr. Shroyer to prepare a Capital Outlay Budget for review and discussion.

Other Post-Employment Benefits (OPEB) were discussed in connection with the proposed budget.

6. **Re: Teen Court - Mr. Manuel** moved to authorize the President of the Commission to sign the Order to collect the fees to support the Teen Court and that the Order go into effect thirty (30) days from passage. Ms. Morgan seconded the motion and it was unanimously approved.
7. **Re: Mr. Lorenzetti's request for reclassification and compensation - Motion by Mr. Pellish** to approve the reclassification and compensation of a "legal secretary (2F)" in his department to "legal assistant (3C)" in accordance with the Classification Schedule now in place, to take effect on July 1, 2012 as outlined by Mr. Lorenzetti. Motion seconded by Mr. Manuel and passed 4 to 1 with Ms. Widmyer voting "against."
8. **Re: Roger Goodwin, Chief County Engineer, request for bond reduction and/or release for RAI Properties, LLC – Lott 44 Burr Industrial Park/DMV Office Building (File #S04-15) – Letter of Credit #246 with the Bank of Charles Town, Charles Town, West Virginia.**

Motion by Ms. Widmyer to approve the bond release as outlined by Mr. Goodwin. Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS continued:

9. **Request for Approval of John Reisenweber to the Eastern Panhandle Regional Planning and**

Development Council (Region 9) for an unexpired term ending June 30, 2012.

Motion by Ms. Morgan to approve the appointment of John Reisenweber to the Eastern Panhandle Regional Planning and Development Council (Region 9) for an unexpired term ending June 30, 2012. Motion seconded by Mr. Pellish and unanimously approved.

10. Re: Appointment of a County Commissioner as a liaison to the Teen Court Advisory Council.

Mr. Manuel volunteered to be liaison to the Teen Court Advisory Council and he was approved by a unanimous consensus of the Commissioners

11. Re: Approval of the Grant Contract, Resolution and Letter of Agreement for the Animal Welfare Society in the amount of \$25,000.

Motion by Ms. Widmyer to approve the Grant Contract, Resolution and Letter of Agreement for the Animal Welfare Society in the amount of \$25,000. Motion seconded by Mr. Manuel and unanimously approved.

**JEFFERSON COUNTY COMMISSION
CHARLES TOWN, WV**

RESOLUTION

The County Commission of Jefferson County, met on March 22, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Animal Welfare Society. The project will include an addition of an isolation room and a newborn room, as well as the purchase of equipment and other improvements as funds permit, with funds made available through the Governor's Community Participation Grant program in the amount of \$25,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes Patricia A. Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Date:

Signed:

COUNTY CLERK

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12. Request to ratify the signing of the Letter of Support for the City of Ranson, WV's DOT TIGER IV Application.

Motion by Ms. Morgan to ratify the signing of the Letter of Support for the City of Ranson, WV's DOT TIGER IV Application. Motion seconded by Ms. Widmyer and unanimously approved.

There being no further business, the Commission recessed until 7:00 p.m. on this date when it will convene a Public Hearing to approve the Levy Estimate for Fiscal Year 2013 and to receive public comment concerning the county's budget.

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 continued and held at the Old Charles Town Library ground floor meeting room on Wednesday, March 21, 2012 beginning at 11:25 a.m.

PRESENT: Patsy Noland, President
Dale Manuel, Vice President
Walter Pellish, Commissioner
Frances Morgan, Commission (Ms. Morgan in at 10:00 a.m. with notice)
Lyn Widmyer, Commissioner
Sandra Slusher McDonald, Interim County Administrator
Paul Shroyer, Director of Financial Management
Deborah S. Stellato, Administrative Assistant

In re: FY 2013 Plan Offerings for Employees and Benefit Costs

Commissioner Noland opened the session at 9:30 a.m.

The Pledge of Allegiance was led by Commissioner Pellish.

Debbie Keyser, Human Resources Consultant, and Sally Gran, Chief Deputy Clerk, Finance Department, presented options and proposed costs of certain employee benefits, such as the County's dental plan, life insurance, income replacement, long and short term disability, wellness plans and the HRA now offered by the County. Ms. Keyser and Ms. Gran explained four options for health care plans. The Commissioners directed them to prepare a summary of the options and costs and send to all Department Heads and Electeds request that they discuss the options with their employees and appear before the Commission on Thursday, March 29, 2012 and tell them the choices of the employees.

The Commission took a 5-minute recess at 11:20 a.m.
The Commission convened as a Budget Workshop on 11:25 a.m.

In re: FY 2013 Budget Workshop

The meeting was convened as a budget workshop for FY 2013. Different forms of revenue were discussed, i.e. the Hotel/Motel Occupancy Tax which has been used to fund the Parks and Recreation Commission and several other.; video lottery funds to community groups and table game revenues to the General Revenue Fund.

The IT situation was discussed. Paul Shroyer, Director of Financial Management will prepare a summary of costs for purchasing software, hardware, IT technicians salary and Director of IT salary comparing the advantages and disadvantages of either in-house or outside sourcing and submit the documentation to the Commissioners for review and discussion at a future date.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Morgan and unanimously approved.

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 22, 2012 beginning at 7:00 p.m.

**PUBLIC MEETING RE: APPROVAL OF THE LEVY
ESTIMATE FOR FY 2013**

At 7:00 p.m. Ms. Noland called the Commission back from recess from the afternoon's meeting.

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

Also present: Paul Shroyer, Director of Financial Management

There were only two members of the public present to speak.

David Tabb was the first member of the public to voice his concerns about the proposed levy.

Paul Shroyer, Director of Financial Management, explained the estimated revenues and expenses contained in the proposed budget.

Fred Blackmer was the second Jefferson County resident to provide his comments about the proposed levy.

Ms. Noland stated that the Commission would not take action this evening to allow time to consider comments from the public. There will be a special session on Tuesday, March 27, 2012 to discuss and take action on the proposed levy.

There being no further business, the hearing was concluded at 7:40 p.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 continued and held at the Hunter House located at 124 E. Washington Street, Charles Town, West Virginia on Tuesday, March 27, 2012, beginning at 9:00 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

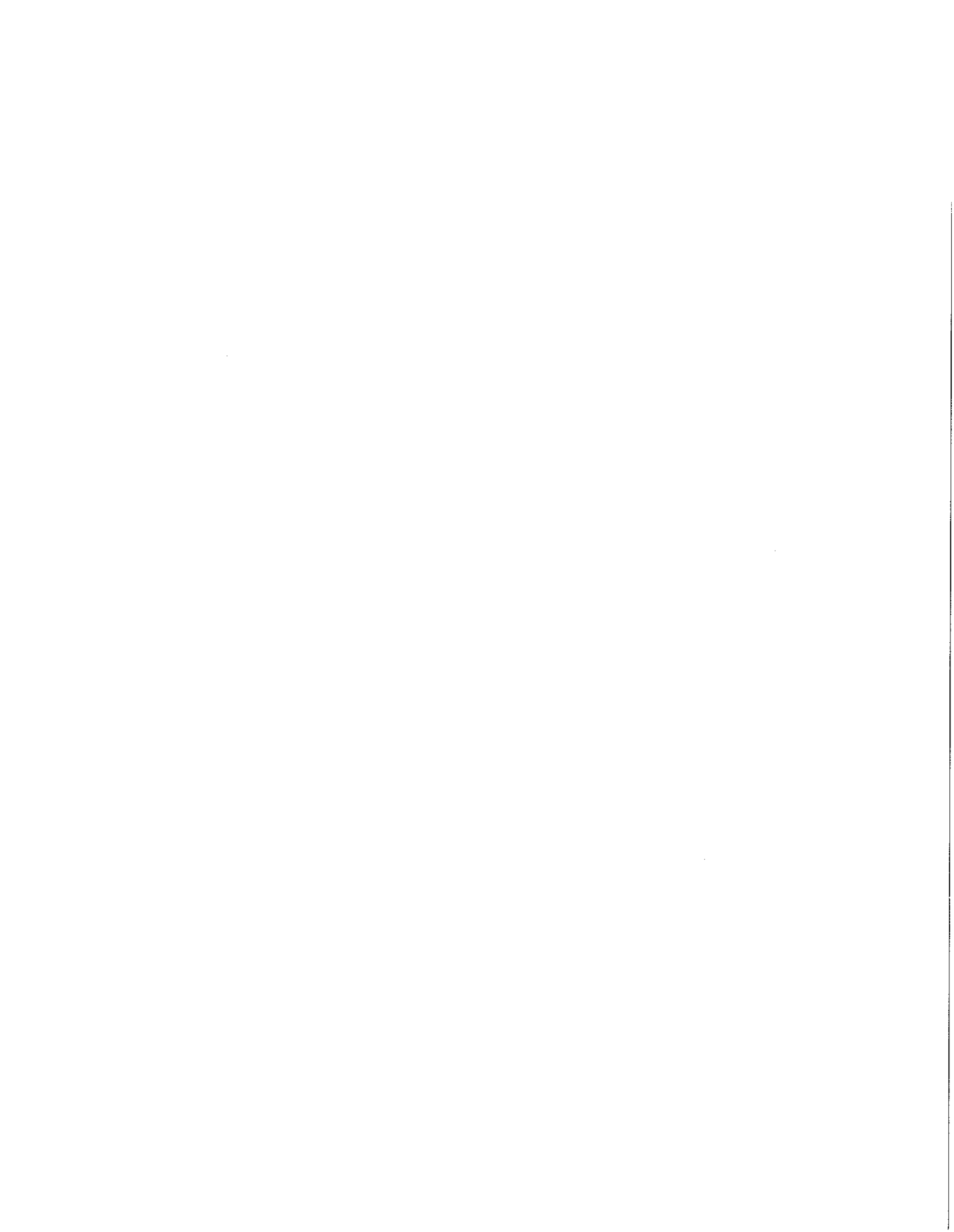
In re: Discussion of the County Administrator candidates and the hiring procedure

Motion by Ms. Morgan, second by Mr. Manuel to enter into Executive Session to discuss hiring procedures for the County Administrator position and to discuss status of candidates by authority of West Virginia Code §6-9(A)-4(A).

The Commission entered into an Executive Session at 9:00 a.m. The Commission ended the Executive Session at 9:40 a.m.

There being no further business, motion by Mr. Manuel to adjourn the Special Meeting. Motion seconded by Ms. Widmyer and unanimously approved. Upon rising, the meeting was adjourned until Tuesday, March 27, 2012 at 9:45 a.m. as a Special Session to approve the FY2013 Budget.

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 continued and held at the Conference Room located at 116 E. Washington Street – Mason Building 2nd floor, Charles Town, West Virginia 25414 thereof on Tuesday, March 27, 2010, beginning at 10:00 o'clock a.m.

PRESENT: Patsy Noland; President
Walt Pellish; Frances Morgan;
Lyn Widmyer; Dale Manuel; Commissioners

In re: APPROVAL OF THE FISCAL YEAR 2013 BUDGET

Commissioner Noland opened the meeting for the FY2013 Budget.

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

Ms. Widmyer pointed out that some names were misspelled and the incorrect email addresses were listed. Mr. Shroyer stated that this was issued by the State and he would contact them for the corrections.

The Commission directed Mr. Shroyer to complete a narrative for the budget.

Motion by Mr. Manuel to approve the Fiscal Year 2013 Budget as presented by staff. Motion seconded by Ms. Widmyer and was unanimously approved.

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

Patricia Noland, Commission President

Minutes
Jefferson County Commission
Thursday, March 29, 2012

A meeting of the Jefferson County Commission was held on Thursday, March 29, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, West Virginia. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Sandy McDonald, Interim County Administrator, Nichelle Hosby, Executive Assistant and Jimmie Eddy, Bailiff. (An audio tape of this March 29, 2012 meeting is available through the Jefferson County Commission Office.)

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

PLEDGE OF ALLEGIANCE:

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion by Mr. Manuel to approve the March 13, 2012 Special Session Minutes with additional corrections. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the March 22, 2012 Special Session Minutes as presented. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Mr. Manuel to approve the March 21, 2012 Special Session Minutes as presented. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Ms. Morgan to approve Purchase Orders with spelling corrections in the amount of \$11,419.78 being purchase order numbers: 51008, 41547, 51046, 51120, 51122, 51125, 51123, 51124. Motion seconded by Ms. Widmyer and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable in the amount of \$403,431.08. Motion seconded by Ms. Widmyer and unanimously approved.

PUBLIC COMMENT:

David Tabb reported on the publication notices for the Public Hearing on the Budget and on the visit of the Supreme Court Justices being in the County.

PRESENTATIONS:

1. Roger Goodwin, Chief County Engineer requested to amend the FY 2012 Capital Improvement Plan (CIP) for Citizen's Fire Company.

Mr. Goodwin reported that an error had occurred when the amounts requested (\$154,900.00) did not match the contract amount (\$159,100.00). Citizen's paid the difference of \$4,200.00 to Todd Electric for the Generator Project from their general account. They are now asking for reimbursement at the recommendation of the Jefferson County Emergency Services Agency.

Motion by Ms. Morgan to move to amend the FY 2012 CIP for Citizen's Fire Company from the original amount of \$154,900 to \$159,100. Motion seconded by Mr. Manuel and unanimously approved.

2. Ken Lowe, Jr. of the Charles Town HBPA reported on the Economic Impact Study of Live Year Round Thoroughbred Racing and Breeding with Jefferson County and the State of West Virginia.

Mr. Lowe read a resolution he requested to be signed. The Commission agreed to read and support the resolution at the Commission's next scheduled meeting to be held on Thursday, April 12, 2012.

Senator Herb Snyder was present and gave comment.

3. Interviews and appointments were held for the Development Authority for (4) three year terms ending on April 5, 2015 and (1) City of Charles Town representative term ending April 5, 2015.

Mike Chapman, Eric Lewis and Joshua Householder were present and gave comments.

Nominations were made for Bryan Derrickson, Mike Chapman, Eric Lewis, Joshua Householder and Debra Hovatter.

	Widmyer	Morgan	Pellish	Manuel	Noland
Debra Hovatter	X	X	X	X	X
Debra Hovatter	X	X	X	X	X
Mike Chapman			X	X	X
Joshua Householder	X	X	X	X	X
Bryan Derrickson	X	X			
Eric Lewis	X	X	X	X	X

Motion by Mr. Manuel to approve the appointment of Joe Consentini to the Development Authority as recommended by the City of Charles Town for a three year term ending on April 5, 2015. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Mr. Manuel to appoint Joshua Householder, Eric Lewis, Debra Hovatter and Michael Chapman to the Development Authority Board for three year terms ending April 5, 2015.

The Commission took a short break at 10:40 a.m.

The Commission reconvened at 10:54 a.m.

4. Barbara Miller, Director of Jefferson County Homeland Security and Emergency Management requested approval of the Jefferson County COOP (Continuity of Operations Plan).



Promulgation Statement-Resolution

WHEREAS the changing threat environment and recent emergencies, including localized natural disasters, technological emergencies and military or terrorist attack-related incidents have shifted awareness to the need for Continuity of Operations Planning (COOP) capabilities that will enable Jefferson County to continue their essential functions across a broad spectrum of emergencies.

WHEREAS it is the policy of Jefferson County to have a place a comprehensive and effective program to ensure continuity of essential county functions under all circumstances.

And WHEREAS planning for continuity of operations must be a cooperative effort to avert or minimize the effects of natural, technological, and/or man-made disasters, protect lives and property, and restore the stricken area to its pre-disaster status with a minimum of social and economic disruption.

SO AS A RESULT, pursuant to the State Emergency Services Act (West Virginia Code, Chapter 15, Article 5, as amended), Jefferson County has established Jefferson County Homeland Security and Emergency Management (JCHSEM), and that the JCHSEM is, to the limits of its capabilities, responsible for disaster preparedness and recovery activities within Jefferson County.

NOW THEREFORE IT IS RESOLVED, ORDERED and DETERMINED, that the Jefferson County Commission does hereby approve and adopt the Jefferson County Continuity of Operations Plan, which is filed in the Jefferson County Commission in Charles Town, WV and the Jefferson County Homeland Security and Emergency Management in Kearneysville, WV, and which is incorporated herein by this reference.

Passed and Adopted by the Jefferson County Commission, State of West Virginia, this 29th Day of March, 2012.

3/29/2012

Date

Patricia A. Neeley

County Commission President

3/29/12

Date

Barbara J. Miller, CEM, CFM
Jefferson County Emergency Manager

Motion by Ms. Widmyer to approve the 2012 Jefferson County Continuity of Operations Plan. Motion seconded by Mr. Manuel ad unanimously approved.

5. Paul Shroyer, Director of Financial Management reported on the Budget Analysis for the month end of February 2012 and reported that he submitted the FY2013 Budget to the State as well as responded to the Audit Findings.

6. Stephanie Grove, Assistant Prosecuting Attorney reported that there is no new information on the Employment Agreement for Director of Capital Planning and Management and that due to computer issues she was not able to present an update on the Transition Plan.

Ms. Grove stated that an Executive Session was needed to discuss personnel matters under WV Code §6-9A-4. The Commission consented to move this to last item on the agenda before lunch.

7. Lyn Widmyer, Commissioner reported on issues regarding to seeking grants and having a Grant Administrator.

Paul Shroyer was present and gave comment.

8. Bill Polk, Director of Maintenance requested approval of a Court Security Grant application and manpower resolution.

COUNTY COMMISSION OF JEFFERSON COUNTY
FY2012 COURT SECURITY FUND GRANT
MANPOWER RESOLUTION

WHEREAS, the County Commission of Jefferson County is aware of the continued need to provide up to date security for Jefferson County's court system; and
WHEREAS, the County Commission of Jefferson County considers the safety of court officials, employees and the general public a top priority; and
WHEREAS, the County Commission of Jefferson County is applying for the Fiscal Year 2012 Court Security Fund grant in order to aid with the security needs of Jefferson County; and
THEREFORE, BE IT RESOLVED, that the County Commission of Jefferson County assures that sufficient manpower will be used to operate and manage all equipment requested in the Fiscal Year 2012 Court Security Fund Grant application.

Date

Patsy A. Noland, President
County Commission of Jefferson County

Motion by Ms. Morgan to approve the 2012 Court Security Grant Fund Grant application and the manpower resolution. Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS:

9. Approval of Grant Contract, Resolution and Letter Agreement - Freedom's Run - \$8,400

JEFFERSON COUNTY COMMISSION
CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on March 29, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Eastern Area Health Education Center to promote Freedom's Run, a community walking and running event that includes the medical community, local parks, West Virginia University, and a local heritage team. The project will include magazine and newspaper advertising, design services, promotions, and equipment purchases and rentals with funds made available through the Governor's Community Participation Grant program in the amount of \$8,400.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes Patricia A. Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK

11LEDA0496

Motion by Ms. Widmyer to approve the Grant Contract, Resolution and Letter of Agreement for Freedom's Run in the amount of \$8,400 and to authorize the President to affix her signature to the appropriate documents. Motion seconded by Mr. Manuel and unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

Sandra Slusher McDonald, Interim County Administrator:

- Reported that she will schedule interviews for the County Administrator position.
- Reminded the Commission that they will Lay the Levy on Tuesday, April 17, 2012 at 10:00 a.m.
- Reminded the Commission that they will not meet on Thursday, April 5, 2012.
- Reminded the Commission of the Water Advisory Signage Dedication on Saturday, March 31, 2012 at Morgan's Grove Park beginning at 10:00 a.m.
- Reported that Saturday, March 31 marks her 25th year with the County.
- Reported that the Council of Government meeting will be held the 25th of April 2012.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Reported on a Coalition of Health Care Providers meeting.
- Attended an Eastern Panhandle Trailblazers meeting.

Commissioner Manuel:

- Attended a Public Hearing on the Budget.
- Attended the Economic Development Roundtable discussion with Senator Manchin.
- Attended a reception for the Justices of the Supreme Court.
- Attended the approval of the FY 2013 Budget meeting.
- Attended the Teen Court meeting.

Commissioner Morgan:

- Attended the American Restorative Justice meeting.
- Attended the Economic Development Roundtable discussion with Senator Manchin.
- Attended the Community Dinner at the Baptist Church.
- Participated on a Farmland Protection Board monitoring project.

Commissioner Pellish:

- Attended the Economic Development Roundtable discussion with Senator Manchin.
- Attended the Celebration of Gordon & Associates.

Commissioner Noland:

- Attended the Public Hearing on the budget.
- Attended the Economic Development Roundtable discussion with Senator Manchin.
- Attended the American Restorative Justice meeting.
- Attended the Inpatient Residential Treatment Pod meeting at the Barvarian Inn.
- Attended the Supreme Court reception.
- Attended the finalization of the FY2013 Budget meeting.
- Attended the emergency drill with Barb Miller.

NEW BUSINESS CONTINUED:

10. Jennifer Brockman, Director of Planning and Zoning requested approval of Job offer for 2012 Summer Planning Intern.

Motion by Mr. Manuel to approve the recommendation of the Director of Planning and Zoning to hire Olivia Nolan to fill the 2012 Summer Intern position in accordance with the Department of Planning budgeted position and to have a background check performed. Motion seconded by Ms. Widmyer and unanimously approved.

11. Motion by Mr. Manuel to enter into Executive Session to discuss personnel matters under WV Code §6-9A-4. Motion seconded by Mr. Pellish and was approved 4-1 with Ms. Widmyer voting no.

Motion by Mr. Manuel to exit Executive Session. Motion seconded by Ms. Morgan and unanimously approved.

12. Approval of employment to hire a Human Resource Manager.

Motion by Ms. Morgan to hire Debbie Keyser as the Human Resource Manager at a Grade 7, Step B. Motion seconded by Mr. Manuel and unanimously approved.

The Commission recessed at 12:51 p.m.
The Commission reconvened at 1:40 p.m.

13. Sally Gran, Chief Deputy Clerk gave a brief presentation on the Health Care and reported on the survey from employees concerning the Health Care Options.

Ms. Gran asked that the survey results be part of the record.

2013 Health Care Plan Employee Survey		Agree	Disagree	Neutral	Not answered	Total
1. HRA will Remain the at \$1,000.00 payable 1/1/2013	Item 1	99	10	9	4	122
2. Current deductible will Increase from \$350 to \$750.	Item 2	21	82	17	2	122
3. Current family deductible will Increase from \$700 to \$1,500.	Item 3	10	69	38	5	122
4. 3 Tiers EE only, Employee +1, Family	Item 4	81	7	30	4	122

5. Employee must begin contributing at \$38, \$285., & \$425.	Item 5	51	47	19	5	122
6. New and improved employee participation wellness program	Item 6	46	18	52	6	122

The following department heads and elected officials or representatives were present and made comments from their department meetings:

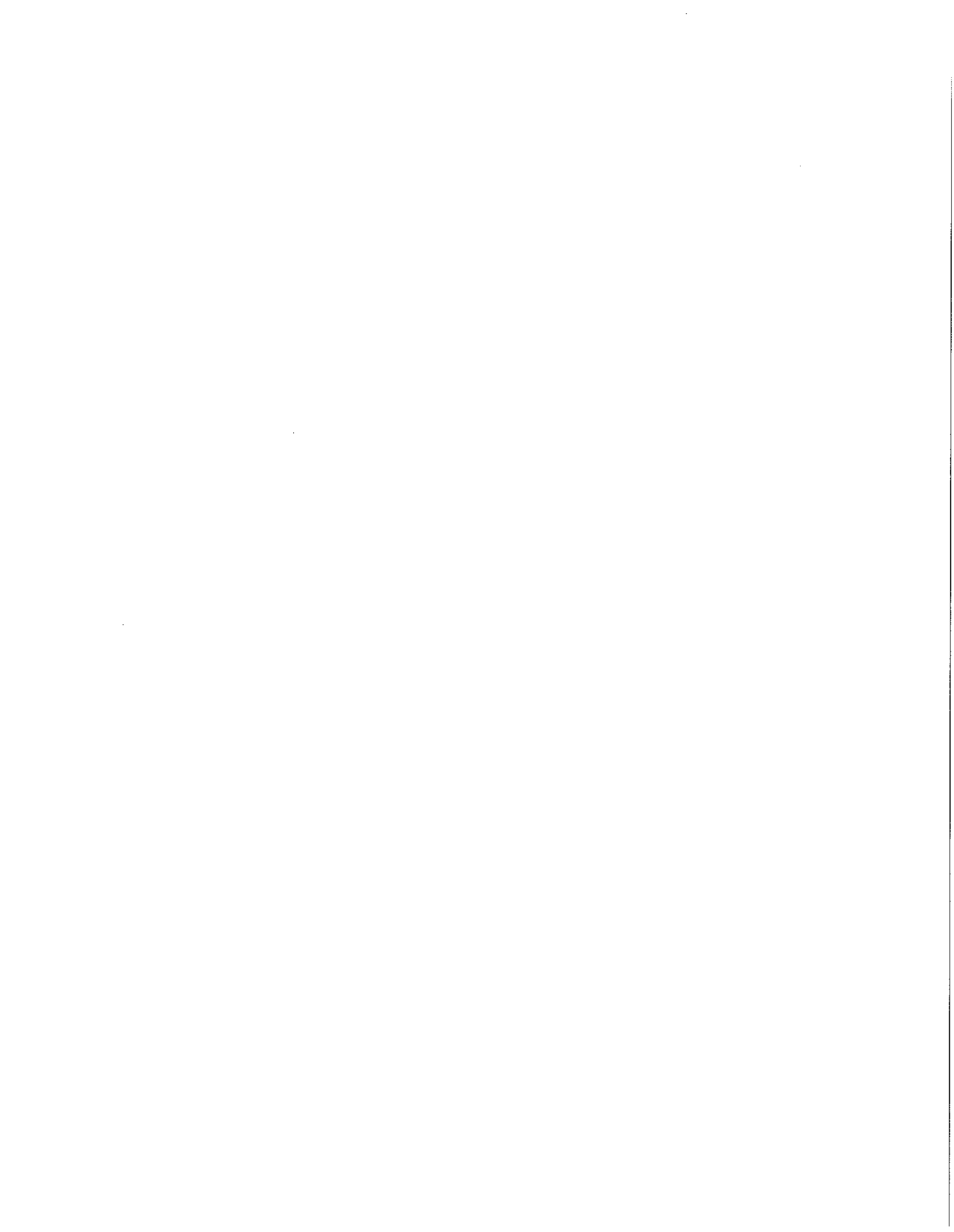
Jennie Brockman	Department of Planning and Zoning
Barb Miller	Homeland Security and Emergency Management
Teresa Jenkins	Tax Office
Kim Crocket	Prosecuting Attorney's Office
Laura Rattenni	Circuit Clerks Office
Debbie Lowe	Sheriff's Office
Jeff Polzynski	Communications (911)
Roger Goodwin	Engineering Department
Jennifer Maghan	County Clerk's Office
Todd Fagen	GIS Department
Bill Polk	Maintenance Department
Angie Banks	Assessor's Office

The Commission requested Ms. Gran to come up with a graduated plan from \$30 and up to be presented or emailed to each commissioner prior to the April 12th Commission meeting.

Motion by Mr. Manuel to adjourn. Motion seconded by Mr. Pellish and unanimously approved.

There being no further business, the Commission adjourn until Thursday Next, April 12, 2012 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT



**PURCHASE ORDERS TO BE APPROVED
April 12, 2012**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
CIRCUIT CLERK	50880	\$ 105.00	JEFFERSON CENTER	COLLATE-FOLD JUROR INFO
COUNTY CLERK	51048	\$ 513.04	ORSINIS APPLANCES	CONTROL TOP RANGE/COUNTER TOP FOR MICROWAVE
	51050	\$ 284.90	THE SPIRIT	NOTICE OF ADMIN
	51052	\$ 650.00	WV ASSOCIATION OF CO. CLERKS	
COMMISSION	50472	\$ 220.23	IDVILLE	BLACK BADGE REEL
COMMUNICATIONS	41548	\$ 458.00	TELTRONIC	DEPOT REPAIR
	49115	\$ 1,239.00	SPECIALTY BUSINESS SUPPLY	POLICE CARDS/YELLOW FIRE CARDS
	50985	\$ 1,500.00	PAHNHANDLE ACCIDENT RECONSTRUCTION	BACKGROUND INVESTIGATION
	50996	\$ 458.00	TELTRONIC	INV 507979
COURTHOUSE	51049	\$ 148.95	HOME DEPOT	TOP MOUNT SINK, HANDLE/SPRAYER
	51126	\$ 1,085.74	SHANNON BUSINESS SYSTEMS	INK CARTRIDGE/DOUBLE TAPES
	51128	\$ 4,383.09	DAYCON	CLEANING SUPPLIES
	51140	\$ 200.28	WHOLESALE TIRE, INC.	TIRES & WHEEL WEIGHTS

	51144	\$	1,234.28	DONALD B RICE TIRE CO	TIRES & WHEEL WEIGHTS
ENGINEERING	51019	\$	5,705.00	ANALYTICAL SERVICES, INC.	COUNTY-WIDE GROUNDWATER STUDY
MAINTENANCE	51145	\$	420.00	A.F. MCCORMICK STRUCTURAL ENG	STRUCTURAL INSPECTION
Lot 18					
OTHER BUILDINGS	50952	\$	1,239.54	CAPITAL TRISTATE	ELECTRICAL MATERIALS SUPPLIES
	51134	\$	104.64	DAYCON	LOW ACID BOWL CLEAN
	51135	\$	420.70	84 LUMBER	BUILDING MATERIALS SUPPLIES
	51139	\$	280.00	ABH SERVICES INC	BURNISH VCT FLOORS/CLEAN RANGE FILTERS/UPHOLSTERY (P&R)
	51146	\$	678.00	BK OFFICE SUPPLY	COPY PAPER
	51179	\$	371.00	FIDELITY POWER SYSTEMS	REPAIRS TO EMERGENCY GENERATOR
PLANNING & ZONING	50703	\$	205.00	AMERICAN PLANNING ASSOCIATION	ANNUAL MEMBERSHIP
PROSECUTING ATTORNEY	50744	\$	711.28	SPECIALTY BUSINESS SUPPLIES	OFFICE SUPPLIES
SHERIFF TAX	50786	\$	326.51	MONROE THE CALCULATOR COMPANY	CALCULATORS
	50787	\$	2,430.52	J&S BUSINESS FORMS LLC	TAX RECEIPTS

VARIOUS	51133	\$ 640.00	CENTRAL ELEVATORS INSPECTION SERVICES LLC	YEARL INSPECTIONS
	51136	\$ 3,735.00	BK OFFICE SUPPLY	CHAIR MATS, CONFERENCE TABEL, CHAIRS
	51138	\$ 4,367.50	ALLIANCE ELECTRIC LLC	TROUBLE SHOOTING, INSTALL MONITORING DEVICE, CIRCUIT TRACING
	51141	\$ 811.77	NAPA	VEHICLES MATERIALS/SUPPLIES
	51143	\$ 1,146.69	FISHER AUTO PARTS	VEHICLES MATERIALS/SUPPLIES
	53141	\$ 383.81	WPS	CONTRACT & FINANCE CHARGE
GRAND TOTAL		\$ 36,457.47		

Printed at 12:41 p.m. on 04/9/2012

Sandy McDonald

From: Jennifer Maghan [jmaghan@jeffersoncountywv.ORG]
Sent: Monday, April 02, 2012 4:54 PM
To: 'Sandy McDonald'
Subject: Agenda Item

Dear Sandy,

Please place me on the agenda for Thursday, April 12th to:

Discuss and adopt the Secretary of State's Order regarding the correction to the instructions for selecting candidates at large to the National Convention on the Republican Ballot.

My office has not yet received the WVSOS's amended order, but I will send it up to you as soon as we receive it.

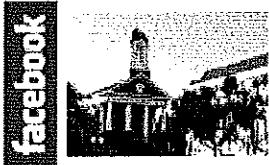
Thanks,

Very Truly Yours,

Jennifer S. Maghan
Jefferson County Clerk
100 East Washington Street
Charles Town, WV 25414

tel: 304-728-3347
fax: 304-728-3279

Visit us on-line: jeffersoncountyclerkwv.com



[Follow Me on Twitter!](#)

From: Jennifer Maghan [mailto:jmaghan@jeffersoncountywv.ORG]
Sent: Monday, April 02, 2012 4:15 PM
To: 'Jennifer Maghan'; 'Patricia Noland'; 'Dale Manuel'; 'Lyn Widmyer'; 'Frances Morgan'; 'pellish walter'
Cc: 'Ralph Lorenzetti'; 'Sandy McDonald'
Subject: RE: Notice - High Importance

Commissioners:

After speaking with the Secretary of State, Casto & Harris, attorneys from the SOS and other counties, the following took place today:

The County Clerk's association has decided that in order to comply with the State Code; all optical scan counties will have one page of our Republican ballot reprinted in order to comply with §3-1-21f.

Jefferson County will send out absentee ballots that reflect the Secretary of State's error and in accordance with the code, a sticker will be placed over the wrong ballot instruction information and a separate instruction page will accompany the ballots.

The Ballot Commissioner's for Jefferson County have been notified and are on stand-by for this Wednesday to approve the change ordered by the WV SOS.

The WV Secretary of State has agreed to pay for all the reprinting of the ballots and all additional costs incurred due to the corrections that need to be addressed.

Secretary Tennant will send yet another ORDER retracting her original order to comply with the code. Attached you will find all of the information regarding this issue.

I will request to put this on the commission agenda for next Thursday. If the amended order arrives from the WVSOS, I will request that the Commission officially adopt the order. We will send it up to your office as soon as it arrives.

If you would like to discuss any of this in further detail, please contact me or Nikki Painter.

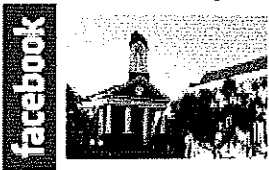
Very Truly Yours,

Jennifer S. Maghan
Jefferson County Clerk
100 East Washington Street
Charles Town, WV 25414

tel: 304-728-3347

fax: 304-728-3279

Visit us on-line: jeffersoncountyclerkwv.com



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From: Jennifer Maghan [mailto:jmaghan@jeffersoncountywv.ORG]
Sent: Monday, April 02, 2012 12:02 PM
To: 'Patricia Noland'; 'Dale Manuel'; 'Lyn Widmyer'; 'Frances Morgan'; 'pellish walter'
Cc: 'Ralph Lorenzetti'
Subject: Notice - High Importance

Dear President Noland, Commissioners and Prosecutor Lorenzetti –

The Secretary of State's office has informed us that they made an error regarding the ballot instructions for the Republican Delegate to the National Convention At-Large.

Secretary Tennant sent out instructions and an Order that is contrary to our State's Election law.

Our County Clerk's Association is currently in a conference call with ESS, County Clerks and the Secretary of State.

Our priority is to ensure that ALL election laws are adhered to.

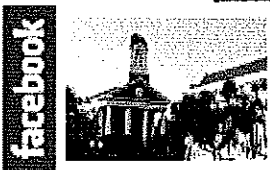
My office will be contacting you by close of business today and will inform the Commission about our options.

Very Truly Yours,

Jennifer S. Maghan
Jefferson County Clerk
100 East Washington Street
Charles Town, WV 25414

tel: 304-728-3347
fax: 304-728-3279

Visit us on-line: jeffersoncountyclerkwv.com



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**REVISED ORDER:
REPUBLICAN AT-LARGE CONVENTION DELEGATE ELECTION**

The 2012 Republican Party Primary instructions contain misinformation concerning voting for candidates to be elected as at-large delegates to the National Convention. The instructions restrict the voter to voting for no more than 18 at-large candidates. The correct instruction should restrict the voter to voting for no more than 19 at-large candidates. On March 28 the Secretary of State issued an ORDER addressing these matters. Information received today allows the Secretary of State to revise her previous ORDER. It now appears that corrected ballots will be timely printed and delivered to the counties for use in the primary.

Pursuant to authority provided in West Virginia Code §3-1A-6(a), and after consultation with the State Election Commission, the Secretary of State hereby **ORDERS** all state and county election officials:

1. Provide to every person who has, prior to receipt of this ORDER, been transmitted an absentee ballot with a replacement ballot, addendum instructions, and an explanation
 - a. If the voter has already submitted a voted ballot the voter may cause the initial ballot to be "spoiled" by casting a second ballot.
 - b. If the voter has already submitted a voted ballot but does not submit a second ballot, the original ballot will be counted as cast.
2. Allow voting equipment to be programmed under the direction of a state approved programmer to permit voters to cast up to 19 votes for at-large delegate to national convention without being rejected as an "over vote";

So ORDERED by the West Virginia Secretary of State this 2nd day of April, 2012.



Natalie E. Tennant
Secretary of State



Memorandum

Date: August 25, 2011

To: Dave Nichols, Office of the West Virginia Secretary of State

From: Chad Holland, West Virginia Republican Party

RE: WVGOP Presidential Primary Rules

As a follow up to our meeting at your office on Tuesday, August 23, 2011, this memo will detail the information that has been requested by the office of the West Virginia Secretary of State.

District Delegates

There are 9 total District Delegates. The delegates shall be elected 3 per Congressional District. The candidates for District Delegates must be registered Republicans and reside in the Congressional District wherein they are running. There is no gender requirement for the District Delegates.

At-Large Delegates

There are 18 total At-Large Delegates. The candidates for At-Large Delegates must be registered Republicans and shall be elected statewide. There is no gender requirement for the At-Large Delegates.

Mandatory Delegates

There are 3 mandatory delegates that are unelected. Those delegates are the State Chairman, National Committeeman and the National Committeewoman.

Binding of Delegates

All 30 delegates shall be allocated and bound to the candidate that receives the most votes in the Republican Presidential Primary in West Virginia. Since the delegates are bound the winner of Republican Primary, there is no requirement that any of the delegates commit to a Presidential candidate.

Ballot Position

Current state law requires that all delegates be listed alphabetically. If state law changes in time for the 2012 Presidential to allow for delegates names to be listed in random order on the ballot, then the West Virginia Republican Party delegate candidates shall be listed in random order (e.g. random drawing of names as was done for the 2011 Gubernatorial Special Election Primary).

Alternates

Every delegate is entitled to an alternate. Each elected delegate shall choose his or her alternate. The alternate delegates are not elected.



Memorandum

Date: September 1, 2011

To: Dave Nichols, Office of the West Virginia Secretary of State

From: Chad Holland, West Virginia Republican Party

RE: WVGOP Presidential Primary Rules

As a follow up to our meeting at your office on Tuesday, August 23, 2011, and our several phone calls, this memo will detail the information that has been requested by the office of the West Virginia Secretary of State. If there is any question regarding the interpretation of this memorandum, the language of the resolution shall take precedence. This memorandum is only meant to summarize the resolution, not to replace it.

District Delegates

There are 9 total District Delegates. The delegates shall be elected 3 per Congressional District. The candidates for District Delegates must be registered Republicans and reside in the Congressional District wherein they are running. There is no gender requirement for the District Delegates.

At-Large Delegates

There are 18 total At-Large Delegates. The candidates for At-Large Delegates must be registered Republicans and shall be elected statewide. There is no gender requirement for the At-Large Delegates.

Mandatory Delegates

There are 3 mandatory delegates that are unelected. Those delegates are the State Chairman, National Committeeman and the National Committeewoman.

Committed or Uncommitted Delegates

Potential candidates may, but are not required to, identify a preferred Presidential candidate on the paperwork that is filed to run for delegate to the Republican National Convention. If a candidate for delegate shall be "Uncommitted," then the word "Uncommitted" shall be printed next to their name on the ballot. If a candidate for delegate identifies a preferred Presidential candidate, that Presidential candidate shall be listed on the ballot next to the name of person running for delegate.

Binding of Delegates

All "Uncommitted" delegates shall be allocated and bound to the candidate that receives the most votes in the Republican Presidential Primary in West Virginia. Any delegate that is elected and has "Committed" to a particular candidate will be bound to the candidate until the said candidate withdraws their candidacy or otherwise releases their delegates upon, during or prior to the Republican National Convention.

Ballot Position

Current state law requires that all delegates be listed alphabetically. If state law changes in time for the 2012 Presidential to allow for delegates names to be listed in random order on the ballot, then the West Virginia Republican Party delegate candidates shall be listed in random order (e.g. random drawing of names as was done for the 2011 Gubernatorial Special Election Primary).

Alternates

Every delegate is entitled to an alternate. Each elected delegate shall choose his or her alternate. The alternate delegates are not elected.



Memorandum

Date: September 27, 2011

To: The Honorable Natalie Tennant, Secretary of State
Dave Nichols
Office of the West Virginia Secretary of State

From: Mike Stuart
Chairman of the West Virginia Republican State Executive Committee

RE: Delegate Selection Process for the Republican Presidential Nomination

This Memorandum is intended to summarize the Republican Presidential selection process as adopted by written resolution by the West Virginia Republican State Executive Committee (the "SEC") at its summer meeting in July 23, 2011. All prior Memoranda are hereby withdrawn and hereby superseded and you are to disregard any prior narrative or instructions regarding the Republican Presidential selection process.

Please find attached the resolution (the "Resolution") as adopted by the SEC. **REGARDLESS OF THE NARRATIVE AS SET FORTH IN THIS MEMORANDUM, THE RESOLUTION SHALL TAKE PRECEDENCE. THIS MEMORANDUM IS OF NO LEGAL EFFECT AND THE RESOLUTION IS CONTROLLING IN EVERY RESPECT.** This Memorandum is provided at your request and is only meant only for informational purposes to summarize certain provisions of the Resolution.

In the event you have a question, comment, or interpretive inquiry regarding this Memorandum or the Resolution, please contact the Chairman of the West Virginia Republican Party in writing at the following address:

WV Republican Party
Attn: Chairman
P.O. Box 2711
Charleston, West Virginia 25330

SUMMARY OF RESOLUTION

West Virginia is allocated 31 delegates¹ to the 2012 Republican National Convention ("National Convention"). The delegates consist of the following:

- Chairman of the SEC;
- National Committeewoman;
- National Committeeman;
- 19 delegates² selected on a statewide basis in the 2012 West Virginia Primary election ("Statewide Delegates");
- 3 delegates selected from West Virginia's 1st Congressional District on a Congressional district basis in the 2012 West Virginia Primary election ("1st District Delegates");
- 3 delegates selected from West Virginia's 2nd Congressional District on a Congressional district basis in the 2012 West Virginia Primary election ("2nd District Delegates"); and
- 3 delegates selected from West Virginia's 3rd Congressional District on a Congressional district basis in the 2012 West Virginia Primary election ("3rd District Delegates", collectively with 1st District Delegates and 2nd District Delegates, the "Congressional District Delegates").

Mandatory Delegates

Three (3) delegates shall attend the National Convention by virtue of their elected position with the SEC – the State Chairman, the National Committeewoman and the National Committeeman.

Statewide Delegates

Nineteen Statewide Delegates shall attend the National Convention by virtue of being elected on a statewide basis in the 2012 West Virginia Primary election ("Primary Election").

¹ In the event the Republican candidate for Governor is elected on October 4, 2011, an additional Statewide Delegate shall be awarded to the State of West Virginia.

² See Fn. 1 above.

Candidates for Statewide Delegates shall register during the 2012 candidate registration period and pay the appropriate and applicable filing fee pursuant to state laws and or regulations.

Candidates for Statewide Delegates must be registered Republicans pursuant to the requirements for Republican candidates for all other offices listed on the Primary Election ballot. There is no gender requirement for Statewide Delegates.

Candidates for Statewide Delegates must declare to the Secretary of State his or her intention to be committed to a registered Republican candidate for President of the United States or to be uncommitted to any registered Republican candidate for President of the United States when registering to appear on the ballot. If at any time after declaring to the Secretary of State his or her intention regarding commitment, but prior to the Primary Election, any candidates for Statewide Delegates desire to alter his or her commitment, he or she must inform the Secretary of State in writing.

Candidates for Statewide Delegates shall appear on the Primary Election ballot pursuant to the following:

- In candidate order selected by random drawing by county, or as otherwise provided by law, as such drawing is conducted by each county clerk at 9:00 a.m. on February 21, 2012;
- Name given in his/her candidate filing; and
- Name of the Presidential candidate or the term "uncommitted".

Candidates for Statewide Delegates shall be elected by receiving the highest number of votes without regard to gender or Presidential preference.

Congressional District Delegates

Nine (9) Congressional District Delegates, in the aggregate, shall attend the National Convention by virtue of being elected on a Congressional District basis in the Primary Election which shall be allocated equally among West Virginia's three (3) Congressional Districts.

Candidates for Congressional District Delegates shall register during the 2012 candidate registration period and pay the appropriate and applicable filing fee pursuant to state laws and or regulations.

Candidates for Congressional District Delegates must be registered Republicans pursuant to the requirements for Republican candidates for all other offices listed on the Primary Election ballot. There is no gender requirement for Congressional District Delegates.

Candidates for Congressional District Delegates must declare to the Secretary of State his or her intention to be committed to a registered Republican candidate for President of the United States or to be uncommitted to any registered Republican candidate for President of the United States when registering to appear on the ballot. If at any time after declaring to the Secretary of State his or her intention regarding commitment, but prior to the Primary Election, any candidates for Congressional District Delegates desire to alter his or her commitment, he or she must inform the Secretary of State in writing.

Candidates for Congressional District Delegates shall appear on the Primary Election ballot pursuant to the following:

- In candidate order selected by random drawing by county, or as otherwise provided by law, as such drawing is conducted by each county clerk at 9:00 a.m. on February 21, 2012;
- Name given in his/her candidate filing; and
- Name of the Presidential candidate or the term "uncommitted".

Candidates for Congressional District Delegates shall be elected by receiving the highest number of votes without regard to gender or Presidential preference.

Binding of Delegates

Candidates for Statewide Delegates and Congressional District Delegates shall be bound to vote at the National Convention as follows:

- Any Statewide Delegates or Congressional District Delegates that indicate a commitment to a Presidential candidate on the Primary Election ballot shall be allocated and bound to such Presidential candidate until said candidate withdraws his/her candidacy or otherwise releases his/her delegates at or prior to the National Convention.
- Any Statewide Delegates or Congressional District Delegates that indicate "Uncommitted" on the Primary Election ballot shall not be allocated or bound to any candidate for President and shall be able to cast his/her vote for President to any eligible Presidential candidate at the National Convention.
- Any Statewide Delegate or Congressional District Delegate who was/were committed to a Presidential candidate that withdraws his or her candidacy or releases his or her delegates at or prior to the National Convention shall be able to cast his or her vote for President for any eligible Presidential candidate at the National Convention.

Alternates

Every Statewide Delegate and Congressional District Delegate to the National Convention shall be entitled to select an alternate delegate to attend the National Convention. All alternate delegates must be registered Republicans in the State of West Virginia pursuant to the same qualifications required for candidates to appear on the Primary Election ballot. Alternate delegates are not elected and, in the event an alternate delegate shall vote at the National Convention, such alternate shall be bound by the rules, including, but not limited to, voting at the National Convention, as applicable to the Statewide Delegates or Congressional District Delegates for which such alternate is a replacement. Mandatory Delegates shall not be entitled to name an alternate delegate.

Continuing Resolution

The Presidential Selection Process as set forth in the Resolution shall be the rules and procedures in effect in 2012 and shall remain in effect until such time as the SEC shall change the rules of selection.

THE RESOLUTION AS ADOPTED BY THE SEC IS ATTACHED HERETO AS APPENDIX A.

REGARDLESS OF THE NARRATIVE AS SET FORTH IN THIS MEMORANDUM, THE RESOLUTION SHALL TAKE PRECEDENCE. THIS MEMORANDUM IS OF NO LEGAL EFFECT AND THE RESOLUTION IS CONTROLLING IN EVERY RESPECT. This Memorandum is provided at your request and is only meant only for informational purposes to summarize certain provisions of the Resolution.

In the event you have a question, comment, or interpretive inquiry regarding this Memorandum or the Resolution, please contact the Chairman of the West Virginia Republican Party in writing at the following address:

WV Republican Party
Attn: Chairman
P.O. Box 2711
Charleston, West Virginia 25330

Sandy McDonald

From: Jennifer Maghan [jmaghan@jeffersoncountywv.ORG]
Sent: Monday, April 02, 2012 4:15 PM
To: 'Jennifer Maghan'; 'Patricia Noland'; 'Dale Manuel'; 'Lyn Widmyer'; 'Frances Morgan'; 'pellish walter'
Cc: 'Ralph Lorenzetti'; 'Sandy McDonald'
Subject: RE: Notice - High Importance

Commissioners:

After speaking with the Secretary of State, Casto & Harris, attorneys from the SOS and other counties, the following took place today:

The County Clerk's association has decided that in order to comply with the State Code; all optical scan counties will have one page of our Republican ballot reprinted in order to comply with §3-1-21f.

Jefferson County will send out absentee ballots that reflect the Secretary of State's error and in accordance with the code, a sticker will be placed over the wrong ballot instruction information and a separate instruction page will accompany the ballots.

The Ballot Commissioner's for Jefferson County have been notified and are on stand-by for this Wednesday to approve the change ordered by the WV SOS.

The WV Secretary of State has agreed to pay for all the reprinting of the ballots and all additional costs incurred due to the corrections that need to be addressed.

Secretary Tennant will send yet another ORDER retracting her original order to comply with the code. Attached you will find all of the information regarding this issue.

I will request to put this on the commission agenda for next Thursday. If the amended order arrives from the WVSOS, I will request that the Commission officially adopt the order. We will send it up to your office as soon as it arrives.

If you would like to discuss any of this in further detail, please contact me or Nikki Painter.

Very Truly Yours,

Jennifer S. Maghan
Jefferson County Clerk
100 East Washington Street
Charles Town, WV 25414

tel: 304-728-3347
fax: 304-728-3279

Visit us on-line: jeffersoncountyclerkwv.com

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

Name: Ken Lowe, Jr.

Department or Entity: Charles Town HBPA

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: March 29, 2012

Date Requested – 2nd Choice: _____

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

Subject:

Economic Impact Study of Live Year Round Thoroughbred Racing and Breeding with Jefferson County and State of West Virginia

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

I will provide a copy of the Economic Impact Study to each Commissioner as provided by the West Virginia University School of Business and Economics.

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

A resolution to accept the report and, on behalf of the Jefferson County Commission, support and endorse live year round thoroughbred racing and breeding for the continued betterment of Jefferson County. The resolution shall be forwarded to the Governor, West Virginia Legislature, Jefferson County Development Authority, West Virginia Lottery Commission, West Virginia Racing Commission, and media outlets.

Attachments:

RESOLUTION

OF

THE COUNTY COMMISSION OF JEFFERSON COUNTY,

WEST VIRGINIA

WHEREAS, Horse racing became part of the social fiber of Jefferson County in 1786 when Colonel Charles Washington, George Washington's brother and founder of Charles Town, began organizing races in the city's streets, while the Shepherd family of Shepherdstown bred and raced thoroughbreds around 1800; and

WHEREAS, On December 2, 1933, with due and legal sanction of the State of West Virginia, Charles Town Races was opened as the only operating thoroughbred race horse track in West Virginia; and

WHEREAS, Charles Town Races was once the only thoroughbred racetrack in the United States to operate and host race events during winter months; and

WHEREAS, Charles Town Races has celebrated many firsts, including Hall of Fame jockey Bill Hartack launching his career in Charles Town in 1952 and Barbara Jo Rubin became the first female jockey to win a race in the United States at Charles Town in 1969; and

WHEREAS, Since its beginnings, the horse racing industry has grown to become a crucial aspect of the history, culture, life and economy of Jefferson County; and

WHEREAS, The horse racing industry does not only impact horse owners, breeders, trainers and jockeys, but businesses such as veterinarians, feed and equipment suppliers, insurance agents, hotels, restaurants and service providers of various descriptions also rely on horse racing to survive and thrive in Jefferson County; and

WHEREAS, According to an economic impact study conducted by the West Virginia University Bureau of Business and Economic Research, the Jefferson County thoroughbred horse racing industry was alone responsible for creating 1,450 jobs and dispensing \$36.3 million in wages in 2010; and

WHEREAS, Also in 2010 the handle disbursements from wagering on thoroughbred horse racing impacted Jefferson County by increasing business volume by \$63.1 million and creating as many as 600 jobs; and

WHEREAS, The State's foresight in establishing the West Virginia Thoroughbred Breeders Fund has helped to promote better breeding and racing of thoroughbred horses in West Virginia and greatly enhancing the economy of Jefferson County while preserving existing horse farms and incentivizing the development of new thoroughbred breeding and training facilities in the county; and

WHEREAS, The introduction of gaming at Hollywood Casinos has further helped to sustain thoroughbred horse racing as an economic and cultural force in Jefferson County essential to the continuing impact of racing and breeding as a part of Jefferson County's history, culture, economy and life.

Now Therefore Be It Resolved by the Jefferson County Commission:

That the Jefferson County Commission hereby recognizes the importance of thoroughbred horse racing and breeding, its substantial positive impact on the people and businesses of Jefferson County, and, it's profound relationship to the history, culture economy and life in Jefferson County; and, be it

Further Resolved, that the Jefferson County Commission is in full support of live, year round thoroughbred racing at Charles Town Races and breeding in Jefferson County, recognizing the severe adverse impact on the Jefferson County community should such activity cease to exist or be diminished.

Witness, the following signatures this 29th day of March, in the Two Thousand Twelfth Year of Our Lord:

President, Jefferson County Commission

Member, Jefferson County Commission

Member, Jefferson County Commission

Member, Jefferson County Commission

Member, Jefferson County Commission

Attest:

Clerk, 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: Debbie Keyser and Sally Gran

Department or Entity: Benefits

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1st Choice: April 12, 2012

Date Requested – 2nd Choice: April 19, 2012

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

We need to complete open enrollment materials and sign vendor contracts before late April/early May for employee open enrollment meetings.

Subject: *Final Benefit Selections for 2012-2013*

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

Presentation materials will be presented for 1) Employee Health Care Contributions and HRA family coverage; and 2) Two options for dental vendors.

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

A motion to require all open enrollment meetings to be mandatory.

A motion to accept the Unicare EAP for 2012-2013.

A motion to accept \$11,000 for the Wellness Program, with the program to be defined within the next week. (Sandy do we need to do this if the \$11,000 was already part of the approved budget?)

A motion to accept a dental vendor for 2012-2013. (Guardian or Delta)

A motion to keep benefits as they are for 2012-2013 for Vision and Life Insurances.

A motion to change the BCBS plan for 2012-2013 for:

- 1) Deductible*
- 2) Employee Contribution Deduction*
- 3) HRA County Contribution Amount*

<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: Paul Shroyer

Department or Entity: Finance Director

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: Approval of Budget Revision 006 - Discussion/Action
 Internal Budget Revision #1006 - Discussion/Action
 Friends of Happy Retreat fund request - Discussion/Action
 Notice of Approval of the Levy Estimate (Budget) received from Glen B. Gainer, III, West Virginia State Auditor
 Audit reports of Jefferson County for fiscal years ended June 30, 2010, and June 30, 2011 received

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):

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 12th day of April, 2012, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number # BR006 to the General County Fund, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by _____, and duly seconded by _____ the vote was as follows:

Dale Manuel	_____
Frances Morgan	_____
Patsy Noland	_____
Walter Pellish	_____
Lyn Widmyer	_____

Whereupon, Commissioner Noland declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Patsy Noland, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

n

Patsy Noland, President
Jefferson County Commission

Jefferson County, West Virginia
 Department of Financial Management
 Budget Revision for Fiscal Year Ending June 30, 2012
 Internal Budget Revision
 IRB #1006

Narrative:

This is a county level budget revision requesting a redistribution of current budget funding; no additional funding is required.

Budget Line No.	Account Name	Approved Budget	Requested Additions	Requested Reduction	Revised Budget
001-406-02-223	Professional Services	11,000.00		800.00	10,200.00
001-406-02-341	Material & Supplies	5,544.00	800.00		6,344.00
					0.00
					0.00
					0.00
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Totals		16,544.00	800.00	800.00	16,544.00

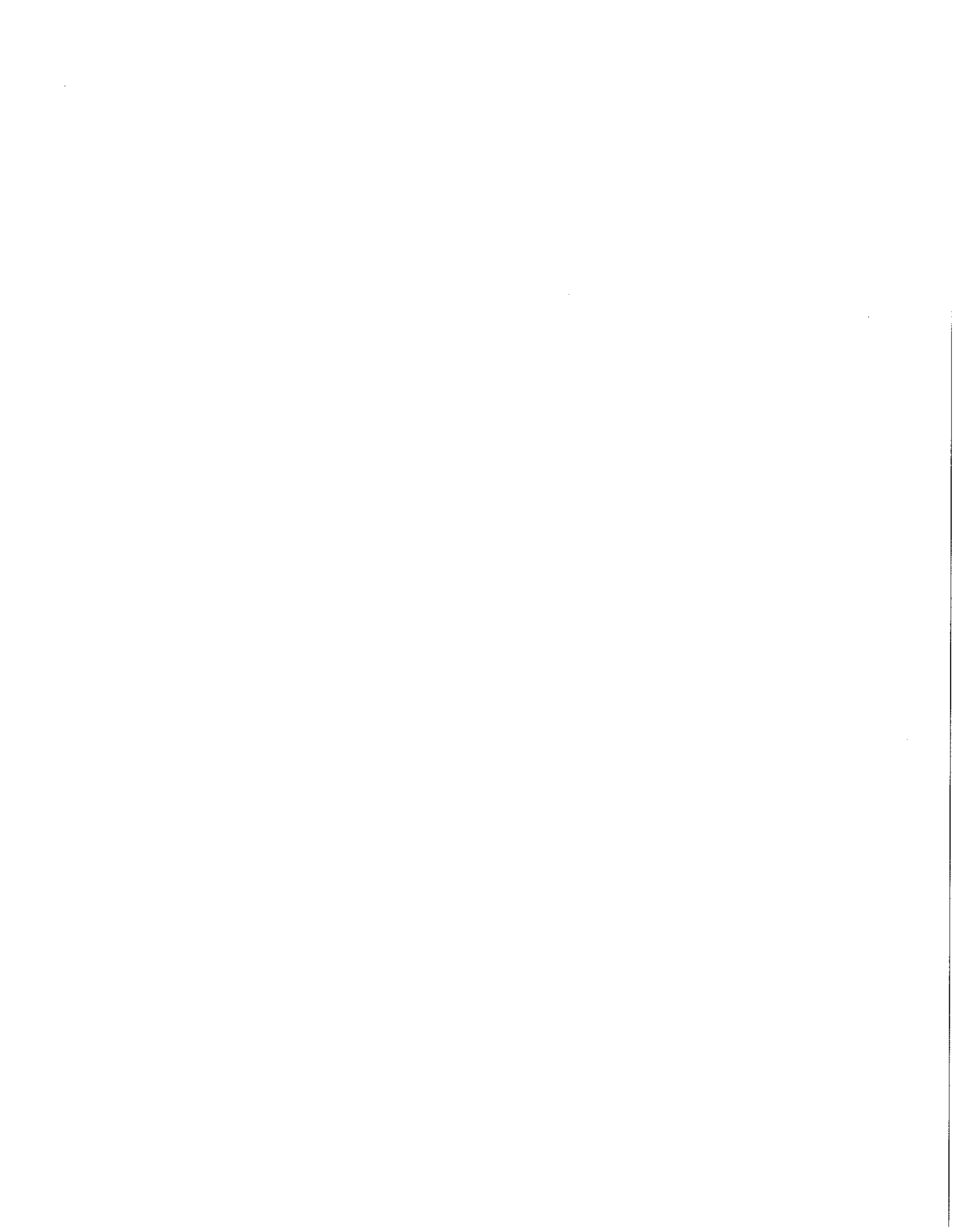
IBR Prepared by: Paul Shroyer, Director, Financial Management

Requesting department: County Assessor
 Date Requested: 4/2/2012

Approved by: *Angela L. Benke*

Date Submitted to County Commission: _____
 Date Approved: _____

Authorizing Signature: _____





State of West Virginia

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

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

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

March 29, 2012

NOTICE OF APPROVAL OF THE LEVY ESTIMATE (BUDGET)

To: Jefferson County Commission

In accordance with the provisions of Chapter 11, Article 8, of the West Virginia Code, as amended, the State Auditor of West Virginia hereby approves your Levy Estimate (Budget) for the fiscal year beginning July 1, 2012.

It is noted that the budget was not submitted within the statutory time period. All budgets should have been submitted no later than March 28, 2012.

With this written approval, the levying body shall meet on the third Tuesday in April (April 17) to hear and consider any objections and to officially adopt the levy rates for property taxation. The clerk/recording officer, within three days of such meeting, shall prepare and forward to the State Auditor the officially adopted levy rates and levy order.

If you have any questions, please do not hesitate to contact me at 304-627-2415 or 1-877-982-9148 extension 5114, Shellie Humphrey extension 5114, Mary Ann Claytor extension 5118, or Karen Drain extension 5101.

RECEIVED

APR 02 2012

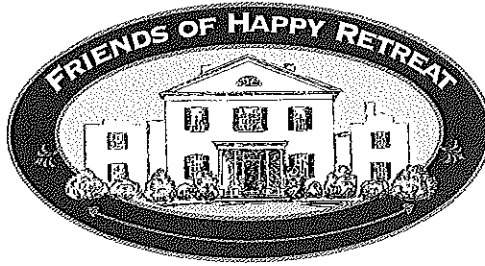
Jefferson County Commission

Sincerely,
Glen B. Gainer III
WV State Auditor

A handwritten signature in cursive script, appearing to read "Ora L. Ash".

By: Ora L. Ash, Director
Local Government Services Division

50



Jefferson County Commission
124 E. Washington Street
Charles Town, WV 25414

February 16, 2012

Dear Members of the County Commission:

The Washington Homes Tour, sponsored by the Friends of Happy Retreat Board of Directors, has been a successful annual event for the past four years. The one day event has attracted 400 – 500 + visitors the day of the tour since its inception. The tour has become one of the largest one day heritage tourism events showcasing the Washington Family history and heritage of Jefferson County. Tour attendance comes from local, in state and out of state sources with our draw and outreach expanding every year.

The amazing success of the tour is wonderful, but we are outgrowing the ability of our Board of Directors to manage this event without more involvement of other groups and governmental entities. We have been fortunate to have many sponsors over the last four years, including the City of Charles Town; Jefferson County Convention and Visitors Bureau; Ranson Convention and Visitors Bureau; The Guild of Professional Tour Guides of Washington DC; American Public University; Bank of Charles Town; Jefferson Historical Society; Wormald Companies; Allstate Insurance, the Kohlhepp Agency; Hoxton Financial Services; United Bank; BB&T Shepherdstown; Blue Ribbon Property Management; Sherwin Williams; C.T. Carpet One Floor & Home; Charles Town Holiday Inn Express; Quality Hotel Conference Center; Reese's Nursery and Landscaping; Valley Homes and Style; The Observer; Roth Design. In addition to sponsors, we have had local businesses support the tour such as Albert & Arnolds Wine and Cheese Shop and Best Cookies.com and we partner with the Shepherd University Department of Music and Historic Preservation for the success of the tour.

Project management of the tour to include, planning, coordination, communication, advertising, scheduling and day of onsite requirements require hundreds of hours of donated volunteer labor. Upwards of 65 volunteers are required to make the one day event a success with the majority of the volunteers required the day of the tour as docents to share the heritage and history of the homes and surrounding area with visitors.

The Washington Homes Tour brings hundreds of people to our county. We would like the County Commission to acknowledge the importance of continuing this event as a major heritage tourism event and we believe it is appropriate for the County Commission to help sponsor and fund the event. For this reason, we are asking \$5,000.00 from the County Commission. The funds will be used to expand our advertising which is key in continued expansion of our advertising outreach and solicit the services of a qualified individual to assist in project management activities of the tour.

RECEIVED

FEB 21 2012

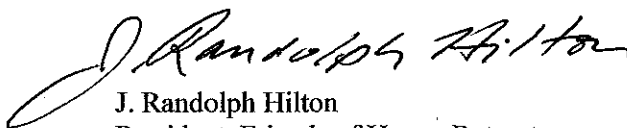
Our goal is to "raise the bar" and level of professionalism of the tour and to expand our advertising outreach. Funding is required to achieve our goals and it is important that we have a set base of funds to start planning with and add to those funds with sponsorships from other sources.

We hope you will give thought and consideration to our request and if you have not had the opportunity to join us on the tour, we are available to give you a more in depth view of what is required in planning and implementing the tour as well as what goes on the day of the tour.

Thank you for your consideration of our request.



Robin Huyett Thomas
Chair, Washington Homes Tour
Board Member, Friends of Happy Retreat



J. Randolph Hilton
President, Friends of Happy Retreat

SD



State of West Virginia

Office of the State Auditor
Chief Inspector Division
1900 Kanawha Boulevard, East
Building 1, Room W-100
Charleston, West Virginia 25305

Toll-Free: 877-982-9148
Telephone: (304) 558-2540
FAX: (304) 205-8033
www.wvsao.gov

Glen B. Gainer III
State Auditor and
Chief Inspector

Stuart T. Stichel, CPA
Deputy Chief Inspector

INDEPENDENT AUDITOR'S REPORT

Honorable Members of the
Jefferson County Commission
Charles Town, West Virginia

We have audited the accompanying financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Jefferson County, West Virginia (the County), as of and for the year ended June 30, 2010, which collectively comprise the County's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the entity's management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Jefferson County Board of Health, Jefferson County Development Authority, Jefferson County Emergency Services Agency and Jefferson County Farmland Protection Board, which represent 99 percent, 99 percent and 83 percent, respectively, of the assets, net assets and revenues of the aggregate discretely presented component units. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for the Jefferson County Board of Health, Jefferson County Development Authority, Jefferson County Emergency Services Agency and Jefferson County Farmland Protection Board, is based on the report of the other auditors.

Except as discussed in the following paragraph, we conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit and the reports of other auditors provides a reasonable basis for our opinions.

The audit of the financial statements of Jefferson County Parks and Recreation Commission included a disclaimer of opinion because we were unable to obtain sufficient competent evidence supporting the financial activities of the Jefferson County Parks and Recreation Commission, nor were we able to satisfy ourselves as to those financial activities by other auditing procedures. The Jefferson County Parks and Recreation Commission's financial activities are included in the County's basic financial statements as a discretely presented component unit and represent 1 percent, 1 percent and 17 percent of the assets, net assets, and revenues, respectively, of the County's aggregate discretely presented component units.

Management did not implement Governmental Accounting Standards Board Statement Number 45. Accounting principles generally accepted in the United States of America require the expenses and associated liability related to other postemployment benefits (OPEB) be recognized during the period in which the liability is incurred, thereby increasing the expenses and liabilities and reducing the net assets for the governmental activities. The amount by which this departure would affect the expenses and net assets and the associated notes to the financial statements related to the governmental activities is not reasonably determinable.

In our opinion, based on our audit and the reports of other auditors, except for the effects of such adjustments, if any, as might have been determined to be necessary had the Jefferson County Parks and Recreation Commission financial statements had sufficient competent evidence supporting their financial activities, the financial statements referred to previously present fairly, in all material respects, the financial position of the aggregate discretely presented component units for Jefferson County, West Virginia, as of June 30, 2010, and the changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In addition, in our opinion, except for the effects of not presenting the expenses and the corresponding liability related to other postemployment benefits as described above, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities of Jefferson County, West Virginia, as of June 30, 2010, and the respective changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In addition, in our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of each major fund, and the aggregate remaining fund information of Jefferson County, West Virginia, as of June 30, 2010, and the respective changes in financial position thereof and the respective budgetary comparisons for the General Fund and Coal Severance Tax Special Revenue Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 28, 2012, on our consideration of the County's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The County has not presented the management's discussion and analysis that the Governmental Accounting Standards Board has determined is necessary to supplement, although not required to be part of the basic financial statements.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County's basic financial statements. The budgetary comparison for the Assessor's Valuation Fund and the introductory section listed in the table of contents are presented for purposes of additional analysis and are not required parts of the basic financial statements of the County. The budgetary comparison for the Assessor's Valuation Fund has been subjected to the auditing procedures applied in the audit of the basic financial statements and in our opinion is fairly stated in all material respects in relation to the basic financial statements taken as a whole. The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we express no opinion on it.

Respectfully submitted,



Glen B. Gainer III
West Virginia State Auditor

March 28, 2012

JEFFERSON COUNTY, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2010

	Primary Government	Component Units				
	Governmental Activities	Board of Health	Economic Development	Emergency Services	Farmland Protection Bd	Parks and Recreation
ASSETS						
Current assets:						
Cash and cash equivalents	\$ 11,233,418	\$ 1,044,710	\$ 428,885	\$ 158,085	\$ 1,611,652	\$ 215,183
Investments	--	--	--	--	514,406	--
Receivables:						
Taxes	606,915	--	--	--	38,678	--
Accounts	41,995	36,268	--	--	--	1,314
Grants	34,962	--	--	--	--	--
Loans	24,063	--	20,000	--	--	--
Due from:						
Other governments	5,449	--	--	--	--	--
Prepaid expenses	--	--	1,785	--	3,000	--
Total current assets	<u>11,946,802</u>	<u>1,080,978</u>	<u>450,670</u>	<u>158,085</u>	<u>2,167,736</u>	<u>216,497</u>
Noncurrent assets:						
Restricted assets:						
Rents Receivable	--	--	46,653	--	--	--
Restricted cash	1,242,813	--	1,011,290	--	--	--
Capital assets:						
Nondepreciable:						
Land	866,554	--	8,154,171	550,000	--	--
Construction in progress	340,413	--	--	--	--	--
Depreciable:						
Buildings	18,522,337	--	--	1,305,831	--	--
Structures and improvements	761,617	--	--	--	--	--
Vehicles	1,524,992	--	--	--	--	2,609
Machinery and equipment	5,633,271	14,500	322,001	487,998	--	4,685
Less: accumulated depreciation	(6,980,705)	(14,500)	(265,741)	(289,466)	--	--
Total noncurrent assets	<u>21,911,292</u>	<u>--</u>	<u>9,268,374</u>	<u>2,054,363</u>	<u>--</u>	<u>7,294</u>
Other debits:						
Unamortized loan acquisition costs	--	--	36,280	--	--	--
Total assets	<u>\$ 33,858,094</u>	<u>\$ 1,080,978</u>	<u>\$ 9,755,324</u>	<u>\$ 2,212,448</u>	<u>\$ 2,167,736</u>	<u>\$ 223,791</u>
LIABILITIES						
Current liabilities payable from current assets:						
Accounts payable	104,492	26,376	12,379	4,722	344	(2,388)
Deposits payable	--	--	10,000	--	--	--
Payroll payable	--	--	--	--	--	13,381
Interest payable	--	--	--	1,139	--	--
Leases payable	--	--	--	6,026	--	--
Benefits payable	--	122,116	--	--	--	--
Due to:						
Other governments	--	--	200,000	--	33,790	--
Current liabilities payable from restricted assets:						
Accounts payable (TeleCenter)	--	--	6,215	--	--	--
Notes payable (TeleCenter)	--	--	7,974	--	--	--
Noncurrent liabilities:						
Notes payable - due within one year	23,470	--	--	22,635	--	--
Notes payable - due in more than one year	46,941	--	6,364,658	1,132,025	--	--
Leases payable - due within one year	25,502	--	--	--	--	--
Leases payable - due in more than one year	71,371	--	--	--	--	--
Accrued interest payable	--	--	234,154	--	--	--
Compensated absences payable	496,033	8,089	--	12,343	--	--
Total liabilities	<u>767,809</u>	<u>156,581</u>	<u>6,835,380</u>	<u>1,178,890</u>	<u>34,134</u>	<u>10,993</u>
NET ASSETS						
Invested in capital assets, net of related debt	20,501,195	--	56,260	899,703	--	--
Restricted for:						
Development	--	--	1,043,754	--	--	--
Unrestricted	<u>12,589,090</u>	<u>924,397</u>	<u>1,819,930</u>	<u>133,855</u>	<u>2,133,602</u>	<u>212,798</u>
Total net assets	<u>33,090,285</u>	<u>924,397</u>	<u>2,919,944</u>	<u>1,033,558</u>	<u>2,133,602</u>	<u>212,798</u>
Total liabilities and net assets	<u>\$ 33,858,094</u>	<u>\$ 1,080,978</u>	<u>\$ 9,755,324</u>	<u>\$ 2,212,448</u>	<u>\$ 2,167,736</u>	<u>\$ 223,791</u>

The notes to the financial statements are an integral part of this statement.

**JEFFERSON COUNTY, WEST VIRGINIA
STATEMENT OF ACTIVITIES**

For the Fiscal Year Ended June 30, 2010

Functions / Programs	Program Revenues				Net (Expense) Revenues and Changes in Net Assets											
	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Governmental Activities	Component Units											
					Board of Health	Economic Development	Emergency Services	Farmland Protection Bd	Parks and Recreation							
General government	\$ 11,616,610	\$ 2,718,113	\$ 204,517	\$ (8,693,980)												
Public safety	8,460,950	--	219,978	(8,240,972)												
Health and sanitation	307,160	--	--	(307,160)												
Culture and recreation	957,136	--	--	(957,136)												
Social services	20,855	--	--	(20,855)												
Capital projects	4,004,900	--	119,743	(3,885,157)												
Total primary government	\$ 25,367,611	\$ 2,718,113	\$ 544,238	\$ (22,105,260)												
Component units:																
Board of Health	690,187	278,516	--	--	\$ 100,887	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	
Economic Development	1,026,717	--	--	--	--	(636,077)	--	--	--	--	--	--	--	--	--	
Emergency Services	1,541,801	--	137,105	--	--	--	75,304	--	--	--	--	--	--	--	--	
Farmland Protection Bd	1,008,331	--	--	--	--	--	--	--	--	(548,144)	--	--	--	--	--	
Parks and Recreation	821,015	398,997	194,709	--	--	--	--	--	--	--	--	--	--	(227,309)	--	
Total component units	\$ 5,088,051	\$ 677,513	\$ 3,038,094	\$ 137,105	\$ 100,887	\$ (636,077)	\$ 75,304	\$ (548,144)	\$ (227,309)	\$ --	\$ --	\$ --	\$ --	\$ --	\$ --	
General revenues:																
Ad valorem property taxes				9,973,599	--	--	--	--	--	--	--	--	--	--	--	--
Alcoholic beverages tax				7,899	--	--	--	--	--	--	--	--	--	--	--	--
Hotel occupancy tax				483,398	--	--	--	--	--	--	--	--	--	203,436	--	--
Animal tax				27,822	--	--	--	--	--	--	--	--	--	--	--	--
Gas and oil severance tax				28,215	--	--	--	--	--	--	--	--	--	--	--	--
Other taxes				472,856	--	--	--	--	--	--	--	--	458,485	--	--	--
Coal severance tax				116,511	--	--	--	--	--	--	--	--	--	--	--	--
Licenses and permits				1,826,599	--	--	--	--	--	--	--	--	--	--	--	--
Intergovernmental:																
Local																
Unrestricted investment earnings				12,369	242,500	--	--	--	--	--	--	--	--	--	--	--
Refunds				287,134	15,870	32,915	6,386	45,618	1,067	--	--	--	--	--	--	--
Reimbursement				267,228	--	--	--	--	--	--	--	--	--	--	--	--
Miscellaneous				673	--	--	1,009	--	--	--	--	--	--	--	--	--
				5,016,284	18,840	292,172	21,767	--	--	--	--	--	--	71,940	--	--
Total general revenues				18,520,587	277,210	325,087	29,162	504,103	276,443							
Change in net assets				(3,584,673)	378,097	(310,990)	104,466	(44,041)	49,134							
Net assets - beginning (Notes IV-I)				36,674,958	546,300	3,230,934	929,092	2,177,643	163,664							
Net assets - ending				\$ 33,090,285	\$ 924,397	\$ 2,919,944	\$ 1,033,558	\$ 2,133,602	\$ 212,798							

The notes to the financial statements are an integral part of this statement.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

**Expenditures in Excess of Amounts Allocated in the Levy Estimate-General County
2010-1**

CONDITION:

We noted during our audit that the Jefferson County Commission incurred expenditures for certain items in the General Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following budget categories exceeded the approved amount:

<u>Account Number</u>	<u>Line Item</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
900	Parks and Recreation	\$387,604	\$391,040	(\$3,436)
911	Visitor's Bureau	\$240,000	\$242,374	(\$2,374)
983	Election County Clerk	\$31,000	\$36,657	(\$5,657)

CRITERIA:

West Virginia Code §11-8-26 states, in part, that:

"...a local fiscal body shall not expend money or incur obligations:

- (1) In an unauthorized manner;
- (2) For an unauthorized purpose;
- (3) In excess of the amount allocated to the fund in the levy order;
- (4) In excess of the funds available for current expenses...."

These over expenditures did not cause the total levy estimate (budget) of the General County Fund to be overexpended.

CAUSE:

The Jefferson County Commission, Jefferson County elected officials, and/or department heads did not have a policy in place to accurately monitor compliance with this statute.

EFFECT:

The Jefferson County Commission, Jefferson County elected officials, and/or department heads incurred expenditures and/or encumbrances that were in excess of the amount allocated in their various budget line items.

RECOMMENDATION:

The Jefferson County Commission is directed to implement effective budgetary controls to ensure that actual expenditures and/or encumbrances do not exceed the amounts allocated for these expenditures in the official levy estimate (budget) as approved by the State Auditor. Revisions are authorized with prior written approval if submitted prior to the end of the fiscal year.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review current budgetary control procedures and revise such control to insure that no expenditures are made in excess of current appropriations.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

Other Postemployment Benefits Obligation

2010-2

CONDITION:

It was noted during our audit that the Jefferson County Commission, a non participating employer, failed to have an actuarial study completed and to record the Other Postemployment Benefits obligation in the Commission's financial statements.

CRITERIA:

Governmental Accounting Standards Board (GASB) Statement Number 45 requires that state and local government employers report the costs and obligation associated with postemployment healthcare and other non-pension benefits, known as other postemployment benefits. The requirements of this statement are effective in three phases based on a government's total annual revenues in the first fiscal year ending after June 15, 1999. Governments with annual revenues of \$100 million or more (Phase 1 governments) were required to implement in the periods beginning after December 15, 2006. Governments with annual revenues between \$10 million and \$100 million (Phase 2 governments) were required to implement in the periods after December 15, 2007. Governments with revenues less than \$10 million (Phase 3 governments) were required to implement in the periods after December 15, 2008. Component units are required to implement GASB 45 the same fiscal year as the primary government.

CAUSE:

Officials did not obtain the completed actuarial study to determine a correct calculation of the annual required contributions which were necessary to reflect this liability in the financial statements and failed to account for the Other Postemployment Benefits obligation.

EFFECT:

The liabilities are substantially understated which necessitates a qualification of opinion on the financial statements.

RECOMMENDATION:

The Jefferson County Commission should review the requirements set forth in GASB Statement 45 and calculate the liability related to Other Postemployment Benefits accordingly.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review the requirements of GASB-45 as it related to Post Employment Benefits and comply with the requirements of that Pronouncement as it pertains to county policy. The county currently operates under a policy of "Pay as you go" which has been approved by PEIA for Jefferson County; Jefferson County insures only retirees through PEIA and has no additional based on the "Pay as you go" policy.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

Purchase Orders

2010-3

CONDITION:

We noted during our audit that the Jefferson County Commission, Jefferson County elected officials, and/or department heads did not properly utilize a purchase order for all purchases of equipment, supplies, and materials.

CRITERIA:

Proper internal control procedures dictate the utilization of a purchase order for all purchases to properly account for expenditures.

CAUSE:

The County did not have a policy to ensure that a purchase order was completed prior to placing an order for equipment, supplies and materials.

EFFECT:

Purchases were made without the proper budget and expenditure controls being implemented.

RECOMMENDATION:

It is recommended that the Jefferson County Commission review the policy for the issuance and recording of purchase orders and comply with it as such.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission has no mandatory policy for the usage of a purchase order with every purchase. However, we would acknowledge that such a policy would provide better internal control if such a policy was followed.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

Pay Adjustments

2010-4

CONDITION:

We noted during our audit that the Jefferson County Commission issued pay adjustments that did not clearly establish that the adjustments were not bonuses.

CRITERIA:

Proper internal control procedures dictate that all pay adjustments should be worded and recorded in a manner that clearly establishes that it is not a bonus. Additionally, the Constitution of the State of West Virginia prohibits the payment of bonuses.

CAUSE:

The Jefferson County Commission did not have a policy in place to ensure that all pay adjustments were properly worded and recorded.

EFFECT:

The wording of the pay adjustments issued by the Jefferson County Commission did not clearly establish that it was not a bonus. While we could not definitively determine whether the pay adjustments were bonuses, it is unclear whether a binding tribunal could, in fact, rule that the payments were bonuses.

RECOMMENDATION:

The Jefferson County Commission should establish policies and procedures to ensure that all pay adjustments be properly worded to clearly establish that it is not a bonus. Pay adjustments in the form of "longevity pay" should be structured in a manner similar to that of the State of West Virginia in which the payments are based on years of service and are continuing in nature, since this type increment has been ruled valid by the West Virginia Supreme Court.

AUDITED AGENCY'S RESPONSE:

It is the position of the Jefferson County Commission the audit finding for "Pay Adjustments" should have a reference to the County Clerk's Office where the pay adjustments\bonus payments were made. The Commission further feels the audit review should have made in line with budgetary wages requested by employee and budgetary wage payments actual made those same employees. In such a comparison, the County Clerk clearly exceeded, in a material amount, the wages request by employee and did so without the approval of the County Commission. The Commission further contends these were one time payments to employees at an unusual time of the year, were not continued, and were funded from unspent appropriation that the Clerk had requested for other positions in the Clerk office that were vacant or not otherwise unfilled.

AUDITOR'S RESPONSE TO AUDITED AGENCY'S RESPONSE:

In this fiscal year, there was not a pay adjustment by the office of the County Clerk. There was a one-time pay adjustment by the offices of the Assessor and the Circuit Clerk, and a longevity pay adjustment for all county employees by the County Commission.

JEFFERSON COUNTY, WEST VIRGINIA
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
For the Fiscal Year Ended June 30, 2010

Status of Prior Year Audit Findings

<u>Finding Number</u>	<u>Title</u>	<u>Status</u>
2009-1	Failure to Submit Budget Revision to Appropriate the Unexpended Fund Balance- General Fund	Corrected
2009-2	Failure to Submit Budget Revision to Appropriate the Unexpended Fund Balance- Coal Severance Tax Fund	Corrected
2009-3	Expenditures in Excess of Amounts Allocated in the Levy Estimate-General Fund	Repeated
2009-4	Conservator Accounts - Annual Reports	Corrected
2009-5	Unallowed Expenditure from the General School Fund	Corrected
2009-6	Other Postemployment Benefits Obligation	Repeated



State of West Virginia

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Glen B. Gainer III
State Auditor and
Chief Inspector

Stuart T. Stickel, CPA
Deputy Chief Inspector

INDEPENDENT AUDITOR'S REPORT

Honorable Members of the
Jefferson County Commission
Charles Town, West Virginia 25414

We have audited the accompanying financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Jefferson County, West Virginia (the County), as of and for the year ended June 30, 2011, which collectively comprise the basic financial statements of the County's primary government as listed in the table of contents. These financial statements are the responsibility of the County's management. Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of the Jefferson County Development Authority and the Jefferson County Farmland Protection Board, which represent an undetermined percentage of the assets, net assets and revenues of the aggregate discretely presented component units. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and in our opinion, insofar as it relates to the amounts included for the Jefferson County Development Authority and the Jefferson County Farmland Protection Board, is based on the report of the other auditors.

Except as discussed in the fourth paragraph, we conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit and the report of other auditors provides a reasonable basis for our opinions.

The financial statements do not include financial data for the Jefferson County Emergency Services Agency. Accounting principles generally accepted in the United States of America require the financial data for this component unit to be reported with the financial data of the County's primary government unless the County also issues financial statements for the financial reporting entity that include the financial data for its component units. The County has not issued such reporting entity financial statements. Because of this departure from accounting principles generally accepted in the United States of America, the assets, liabilities, net assets, revenues and expenses of the Jefferson County Emergency Services Agency is indeterminable.

Further, the financial statements of the Jefferson County Board of Health, the Jefferson County Parks and Recreation Commission, and the Jefferson County Historic Landmarks Commission have not been audited, and we were not engaged to audit the Jefferson County Board of Health, the Jefferson County Parks and Recreation Commission, and the Jefferson County Historic Landmarks Commission financial statements as part of our audit of the County's basic financial statements. The Jefferson County Board of Health, the Jefferson County Parks and Recreation Commission, and the Jefferson County Historic Landmarks Commission financial activities are included in the County's basic financial statements as discretely presented component units.

Management did not implement Governmental Accounting Standards Board Statement Number 45. Accounting principles generally accepted in the United States of America require the expenses and associated liability related to other post employment benefits (OPEB) be recognized during the period in which the liability is incurred, thereby increasing the expenses and liabilities and reducing the net assets for the governmental activities. The amount by which this departure would affect the expenses and net assets and the associated notes to the financial statements related to the governmental activities is not reasonably determinable.

In our opinion, based on our audit and the report of other auditors, because of the omission of the Jefferson County Emergency Services Agency and because of the unaudited discretely presented component units, as discussed in the third and fourth paragraph, respectively, the financial statements referred to above do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the aggregate discretely presented component units of Jefferson County, West Virginia as of June 30, 2011, or the changes in financial position thereof, for the year then ended.

In addition, in our opinion, except for the effects of not presenting the expenses and the corresponding liability related to other post employment benefits as described in the fifth paragraph, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities of Jefferson County, West Virginia, as of June 30, 2011, and the respective changes in financial position thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Finally, in our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of each major fund, and the aggregate remaining fund information of Jefferson County, West Virginia, as of June 30, 2011, and the respective changes in financial position thereof and the respective budgetary comparisons for the General Fund and Coal Severance Tax Special Revenue Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

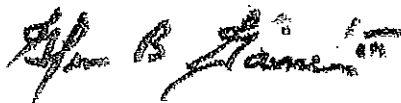
As discussed in note I.D.9, the County implemented the provisions of Governmental Accounting Standards Board Statement Number 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.

In accordance with *Government Auditing Standards*, we have also issued our report dated March 28, 2012, on our consideration of the County's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

The County has not presented the management's discussion and analysis that the Governmental Accounting Standards Board has determined is necessary to supplement, although not required to be part of the basic financial statements.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the County's basic financial statements. The budgetary comparison for the Assessor's Valuation Fund and the introductory section listed in the table of contents are presented for purposes of additional analysis and are not required parts of the basic financial statements of the County. The accompanying Schedule of Expenditures of Federal Awards is presented for purposes of additional analysis as required by the U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* and is also not a required part of the basic financial statements of the County. The budgetary comparison for the Assessor's Valuation Fund and the Schedule of Expenditures of Federal Awards has been subjected to the auditing procedures applied by us and the other auditors in the audit of the basic financial statements and, in our opinion, based on our audit and the report of other auditors, are fairly stated in all material respects in relation to the basic financial statements taken as a whole. The introductory section has not been subjected to the auditing procedures applied by us and the other auditors in the audit of the basic financial statements and, accordingly, we express no opinion on it.

Respectfully submitted,



Glen B. Gainer III
West Virginia State Auditor

March 28, 2012

JEFFERSON COUNTY, WEST VIRGINIA
STATEMENT OF NET ASSETS
June 30, 2011

	Primary Government	Component Units				
	Governmental Activities	Board of Health	Development Authority	Historic Landmark	Farmland Protection Board	Parks and Recreation
ASSETS						
Current assets:						
Cash and cash equivalents	\$ 11,417,696	\$ 1,305,941	\$ 1,224,881	\$ 14,032	\$ 1,720,205	\$ 348,964
Receivables:						
Taxes	724,465	--	--	--	51,483	--
Accounts	41,995	7,068	--	--	--	1,314
Grants	28,378	--	--	--	--	--
Loans	--	--	20,000	--	--	--
Due from:						
Other governments	9,048	--	--	--	--	--
Prepaid expenses	--	--	2,008	--	--	--
Total current assets	<u>12,221,582</u>	<u>1,313,009</u>	<u>1,246,889</u>	<u>14,032</u>	<u>1,771,688</u>	<u>350,278</u>
Noncurrent assets:						
Restricted assets:						
Restricted cash	2,480,498	--	14,554	--	3,000	--
Capital assets:						
Nondepreciable:						
Land	866,554	--	8,962,171	--	--	--
Depreciable:						
Buildings	19,024,780	--	--	--	--	--
Structures and improvements	1,206,084	--	--	--	--	--
Vehicles	1,587,290	--	--	--	--	--
Machinery and equipment	5,777,877	--	40,579	1,000	--	7,294
Less: accumulated depreciation	(8,225,234)	--	(35,461)	--	--	--
Other assets:						
Other	--	--	33,075	--	--	--
Total noncurrent assets	<u>22,717,849</u>	<u>--</u>	<u>9,014,918</u>	<u>1,000</u>	<u>3,000</u>	<u>7,294</u>
Total assets	<u>\$ 34,939,431</u>	<u>\$ 1,313,009</u>	<u>\$ 10,261,807</u>	<u>\$ 15,032</u>	<u>\$ 1,774,688</u>	<u>\$ 357,572</u>
LIABILITIES						
Current liabilities payable						
from current assets:						
Accounts payable	131,929	--	33,105	--	25,695	16,359
Benefits payable	218,838	--	--	--	--	--
Current liabilities payable from restricted assets:						
Customer deposits	--	--	10,000	--	--	--
Deferred revenues:						
NorFom investments	--	--	536,452	--	--	--
Noncurrent liabilities:						
Notes payable - due within one year	--	--	--	--	--	--
Notes payable - due in more than one year	23,471	--	6,364,658	--	--	--
Leases payable - due within one year	26,660	--	--	--	--	--
Leases payable - due in more than one year	44,711	--	--	--	--	--
Accrued interest payable	--	--	461,848	--	--	--
Compensated absences payable	492,788	--	--	--	--	--
Total liabilities	<u>938,397</u>	<u>--</u>	<u>7,406,063</u>	<u>--</u>	<u>25,695</u>	<u>16,359</u>
NET ASSETS						
Invested in capital assets, net of related debt	20,142,509	--	5,118	--	--	--
Restricted for:						
Agriculture development	--	--	14,554	--	--	--
Unrestricted	<u>13,858,525</u>	<u>1,313,009</u>	<u>2,836,072</u>	<u>15,032</u>	<u>1,748,993</u>	<u>341,213</u>
Total net assets	<u>34,001,034</u>	<u>1,313,009</u>	<u>2,855,744</u>	<u>15,032</u>	<u>1,748,993</u>	<u>341,213</u>
Total liabilities and net assets	<u>\$ 34,939,431</u>	<u>\$ 1,313,009</u>	<u>\$ 10,261,807</u>	<u>\$ 15,032</u>	<u>\$ 1,774,688</u>	<u>\$ 357,572</u>

The notes to the financial statements are an integral part of this statement.

JEFFERSON COUNTY, WEST VIRGINIA
STATEMENT OF ACTIVITIES
For the Fiscal Year Ended June 30, 2011

	Program Revenues			Net (Expense) Revenues and Changes in Net Assets					
	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Governmental Activities	Board of Health	Development Authority	Historic Landmark	Farmland Protection Board	Parks and Recreation
Functions / Programs									
Primary government:									
Governmental activities:									
General government	\$ 12,816,078	\$ 2,845,658	\$ 193,671	\$ (9,776,749)					
Public safety	8,238,665	--	--	(8,034,922)					
Health and sanitation	188,383	--	--	(92,281)					
Culture and recreation	1,041,281	--	--	(1,041,281)					
Social services	19,813	--	--	(19,813)					
Capital projects	389,672	--	350,499	(39,173)					
Total primary government	\$ 22,693,892	\$ 2,845,658	\$ 493,516	\$ (19,004,219)					
Component units:									
Board of Health	701,024	341,194	--	--	149,724	--	--	--	--
Economic Development Authority	811,408	--	--	--	--	(765,749)	--	--	--
Historic Landmark Commission	41,145	--	--	--	--	--	(41,145)	--	--
Farmland Protection Board	1,723,604	--	--	--	--	--	(924,554)	--	--
Parks & Recreation Commission	610,315	364,489	--	--	--	--	--	(245,826)	--
Total component units	\$ 3,887,496	\$ 705,683	\$ 1,354,263	\$ (765,749)	\$ 149,724	\$ (41,145)	\$ (924,554)	\$ (245,826)	
General revenues:									
Ad valorem property taxes				10,248,398					
Alcoholic beverages tax				6,037					
Hotel occupancy tax				550,324					
Animal tax				27,592					
Gas and oil severance tax				33,485					
Other taxes				992,196					228,935
Coal severance tax				240,301				499,301	
Licenses and permits				1,623,711					
Intergovernmental:									
Local				--	97,781				
Unrestricted investment earnings				180,218	12,035	514,229	22,714		128,256
Refunds				248,503	--	18,259	--	32,505	1,130
Video lottery				4,121,161	--	--	--	--	--
Miscellaneous				1,643,042	10,623	169,061	--	8,139	--
Transfers				--	--	--	13,513	--	20,383
Total general revenues				19,914,968	120,439	701,549	36,227	559,945	378,704
Change in net assets				910,749	270,163	(64,200)	(4,918)	(384,609)	132,878
Net assets - beginning				33,090,285	1,042,846	2,919,944	19,950	2,133,602	208,335
Net assets - ending				\$ 34,001,034	\$ 1,313,009	\$ 2,855,744	\$ 15,032	\$ 1,748,993	\$ 341,213

The notes to the financial statements are an integral part of this statement.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

Section II - Financial Statement Findings

**Expenditures in Excess of Amounts Allocated in the Levy Estimate - General County
2011-1**

CONDITION:

We noted during our audit that the Jefferson County Commission incurred expenditures for certain items in the General Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following budget categories exceeded the approved amount:

<u>Account Number</u>	<u>Line Item</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
403	Circuit Clerk	\$555,879	\$556,762	(\$883)
716	Dog Warden	\$248,053	\$250,884	(\$2,831)
900	Visitor's Bureau	\$361,556	\$377,770	(\$16,214)
903	Arts & Humanities	\$23,330	\$25,779	(\$2,449)
911	Visitor's Bureau	\$280,000	\$297,040	(\$17,040)
983	Election County Clerk	\$23,656	\$46,940	(\$23,284)

CRITERIA:

West Virginia Code §11-8-26 states, in part, that:

- "...a local fiscal body shall not expend money or incur obligations:
- (1) In an unauthorized manner;
 - (2) For an unauthorized purpose;
 - (3) In excess of the amount allocated to the fund in the levy order;
 - (4) In excess of the funds available for current expenses...."

These over expenditures did not cause the total levy estimate (budget) of the General County Fund to be overexpended.

CAUSE:

The Jefferson County Commission, Jefferson County elected officials, and/or department heads did not have a policy in place to accurately monitor compliance with this statute.

EFFECT:

The Jefferson County Commission, Jefferson County elected officials, and/or department heads incurred expenditures and/or encumbrances that were in excess of the amount allocated in their various budget line items.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

**Expenditures in Excess of Amounts Allocated in the Levy Estimate - General County
2011-1 (continued)**

RECOMMENDATION:

The Jefferson County Commission is directed to implement effective budgetary controls to ensure that actual expenditures and/or encumbrances do not exceed the amounts allocated for these expenditures in the official levy estimate (budget) as approved by the State Auditor. Revisions are authorized with prior written approval if submitted prior to the end of the fiscal year.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review current budgetary control procedures and revise such control to insure that no expenditures are made in excess of current appropriations.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

**Expenditures in Excess of Amounts Allocated in the Levy Estimate - Coal Severance Tax Fund
2011-2**

CONDITION:

We noted during our audit that the Jefferson County Commission incurred expenditures for certain items in the Coal Severance Tax Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following budget category exceeded the approved amount:

<u>Account Number</u>	<u>Line Item</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
801	Mental Health	\$0	\$24,758	(\$24,758)

CRITERIA:

West Virginia Code §11-8-26 states, in part, that:

"...a local fiscal body shall not expend money or incur obligations:

- (1) In an unauthorized manner;
- (2) For an unauthorized purpose;
- (3) In excess of the amount allocated to the fund in the levy order;
- (4) In excess of the funds available for current expenses...."

These over expenditures did not cause the total levy estimate (budget) of the Coal Severance Tax Fund to be overexpended.

CAUSE:

The Jefferson County Commission, Jefferson County elected officials, and/or department heads did not have a policy in place to accurately monitor compliance with this statute.

EFFECT:

The Jefferson County Commission, Jefferson County elected officials, and/or department heads incurred expenditures and/or encumbrances that were in excess of the amount allocated in their various budget line items.

RECOMMENDATION:

The Jefferson County Commission is directed to implement effective budgetary controls to ensure that actual expenditures and/or encumbrances do not exceed the amounts allocated for these expenditures in the official levy estimate (budget) as approved by the State Auditor. Revisions are authorized with prior written approval if submitted prior to the end of the fiscal year.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review current budgetary control procedures and revise such control to insure that no expenditures are made in excess of current appropriations.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

Expenditures in Excess of Amounts Allocated in the Levy Estimate - Assessor's Valuation Fund
2011-3

CONDITION:

We noted during our audit that the Jefferson Assessor incurred expenditures for certain items in the Assessor's Valuation Fund in excess of the amounts allocated for those items in the official levy estimate (budget) as last revised. Specifically, expenditures in the following budget categories exceeded the approved amount:

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
General Government expenditures	\$33,823	\$54,453	(\$20,630)

CRITERIA:

West Virginia Code §11-8-26 states, in part, that:

- "...a local fiscal body shall not expend money or incur obligations:
- (1) In an unauthorized manner;
 - (2) For an unauthorized purpose;
 - (3) In excess of the amount allocated to the fund in the levy order;
 - (4) In excess of the funds available for current expenses...."

These over expenditures did not cause the total levy estimate (budget) of the Assessor's Valuation Fund to be overexpended.

CAUSE:

The Jefferson County Assessor did not have a policy in place to accurately monitor compliance with this statute.

EFFECT:

The Jefferson County Assessor incurred expenditures and/or encumbrances that were in excess of the amount allocated in their various budget line items.

RECOMMENDATION:

The Jefferson County Assessor is directed to implement effective budgetary controls to ensure that actual expenditures and/or encumbrances do not exceed the amounts allocated for these expenditures in the official levy estimate (budget) as approved by the State Auditor. Revisions are authorized with prior written approval if submitted prior to the end of the fiscal year.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Assessor will review current budgetary control procedures and revise such control to insure that no expenditures are made in excess of current appropriations. For the FYE June 30, 2011, certain equipment cost \$23,345 was charged to Material and Supplies and should have been charged to Capital Outlay.

JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

Other Post-Employment Benefits Obligation

2011-4

CONDITION:

It was noted during our audit that the Jefferson County Commission, a non participating employer, failed to have an actuarial study completed and record the Other Post-Employment Benefits obligation in the Commission's financial statements.

CRITERIA:

Governmental Accounting Standards Board (GASB) Statement Number 45 requires that state and local government employers report the costs and obligation associated with post-employment healthcare and other non-pension benefits, known as other post-employment benefits. The requirements of this statement are effective in three phases based on a government's total annual revenues in the first fiscal year ending after June 15, 1999. Governments with annual revenues of \$100 million or more (Phase 1 governments) are required to implement in the periods beginning after December 15, 2006. Governments with annual revenues between \$10 million and \$100 million (Phase 2 governments) are required to implement in the periods after December 15, 2007. Governments with revenues less than \$10 million (Phase 3 governments) are required to implement in the periods after December 15, 2008. Component units are required to implement GASB 45 the same fiscal year as the primary government.

CAUSE:

Officials did not obtain an actuarial study to determine annual required contribution, which is necessary to reflect this liability in the financial statements.

EFFECT:

The liabilities are substantially understated which necessitates a qualification of opinion on the financial statements.

RECOMMENDATION:

The Jefferson County Commission should review the requirements set forth in GASB Statement 45 and calculate the liability related to Other Post-employment Benefits accordingly.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review the requirements of GASB-45 as it related to Post Employment Benefits and comply with the requirements of that Pronouncement as it pertains to county policy. The county currently operates under a policy of "Pay as you go" which has been approved by PEIA for Jefferson County; Jefferson County insures only retirees through PEIA and has no additional based on the "Pay as you go" policy.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

Purchase Orders

2011-5

CONDITION:

We noted during our audit that the Jefferson County Commission, Jefferson County elected officials, and/or department heads did not properly utilize a purchase order for all purchases of equipment, supplies, and materials.

CRITERIA:

Proper internal control procedures dictate the utilization of a purchase order for all purchases to properly account for expenditures.

CAUSE:

The County did not have a policy to ensure that a purchase order was completed prior to placing an order for equipment, supplies and materials.

EFFECT:

Purchases were made without the proper budget and expenditure controls being implemented.

RECOMMENDATION:

It is recommended that the Jefferson County Commission review the policy for the issuance and recording of purchase orders and comply with it as such.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission has no mandatory policy for the usage of a purchase order with every purchase. However, we would acknowledge that such a policy would provide better internal control if such a policy was followed.

JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

Pay Adjustments

2011-6

CONDITION:

We noted during our audit that the Jefferson County Commission issued pay adjustments that did not clearly establish that the adjustments were not bonuses.

CRITERIA:

Proper internal control procedures dictate that all pay adjustments should be worded and recorded in a manner that clearly establishes that it is not a bonus. Additionally, the Constitution of the State of West Virginia prohibits the payment of bonuses.

CAUSE:

The Jefferson County Commission did not have a policy in place to ensure that all pay adjustments were properly worded and recorded.

EFFECT:

The wording of the pay adjustments issued by the Jefferson County Commission did not clearly establish that it was not a bonus. While we could not definitively determine whether the pay adjustments were bonuses, it is unclear whether a binding tribunal could, in fact, rule that the payments were bonuses.

RECOMMENDATION:

The Jefferson County Commission should establish policies and procedures to ensure that all pay adjustments be properly worded to clearly establish that it is not a bonus. Pay adjustments in the form of "longevity pay" should be structured in a manner similar to that of the State of West Virginia in which the payments are based on years of service and are continuing in nature, since this type of increment has been ruled valid by the West Virginia Supreme Court.

AUDITED AGENCY'S RESPONSE:

It is the position of the Jefferson County Commission the audit finding for "Pay Adjustments" should have a reference to the County Clerk's Office where the pay adjustments\bonus payments were made. The Commission further feels the audit review should have made in line with budgetary wages requested by employee and budgetary wage payments actual made those same employees. In such a comparison, the County Clerk clearly exceeded, in a material amount, the wages request by employee and did so without the approval of the County Commission. The Commission further contends these were one time payments to employees at an unusual time of the year, were not continued, and were funded from unspent appropriation that the Clerk had requested for other positions in the Clerk that were vacant or not otherwise unfilled.

AUDITOR'S RESPONSE TO AUDITED AGENCY'S RESPONSE:

In this fiscal year, there was a one-time pay adjustment by the office of the County Clerk, and a pay adjustment in August for all county employees retroactive to July by the County Commission.

JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011

Grant Records
2011-7

CONDITION:

We noted during our audit that there is a lack of control over accurately identifying and recording grant revenues and expenditures into the proper funds.

CRITERIA:

Generally accepted accounting procedures require that all revenues be properly identified so that accounting records can be accurately prepared and contain all important information necessary for the preparation of the county clerk's financial statements. Proper internal control procedures require that these records must be complete and accurate to provide reasonable assurance that all transactions are properly recorded.

CAUSE:

The Jefferson County Commission, County Clerk, and Sheriff have not implemented proper control procedures for the maintenance of financial records concerning grants. Proper control procedures over grant activities have not been implemented by the various offices. Grant revenues are not properly classified as to the correct funding source in the County Clerk's trial balance.

EFFECT:

The lack of proper control procedures required substantial additional time be used by the auditor to determine the audit adjustments necessary to properly record grant revenues into the correct funds. The due to/due from other funds audit adjustments required to be made to correct the various funds total \$205,357.

RECOMMENDATION:

It is recommended that the Jefferson County Commission, County Clerk, and Sheriff establish internal control procedures to ensure that the documentation, recording and reporting of grant revenues and expenditures are accounted for properly. It is also recommended that the Sheriff's Tax office and the County Clerk's bookkeeping department be made aware of all federal and state grants awarded to the County by providing each office a copy of all Federal and State grant award letters which contain the program name, project name, project number and the amount of the award. It is recommended that each office be provided with assigned revenue and expenditure account numbers for each specific funding agency for each grant project title.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review Internal Control Procedures for Grant Accounting and revise such control to insure that an accurate record of revenues and expenditure of grant funding are maintained.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

**Expenditures
2011-8**

CONDITION:

We noted during our audit, and also during the West Virginia purchase card agreed upon procedures, that the Jefferson County Commission authorized payment of expenditures without the presentation of an itemized account of such claims. We also noted that there were not always initials or a signature on the invoice indicating that it had been reviewed and approved for payment by the County Commission.

CRITERIA:

Generally accepted accounting principles require that all expenditures be properly supported and

Also, West Virginia Code §12-3-18 states, in part, that:

"It shall be unlawful for any county court, board of education or the council of a municipal corporation, or any other body charged with the administration of the fiscal affairs of any county, school district, independent school district or municipality, to pay any claim for services rendered or materials furnished unless an itemized account therefore is filed by the claimant covering the claim. . . ."

In addition, West Virginia Code §7-5-4 states, in part, that:

"No money shall be paid by the sheriff out of the county treasury except upon an order signed by the president and clerk of the county court, and properly endorsed. . . ."

CAUSE:

Adequate control procedures were not in place to ensure that all expenditures were properly supported and were approved by the County Commission.

EFFECT:

Expenditures were made without the proper authorization for the expenditure and without the proper support to verify the purpose of the expenditure.

RECOMMENDATION:

The Jefferson County Commission and the Jefferson County elected officials are directed to review these statutes and comply with the provisions set forth therein.

AUDITED AGENCY'S RESPONSE:

The Jefferson County Commission will review Internal Control Procedures related to the West Virginia Purchase Card Program. Since the audit period covered by this review, the county has established additional Purchase Card Policy, established logs sheet for control purposes, and received additional training from the Auditor's Office.

**JEFFERSON COUNTY, WEST VIRGINIA
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE FISCAL YEAR ENDED JUNE 30, 2011**

Section III - Federal Award Findings and Questioned Costs

There were no findings at the single audit level for this audit.

**JEFFERSON COUNTY, WEST VIRGINIA
CORRECTIVE ACTION PLAN
For the Fiscal Year Ended June 30, 2011**

There were no findings at the federal program level, therefore no corrective action plan is necessary.

JEFFERSON COUNTY, WEST VIRGINIA
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
For the Fiscal Year Ended June 30, 2011

Status of Prior Year Audit Findings

<u>Finding Number</u>	<u>Title</u>	<u>Status</u>
2010-1	Expenditures in Excess of Amounts Allocated in the Levy Estimate - General County	Repeated
2010-2	Other Post-Employment Benefits Obligation	Repeated
2010-3	Purchase Orders	Repeated
2010-4	Pay Adjustments	Repeated

SF

Telephone: 304-728-3205
Tax Office: 304-728-3220
Fax: 304-728-3299



SHERIFF and TREASURER of Jefferson County

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

March 20, 2012

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

Dear Commissioner Noland:

As you are aware, the Maintenance Department is in the process of applying for the FY2012 Court Security Fund Grant. Funding is being requested to purchase and install additional security cameras in much needed locations in our court system. Funding is also being requested to purchase and install a central viewing station. This new central viewing station will be located in the Bailiff's office on the first floor of the Judicial Building.

The current cameras that the County has installed are viewed at the Bailiff stations in the Judicial Building and the Old Jail Annex. The Bailiffs at these stations are tasked with monitoring the cameras as well as interacting with the public and court personnel. The addition of a central viewing station would be a much needed improvement to the security of our court system. This would keep the monitors out of the public view. The central viewing station would also allow the bailiffs to be more effective in the detection of a potential or existing threat by not having the added distraction of interacting with the public and court personnel. We plan to rotate bailiffs stationed at the central viewing station throughout the day.

The safety and security of court personnel and the general public is a top priority. The grant funding to add more security cameras and a central viewing station is a much needed step to ensure that safety and security. Therefore, I am requesting funding for the addition of two new bailiffs in order to provide sufficient manpower to monitor the central viewing station.

Thank you for your consideration.

Sincerely,

Robert Shirley
Sheriff of Jefferson County

grant

Cost of providing (2) new bailiff for Court Security
April 9, 2012

<u>Cost per Bailiff</u>	<u>Pay rate</u>	<u>Hr/Yr</u>	<u>Annual Cost</u>
Wages	\$12	2080	\$24,960
Matching FICA			\$1,909
(Hourly rate is per Tom Hansen at the Sheriff's Department)			
Clothing (2) Sets (Estimated cost based on discussion with Bailiff)			<u>\$400</u>
Cost per Bailiff			<u>\$27,269</u>
Adding (2) Bailiffs-Estimated cost per year			<u>\$ 54,539</u>

6

<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 Prosecuting Attorney

Department or Entity: Civil Division

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

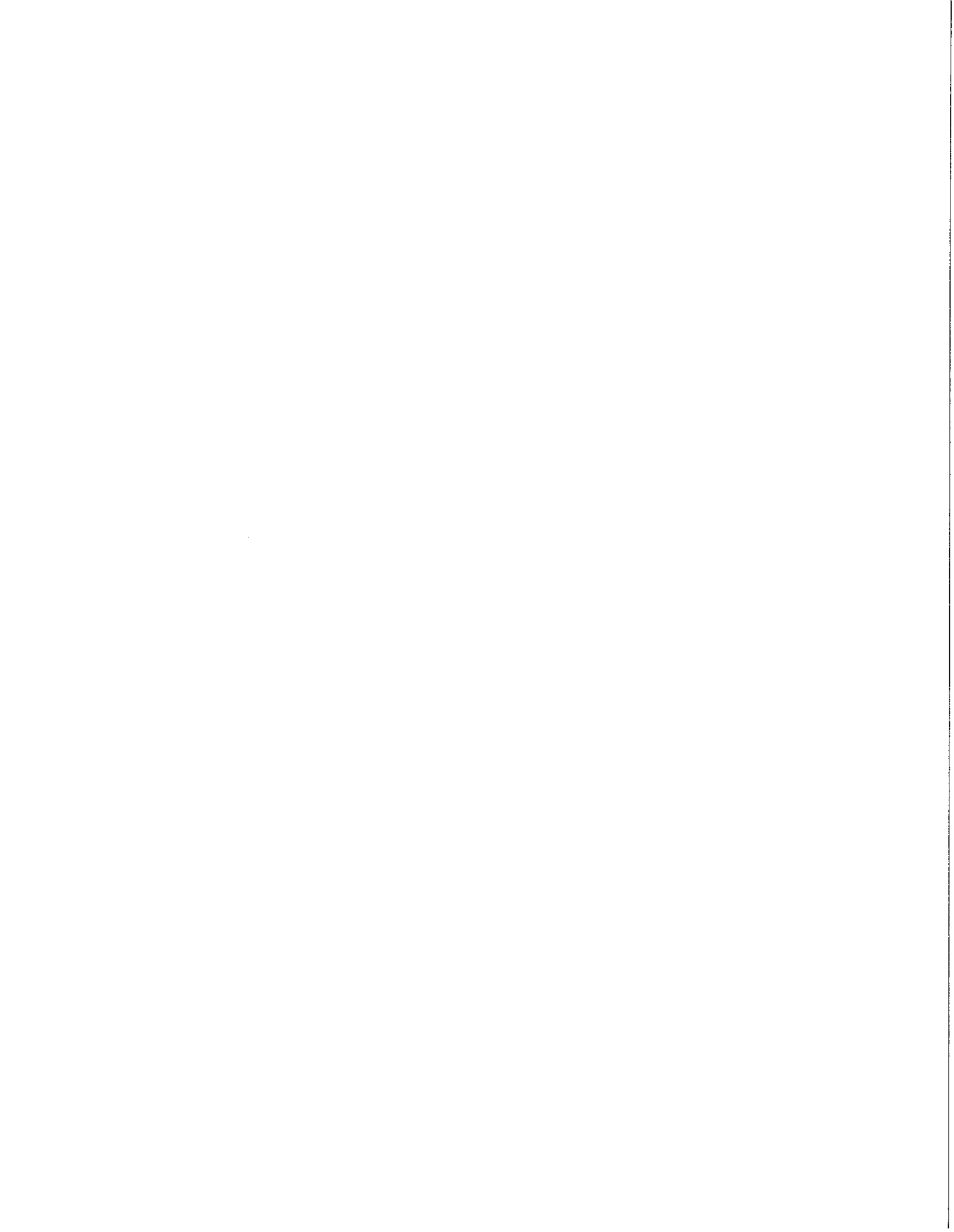
If a specific date is needed, please provide reason for specific date:

Subject: **Legal Update**

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

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

Attachments:



6B

<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: **Prosecutor'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: **Ex Parte Issues**

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: Stephanie Grove, Assistant Prosecuting Attorney

Department or Entity: Prosecutor's Office

Estimation of amount of time needed for appointment: 15-20 min

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Transition Plan Update**
~~Seeking grants and grants administration (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:

MEMORANDUM

FROM: Stephanie F. Grove, Assistant Prosecutor
TO: County Commission of Jefferson County
DATE: April 9, 2012
RE: Transition Plan for Management of Capital Projects

At its regularly scheduled meeting on March 14, 2012, the County Commission requested a report detailing the manner in which the County intends to address the performance of the essential functions of those positions that were eliminated during the County Commission's recent reorganization and reduction in force. At that meeting, the Commission approved a transition plan that outlines the transfer of impact fee administration from the Department of Capital Planning and Management to the Engineering Department. This plan addressed all the essential functions contained in the Impact Fee Coordinator's job description. The following is intended to address those duties which were not addressed in the Impact Fees Transition Plan approved on March 14, 2012.

I. CAPITAL IMPROVEMENT PLAN

- 1) **Essential Function:** Work with other County departments for Capital Improvement Plan submissions. Manage CIP submissions and the production of the County Capital Improvement Plan.

- **Suggested Reallocation:** During the 2013 Fiscal year budgeting process, requests for capital improvements were submitted to the County Financial Manager. In addition, the Financial Manager suggested that the Commission implement a depreciation schedule that will assist the Commission with funding future capital projects. Because of the Financial Manager's role in budgeting and planning for future capital projects, the Capital Improvement Plan should be managed by the Financial Manager. Additionally, the Financial Manager should shepherd the creation of the plan by collecting requests for capital expansion from the County's department heads and elected officials. The Financial Manager already receives such requests during the budget process, and the only task remaining to create the plan is evaluation and prioritization of those requests with regard to need and available funding.

II. CAPITAL PROJECT MANAGEMENT

After consultation with the Commission's Financial Manager, it appears that the County Commission has the possibility of pursuing four major capital projects: 1) the court house renovation which is currently being directed by the Maintenance Director; 2) a possible

expansion of the Tax Office; 3) purchase and redesign of the Briel Building; and 4) construction of a new judicial center. Several counties in West Virginia, including Morgan County for example, undertake major construction projects without the use of a staff capital projects manager, and typically the management of projects is included in an architect's contract. With only four foreseeable capital projects, the County will realize a cost savings by contracting with an architect for construction management of each future project as opposed to employing a full time capital projects manager, whose services would only be required if the Commission decides to undertake a specific capital project. Additionally, even if the Commission undertook all four of the enumerated projects, it is unlikely that the tasks required for those projects would generate enough work to justify a full-time employee in this position. Furthermore, allocation of most of the duties contained in the Capital Projects job description to a contracted architect limits the Commission's liability as it allows the commission to process a claim on the architect's insurance in instances of faulty design or construction. If the Commission's employee is responsible for ensuring that projects are accurately completed, then the Commission would also be liable for any of the employee's errors. Finally, several of the essential functions in the job description are already performed by other departments.

- 1) **Essential Function:** Serve as the County's liaison with design, architects, engineers, contractors, third party material testing, inspection firms, and other individuals who involved with county construction projects.
 - **Suggested Reallocation:** This function can be performed cooperatively by the Maintenance Director and the Chief County Engineer. For example, the Maintenance Director is currently overseeing the Court house renovation, which renovation is listed as one of the Commission's capital projects. If the Director of Maintenance has a question concerning Engineering, he consults with the County Engineer. However, the Director of Maintenance currently serves as the liaison with all individuals on the court house project. The Director of Maintenance has indicated that he can perform this function and already has been performing in this capacity on other projects.

- 2) **Essential Function:** Select and manage the quality and performance of general contractors and subcontractors, civil and geological engineers, architects and designers; develop and maintain a positive working relationship with contractors.
 - **Suggested Reallocation:** In the past, most of the Commission's contracts have included these functions within an architect's Scope of Work. Accordingly, an architect has managed general contractors, subcontractors, and engineers. This scope of work has been included in every contract that has been reviewed by counsel. If the Commission wishes for more oversight on a project, the Commission could expand the role of the architect in the contract to include additional site visits. The Commission can tailor the contract and the role of architect to each particular project. Additionally, the Director of Maintenance, in conjunction with the Chief County Engineer, can serve as a liaison with the architect charged with managing the project.

- 3) **Essential Function:** Create designs and estimates capital project budgets, create and maintain capital project budgets, performs cost estimates, and review and approve invoices and requests for payment for capital expenditures.
- **Suggested Reallocation:** The County Engineer already prepares such estimates and budgets for the bonding program. Accordingly, he could assist the Commission in providing an estimate for any potential project. Additionally, the architect in charge of the construction project typically reviews requests for payment. As such, this function can be performed by an architect acting in conjunction with the Maintenance Director, who is already performing such functions on other projects.
- 4) **Essential Function:** Monitor construction schedules, ensure for compliance with ordinances, regulations, permits, plans and specifications; provide progress reports to the County Commission.
- **Suggested Reallocation:** Again, this function is typically included in an architect's contract and can be performed in conjunction with the Maintenance Director.
- 5) **Essential Function:** Clearly communicate with builders, contractors, architects, and others to explain the and/or corrections to be made; answer questions regarding same.
- **Suggested Reallocation:** These duties have always been assigned to a contracted architect in past construction projects. Again, the Maintenance Director would serve as the Commission's liaison with the architect.
- 6) **Essential Function:** Maintain all documents related to construction projects, including but not limited to drawing, specifications, and correspondence.
- **Suggested Reallocation:** These duties are typically performed by an architect, and the Maintenance Director can maintain copies of drawings and specifications as he does for the projects he currently manages.
- 7) **Essential Function:** Reviews third party field inspection reports and verifies that all work is performed as required.
- **Suggested Reallocation:** Again, this is a duty that always been included in the Commission's contract with an Architect. An architect can continue to perform these functions on each specific project, or the Maintenance Director and County Engineer have indicated that they can work together to ensure that all required work is performed.

- 8) **Essential Function:** Review and process change orders for projects, ensures for compliance with budget and quality performance.
- **Suggested Reallocation:** The Maintenance Director has performed this duty in the past and has indicated that he, in conjunction with the Chief County Engineer, can review change orders. Additionally, an architect's contract can include this function.
- 9) **Essential Function:** Coordinate project, close out, and obtain Use and Occupancy Certificates, State Fire Marshall approval, and other necessary requirements; coordinate transition of the new facilities, including but not limited to installation of furnishing and equipment.
- **Suggested Transition:** Again, these functions are typically the responsibility of the various contractors with which the Commission contracts on a particular project. However, since these permits are typically processed in the Chief County Engineer's office, that position can coordinate obtaining the requisite permits with the individual contractor. Additionally, each department can coordinate their own transition to a new facility.
- 10) **Essential Function:** Assists the County Commission and other department heads with matters related to capital improvement projects such as: real estate overviews, planning and zoning ordinance re-writes, land development, site plan reviews, bonding pre-approval and releases, building inspection, building and real needs.
- **Suggested Reallocation:** Most of these functions can be performed by the Chief County Engineer if a contract for a particular project does not already allocate the duties to an Architect or other contractor. In addition, these duties are already included in the essential functions of the Chief County Engineer.
- 11) **Essential Function:** Plans the use of buildings, redesigns existing buildings for future use.
- **Suggested Reallocation:** This function can be performed by the Maintenance Director in conjunction with the staff in the Department of Engineering, which staff has experience in computer aided drafting. Additionally, the Commission could contract with a private firm to provide these services when they are needed.
- 12) **Essential Function:** Maintains all related records and documents.
- **Suggested Reallocation:** Project documents can be maintained by the Maintenance Director who will oversee the projects.

13) **Essential Function:** Assemble catalogs of equipment operation, maintenance, and warranty information.

- **Suggested Reallocation:** The Maintenance Director already performs this essential function.

<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: Potomac Headwaters RC&D

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: April 19, 2012

Date Requested – 2nd Choice: _____

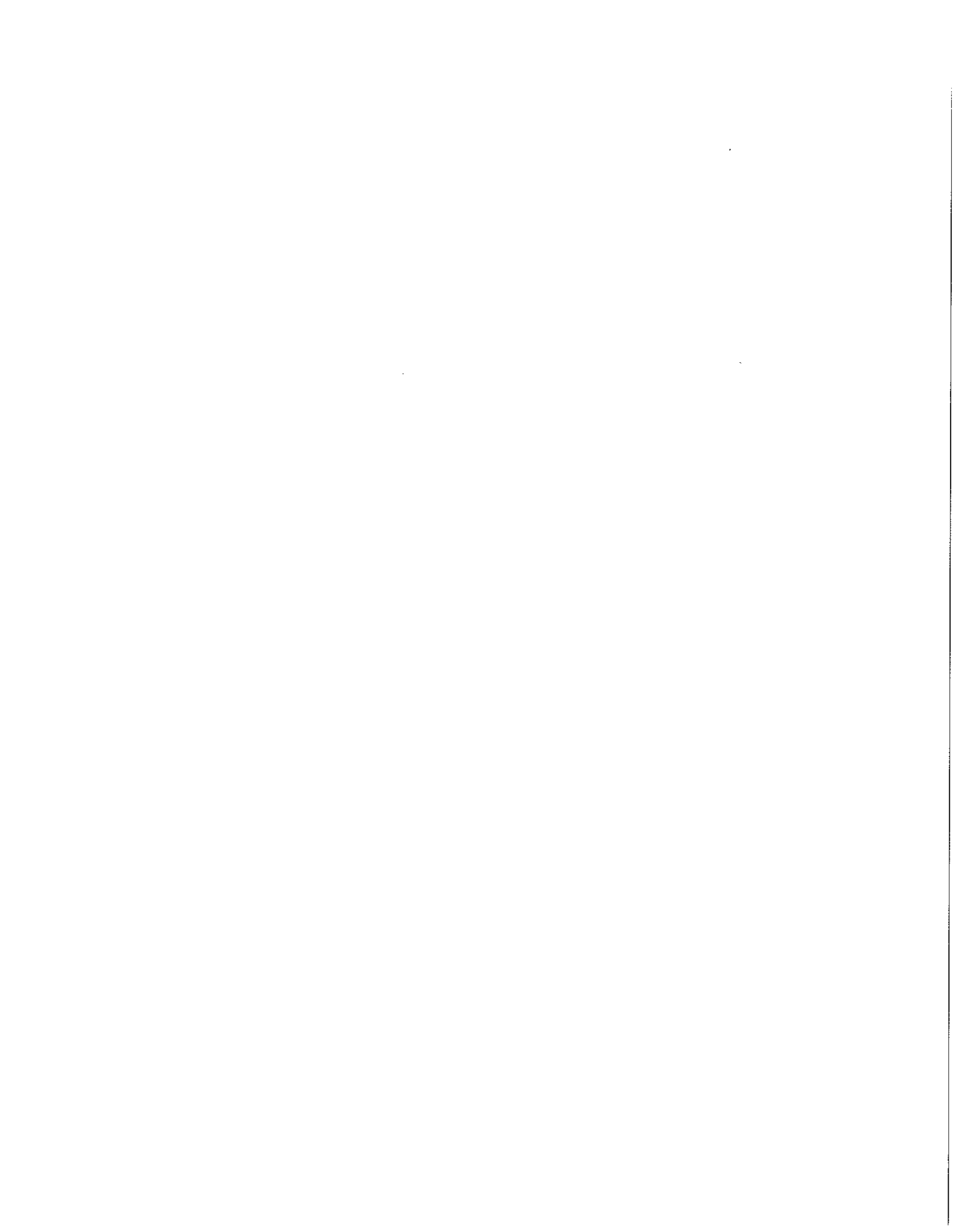
If a specific date is needed, please provide reason for specific date: **We would like to make our request as soon as possible. Thank you, Olga Adams, Council Administrator.**

Subject: **budget request**

Please provide the County Commission with a description of your request or presentation, including any background information: **We would like to make our annual report and request for funds for FY-2013.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The Potomac Headwaters RC&D recommends a motion that the Jefferson County Commission allocate a financial contribution of \$1,200 to the Potomac Headwaters RC&D to be used for administrative support.**

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: Victoria Slater-Madert

Department or Entity: Children's Home Society of WV

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

Date Requested – 1st Choice: April 12th, 2012

Date Requested – 2nd Choice: next available date

If a specific date is needed, please provide reason for specific date:
April 12th is needed because request for support is time-sensitive due to state grant requirement. Applications must be received at the Division of Justice and Community Services no later than 4:00pm on Friday, April 20, 2012.

Subject: **West Virginia Division of Justice and Community Services, Justice Assistance Grant proposal**

Please provide the County Commission with a description of your request or presentation, including any background information: All non-profits organizations must apply for Justice Assistance Grant through a city or county commission to be eligible for funding. This is a formal request to the Commission to serve as the "Applicant Agency" for the FY 2012-13 Justice Assistance Grant. Children's Home Society of West Virginia will serve as the "Project Director" and "Fiscal Officer". This is not a request for funding from the Commission. The applicant agency will be responsible for submitting requests for reimbursement as provided Children's Home Society of West Virginia and in turn pass reimbursement funds on to Children's Home Society of West Virginia.

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

Motion that the Jefferson County Commission serve as the applicant agency for the FY 2012-13 Justice Assistance Grant proposal to be submitted and managed by the Children's Home Society of West Virginia.

Attachments:

- West Virginia Justice Assistance Grant Program Application Form and corresponding attachments (requires original signature)
- WV Division of Justice and Community Services -Standard and Special Conditions and Assurances (requires original signature)
- WV Division of Justice and Community Services FY 2012 Grant Application Instruction Manual

FY 2012 West Virginia
Justice Assistance Grant Program
Application Forms



Applicant: Children's Home Society of West Virginia	FEIN Number: 55-0360199
--	--------------------------------

Budget Category	WV JAG Requested Funds (A)	Local (Match) Funds (B)	Total Budget (A + B)
Personnel/Contractual	\$9,931.00	\$3,310.00	\$13,241.00
Travel/Training	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00
Totals	\$9,931.00	\$3,310.00	\$13,241.00

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

Funding Strategy

Funding Source(s)	Amount	Status
JAG	\$9,931.00	A
Jefferson County Commission	\$3,310.00	A
Total	\$13,241.00	

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

Detailed Project Cost by Budget Category	Requested JAG Funds	Local Funds Utilized	Grant Funds Approved
<u>Personnel / Contractual:</u>			(DJCS Use Only)
Family & Community Advocate			
35% Salary	\$6,824.00	\$2,730.00	
35% Health Insurance	\$1,450.00	\$580.00	
Contractual Forensic Interviewer	\$1,657.00	\$0.00	
<u>Travel / Training:</u>			
<u>Equipment (\$1,000/unit):</u>			
<u>Other:</u>			
Total Requested JAG Funds	\$9,931.00		
Total Local Matching Funds		\$3,310.00	
Total Funds APPROVED for Project			(For DJCS Only)

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:

Salary -

Family and Consumer Advocate

Annual = \$27,295

Requested JAG 25% = \$6,824

Match JAG = \$2,730

Health Insurance - Carrier Rate

Family and Consumer Advocate

Annual = \$5,800

Requested JAG 25% = \$1,450

Match JAG = \$580

Contractual Forensic Interviewer-

Annual = \$1,657

Requested JAG = \$1,657

66.28 hours at \$25 per hour

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.

5A. Problem Statement: Child abuse, specifically child sexual abuse crimes, is a community problem in the Eastern Panhandle of West Virginia.

In the wake of the Penn State child sexual abuse scandal, communities across the nation are examining and expanding their efforts to report and respond to the social issue of child sexual abuse in a manner that protects children and families. The West Virginia Department of Health and Human Resources (WVDHHR) received 2945 reports of alleged child abuse in Berkeley, Jefferson, and Morgan Counties during 2011. Of the total 2945 reports made to WVDHHR during that timeframe, 1195 reports were accepted for further investigation, averaging approximately 100 new investigations per calendar month in 2011. Additionally, it is important to note that the total number of 2945 reports made to WVDHHR may not reflect a true count of all cases involving child sexual abuse victims in the Eastern Panhandle, particularly in cases that do not involve allegations against parents, guardians, or caretakers. While these cases result in criminal investigations involving law enforcement, many do not involve WVDHHR. In 2011, Safe Haven Child Advocacy Center (CAC) conducted 172 forensic interviews with alleged child victims of abuse.

Child abuse and neglect are unequivocally evident problems in the Eastern Panhandle. Recent publicity surrounding sexual abuse has highlighted the need for prevention efforts to address the issue; however, many people are unaware that support services for investigative agencies are dually needed to more adequately ensure accountability for current offenders and reduce opportunities for repeated victimizations within the community at large. Although most law enforcement agencies in the local area do have designated officers assigned to crimes against children, high caseloads often overextend those trained professionals between various investigations. Continually high turnover of Child Protective Services staff in the Eastern Panhandle results in a team comprised primarily of new and inexperienced workers. With this recurring influx of new workers and higher caseloads, overextended investigators are more likely to overlook issues that may prove vital to a child abuse case. This combination of 100+ monthly investigations, high caseloads, and inexperienced staff clearly illustrates the need for supportive services for investigative agencies in the Eastern Panhandle. Without support for these agencies and their staff, child abuse concerns can easily fall through the system's cracks despite everyone's good intentions. An increasing number of local child sexual abuse investigations has likewise increased the need for CAC-specific services, including high-quality and specialized forensic interviews, consistent case coordination, regular investigative team reviews, and thorough criminal justice case tracking. The

target populations to be served by this project include: multidisciplinary investigative team members (see page 7 of grant application –“Collaboration Participants”), alleged child victims of abuse, and non-offending caregivers.

As an ongoing project, Safe Haven staff conducts bi-annual surveys with county-based multidisciplinary investigative teams (MDITs) to highlight program strengths and weaknesses and to identify additional service needs. The last survey indicated that “the CAC program is very helpful for all professions to come together and discuss what is occurring in the community and the community benefits as a whole. MDIT participants have developed a strong rapport which is useful in day-to-day handling of child abuse cases” (MDIT Semi-Annual Report December 2011).

5B. Program Description and/or Solution to the Problem: Professionally-guided and highly-coordinated intervention efforts to address child abuse are a community responsibility and a solution to the problem.
Safe Haven began as a community endeavor in the Eastern Panhandle of West Virginia in March 2003. On February 1, 2010, Safe Haven Child Advocacy Center was awarded national recognition as an accredited member of the National Children's Alliance (NCA), the ninth program to achieve this status in the state of West Virginia. This level of NCA membership exemplifies the local community's commitment to providing quality investigation services for children and families in Jefferson, Berkeley, and Morgan Counties. The Safe Haven Child Advocacy Center (CAC) is a local, child-focused program that promotes a team response to the investigation, prosecution, and treatment of child abuse by providing a safe, child-friendly facility, a multidisciplinary team response, professional support, education, and advocacy services. Since the CAC program opened its doors six years ago this spring, the Center has doubled the number of children served per calendar year. In 2006, 75 children were served. That number has risen to 159 alleged child victims of sexual or severe physical abuse served in 2011. To date, the CAC program has served over 650 alleged child victims.

The Child Advocacy Center project is being proposed to assist local agencies in the Eastern Panhandle because research indicates this programming model allows increased access to professional and quality services for child abuse victims. The New Hampshire Crimes Against Children Research Center recently performed a "Multi-Site Evaluation of Children's Advocacy Centers Project," an evaluation study that reviewed the efficiency of the CAC model (Cross, Jones, Walsh, Simone, Kolko, Szczepanski, Lippert & Davison, Cryns, Sosnowski, Shadoin, Magnuson, 2008). This study found the following successes for CACs: "greater access of victims to medical exams, more involvement by law enforcement in sexual abuse investigations, and greater satisfaction by the non-offending caregiver with the investigation process" (Retrieved March 22, 2012 from <http://www.unh.edu/ccrc/centers/>).

The basic premise for the Child Advocacy Center model is to coordinate an MDIT approach to the investigation and treatment of child abuse, strengthening and streamlining our community's response to child abuse. According to the National Children's Advocacy Center (NCAC) "CACs are community-based programs designed to meet the unique needs of a community, so no two CACs look exactly alike. They share a core philosophy that child abuse is a multifaceted community problem and no single agency, individual or discipline has the necessary knowledge, skills or resources to serve the needs of all children and their families. They also share a belief that the combined wisdom and professional knowledge of professionals of different disciplines will result in a more complete understanding of case issues and the most effective, child and family-focused system response" .

Benefits touted by the NCAC include "more immediate follow-up to child abuse reports; more efficient medical and mental health referrals; reduction in the number of child interviews; increased successful prosecutions; and consistent support for child victims and their families".

Through case coordination and victim services, Safe Haven Child Advocacy Center will work to ensure that the investigation process does not further traumatize victims and that the process itself is more effective in addressing allegations of child abuse in the Eastern Panhandle.

Major activities necessary to implement the project: Safe Haven Child Advocacy Center has three full-time staff members, one part-time staff person, one contractual staff interviewer, and one part-time intern. Specific activities needed to implement the JAG-funded portion of the project include advocacy meetings with clients served at the CAC, documentation of all meetings with clients, implementation of a new Outcome Measurement System for future recognition of goal achievements with clients and MDIT members, and forensic interviewing services for law enforcement and Child Protective Services.

Over the last calendar year, Safe Haven has coordinated various training opportunities for local investigators, service providers and community members at large. Forensic interviewing peer review sessions were made available to all local interviewers. The Jefferson County Investigative Team presented their second annual panel training to West Virginia University medical students in January 2012. In addition, several MDIT members also participated in a "Forensic Photography Workshop" hosted by local Winchester Medical Center Forensic Nurse Examiner, Cyndi Leahy, RN, SANE-A, SANE-P. This spring, the Jefferson and Berkeley County MDIT's applied to participate in an "Advanced Multidisciplinary Investigative Team Training" in an effort to strengthen agency communications relating to child abuse investigations. These collaborative training events demonstrate the CAC program's notable achievements in sustaining a local commitment to multi-disciplinary response.

In April 2011, the Child Advocacy Center relocated to a new, permanent program site in Martinsburg. In addition to improving the program's visibility within the community, this move has increased future sustainability while reducing operating expenses for the program. A Grand Opening ceremony to celebrate this milestone took place on July 22, 2011.

5C. Project Assessment/Evaluation: Safe Haven Child Advocacy Center will assess results of the proposed project by implementing a new Outcome Measurement System (a pilot project developed by Child Advocacy Centers of Texas, Inc. and the National Children's Alliance) and by reporting output data and staff activities.

Data to be collected during the grant period will include client feedback, MDIT feedback, and staff activities. Client surveys, follow-up client surveys, MDIT surveys, and victim services provided during the project period will be collected using the tools discussed on page six of the grant proposal. The Family & Community Advocate, in partnership with the Child & Family Services Supervisor, will perform the project assessment. Results from the evaluation will be used to identify goal and outcome progress, improve service delivery, and guide future program development planning.

5D. Strategic Plan for Program

Safe Haven began as a community endeavor in the Eastern Panhandle of West Virginia in March 2002. A steering committee was formed out of a local child welfare collaborative called the Kids In Transition Collaborative. At that time, law enforcement and prosecution representatives were involved in the steering committee that established the CAC program. Local multidisciplinary investigative teams now serve as local boards, providing guidance and feedback for program development and operation. The goals of the multidisciplinary teams are to provide a consistent community response to all allegations of criminal child abuse, including safety, investigation, prosecution, support, and treatment. Information about child abuse allegations, investigations, charges, and any evidence collected will be shared among the team members in accordance with WV Code §49-5D-2d and relevant judicial rules. These teams meet on a monthly basis in each respective county, attendance is tracked at each meeting, and documentation of such meetings is maintained as property of the counties' Prosecuting Attorney's Offices. The MDITs function through the ongoing coordination efforts of the Child Advocacy Center project.

References:

Cross, T., Jones, L., Walsh, W., Simone, M., Kolko, D., Szczepanski, J., Lippert, T., & Davison, K., Cryns, A., Sosnowski, P., Shadoin, A., Magnuson, S., U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (2008). Evaluating children's advocacy centers' response to child sexual abuse (August Bulletin). Retrieved from Juvenile Justice Clearinghouse website:

<https://www.ncjrs.gov/pdffiles1/ojjdp/218530.pdf>

- 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.** (Specific, Measurable, Attainable, Results oriented and Time 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:	1	To facilitate healing for child victims of abuse and non-offending caregivers through coordinated Child Advocacy Center services
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Objective Number: 1 The CAC staff will provide satisfactory (2.5 average score) initial support services to all children and families served by the project and complete the the initial visit caregiver survey.

Outcome Measure: Initial visit client survey instrument attached will measure the achievement of objective 1, under goal 1. All caretakers will receive the optional survey; scores will be averaged and data will be generated twice during the grant period, bi-annually. Results of this data will be shared with the West Virginia Child Advocacy Network and the Division of Justice and Community Services.

Activities to meet objective:

Timeline for each activity:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Meet and provide support and information services with non-offending caregivers during initial visit to the child advocacy center 2. Track all initial contacts made with non-offending caregivers 3. Distribute initial visit client survey to all clients 4. Oversee the implementation of the child and caregiver aspect of the new WVCAN Outcome Measurement System. | <ol style="list-style-type: none"> 1. Daily 2. Weekly 3. Daily 4. Monthly |
|--|---|

Objective Number: _____

Goal Number:	2	To provide a professional, fully-functioning interview facility utilizing the multi-disciplinary team approach to investigations of child abuse that focuses on the needs of the child and family.
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Objective Number: 1 The CAC staff will provide satisfactory (2.5 average score) investigation coordination services in local child abuse investigations for all MDIT's served by the project and complete the Multidisciplinary Team Survey bi-annually.

Outcome Measure: Multidisciplinary Team Survey instrument attached will measure the achievement of objective 1, under goal 2. All MDIT members will receive the optional survey; scores will be averaged and data will be generated twice during the grant period, bi-annually. Results of this data will be shared with the West Virginia Child Advocacy Network and the Division of Justice and Community Services.

Activities to meet objective: Timeline for each activity:

- | | |
|---|----------------|
| 1. The CAC will provide forensic interview services that are developmentally appropriate for all victims of abuse, regardless of any special needs that affect the child or non-offending caregiver | 1. Daily |
| 2. The CAC staff will coordinate multidisciplinary investigative team meetings in each respective county served by the project | 2. Monthly |
| 3. The CAC will distribute multidisciplinary Team Surveys to all team members and report the data to JAG. | 3. Bi-annually |
| 4. | 4. |

Objective Number: _____

Outcome Measure:

Activities to meet objective: Timeline for each activity:

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

Provide a membership list of the all parties collaborating on this project, including name, title, agency affiliation, mailing address, telephone number, fax number, and email address for each member. *Letters of commitment or MOU's from each board member, reflecting their understanding of the requirements of the Collaboration will not be required but is encouraged for this grant application.*

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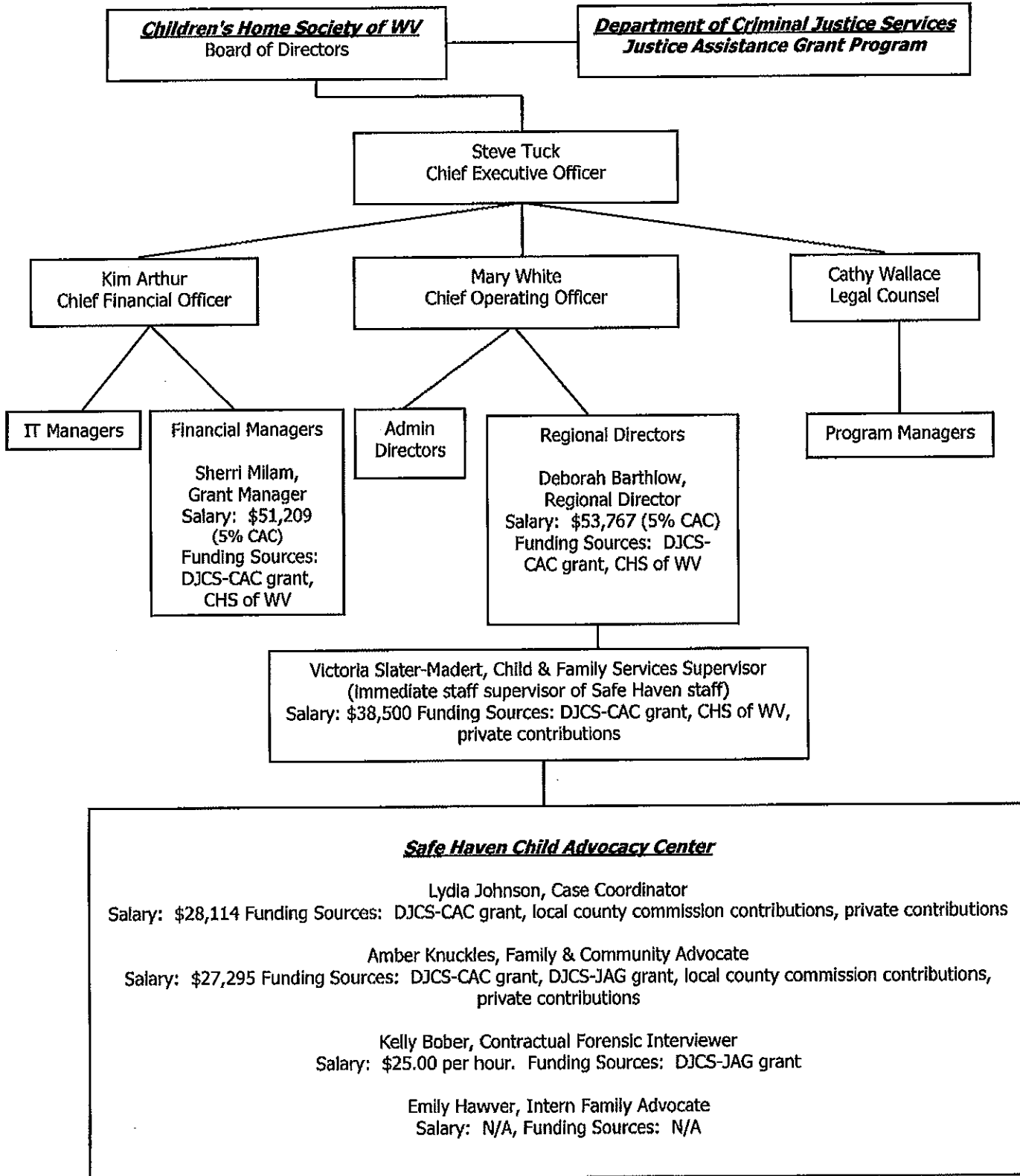
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Please use this page to provide (or attach a copy of) the program's organizational chart which includes the proposed funded positions for this project. Please list all staff members, position titles, salaries, and funding source for salaries.

Please see attached copy of the program's organizational chart which includes the proposed funded positions for this project.

**The Children's Home Society of West Virginia
Proposed Organizational Chart**



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, please include a resume for each position filled.

Children's Home Society of West Virginia
Employee Handbook
Section 2 Human Resource Policies
Topic 2.4 Hiring

A vacancy of a Society's Regular Employee position may be publicly advertised. If current employees of the Society, including temporary employees, are being considered for the position, the Society may decide not to publicly advertise.

The Society will post all vacancies in Regular Employee positions at all Society sites. The posting of the vacancy will allow at a minimum ten (10) calendar days from the date of the announcement for interested individuals to apply for the position.

The Society may advertise temporary employment opportunities. All temporary employment opportunities that are advertised will be advertised at all Society sites. The advertisement for a temporary position has no minimum time period posting requirement. Interested individuals may apply for temporary employment at any time.

All applicants are required to submit a completed Employee Application Form. Employment interviews with applicants will continue until the right person for the job is found. One or more applicants may be selected for an employment interview. When interviews do not provide a satisfactory candidate the position may be advertised again until the right person is found for the position.

The Chief Executive Officer will issue a letter stipulating the various conditions of employment to the applicant.

No employee will be placed in a position in which a relative by blood, adoption, or marriage is the assigned supervisor of the employee.

All internal and public advertisements of employment opportunities, salaried and temporary, will contain the "Equal Opportunity Employment" pronouncement (EOE) at the end of each advertisement.

An administrative file for all job advertisements posted will be maintained at each Society site. This administrative file will contain all job advertisements, internal and public, made by the site and those received by the site. Advertisements will be maintained for a three-year period, which begins at the closing date of each advertisement.

Please see attached job descriptions, qualifications for the positions proposed under this grant and resumes for filled positions.



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Family & Community Advocate
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

Page 1

AGENCY GOAL:

To provide a variety of high quality child welfare services to children and families throughout West Virginia.

POSITION GOAL:

To provide initial and ongoing support and advocacy services to child victims and non-offending family members served at the CAC. Working to foster a best-practice approach to service provision, the family & community advocate will contribute to the development and growth of child abuse prevention and intervention initiatives within the community.

ESSENTIAL FUNCTIONS:

- Develop basic knowledge of child abuse, particularly child sexual abuse and physical abuse.
- Provide greeting and orientation for children and families visiting the CAC.
- Conduct Family Needs Assessments during the investigative process or upon referral and make all necessary referrals or work with the referring agency to facilitate needed services.
- Provide ongoing support to victim(s) and any non-offending family members during medical and counseling appointments.
- Provide court preparation services to victim(s) and any non-offending family members with the assistance of local county-based victim advocate offices.
- Maintain and updates case files, case lists, video logbook and database.
- Form supportive relationships with victims and their non-offending family members to enhance the investigative and follow-up services.
- Follow-up as to the appropriateness of referrals and the family's ability to benefit from services.



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Family & Community Advocate

DATE ISSUED:

PROGRAM & LOCATION: Safe Haven Child Advocacy Center

Page 2

- Be accessible to victims and their non-offending families to answer questions about all available services.
- Consult with members of the multidisciplinary teams as requested
- Coordinate specialized child sexual and physical abuse prevention training and educational programs for all agencies participating in the Center.
- Compiles literature and other resource materials regarding child abuse and makes these resources available to the public.
- Continues to inform the community about and promote awareness of the CAC.
- Attends local, state, and national training on child sexual abuse and physical abuse when available and practical.
- Completes all reporting requirements for current grants.
- Communicating with other service providers.
- Monitoring receipt of services.
- Attending staff meetings.
- Attending appropriate internal and external staff development activities.
- Participating in appropriate meetings to explore gaps in services to children and families.
- Working cooperatively with others to meet program and agency objectives.
- Enforcing confidentiality policies.
- Funding raising and developing community resources to help meet the agency's financial and other needs.
- Meeting with supervisor on an individual basis regarding work performance and other personnel issues.
- Completing on schedule all personnel related paperwork, including but not limited to: Time Sheets, Expense Accounts, and Annual Leave Statements.
- Completing and submitting all mandatory monthly reports to your supervisor.
- Ensure that all activities, services, and programs are conducted in a manner that is sensitive to and shows respect for the culture and ethnicity of the families and children the agency serves.
- Comply with professional standards as specified in the NASW Code of Ethics, which includes enforcing confidentiality policies, advocating for



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Family & Community Advocate
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

Page 3

the rights of the families and children the agency serves, having the conviction about the capacity of people to grow and change, and having the ability to forge mutually respectful partnership with children and their families, and to set limits and maintain the helping role.

- Understand and support the values of family-centered services which include: committing to family stability, development of skill in assessing risk to children to ensure safety, and working with children and families who may not want the service.
- Knowledge of and adherence to all agency policies and procedures and all applicable laws.
- Participating in public relations activities.
- Other duties as assigned by your supervisor.

CLASSIFICATION:

Exempt; Grant-funded position

WORK HOURS:

Expected number of work hours per week: 40

SUPERVISION:

Primary Supervisor:

Regional Director

Others:

Program Coordinator

EDUCATIONAL REQUIREMENTS:



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Family & Community Advocate
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

Page 4

Bachelor's Degree in human services field; Bachelor's of Social Work preferred

WORK EXPERIENCE REQUIREMENTS:

1. Demonstrated ability to work with individuals, groups and families.

And demonstrated ability in the following areas:

2. Exceptional communication skills
3. Knowledge of child welfare issues
4. Professional written and oral communication skills
5. Problem solving skills

OTHER REQUIREMENTS:

- Maintain current social work license.
- Valid West Virginia Driver's License.
- An available automobile.
- Automobile insurance coverage as currently required by the agency.
- Clear Criminal Identification Bureau check.
- All training required by the agency.
- The ability to travel throughout the State and work flexible hours.
- An annual physical examination.
- An annual TB screening.

WORKING ENVIRONMENT:

Environmental Exposure:

May be exposed to infections and contagious disease

May be exposed to unpleasant elements (accidents, injuries and illnesses)

Working Conditions:



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Family & Community Advocate
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

Page 5

Subject to many interruptions
Subjected to irregular hours
Workload pressure due to multiple calls and inquires.

PHYSICAL DEMANDS: Using the percentage range as listed:

0% = Never 1 – 33% = Occasional 34-66% = Frequent 67-100% = Continuous

Requires full range of body motion including:

- A. **Sitting:** Frequent. Worker is sitting frequently during the day to perform job functions, as well as to facilitate the employment process and to communicate benefits information.
- B. **Bending/Squatting:** Frequent.
- C. **Climb Height of 2 Feet/Reaching Above Shoulder Level:** Occasional.
- D. **Crouch/Kneel:** Occasional
- E. **Push/Pull:** Occasional.
- F. **Verbal Communication:** Continuous. Employee utilizes verbal communication when answering the telephone, interacting with clients and families.
- G. **Written Communication:** Continuous. Employee responsible for communicating to staff, completing forms, reports, documentation.
- H. **Hearing Ordinary Conversation:** Continuous. Worker must be able to hear ordinary conversation most of the workday in dealing with general public, employees and telephone conversation.
- I. **Hearing High Pitched or low Pitched Sounds:** Frequent.
- J. **Seeing with Near Acuity, Far Acuity, Accommodation, Full Field of Vision, Distinguishing Colors, and Depth Perception:** Frequent.
- K. **Coordination for Repetitive Action of Left/Right Foot Controls:** Never
- L. **Coordination for Repetitive Action in Simple Grasping Left/Right:** Continuous.
- M. **Firm Grasping:** Occasional.
- N. **Fine Manipulating:** Frequent.
- O. **Lifting/Carrying:** Occasional.

JOB LOCATION: Martinsburg, WV



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Family & Community Advocate
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

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Site Location. Some floor surfaces are carpet, hardwood or tile. Frequently requires working under stressful conditions, handling of varied personalities of the clients and employees. Job requires the employee to be able to handle diverse tasks simultaneously.

The information contained herein is meant as a basic guide for this position and is not to be construed as including every task inherent in this position. Employees are subject to reassignment of duties not specifically covered in their position description as determined by their manager/supervisor.

E. O. E.

APPROVALS:

Director/Supervisor

_____/_____/_____

I HAVE READ AND FULLY UNDERSTAND MY JOB DESCRIPTION.

Intern

_____/_____/_____

Amber R. Knuckles
(304) 596-2022
aknuckles@childhswv.org

EDUCATION:

Bachelor of Social Work
Shepherd University, Shepherdstown, WV

May 2011

LICENSURE AND CREDENTIALS:

Darkness to Light Authorized Facilitator
October 2011 to Present

Currently pursuing BSW level West Virginia state license

EMPLOYMENT:

Family and Community Advocate, Children's Home Society of West Virginia, Safe Haven
Child Advocacy Center, Martinsburg, WV
September 2012 to Present

Meet with non offending caregivers of physically and sexually abused children during forensic interviews. Provide families with education, referrals, and ongoing support. Facilitate a support group for non offending caregivers. Participate in Multi-Disciplinary case review. Provide child sexual abuse preventative education to the Eastern Panhandle communities.

EXPERIENCE:

Victim Advocate Intern, Jefferson County Prosecuting Attorney's Office, Charles Town, WV
August 2010 to June 2011

Met with and carried a caseload of victims of criminal acts. Advocated for victim's wishes to prosecutors, law enforcement officials, magistrates, and judges. Attended hearings on behalf of victims. Brokered services to victims. Counseled victims who are in emotional distress. Maintained a detailed database concerning each case. Conducted follow-up with clients once the case had come to a resolution.

Domestic Violence Shelter Intern, Citizens Assisting and Sheltering the Abused (CASA Inc.),
Hagerstown, MD

February 2008 to May 2008

Attended Multidisciplinary Team Meetings concerning specified clients. Worked in the shelter office after hours to assist the residents in attaining medication, food, toiletries, access to parts of the shelter. Observed case management and client files. Attended and assisted in the Abuser Intervention Program groups.

PROFESSIONAL MEMBERSHIPS AND AFFILIATIONS:

National Association of Social Work

March 2011 to Present

Social Work Advisory Board Member, Shepherd University, Shepherdstown, WV

May 2010 to May 2011

Met with university faculty, social workers, and professionals of other disciplines to discuss the Shepherd University Social Work Program's curriculum, policies, position, and impact on the surrounding communities.



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Forensic Interviewer
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

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AGENCY GOAL:

To provide a variety of high quality child welfare services to children and families throughout West Virginia.

POSITION GOAL:

To develop and provide forensic interview services for children and adolescents from 3 to 18 years of age who are alleged victims of physical and/or sexual abuse using research based interview protocols and techniques in a developmentally appropriate manner.

ESSENTIAL FUNCTIONS:

- Develop basic knowledge of child abuse, particularly child sexual abuse and physical abuse.
- Conduct forensic interviews of alleged child/adolescent abuse victims, as requested, on behalf of the Child Advocacy Center or multidisciplinary team.
- Provide written documentation pertaining to interviews conducted for case review purposes.
- Testify in civil and criminal court proceedings, as appropriate or requested, on the interview process and technique as well as on specific interviews in individual cases.
- Coordinate on-site trainings regarding interview protocols, peer review and child development levels as it relates to forensic interviewing.
- Consult with members of the multidisciplinary teams as requested.
- Communicating with other service providers.
- Attending staff meetings.
- Attending regional peer review meetings as required by supervisor.
- Attending appropriate internal and external staff development activities.
- Participating in appropriate meetings to explore gaps in services to children and families.



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Forensic Interviewer
DATE ISSUED:
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- Working cooperatively with others to meet program and agency objectives.
- Enforcing confidentiality policies.
- Meeting with supervisor on an individual basis regarding work performance and other personnel issues.
- Completing on schedule all personnel related paperwork, including but not limited to: Time Sheets and Expense Accounts.
- Completing and submitting all mandatory monthly reports to your supervisor.
- Ensure that all activities and services are conducted in a manner that is sensitive to and shows respect for the culture and ethnicity of the families and children the agency serves.
- Comply with professional standards as specified in the NASW Code of Ethics, which includes enforcing confidentiality policies, advocating for the rights of the families and children the agency serves, having the conviction about the capacity of people to grow and change, and having the ability to forge mutually respectful partnership with children and their families, and to set limits and maintain the helping role.
- Understand and support the values of family-centered services which include: committing to family stability, development of skill in assessing risk to children to ensure safety, and working with children and families who may not want the service.
- Knowledge of and adherence to all agency policies and procedures and all applicable laws.
- Other duties as assigned by your supervisor.

CLASSIFICATION:

Exempt
Temporary

WORK HOURS:



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Forensic Interviewer
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Expected number of work hours per week: 8

SUPERVISION:

Primary Supervisor:

Regional Director

Others:

Program Coordinator

EDUCATIONAL REQUIREMENTS:

Bachelor's Degree in human services field;

WORK EXPERIENCE REQUIREMENTS:

1. Demonstrated ability to work with individuals, groups and families.

And demonstrated ability in the following areas:

2. Exceptional communication skills
3. Knowledge of child welfare issues
4. Professional written and oral communication skills
5. Problem solving skills

Preferred Requirements:

1. Knowledge of the multidisciplinary team approach to investigation of child abuse and neglect victims and families
2. Experience conducting forensic interviews according to the standards of the National Children's Advocacy Center or other national training organizations
3. Knowledge of child development



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

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OTHER REQUIREMENTS:

- Maintain current social work license (if licensed).
- Valid West Virginia Driver's License.
- An available automobile.
- Automobile insurance coverage as currently required by the agency.
- Clear Criminal Identification Bureau check.
- All training required by the agency.
- The ability to travel throughout the State and work flexible hours.
- An annual physical examination.
- An annual TB screening.

WORKING ENVIRONMENT:

Environmental Exposure:

May be exposed to infections and contagious disease
May be exposed to unpleasant elements (accidents, injuries and illnesses)

Working Conditions:

Subject to many interruptions
Subjected to irregular hours
Workload pressure due to multiple calls and inquires.

PHYSICAL DEMANDS: Using the percentage range as listed:

0% = Never 1 – 33% = Occasional 34-66% = Frequent 67-100% = Continuous

Requires full range of body motion including:

- A. **Sitting:** Frequent. Worker is sitting frequently during the day to perform job functions, as well as to facilitate the employment process and to communicate benefits information.



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Forensic Interviewer
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- B. **Bending/Squatting:** Frequent.
- C. **Climb Height of 2 Feet/Reaching Above Shoulder Level:** Occasional.
- D. **Crouch/Kneel:** Occasional
- E. **Push/Pull:** Occasional.
- F. **Verbal Communication:** Continuous. Employee utilizes verbal communication when answering the telephone, interacting with clients and families.
- G. **Written Communication:** Continuous. Employee responsible for communicating to staff, completing forms, reports, documentation.
- H. **Hearing Ordinary Conversation:** Continuous. Worker must be able to hear ordinary conversation most of the workday in dealing with general public, employees and telephone conversation.
- I. **Hearing High Pitched or low Pitched Sounds:** Frequent.
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JOB LOCATION:

Site Location. Some floor surfaces are carpet, hardwood or tile. Frequently requires working under stressful conditions, handling of varied personalities of the clients and employees. Job requires the employee to be able to handle diverse tasks simultaneously.

The information contained herein is meant as a basic guide for this position and is not to be construed as including every task inherent in this position. Employees are subject to reassignment of duties not specifically covered in their position description as determined by their manager/supervisor.



CHILDREN'S HOME SOCIETY OF WEST VIRGINIA

JOB TITLE: Forensic Interviewer
DATE ISSUED:
PROGRAM & LOCATION: Safe Haven Child Advocacy Center

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E. O. E.

APPROVALS:

_____/_____/_____
Director/Supervisor

I HAVE READ AND FULLY UNDERSTAND MY JOB DESCRIPTION.

_____/_____/_____
Employee

Curriculum Vitae

Kelly Ann Bober
Executive Director
Winchester Frederick County
Child Advocacy Center

Education

1992 The College of Saint Rose
 Albany, NY
 Bachelor of Science in Social Work

Professional Appointments

Competency Examination Taskforce

National Association of Certified Child Forensic Interviewers

Selected as a subject matter expert in Forensic Interviewing to assist with the development of the standards, criteria and competency examination that will be used to evaluate forensic interviewers.

Secretary of Board

National Association of Certified Child Forensic Interviewers

Appointed to serve on the executive board of NACCFI which is a developing program that is working to establish standards of best practice and a nationally accredited certification process for forensic interviewers.

Child First Virginia Faculty

Appointed as state faculty by Virginia Department of Criminal Justice Services (DCJS) to teach the NCPTC and Corner House Forensic Interviewing course to investigative teams in Virginia. (2004-present)

Navy Mid-Atlantic RCSART Member (2004-2007)

Appointed to serve on the Navy Mid-Atlantic RCSART as an expert child interviewer and child abuse consultant.

Specialized Trainings

*Forensic Interview Training focuses on providing legally sound interviewing practices with children in a developmentally sensitive format. Most interview trainings typically include a curriculum of:

- Dynamics of Child Sexual Abuse
- Principles of Forensic Interviewing
- Forensic Linguistics and question typologies.
- Child Development
- Delayed disclosure and Recantation
- Recognizing and addressing obstacles during interviews
- Interview Techniques
- Use of Tools During Interviews

- Cultural Sensitivity and Competence
- Stages/Process of Disclosures
- Memory and suggestibility

Most interview trainings include lectures, research review, demonstrations, videotape clip reviews, student practicum with actors, peer review, and written examinations.

October 5-9, 2009	Forensic Interviewer Training Childhood Trust Cincinnati, Ohio
May 4-7, 2009	When Words Matter-Emerging Issues in Forensic Interviewing National Child Protection Training Center, CornerHouse St Louis, Missouri
December 4-8, 2006	Child Forensic Interview Clinic APSAC (American Professional Society on the Abuse of Children) Portsmouth, VA
March 6-9, 2006	Beyond Finding Words-Emerging Issues in Forensic Interviewing National Child Protection Training Center, CornerHouse And American Prosecutors Research Institute (APRI) Tunica, Mississippi
November 15-19, 2004	Finding Words APRI & National Child Protection Training Center Winona, Minnesota
May 18-21, 2004	Advanced Forensic Interviewing Training National Children's Advocacy Center Academy (NCAC) Huntsville, Alabama
March 15-16, 2004	Navy Regional Child Sexual Abuse Response Team Training (RCSART)
May 29-June 1, 2002	10th Annual APSAC Colloquium Forensic Interviewing Track New Orleans, Louisiana
November 14, 2001	Forensic Interviewing of Children in Sexual Abuse Evaluations-Advanced Techniques Eastern Area Health Education Center Greenville, North Carolina

September 18-21, 2000

Investigative Interview Training Course
First Witness Child Abuse Resource Center
Duluth, Minnesota

Professional Experience

April 2008-present The Winchester Frederick County Child Advocacy Center
Winchester, Virginia

Executive Director

- Responsible for program development and management including policies, procedures, fiscal management, grant writing, fundraising, and community education
- Coordinate and facilitate Multi-disciplinary teams of professionals that meet monthly for case review
- Conduct Forensic Interviews on suspected child abuse victims and witnesses
- Coordinate therapeutic services for child victims
- Provide expert consultative services and court testimony
- Provide education for community groups and colleagues regarding interviewing techniques and best practice standards.

March 1998-2008 The Children's Hospital of The King's Daughters
Child Abuse Program (CAP)
Norfolk, Virginia

September 2000-March 2008 **Lead Forensic Interviewer**

- Interviewed alleged child victims in investigations of suspected physical abuse, sexual abuse, and/or neglect and possible witnesses to violent crimes and alleged child abuse.
- Provided over 2000 videotaped forensic interviews for investigative agencies such as Police, Child Protective Services, FBI , Naval & Army Criminal Investigative Services and prosecutors.
- Gathered information from the alleged child victim/witness using objective, non-suggestive interview techniques.
- Assessed the need for additional services for children interviewed.
- Provided education regarding interviewing techniques and best practice standards.
- Developed CAP policies regarding interviews.
- Provided expert testimony and consultations as needed.

- Facilitated and participated in Peer Review and provided supervision for interviewers.
- Acted as a consultant to newly developing CAC's and newly trained Forensic Interviewers.
- Sat as a Team Member on the Multi-Disciplinary Teams.
- Maintained database for CAP. Compiled statistical reports for grants, budgets, quality assurance.

March 1998-August 2003 **Case Manager**

- Coordinated and facilitated services for children who are suspected to have suffered abuse and/or neglect
- Coordinated Parenting Capacity Evaluations in cases where the parents' ability to protect and adequately care for their children were in question
- Performed in depth assessments to evaluate the need for services and developed a plan to access the most appropriate services, and to handle crises as they arose.
- Collaborated with clinical staff, local DSS agencies, police departments, City and Commonwealth Attorney Offices to ensure clients received necessary services and interventions.
- Facilitated and coordinated Multidisciplinary Team meetings.
- Co-facilitated the parents' group component of the Norfolk Kids In Court Program.
- Co-facilitated a latency age skill building group for children.
- Coordinated and edited the quarterly newsletter

1995-1998- CHIP of Chesapeake
Chesapeake, VA.

Outreach Specialist

- Assessed high risk families and worked with them to develop Family Needs Assessment Plans.
- Made home visits to address needs, work towards meeting the goals on service plan and provide crisis intervention.
- Performed developmental screenings on children to assess age appropriate skills and made referrals for any specialized services needed.
- Acted as an advocate by accessing services in behalf of clients while promoting self sufficiency through modeling behaviors and educating clients on how to access services themselves.
- Facilitated parenting groups to educate parents about health, child development, nutrition, safety and effective parenting techniques.
- Taught in-home parenting classes for clients who needed one on one instruction.

1994 Charleston Interfaith Crisis Ministry (Homeless Shelter),
Charleston, SC

Day Shelter Assistant

- Assisted in the operation of the women's and children's shelter
- Performed intake interviews, assessed family needs and provided information and referrals to clients
- Supervised volunteers and residents of the shelter
- Assisted in the planning and development of programming and volunteer projects

Internships

1991-1992

Kenwood Child Development Center, Albany, New York

- Provided case management services for families with children enrolled in a preschool special education program
- Made home visits to address the educational, medical, social and emotional needs of students
- Co-facilitated a support group for parents
- Worked with a team of teachers, social workers, physical and occupational therapists and psychologists to develop and implement Individual Educational Plans (IEP's)

1990-1991

Jewish Family Services, Albany, New York

- Made home visits to homebound elderly clients
- Helped coordinate transportation services for elderly
- Accompanied fragile clients while out in the community

Presentations Given

- Bi-annually since 2006
Finding Words Virginia-Forensic Interviewing Course
Hosted by NCPTC and DCJS
- November 2009
The Role of The Forensic Nurse in Interviewing Children as Part of a Criminal Investigation
Presented at the Virginia Chapter of The International Association of Forensic Nurses Training
Winchester, VA.
- October 2009
Interviewing Children With Disabilities
Presented at the Improving Investigation and Prosecution of Child Abuse sponsored by DCJS
Virginia Beach, VA
- March 2009
Interviewing Children (Child Abuse Track)
Presented at the 2009 Spring Institute for Commonwealth Attorney's
At the Norfolk Marriott Waterside
Hosted by The Commonwealth's Attorneys' Service Council
- July 2008
What Judges Should Know About Interviewing Children in Child Maltreatment Cases
Presented at 71st Annual Judges Conference
At the Norfolk Marriott Waterside
Hosted by National Council of Juvenile and Family Court Judges and the Supreme Court of Virginia
- October 2007
Forensic Interviewing Current Trends and Best Practices
Presented at the 16th District Court Services Best Practices Training
Hosted by 16th District Court Services Unit
In Culpepper, Virginia
- Quarterly from 2002-2007
First Responders-Responding to cases of Child Abuse and Domestic Violence: When Children Are Involved
Presented for The US Navy-Base Police Recruits
At Naval Amphibious Base, Virginia Beach, Virginia
- April 29-30 2004
Assessing Language Skills and Obstacles When Interviewing Children
Presented at the First In Response to Sexual Trauma
Hosted By High Point Regional Medical Center High Point, NC
- Forensic Interviewing As A Multidisciplinary Team Approach: An overview*
Presented at the First In Response to Sexual Trauma
Hosted By High Point Regional Medical Center
High Point, NC

- May 15, 2003 and November 13, 2003 ***Extended Forensic Evaluations in Child Abuse Cases***
 Co-presented at the Improving Investigation and Prosecution of Child Abuse
 Hosted by Virginia Department of Criminal Justice Services
 Richmond and Williamsburg, Virginia
- September 9, 2003 ***Assessing Language Skills and Obstacles When Interviewing Children***
 Presented at the Pediatric Forensic Nurse Examiners Certification Training
 Hosted By Children's Hospital of The King's Daughters
Forensic Interviewing As A Multidisciplinary Team Approach: An overview
 Presented at the Pediatric Forensic Nurse Examiners Certification Training Hosted By Children's Hospital of The King's Daughters Norfolk, Virginia
- October 25, 2001 ***Forensic Interviews: An Overview of the Purpose and Process***
 Co-presented at the 18th Annual Professional Conference hosted by CCOYS and NICOSTY, Chesapeake, Virginia
- December 09 and December 21, 1999 ***Family Mediator Training: Recognition of child abuse and neglect***
 Co-presented to Trainees of the Family Mediation Training Course at The Dispute Settlement Center, Norfolk, Virginia
- November 10, 1999 ***Child Abuse and Neglect-Issues of Identification, Reporting, Roles and Boundaries***
 Co-presented to employees of Hampton Roads Boys and Girls Club, Norfolk, Virginia
- September 07, 1999 ***Recognizing the Signs and Symptomatology of Child Abuse and Mandating Reporting***
 Co-Presented to STOP Organization/Head Start Wrap Around Staff, Norfolk, Virginia
- August 20, 1999 ***The Impact of Family Violence: Children as Primary and Secondary Victims***
 Co-Presented at the 5th Annual Family Violence Conference sponsored by The Norfolk Family Violence Alliance and People Against Violent Environments, Norfolk, Virginia
- June 08, 1999 ***Child Abuse and Shaken Baby Syndrome***
 Presented to participants in the US Navy Pregnancy Awareness Class, Virginia Beach, Virginia

Trainings Attended

October 5-9, 2009	<i>Forensic Interviewer Training</i> Childhood Trust Cincinnati, Ohio
May 13-15, 2009	<i>Reconnecting to the Mission...Growing Our Capacity to Serve Children Collaboratively</i> Virginia State CAC Chapter Training Salem, Virginia
May 4-7, 2009	<i>When Words Matter-Emerging Issues in Forensic Interviewing</i> National Child Protection Training Center, CornerHouse St Louis, Missouri
August 23-24, 2007	<i>Through A Child's Eyes: Use of Closed-Circuit Testimony and Recorded Statements of Children</i> Virginia Department of Criminal Justice Services and US Department of Justice Arlington, Virginia
December 4-8, 2006	<i>Child Forensic Interview Clinic</i> APSAC (American Professional Society on the Abuse of Children) Portsmouth, VA
March 2006	<i>Beyond Finding Words-Emerging Issues in Forensic Interviewing</i> National Child Protection Training Center Cornerhouse American Prosecutors Research Institute Tunica, Mississippi
November 2004	<i>Finding Words</i> American Prosecutors Research Institute National Child Protection Training Center Winona, Minnesota
May 2004	<i>Advanced Forensic Interviewing Training</i> National Children's Advocacy Center Academy Huntsville, Alabama
March 2004	<i>Navy Regional Child Sexual Abuse Response Team Training</i>

Presented by The Navy Family Advocacy Program
and Armed Forces Center for Child Protection
Huntsville, Alabama

March 2004

***The Twentieth National Symposium on Child
Sexual Abuse***

Huntsville, Alabama

Special Breakout Sessions included:

- Investigating Child Sexual Abuse Cases
Involving Non-Disclosing Children
Presented by Dennison Reed, Psy.D.
- The Coached Child: Identification and
Intervention
Presented by Allison DeFelice, Ph.D.
- Workshop for Forensic Professionals
Presented by Anne Graffam Walker, Ph.D.
- The Use of Tools and Other Media in Forensic
Interviews
Presented by Kathleen Coulborn Faller, Ph.D.,
ACSW
- Assessing Allegations of Child Abuse with
Children 18-36 Months of Age
Presented by Sandra Hewitt, Ph.D.

May 2002

***10th Annual APSAC (American Professional Society on
the Abuse of Children) Colloquium***

Forensic Interviewing Track New Orleans, Louisiana

November 14, 2001

***Forensic Interviewing of Children in Sexual
Abuse Evaluations-Advanced Techniques***

Eastern Area Health Education Center
Greenville, North Carolina

October 25, 2001

Self Destructive Behaviors in Children and Adolescents

Presented by Joan Duhaime at the 18th Annual
Professional Conference, Chesapeake, Virginia

September 18-22, 2000

Investigative Interview Training Course

First Witness Child Abuse Resource Center
Duluth, Minnesota

April 07, 2000

***CHKD Second Annual Conference on Child Abuse:
Child Abuse Recognition, Treatment and Prosecution,
Successful Collaboration for Children, Chesapeake,
Virginia***

March 07-10, 2000

***The Sixteenth National Symposium on Child Sexual
Abuse, Huntsville Alabama***

- October 06, 1999 ***Recognizing Child Abuse***
Teleconference presentation by Douglas Besharov
- June 30, 1999 ***Intervening with Non-Offending Parents***
Teleconference presentation by
Melissa McDermott, ACSW, CCSW
- June 23, 1999 ***Fatal Child Abuse and Sudden Infant Death
Syndrome: A Critical Diagnostic Decision***
Teleconference presentation by Robert Meece, MD
- April 29, 1999 ***Working With Traumatized Children: Maintaining the
Balance***
Presented by Joan Duhaime, LCSW, Norfolk, Virginia
- April 14-15, 1999 ***Improving Investigation and Prosecution of Child
Abuse*** hosted by Virginia Department of Criminal
Justice Services, Richmond, Virginia
- April 08, 1999 ***Parent/Child Attachment***
Presented by Alan Rountree, Psy.D and
Ellen Kveton, Ph.D, Norfolk, Virginia
- March 11-12, 1999 ***The 16th Annual NICOSTY Conference***
Norfolk, Virginia
- October 7, 1998 ***Conference On Child Abuse: Detection, Prosecution,
and Prevention***
Presented by CHKD, Chesapeake, Virginia
- March 26, 1997 ***Conflict and Conflict Management for Home Visitors***
Presented by Jeff Shelton, Ph.D., Chesapeake, Virginia
- March 26, 1997 ***Solution-Focused Intervention with Clients to
Promote Self Sufficiency***
Presented by Joan Duhaime, LCSW, Chesapeake, Va
- December 1996 ***Using the Keys of Caregiving (An infant assessment
tool)***
Presented by the Norfolk Health Department Staff
- November 15, 1996 ***What Works With Families***
Presented by Family Services of Tidewater
Chesapeake, Virginia
- March 1996 ***Certification course for Facilitators of the MELD
Parenting Program***
Presented by Minnesota Early Learning Development
Parenting Program and CHIP Of Charlottesville Staff,
Charlottesville, Virginia.
- January 1996 ***Facilitator Training for the Nurturing Parent
Program***
Presented by Jeff Shelton, Ph.D., Chesapeake, Virginia

Attach the operational budget for this program along with a brief 3-year strategic financial and programmatic plan of operation. Only one 3-year plan is required as long as all entities included in the application are sufficiently covered in the plan.

**CHILDREN'S HOME SOCIETY OF WEST VIRGINIA
CHILD ADVOCACY CENTERS
FY 2012-2013 BUDGET**

	Mburg FYE 2013 Budget
REVENUE	
Grant Revenue - Public Support	151,492
Grant Revenue - Private Support	15,000
Cash Contributions	31,243
In-Kind Contributions	15,900
TOTAL TARGETED REVENUE	213,635
EXPENSES	
Salaries	91,970
Relief Salaries	0
FICA	7,036
Employment Security	1,080
Workers Compensation	2,047
Pension	4,325
Health Insurance	28,634
Life Insurance	135
Disability Insurance	497
Volunteer Victim Advocate	
SUBTOTAL-Salaries/Benefits	135,723
Professional Fees	4,000
Supplies	6,000
Food- meeting supplies	1,000
Telephone	1,350
Postage/Shipping	600
Occupancy	3,500
Rent/Maint-Equip.	2,000
Printing/Publishing	280
Travel	2,000
Conf/Mtng	12,500
Tuition Assistance	0
Special Assistance	0
Membership Dues	800
Medicaid Tax	0
Interest Expense	0
Depreciation	0
Miscellaneous	1,000
Professional Liability	1,175
Grant match- volunteer	13,200
Satellite Office space- donation of Morgan Co.	2,700
SUBTOTAL-Operating Expenses	52,105
ADMINISTRATIVE COSTS	25,808
TOTAL EXPENSES	213,635
EXCESS/(DEFICIT)	(0)

Attachment A (2)

Child Advocacy Center: Plan of Sustainability

In order for Safe Haven CAC to be sustainable several areas must be considered:

Quality: CAC Service must be high quality. This includes the interviews and the functioning of the MDIT.

Use: Law enforcement and DHHR must recognize that CAC's services meet their needs and must use the services.

Financial: Financial support for CAC must be on-going.

Organization: The organization must be stable and have methods to hire employees and adequate overall support for development of employees.

Facilities: Specialized facilities are required. These must be maintained; from time to time technology must be improved.

An approach for sustainability in each area is addressed below.

Quality Status:

Safe Haven CAC was accredited in early 2010. By maintaining this accreditation, we will ensure a high level of service quality. Additionally, accreditation means CAC is eligible for higher levels of state funding.

Plans:

- Continue to emphasize the use of MDIT's. (ongoing)
- Utilize a continuous improvement process to ensure quality is maintained and improved. On a bi-annual basis, MDIT surveys will explore opportunities for improvements. (on-going)
- Participant evaluation of training services

Use Status:

Use of CAC's services provided has increased in the last year. This means that fewer interviews are conducted in inappropriate settings and that the interview information obtained is more reliable and useful. These numbers also demonstrate that Law Enforcement and DHHR value the service CAC brings and the MDIT approach. In the tri-county area served, a total of approximately 172 interviews are conducted annually.

Plans:

- Prepare informational materials that describe our services and the role they plan in improving the investigation process. Development of the victim advocacy services is essential to informed, coordinated and timely services for children and families (2012-2014).
- Develop information about the overall cost of the program. Use these materials to help participating agencies including WVDHHR and law enforcement organizations understand the CAC model. Build relationships based on positive results. These actions will help ensure CAC's on-going use (2012-13).
- Continue development efforts of the satellite site in Morgan County. This county is somewhat geographically isolated resulting in a lower use rate of the Martinsburg facility. Needs in this county are also somewhat different due to cultural differences. A satellite facility has been under development since fall of 2011. (2011-2012; currently underway).

- Maintain and improve protocols. These documents describe our work and are critical in the training of new CAC employees and all members of the MDIT. Major revisions to the Responding to Child Abuse protocols were made during the 2010-2011 grant year, but additional amendments have been made on a regular basis (on-going).

Financial Status:

CAC is fully funded through state and federal grants and public support. As a program of The Children's Home Society of West Virginia, the CAC has access to additional funds in case of short-term deficit. This adds necessary financial stability.

Plans:

- Facility cost: Establish low cost facilities by sharing a building with other CHS-WV programs in Martinsburg. The facility will be owned by the agency. Utility costs will decrease. (completed)
- Financial support from law enforcement: increase awareness within the Prosecutor's Office and the County Commissions about the work and cost of CAC. Seek and grow their on-going support for the CAC based on the benefit we bring these organizations. (2011 activities completed, ongoing)
- In addition to grants supporting the operation of the CAC, seek grant funding for improvements in facility, targeted training programs and start-up costs for additional staff. (on-going strategy)

Organization Status:

The Children's Home Society of West Virginia provides organizational stability. The program is under the general direction of the Martinsburg Site Director who provides high-level management for the program and who will ensure that any personnel openings are filled. The program also has the support of the Martinsburg CHS Local Advisory Council and the statewide Board of Directors.

Plans:

- Continue to benefit from the organizational stability provided by CHS. (ongoing)
- Relocate the center to the new CHS building; sharing space will bring stronger alignment of CAC with CHS. (completion date June 30, 2011)
- Grow the staff to meet current needs through grant support; utilize BSW and MSW internships to supplement staff and to grow awareness of CAC's work amongst social workers (anticipated BSW intern for the 2012-2013 university calendar).
- Tap into resources of the WV Child Advocacy Network for development and best practices.

Facilities Status:

Renovations and relocation is now complete for the new CAC site. Benefits from sharing space with other CHS programs reduce occupancy costs. The building is owned by CHS and will provide the CAC program additional permanency.

**West Virginia Justice Assistance
Grant Program Application**

**Plan of Sustainability
Attachment B**

Please attach in this section a detailed outline of future funding strategies, and an outline of funding plans should federal funding sources cease to exist. Please detail fundraising strategies; local donations; city, county, and state funding contributions; as well as plans to maintain positions and program goals in current and future economic strains.

Attachment B

Safe Haven CAC is fully funded through state and federal grants and public support. As a program of The Children's Home Society of West Virginia, the CAC has access to additional funds in case of short-term deficit. This adds necessary financial stability should federal funding sources cease to exist.

At present, Safe Haven receives financial support from the Martinsburg City Community Development Block Grant, Eastern West Virginia Community Foundation, Jefferson County Commission, Berkeley County Council, Division of Justice and Community Services- Child Advocacy Center and JAG grant and the National Children's Alliance. In addition to local foundation and municipal support, the program also conducts various fundraising events on an annual basis in partnership with Children's Home Society of West Virginia.

Future fundraising plans/sustainability efforts:

- Reduce facility costs: In 2011, Safe Haven retained low cost facilities by sharing a building with other CHS-WV programs in Martinsburg. The facility is owned by Children's Home Society of West Virginia, and utility costs are now lower. This reduction in facility expenses will further allow the program to maintain current staff positions in the event of future economic strains.
- Financial support from community at large: increase community awareness surrounding the work and cost savings benefits of CAC programs by participating in public awareness campaign opportunities made available through the West Virginia Child Advocacy Network. In addition, CHS will seek and grow community and corporate support for the CAC program by highlighting services provided to partner organizations including the legal and child protective service agencies.
- In addition to grants supporting the operation of the CAC, seek grant funding for improvements in facility, targeted training programs and maintenance costs for current staff and activities addressing program goals. (on-going strategy)

A copy of the following information must be submitted (as applicable) with this attachment in order for the application to be complete. Please refer to page xvii of the application instructions for more details:

- 1. Current Task Force Memorandum of Understanding**
- 2. Law Enforcement Entry Level Salary Certifications**
- 3. Prevention Resource Officer Board of Education Agreement**
- 4. Memo of IBR Compliance from West Virginia State Police** (all city, county, and state agencies are required to have this. If multiple cities or counties are covered under this application, a Memo must be provided for EACH participating agency)
- 5. 501c3 Documents and Articles of Incorporation**
- 6. Active CCR Documentation**

**Safe Haven Child Advocacy Center
2012 Inter-Agency Agreement
Berkeley, Jefferson, and Morgan Counties**

The mission of Safe Haven Child Advocacy Center of Berkeley, Jefferson, and Morgan counties is to promote a child-focused approach to the investigation, prosecution, and treatment of child abuse by providing a safe, child-friendly facility, a multidisciplinary team response to abuse allegations, and professional support, education and advocacy services.

We, the undersigned agencies, by and through our directors/administrators (and through our designated representatives, listed below) do hereby agree to the following policy supporting the development and implementation of the CAC (hereto known as the Center) in the Eastern Panhandle of West Virginia.

At present the number of reported sexual abuse and serious physical abuse cases in the tri-county area is increasing, representing not only an immediate danger to each child victim involved, but also a continuing threat to the mental, physical, emotional welfare and safety of children of the Eastern Panhandle.

We recognize that the current system that works with these young victims, although comprised of agencies committed to the protection and best interest of every child in Berkeley, Jefferson, and Morgan counties, often cannot meet many of their needs.

We are a system designed and oriented for adults, a system that has few provisions and concessions to the specific needs and fragile state of those children who are, through no choice of their own, expected to enter into yet another threatening adult environment.

As participants in this system, we recognize that many children remain at risk for re-victimization by excessive interviews, lack of communication and coordination between agencies, and the lack of specialized interviewing techniques.

Having recognized these challenges, we are supportive of the development and implementation of a child-oriented program, which will establish a cooperative effort between the undersigned agencies, wherein a multi-disciplinary team approach will be utilized in the investigation, assessment, referral for prosecution, and medical and therapeutic treatment involving child victims of abuse.

Each of the undersigned agencies has specific responsibilities (as outlined in the county-based protocols) with regard to the investigation, assessment, treatment, advocacy and prosecution of cases of child abuse. We agree to support the concept and adhere to the provisions as outlined. We note that on occasion exceptions to the protocols and guidelines will be necessary, and at such times, exceptions will be granted with the agreement of all parties involved. We the undersigned do hereby acknowledge that the multi-disciplinary team approach, through the institutions of the CAC, will serve to enhance the individual efforts of each agency. We acknowledge that through these respective agencies, and through public support and awareness, the CAC will unify our community in the daily struggle to ensure the protection and preservation of the children of Berkeley, Jefferson, and Morgan counties.

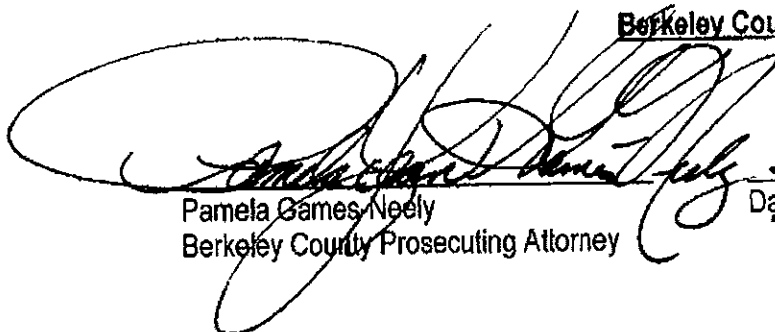
GENERAL GUIDELINES

1. Each agency will work with and assist other agencies and the Center to ensure that the best interest and protection of children will be served.
2. The appropriate law enforcement agency is to investigate and determine whether or not a crime has been committed, and to present information to the proper authorities for prosecution.
3. Children's Protective Services (CPS) is responsible for the protection of children from harm by their parents or others responsible for their care. CPS is responsible for conducting a civil investigation to determine the degree of risk to the children, to make efforts to ensure their safety, and to provide service for rehabilitation for the family.
4. The office of the Prosecuting Attorney is responsible for assessing the legal aspects of the case in accordance with their prosecutorial role.
5. All reasonable efforts will be made by each agency to coordinate each step of the investigation/assessment process in order to minimize the number of interviews and interviewers to which the child is subjected to, thus reducing the potential trauma to the child.
6. All agencies participating in current investigations are expected to attend case review meetings referred to as MDIT meetings as scheduled. (Please note the Prosecuting Attorney's may not be available and may send an alternative representative.)
7. All interviewers participating in investigations will have successfully completed specialized training. All agencies will be invited and encouraged to attend trainings sponsored by the Center. The Center will provide financial support for professionals and volunteers to attend specialized training when possible or inform members of alternative trainings.
8. It is expressly understood that each agency will work within its departmental mandates and policies. Nothing contained herein supersedes the statutes, rules, and regulations governing each agency. To the extent that any provision of this agreement is inconsistent with any such statute, rule, or regulation, the statute, rule, or regulation shall prevail.
9. All agencies/organizations participating in the Center agree to provide specially trained professionals with skills in interviewing, assessment, and investigation to handle appropriate cases of child abuse.
10. Any conflicts or divergence from the protocols and procedures that occur between agencies regarding cases being addressed by the Center shall be taken to the respective county's MDIT for mediation. If not resolved, the disputes will be addressed by a meeting between designated agency representatives and the Program Coordinator.
11. All personnel participating with the Center, within the bounds allowed by law, agree to maintain confidentiality of all records and information gathered on all cases as outlined by statute. All personnel further agree not to release any records or information on any case except as it relates to legitimate program operation of their agency. The Program Coordinator will be notified by all

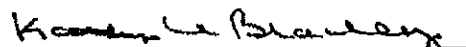
respective agencies other than PA's of any media involvement in cases in which the Center is involved. Each agency will follow their respective policy for media releases.

12. All agencies/organizations participating in the Center will immediately share pertinent case information with the appropriate agency except as prohibited by law.
13. These guidelines and protocols for the Center's operations shall be reviewed and modified as determined by the Program Coordinator and MDIT's of each county served. All agencies will be notified of any modifications within thirty (30) business days. If, after notifying all agencies, any concerns regarding changes exist, a meeting will be scheduled between those agencies and the Program Coordinator to determine if any other changes need to be made to the Protocol for Responding to Child Victims of Sexual Abuse. These guidelines and protocols may be modified:
 - a. To conform to existing or new statutes, rules, regulations, or departmental policies which may conflict with any provisions of these Guidelines;
 - b. To better meet the needs of families and children in the provisions of child sexual or physical abuse related services;
 - c. To improve the procedures set forth in these Guidelines;
 - d. To add or delete Agencies as parties to these Guidelines;
 - e. For such other purposes as the parties may agree.
14. The Center's Inter-Agency Agreement shall only be modified with the consent of all signatories.
15. The Agreement and Guidelines may be terminated by written notice, submitted to all parties (signatories). Any party seeking to terminate the Agreement and Guidelines must give thirty (30) business days written notice.
16. As agencies become parties to this Agreement and Guidelines, whether housed at the Center or not, they will agree to follow these guidelines, policies and procedures as outlined in this document and the Protocol for Responding to Child Victims of Sexual Abuse.
17. Each individual investigating the case for their respective agency shall conduct an independent investigation and reach an independent conclusion based on the information obtained from the investigation.

Berkeley County Signatories


Pamela Games Neely
Berkeley County Prosecuting Attorney

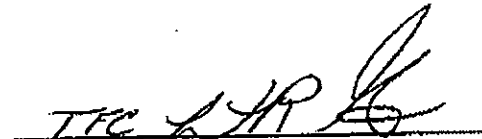
3/20/12
Date


Kathryn Bradley
Community Service Manager
West Virginia Department of Health and Human Resources

2/22/2012
Date

Sheriff Kenneth Lemaster
Berkeley County Sheriff's Office

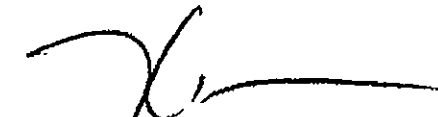
Date


TFC W. R. Garrett
West Virginia State Police -Crimes Against Children Unit

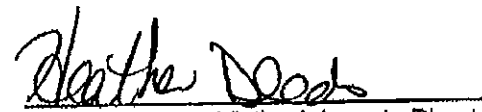
2/24/12
Date


TFC E. H. Edwards
West Virginia State Police -Crimes Against Children Unit

2-21-12
Date


Chief Kevin Miller
Martinsburg City Police Department

3/27/12
Date


Heather Deeds, Victim Advocate Director
Berkeley County Victim Assistance Program

2-21-12
Date

Paul Macom
Director of Mental Health & Substance Abuse Services
EastRidge Health Systems

Date

Cyndi Leahy
Cyndi Leahy, Forensic Nurse Examiner
Winchester Medical Center

2/20/12
Date

Ann Smith
Ann Smith, Executive Director
Shenandoah Women's Center

3/22/2012
Date

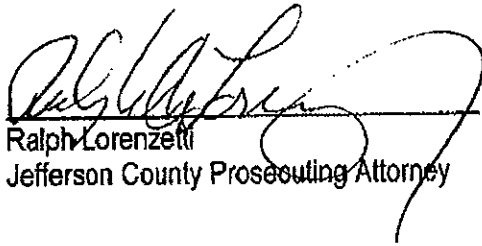
Deborah Barthlow
Deborah Barthlow, Regional Director
Children's Home Society of West Virginia

2-25-12
Date

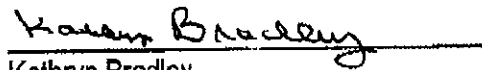
Victoria Slater-Madert
Victoria Slater-Madert, C&F Services Supervisor
Safe Haven Child Advocacy Center

2/20/12
Date

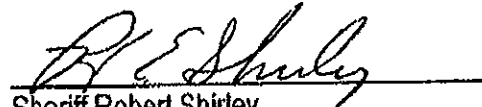
Jefferson County Signatories


Ralph Lorenzetti
Jefferson County Prosecuting Attorney

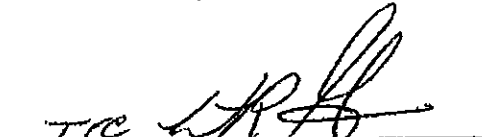
2/22/2012
Date


Kathryn Bradley
Community Service Manager
West Virginia Department of Health and Human Resources

2/22/2012
Date


Sheriff Robert Shirley
Jefferson County Sheriff's Office

2/22/12
Date


TFC W. R. Garrett
West Virginia State Police -Crimes Against Children Unit


2/29/12
Date


TFC F. H. Edwards
West Virginia State Police -Crimes Against Children Unit

2-21-12
Date

Acting Chief Glenn Stevens
Charles Town Police Department

Date


Chief John D. Brown
Harpers Ferry Police Department

3/16/12
Date

Chief William Roper
Ranson Police Department

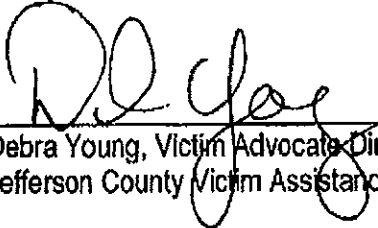
Date



Chief David Ransom
Shepherdstown Police Department

16 Mar 12

Date



Debra Young, Victim Advocate Director
Jefferson County Victim Assistance Program

3/16/12

Date

Paul Macom
Director of Mental Health & Substance Abuse Services
EastRidge Health Systems

Date



Cyndi Leahy, Forensic Nurse Examiner
Winchester Medical Center

2/20/2012

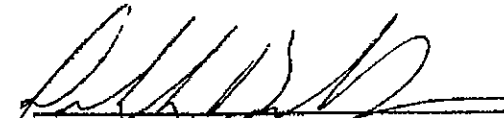
Date



Ann Smith, Executive Director
Shenandoah Women's Center

3/23/2012

Date



Deborah Barthlow, Regional Director
Children's Home Society of West Virginia

2-20-12

Date



Victoria Slater-Madert, C&F Services Supervisor
Safe Haven Child Advocacy Center

2/20/12

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-SUPLANTING:

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
SERVICES**

STANDARD CONDITIONS AND ASSURANCES

25. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES

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
SERVICES**

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/gixdm.

**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**

**JUSTICE ASSISTANCE GRANT (JAG)
SPECIAL CONDITIONS AND ASSURANCES**

58 LAW ENFORCEMENT INFORMATION SHARING SYSTEMS:

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

59 LAW ENFORCEMENT TASK FORCE TRAINING:

The grantee agrees that within 120 days of award, for any law enforcement task force funded with these funds, the task force commander, agency executive, task force officers, and other task force members of equivalent rank, will complete the required online (internet-based) task force training to be provided free of charge through BJA's Center for Task Force Integrity and Leadership. This training will address task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information will be provided by BJA regarding the required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

60 PRO PROGRAM CONDITIONS:

PRO projects are required to send each PRO to the DJCS training conference and be certified as a PRO before entering the school. This training and requirement is on an annual basis. In addition to the annual training conference, all PRO's must complete or have completed required Conflict Resolution training within 12 months of their initial PRO certification. DJCS requires grantees to assign one, full-time PRO officer per school. The PRO must maintain an office in the assigned school and be present in that school at least 35 hours per week.

Prior to the officer entering the school, grantee must submit to DJCS an Agreement between Law Enforcement and the County Board of Education.

I certify that I have read the entire Standard and Special conditions and assurances of this grant program and agree to comply with these requirements.

(Original) Authorized Official Signature

KENHECHLER
Secretary of State
Bldg. 1, Room W-139
Charleston, WV 25305-0770
(304) 558-8000
FAX: (304) 558-0900



FILE IN DUPLICATE ORIGINALS
FEE: \$25.00

FILED

JAN 14 1998

IN THE OFFICE OF
SECRETARY OF STATE
WEST VIRGINIA

WEST VIRGINIA
ARTICLES OF INCORPORATION
NON-PROFIT AMENDMENT

In accordance with §31-1-28 of the Code of West Virginia, the undersigned corporation adopts the following Articles of Amendment to its Articles of Incorporation:

FIRST: The name of the corporation is The Children's Home Society Of West Virginia

SECOND: The following amendment(s) to the Articles of Incorporation were adopted by the members/board of directors of the corporation on November 18, 1997, in the manner prescribed by §31-1-107 and §31-1-147, to amend the Articles of Incorporation and purposes of the corporation to reflect the following:

(See Attached)

DATE: November 18, 1997

The Children's Home Society Of West Virginia
Corporation

By: Reed Spangler
President
Patricia P. O'Reilly
Secretary

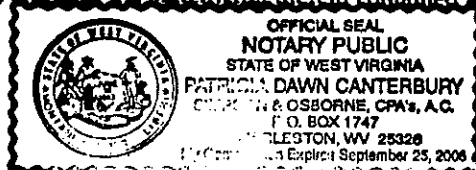
STATE OF: West Virginia

COUNTY OF: Kanawha

I, Patricia Dawn Canterbury, a Notary Public, do hereby certify that on this 23 day of Dec., 1997

personally appeared before me, Reed Spangler, who, being by me first duly sworn, declared that he is the President of Children's Home Society of WV that he signed the foregoing document as President of

the corporation, and that the statements therein contained are true.

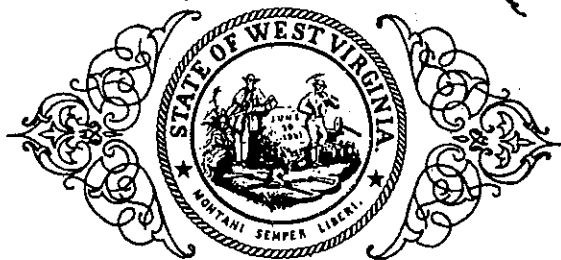


Patricia Dawn Canterbury
Notary Public
My commission expires: Sept 25, 2006

Articles of Amendment
Prepared by: Gregory W. Bailey

Address: 209 Falls Run
Charleston, West Virginia

State of West Virginia



Certificate

*I, Ken Hechler, Secretary of State of the
State of West Virginia, hereby certify that*

originals to the Articles of Amendment to the Articles of Incorporation of

THE CHILDRENS HOME SOCIETY OF WEST VIRGINIA

are filed in my office, signed and verified, as required by the provisions of Chapter 31, Article 1, Section 31 of the West Virginia Code and conform to law. Therefore, I issue this

CERTIFICATE OF AMENDMENT TO THE ARTICLES OF INCORPORATION

of the corporation, to which I have attached a duplicate original of the Articles of Amendment.



*Given under my hand and the
Great Seal of the State of
West Virginia on this
Fourteenth day of
January 19 98*

Ken Hechler
Secretary of State

ARTICLES OF INCORPORATION
OF THE CHILDREN'S HOME SOCIETY OF WEST VIRGINIA
(Amending and replacing the Articles of Incorporation
of The Children's Home Society of West Virginia dated May 1, 1896)

ARTICLE I

The name of the Corporation, hereinafter referred to as the "Corporation" is THE CHILDREN'S HOME SOCIETY OF WEST VIRGINIA.

ARTICLE II

The period of duration of the Corporation is perpetual.

ARTICLE III

The Corporation is organized exclusively for charitable, religious, educational and scientific purposes, including for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code. The Corporation may receive and administer funds for scientific, religious, educational and charitable purposes, within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 and to that end, the Corporation is empowered to hold any property, or any undivided interest therein, without limitation as to amount or value, to dispose of any such property and to invest, reinvest, or deal with the principal or the income in such manner as, in the judgment of the directors, will best promote the purposes of the Corporation, without limitation, except such limitations, if any, as may be contained in the instrument under which such property is received, these Articles of Incorporation, the Bylaws of the Corporation, or any applicable laws, to do any other act or thing incidental to or connected with the foregoing purposes or in advancement thereof, but not for the pecuniary profit or financial gain of its directors or officers except as permitted under the Not-for-Profit Corporation Law.

No part of the net earnings of the Corporation shall inure to the benefit of any member, trustee, officer of the Corporation, or any private individual, except that reasonable compensation may be paid for services rendered to or for the Corporation affecting one or more of its purposes, and no member, trustee, officer of the Corporation, or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in, including the publication or distribution of statements, any political campaign on behalf of any candidate for public office.

Upon the dissolution of the Corporation or the winding up of its affairs, the assets of the Corporation shall be distributed exclusively to one or more charitable, religious, scientific, testing for public safety, literary, or educational organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may be hereafter amended, or to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the Circuit Court of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE IV

The qualifications for members and the manner of their admissions shall be regulated by the Bylaws.

ARTICLE V

The territory in which the operations of the Corporation are principally to be conducted is the United States of America and its territories and possessions, but the operations of the Corporation shall not be limited to such territory.



Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248459774
Apr. 09, 2008 LTR 4168C E0
55-0360199 000000 00 000
00016648
BODC: TE

CHILDRENS HOME SOCIETY OF WEST
VIRGINIA
PO BOX 2942
CHARLESTON WV 25330-2942424

1549

Employer Identification Number: 55-0360199
Person to Contact: Mrs. Arnold
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of Apr. 02, 2008, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in October 1936, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations I

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

AGENDA REQUEST FORM

Name: Patsy Noland

Department or Entity: County Commission

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

Date Requested – 1st Choice: 4/12/12

Date Requested – 2nd Choice: _____

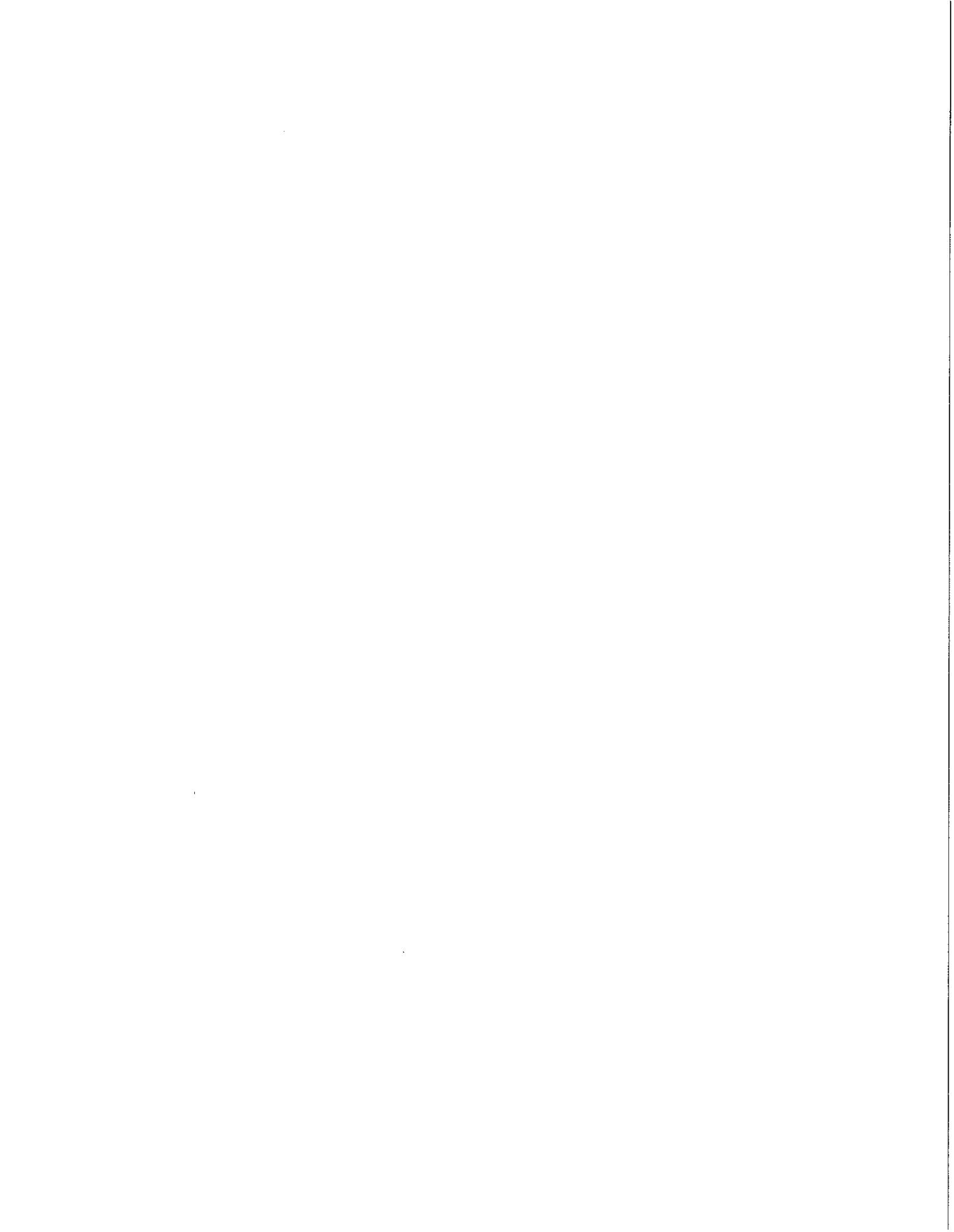
If a specific date is needed, please provide reason for specific date:

Subject: Further discuss the purchase of the Breil Building and to set date for a Public Hearing

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

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

Attachments:



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

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: 4/12/12

Date Requested – 2nd Choice: _____

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

Subject: Approval and reappointment of Harold Slaughter, Jr. to the Berkeley/Jefferson Criminal Justice Board for a three year term ending December 16, 2015

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move reappointment of Harold Slaughter Jr. to the Berkeley/Jefferson Criminal Justice Board for a three year term ending December 16, 2015**

Attachments:

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

February 14, 2012

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

Dear Mr. Sacchet,

This letter is to serve as my request to continue to serve as a member of the Board of Directors.

While it is difficult for me to attend Board meetings on a regular basis, this has not diminished my enthusiasm in support of the Program. I continue to support community-based corrections programs in general, and specifically, strongly support the efforts of the Berkeley/Jefferson County Day Report Center. I believe it would be an honor to continue to serve as a member of the Board.

Sincerely,



Harold D. Slaughter, Jr., M.S.
Licensed Psychologist

HS/gs

2012 FEB 17 AM 10:22

BERKELEY COUNTY
COUNCIL

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission
Sandy McDonald, Interim County Administrator

FROM: Roger Goodwin, P.E.
Chief County Engineer

DATE: April 5, 2012

SUBJECT: **Engineering Department Quarterly Update Report – April, 2012**

1. Projects Undertaken/Underway (in alphabetical order):

A. Bonding:

- i) Sheridan Estates Subdivision (located on Rt. 340 across from U.S. Customs & Border Patrol Training Center) – we received the \$972,616.00 bond surety funds from BB&T Bank on December 15, 2011, and secured the funds in an escrow account at the Bank of Charles Town.

The Engineering Department is involved in discussions with another developer interested in buying the subdivision and entering into an agreement with the county that will involve completing the site improvements and then release of the escrowed funds to them to cover the cost of completion.

- ii) Chapel View Subdivision (located off Rt. 9 at the Jefferson/Berkeley Co. line) – working on outline of tasks necessary to bid and contract for completion of the site work for this project.
- iii) Windmill Crossing Subdivision (located on Rt. 340 at Marlow Road) – we are working to get the developer to complete the remaining site improvements, create the HOA, and transfer the common areas. The as-built plans received from W.H. Gordon Associates, Inc. indicate that the recently constructed SWM basin is not constructed according to the approved plans. The City of Charles Town's consulting engineer also agrees with our finding and we are coordinating with the City of Charles Town, efforts to get the developer to address and correct the unsatisfactory work. Since

the last report, representatives from the Engineering Department, the City of Charles Town, and the West Virginia Division of Highways, met on March 13, 2012, to discuss a coordinated effort in getting the developer of Windmill Crossing to satisfactorily address the storm drainage issue along Marlow Road.

- iv) Waterside Reserve Subdivision (located on Rt. 9, east of Shenandoah River) – working with the new developer to get the remaining site improvements completed so that the bond can be released.
- v) Mission Ridge Subdivision (located on Rt. 9, east of Shenandoah River) – working with representatives from the HOA to determine what site improvements remain to be completed and to move in the direction of issuing a request for proposals to get a contractor to complete the work this summer.

B. Chesapeake Bay SWM Ordinance:

- i) Grant funding was awarded in the amount of \$30,000 to hire consultant to help with drafting a new stormwater management ordinance. Waiting on official notice of award from the WVDEP & Region 9, and direction from them on the next step for hiring a consultant.

C. Water Budget Study:

- i) Analytical Services, Inc. has completed the final report. A presentation of the findings by Analytical Services, Inc. to the County will be scheduled in the near future.

D. Property Safety Ordinance:

- i) Case 11-001 (Jenkins/Ash) – Due to a new owner (Ash), this case is going back the Property Safety Board for further review and action. Bringing the property into compliance requires the demolition of a dilapidated structure located on Mission Road.

2. Projects Completed:

- A. Impact Fees Transition Plan – the transition of the Impact Fees Program Specialist and the daily functions to the Engineering Department is complete. Working on creating an office manual that will be utilized to cross-train other staff on how to calculate, collect and process impact fees. Still need to complete and present the FY 2012-2013 Capital Improvement Plan (for the fee fundable entities) to the County Commission for approval.
- B. Water Quality Forum – on March 14, 2012, made a presentation to the

Jefferson County League of Women Voters on Jefferson County's current and proposed stormwater management ordinances.

3. Projects Proposed:

- A. Get the land development standard construction details updated and put into a digital/AutoCAD format, to supplement the requirements of the Subdivision, Zoning, and Stormwater Management ordinances. Work has begun on this project.
- B. Create a standardized manual/packet of information outlining the Engineering Department's approval process for land development projects and building permits, in order to support economic development efforts.

4. Items Requiring Commission Attention:

Will soon need to complete and present the Impact Fees FY 2012-2013 Capital Improvement Plan (for the fee fundable entities) to the County Commission for approval. Hope to present this by the end of April, 2012.



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue
Ranson, WV 25438
dpittinger@jcesa.org
Telephone – 304-728-3287
Fax – 304-728-6221

To: Jefferson County Commission
Sandy Slusher-McDonald, Acting County Administrator

From: Douglas M. Pittinger, Director *dup*

Date: 01 April 2012

Re: JCESA Quarterly Update Report

1. Projects Undertaken:

- a. Continue the implementation of the Jefferson County Fire & EMS five year plan
- b. Standardize County wide Fire & EMS operational guidelines
- c. Prepared numerous financial reports showing emergency services fees structures at different rates for County Commission review
- d. Begin development of fire company audit procedures

2. Projects Completed:

- a. Acquisition of an addition advance life support chase vehicle
- b. Implementation of Ambulance/Medic 11 transport unit to subsidize the volunteer departments
- c. Submitted JCESA budget for FY 2012-2013
- d. Updated the employee handbook showing current administrative policy and operating guidelines and disbursed to all employees and Board members

3. Projects Proposed / Underway:

- a. Assist Citizens Fire Company to implement new ambulance services
- b. Placing emergency services providers at Citizens Fire and Middleway Fire
- c. Develop and fund a training program for JCESA employees
- d. Continue the development of fire company funds allocation system

4. Projects Requiring Commission Attention:

- a. Approve ordinance and implementation of a emergency services fee
- b. Acquisition of CAD system for the 911 Center so that statistical analysis data is available for JCESA to utilize for numerous projects.



Jefferson County Homeland Security and Emergency Management
28 Industrial Blvd., Suite 101
Kearneysville, WV 25430

Jefferson County Commissioners:

Patsy Noland, President

Dale Manuel, Vice President

Frances Morgan

Lyn Widmyer

Walt Polish

Jefferson County Homeland Security and Emergency Management Steering Committee:

John Showwood, Chair-Chamber of Commerce Representative

Amy Jones, Vice Chair-Health Representative

Katherine Dunbar, Non-Governmental Organization Representative

Mason Carter, Jefferson County Department of Engineering Representative

Jeffrey A. Polczynski, EPN, Jefferson County Emergency Communications Center Representative

Dale Manuel, County Commission Representative

Kelly Parsons, Private Industry Representative

Ed Smith, Fire and Rescue Representative

Sheriff Bobby Shirley, Law Enforcement Representative

Paul Espinosa, Utilities Representative

Lane Donley, Jefferson County Development Authority Representative

Sanford "Sandy" Green, Region 3 Homeland Security Area Liaison

Holly Morgan Frye, Shepherd University Service Learning Program Education Representative

Lorraine "Lori" Kelly, American Red Cross Representative

Staff:

Barbara J. Miller, CEM, CFM

Director

304-728-3280-Office

304-283-4227-Mobile

bmiller@jeffersoncountywv.org

Terri Mehling, Planner/Program Manager/Deputy Director

304-728-3329-Office

304-279-8233-Mobile

tmehling@jeffersoncountywv.org

Jennifer D. Hagglo, Administrative Assistant, Public Information Officer and Volunteer Coordinator

304-724-8914-Office

304-279-8135-Mobile

jhagglo@jeffersoncountywv.org

Fax: 304-728-3320

TO: Jefferson County Commission/Sandy McDonald, Acting County Administrator
From: Barbara J. Miller, CEM, CFM, Homeland Security and Emergency Management Director
Date: April 5, 2012
RE: Homeland Security and Emergency Management Quarterly Update/Report

Projects Completed:

Jefferson County Government Continuity of Operations Plan (COOP)

COOP Training and COOP Tabletop Exercise in March

Full Scale Exercise with National Capital Region/Local Public Health

WV Department of Agriculture Regional Disaster Seminar (Training)

Jennings Randolph Lake Disaster Exercise Seminar (Training)

Active Shooter Exercise with 167th Air Guard

SkyWarn Stormspotter Training for Flooding (Training for Community)

Ordered Rapid Response Animals Sheltering Trailer (Grant funded)

Projects Working on Now

Local Emergency Planning Committee Exercise on Hazardous Materials/Commodity Flow

"NIXLE"-Free Public Warning Automated System that constituents can sign up to receive on their mobile phones.

Scanning information on National Flood Insurance Program Repetitive Loss Properties information and putting scans on our network. Also working on a project with the WV Department of Homeland Security and Emergency Management to record the latitude/longitudes of each of these properties.

Setting up Quarterly Partnership Meeting at The Anvil for May 2nd.

Working to identify a funding source (grant) to pay for Animals Response Training

Working with WV Dept. of Military Affairs and Public Safety to have an Emergency Management Legal Training to Jefferson County in the Fall of 2012.

Things the County Commission Should be Aware of:

Need a policy written and adopted for Drug Free Workplace (Requirement for Grants)

Required Background Investigations: NCIC Investigations can no longer be done; Need to pay for background investigations on employees, people who work in the EOC and any volunteers that will be working with children.

NIMS Training needed for all Department Heads (Identified need during the COOP Exercise)

Continuing to work with WV Division of Homeland Security and Emergency Management towards the state-wide credentialing project for emergency responders, 9-1-1 Centers, Emergency Operations Centers, etc. The Acting County Administrator, Maintenance Director, and Emergency Manager to go to TecSec in Herndon, VA to look at the new technology and participate in the Regional Emergency Manager's meeting on April 10th.

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

AGENDA REQUEST FORM

Name: Bill Polk

Department or Entity: Maintenance

Estimation of amount of time needed for appointment: 45 minutes

Date Requested – 1st Choice: April 12, 2012

Date Requested – 2nd Choice: April 19, 2012

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

Subject: **Quarterly Maintenance Report**
Landscaping Discussion
IT Updates

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

- I will be providing the Commission with the Quarterly Maintenance Report on the maintenance department activities, projects, etc.
- I will be discussing landscaping. Possible motion needed on landscaping decision.
- I will also discuss IT items for the maintenance department.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **A possible motion may need to be made to provide direction on how to proceed with landscaping for the county.**

Attachments:

**The County Commission of Jefferson County
Department of Maintenance
128 Industrial Blvd.
Kearneysville, WV 25430
304-728-3355 • 304-728-2519 • 304-728-3376 (f)
William Polk, Director
bpolk@jeffersoncountywv.org**

**Maintenance Department
Quarterly Report
April 2, 2012**

The Maintenance Department has completed 1,161 works orders in the first quarter of 2012.

- 150 oil changes were completed by the Maintenance Department's auto mechanic.
- Of the 1,161 work orders completed, 812 were for preventive maintenance.
- 31 cases of copy paper were delivered to various departments within the County.
- The Maintenance Department moved its operation to the new facility at lot 18 in Bardane.
- The mail room was moved from the Courthouse to the old Maintenance Facility on Samuel Street.
- Carpet was installed in some of the office areas of the County Clerk's office.
- The Courtroom was prepared for the arrival of the Chief Justices of the West Virginia Supreme Court for the LAWS Program.
- The meeting room in the Charles Town Library was painted.
- A restroom in the Mason Building was made ADA compliant.

Ongoing projects

- The work on the Courthouse columns should be completed by the end of May.
- We are working on the redesign of the Development Authority's office space.
- We are working with the Engineering Department on connecting the Smoot Building to the Tax Office.
- We are working on upgrading the County's phone system.
- We have been working with the IT Department on upgrading the system and possible plans to move the IT room.
- We will be working on developing internal policies for the Maintenance Department.

Grants

- The Energy Efficiency & Conservation Block Grant is nearing completion. We are currently working on the last phase of the project with the installation of HVAC units in the Moffett and Mason Buildings. The 2nd quarter of 2012 should see the completion of the project and the final draw down of funds.
- With the work on the Courthouse house columns nearing completion by the end of May, the Courthouse Facilities Improvement Authority Grant should also see completion by the end of the 2nd quarter of 2012. We received a check in March, for this grant, in the amount of \$39,624.80 for reimbursement for the column work. We should be able to draw down the rest of the funds for a total reimbursement of \$80,000 by the end of this current quarter.
- We have applied for the Court Security Fund Grant in the amount of \$45,062 with the Division of Justice and Community Services. This grant, if approved, will provide for the addition of security cameras and a central station that will monitor all county cameras. We should be notified sometime in May if this grant is approved for funding.

Notice of Community Informational Meeting

The Jefferson County Commission will hold a Community Informational Meeting on Thursday, April 12, 2012 at 7:00 p.m. The meeting will be held at the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, (Samuel Street Entrance) Charles Town, West Virginia 25414.

The purpose of this community informational meeting is to gather public input on the proposed Jefferson County Fire and EMS fee.

There will be a brief presentation from the Jefferson County Emergency Services Agency and an opportunity to ask questions.

Anyone wishing to provide written or oral comment may do so at this meeting or send comment to info@jeffersoncountywv.org.

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



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 16th Avenue
Ranson, WV 25438
E-mail – jeffcoamb@citlink.net
Telephone – 304-728-3287
Fax – 304-728-6221

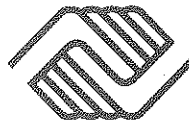
There have been numerous presentations given on the 5 year plan. There have been a lot of questions and concerns regarding the plan and here are just a few of them with response provided:

- 1) Is there a formal plan that explains where the money goes and what we get for our money?
 - A. Yes there is a copy of the 5 year plan available in every library and available on the JCESA web site. Page 38 contains some funding and page 21 has a chart on staffing model. There is a draft Ordinance that further explains the implementation of the plan.
- 2) Why do we need this fee?
 - A. We need to supplement the volunteer system that no longer can consistently respond to calls during the daytime hours. The number of calls continues to increase and volunteer availability continues to decrease. There are a number of factors that affect volunteer availability including increased training requirements, working outside county Monday thru Friday to name a few.
- 3) Will the fee go up every year?
 - A. No. The plan covers the first 5 years of operation. The plan will be reviewed yearly and adjustments made accordingly.
- 4) Will fees be charged to schools and Government buildings?
 - A. In the proposed Ordinance schools and Government Buildings would not be charged. The categories contained in the original plan are as follows:
 - a. Single Family Residence
 - b. Multi-Family Residence
 - c. Mobile Homes
 - d. Commercial
 - e. Hotel/Motel
 - f. Industrial/Warehouse
 - g. Institutional

Ed Hannon
Deputy Director, JCESA

ADMINISTRATIVE OFFICE
MARTINSBURG, WV
304-263-1832
304-263-1833 FAX

BERKELEY COUNTY UNIT
MARTINSBURG, WV
304-263-2696
304-263-8848 FAX



BOYS & GIRLS CLUB
OF THE EASTERN PANHANDLE
P.O. Box 1184
MARTINSBURG, WV 25402

JEFFERSON COUNTY UNIT
CHARLES TOWN, WV
304-728-3143
304-724-7650 FAX

MORGAN COUNTY UNIT
BERKELEY SPRINGS, WV
304-258-6741
304-258-5012 FAX

February 15, 2012

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

Dear Commissioners:

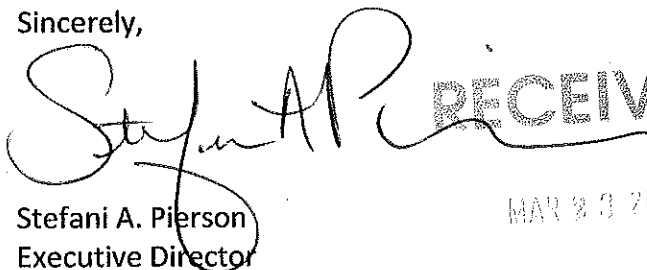
The Boys & Girls Club of the Eastern Panhandle gratefully acknowledges your extraordinary support through a contribution of \$5,000.00 to the Club. According to IRS regulations, we are hereby stating, that no goods or services were provided in return for your contribution.

As you know, the Boys & Girls Club is a private, non-profit youth center that is not fully funded by any one Federal, State or Local government agency. The Club must raise all of the money required to fund our facility and programs through various fundraisers, grants partnerships and individuals. Your caring and thoughtfulness helps the Boys & Girls Club to provide a safe and caring atmosphere for the communities' children.

I would like to invite you to come down to the Club, take a look at our facility, see the progress we have made and thanks to your donation, learn about the plans we are able to be making for the future. We are here to help the communities' kids find a nurturing place today and a *positive* future tomorrow.

Thank you for helping us to *inspire and enable all young people, especially those who need us most, to realize their full potential as productive, responsible and caring citizens.*

Sincerely,


Stefani A. Pierson
Executive Director

RECEIVED

MAR 23 2012

Jefferson County Commission

*Thank you for all
you do for the
community and what
you continue to do
for the Club!*

Great Futures Start Here.
United Way Partner Agency

**NOTICE OF SPECIAL SESSION OF THE COUNTY COMMISSION OF
JEFFERSON COUNTY**

TO LAY THE LEVY

The County Commission of Jefferson County, will hold a Special Session on Tuesday, April 17, 2012, at 10:00 a.m. in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, (Samuel Street Entrance) Charles Town, West Virginia 25414.

The purpose of the Special Session is to officially Lay the Levy.

The public is invited to attend.

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

NOTICE OF MEETING
Jefferson County Commission
Council of Governments Roundtable Meeting

The County Commission of Jefferson County will hold a Council of Governments Roundtable meeting on Wednesday, April 25, 2012 at 5:00 p.m. at the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

The following topics will be discussed:

- Economic Development
- Transportation Issues
- Next meeting and agenda topics discussion

The public is invited to attend. No decisions will be made at this meeting.

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

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting March 5, 2012

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, March 5, 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 Engineer, John Tuggle; District Legal Counsel, Jim Kelsh and Catie Wilkes, an associate from Bowles Rice in Martinsburg.

CALL TO ORDER

Chairman Cummins called the meeting to order at 7:00PM.

PUBLIC COMMENTS

None.

OLD BUSINESS

Review Minutes of February 6 Regular Board Meeting

The minutes of the February 6, 2012 regular Board meeting were approved as presented.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to accept the February 6, 2012 minutes as presented. Unanimously approved.

Report on Status of Proposed Transfer of New Test Well in Westridge Hills to the District

o Consider Acceptance of Land for "Test Well A" from the Westridge Hills Homeowners Association
Mr. Kelsh has reviewed the title work for the property upon which test well A is located and recommended the Board accept ownership. The Board may consider ownership of the property upon which test well D is located at a later time if the HOA is able to clear the title issues.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to take acceptance of test well A property and present the deed of transfer to the Westridge Hills HOA for execution. Unanimously approved.

NEW BUSINESS

Consider Rule 42 Prepared by Chuck Young from Cox Hollida Price for Water Systems Project

Chuck Young from Cox Hollida Price presented a Rule 42 he prepared to submit to the Public Service Commission for the water system improvements project.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the Rule 42 Exhibit prepared by Mr. Young for inclusion in the West Virginia Infrastructure and Jobs Development Council application for submittal. Unanimously approved.

Consider Approval of Engineering Agreement with Gwin, Dobson & Foreman for Glen Haven and Cavaland Water Systems

Gwin Dobson & Foreman drafted an engineering agreement for the Glen Haven and Cavaland system improvements project. District staff as well as Mr. Kelsh, Mr. Young, and Mr. Harper from Gwin, Dobson & Foreman are continuing to work on the application for the West Virginia Infrastructure and Jobs Development Council.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the engineering agreement with Gwin, Dobson & Foreman as presented. Unanimously approved.

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 \$1,077.37, Glen Haven water expenses in the amount of \$7,7073.83. 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 \$161,201.92. Unanimously approved.

Approve Transfer of \$2,995.00 from Renewal & Replacement Account into Sewer Operating Account for Replacements at Pump Station 4-7

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$2,995.00 from Renewal & Replacement Account into Sewer Operating Account for Replacements at Pump Station 4-7. Unanimously approved.

Approve Transfer of \$2,803.11 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 \$2,803.11 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$65.56 from Glen Haven Security Deposit Account to Glen Haven Operating Account for Security Deposit Refunds

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$65.56 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Unanimously approved.

Consider Approval of Closing the Cavaland Security Deposit Account at Jefferson Security Bank and Combining it with the Glen Haven Security Deposit Account at MVB Bank Renaming it the Water Systems Security Deposit Account

Ms. Lawton informed the Board that staff would like to combine the two separate water accounts since there is no reason to maintain separate accounts for each system

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to close the Cavaland security deposit account at Jefferson Security Bank and combine it with the Glen Haven security deposit account at MVB Bank renaming it the Water Systems security deposit account. Unanimously approved.

Consider Elimination of the Cavaland Operating Account at MVB Bank and Combining it with the Glen Haven Operating Account Renaming it the Water Systems Operating Account

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to close the Cavaland operating account at MVB Bank and combine it with the Glen Haven operating account renaming it the Water Systems operation account. Unanimously approved.

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

Rt. 340 Study – The Rt. 340 study will be presented to the County Commission at their March 8th meeting. Ms. Lawton is arranging for a short presentation on this study at next months Board meeting.

New Employee – The Board welcomed the new billing clerk Trisha Fowler to the Districts staff.

Action: **No action taken by the Board.**

Public Comment
None.

Correspondence
None.

Action: **Motion made by Mr. Appignani and seconded by Mr. Strider 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. Appignani and seconded by Mr. Strider to return to public session. Unanimously approved.**

Action: **Motion made by Mr. Appignani and seconded by Mr. Strider to accept the Bowles Rice engagement letter for certain legal services with a minor adjustment made to the file retention policy. Unanimously approved.**

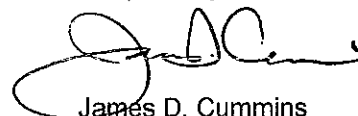
Action: **Motion made by Mr. Strider and seconded by Mr. Cummins to direct staff to file a time extension of six-months extending the procedural order in the Jefferson Utilities general investigation case at the Public Service Commission, case # 11-0235-W-GI. Approved 2-0. Mr. Appignani abstained from voting.**

Action: **Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn. Unanimously approved.**

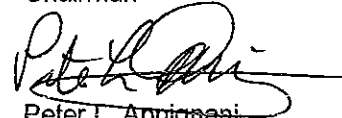
There being no further business at this time, the meeting was adjourned at 9:30PM

The next regular meeting is scheduled for Monday, April 2, 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

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

Week Ending Date	Week Ending March 24, 2012
To be Deposited on:	March 30, 2012
Amount Played	85,679,298.72
Amount Won	77,084,057.82
Amount Promo	243,773.00
MWAP Contribution	<u>5,593.96</u>
Adjusted Gross Terminal Revenue	<u>8,345,873.94</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	333,834.97
Net Terminal Revenue	<u>8,012,038.97</u>
Surcharge @ 10%	801,203.89
State Share Excess @ 58%	464,698.26
Track Share of Capital Reinvestment @ 42%	336,505.63
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	\$ 323,045.40
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	\$ 13,460.23
Adjusted Net Terminal Revenue	<u>7,210,835.08</u>
Racetrack @ 46.50% / 42%	3,028,550.73
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,956,442.35
Race Track Purses @ 7% / 14% / 8%	576,866.81
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	36,054.18
Greyhound Development @ .75%	54,081.26
Thoroughbred Development @ .75%	54,081.26
Racing Commission @ 1%	72,108.36
County/Municipality @ 2%	144,216.72
3% Funds:	
Tourism Promotion Fund @ 1.375%	99,148.98
Development Office Promotion Fund @ .375%	27,040.63
Research Challenge Fund @ .5%	36,054.18
Capitol Renovation and Improvement Fund @ .6875%	49,574.49
2004 Capitol Complex Parking Garage Fund @ .0625%	4,506.77
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>72,108.36</u>
	<u>7,210,835.08</u>

WEST VIRGINIA LOTTERY

First Benchmark

Charles Town

County / City Split

Fiscal Year 2012

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
2 days ending: 7/1/2011 - 7/2/2011	\$ 69,824.12	\$ 69,824.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week Ending:								
07/09/11	\$ 171,717.28	\$ 171,717.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/16/11	\$ 143,019.52	\$ 143,019.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/23/11	\$ 146,508.00	\$ 146,508.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/30/11	\$ 144,510.28	\$ 144,510.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/06/11	\$ 151,495.28	\$ 151,495.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/13/11	\$ 149,711.80	\$ 117,350.38	\$ 32,361.42	\$ 2,650.40	\$ 13,332.90	\$ 724.90	\$ 11,255.30	\$ 4,397.92
08/20/11	\$ 143,228.24	\$ 71,614.12	\$ 71,614.12	\$ 5,865.20	\$ 29,505.01	\$ 1,604.16	\$ 24,907.39	\$ 9,732.36
08/27/11	\$ 126,864.28	\$ 63,432.14	\$ 63,432.14	\$ 5,195.09	\$ 26,134.04	\$ 1,420.88	\$ 22,081.70	\$ 8,620.43
09/03/11	\$ 161,675.52	\$ 80,837.76	\$ 80,837.76	\$ 6,620.61	\$ 33,305.16	\$ 1,810.77	\$ 28,115.37	\$ 10,985.85
09/10/11	\$ 169,691.60	\$ 84,845.80	\$ 84,845.80	\$ 6,948.87	\$ 34,955.47	\$ 1,900.55	\$ 29,509.37	\$ 11,530.54
09/17/11	\$ 133,497.24	\$ 66,748.62	\$ 66,748.62	\$ 5,466.71	\$ 27,500.43	\$ 1,495.17	\$ 23,215.17	\$ 9,071.14
09/24/11	\$ 137,859.60	\$ 68,929.80	\$ 68,929.80	\$ 5,645.35	\$ 28,399.08	\$ 1,544.03	\$ 23,973.78	\$ 9,367.56
10/01/11	\$ 137,743.28	\$ 68,871.64	\$ 68,871.64	\$ 5,640.59	\$ 28,375.12	\$ 1,542.72	\$ 23,953.55	\$ 9,359.66
10/08/11	\$ 141,733.80	\$ 70,866.90	\$ 70,866.90	\$ 5,804.00	\$ 29,197.16	\$ 1,587.42	\$ 24,647.51	\$ 9,630.81
10/15/11	\$ 150,525.32	\$ 75,262.66	\$ 75,262.66	\$ 6,164.01	\$ 31,008.22	\$ 1,685.88	\$ 26,176.35	\$ 10,228.20
10/22/11	\$ 137,515.44	\$ 68,757.72	\$ 68,757.72	\$ 5,631.26	\$ 28,328.18	\$ 1,540.17	\$ 23,913.94	\$ 9,344.17
10/29/11	\$ 121,015.96	\$ 60,507.98	\$ 60,507.98	\$ 4,955.60	\$ 24,929.29	\$ 1,355.38	\$ 21,044.68	\$ 8,223.03
11/05/11	\$ 141,347.76	\$ 70,673.88	\$ 70,673.88	\$ 5,788.19	\$ 29,117.64	\$ 1,583.09	\$ 24,580.38	\$ 9,604.58
11/12/11	\$ 135,254.20	\$ 67,627.10	\$ 67,627.10	\$ 5,538.66	\$ 27,862.36	\$ 1,514.85	\$ 23,520.71	\$ 9,190.52
11/19/11	\$ 121,381.20	\$ 60,690.60	\$ 60,690.60	\$ 4,970.56	\$ 25,004.53	\$ 1,359.47	\$ 21,108.19	\$ 8,247.85
11/26/11	\$ 148,281.08	\$ 74,140.54	\$ 74,140.54	\$ 6,072.11	\$ 30,545.90	\$ 1,660.75	\$ 25,786.08	\$ 10,075.70
12/03/11	\$ 118,859.88	\$ 59,429.94	\$ 59,429.94	\$ 4,867.31	\$ 24,485.14	\$ 1,331.23	\$ 20,669.73	\$ 8,076.53
12/10/11	\$ 102,790.88	\$ 51,395.44	\$ 51,395.44	\$ 4,209.29	\$ 21,174.92	\$ 1,151.26	\$ 17,875.33	\$ 6,984.64
12/17/11	\$ 111,962.64	\$ 55,981.32	\$ 55,981.32	\$ 4,584.87	\$ 23,064.31	\$ 1,253.98	\$ 19,470.30	\$ 7,607.86
12/24/11	\$ 108,497.24	\$ 54,248.62	\$ 54,248.62	\$ 4,442.96	\$ 22,350.43	\$ 1,215.17	\$ 18,867.67	\$ 7,372.39
12/31/11	\$ 189,322.00	\$ 94,661.00	\$ 94,661.00	\$ 7,752.74	\$ 39,000.32	\$ 2,120.41	\$ 32,923.10	\$ 12,864.43
01/07/12	\$ 149,726.80	\$ 74,863.40	\$ 74,863.40	\$ 6,131.31	\$ 30,843.72	\$ 1,676.94	\$ 26,037.49	\$ 10,173.94
01/14/12	\$ 117,803.84	\$ 58,901.92	\$ 58,901.92	\$ 4,824.07	\$ 24,267.59	\$ 1,319.40	\$ 20,486.09	\$ 8,004.77
01/21/12	\$ 123,639.84	\$ 61,819.92	\$ 61,819.92	\$ 5,063.05	\$ 25,469.80	\$ 1,384.77	\$ 21,500.97	\$ 8,401.33
01/28/12	\$ 125,797.56	\$ 62,898.78	\$ 62,898.78	\$ 5,151.41	\$ 25,914.30	\$ 1,408.93	\$ 21,876.20	\$ 8,547.94
02/04/12	\$ 144,309.32	\$ 72,154.66	\$ 72,154.66	\$ 5,909.47	\$ 29,727.72	\$ 1,616.26	\$ 25,095.39	\$ 9,805.82
02/11/12	\$ 132,858.08	\$ 66,429.04	\$ 66,429.04	\$ 5,440.54	\$ 27,368.76	\$ 1,488.01	\$ 23,104.02	\$ 9,027.71
02/18/12	\$ 154,911.76	\$ 77,455.88	\$ 77,455.88	\$ 6,343.64	\$ 31,911.82	\$ 1,735.01	\$ 26,939.16	\$ 10,526.25
02/25/12	\$ 155,223.56	\$ 77,811.78	\$ 77,811.78	\$ 6,356.40	\$ 31,976.05	\$ 1,738.51	\$ 26,993.38	\$ 10,547.44
03/03/12	\$ 151,927.72	\$ 75,963.86	\$ 75,963.86	\$ 6,221.44	\$ 31,297.10	\$ 1,701.60	\$ 26,420.23	\$ 10,323.49
03/10/12	\$ 153,617.24	\$ 76,808.62	\$ 76,808.62	\$ 6,290.63	\$ 31,645.15	\$ 1,720.51	\$ 26,714.04	\$ 10,438.29
03/17/12	\$ 153,767.84	\$ 76,883.92	\$ 76,883.92	\$ 6,296.79	\$ 31,676.18	\$ 1,722.20	\$ 26,740.23	\$ 10,448.52
03/24/12	\$ 144,216.72	\$ 72,108.36	\$ 72,108.36	\$ 5,905.67	\$ 29,708.64	\$ 1,615.23	\$ 25,079.29	\$ 9,799.53
Subtotal	\$ 5,423,833.72	\$ 3,167,848.58	\$ 2,255,785.14	\$ 184,748.80	\$ 929,383.44	\$ 50,529.61	\$ 784,562.09	\$ 306,561.20

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

FY 2009		FY 2010		FY 2011		FY 2012	
Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58	7/1-2/2011	69,824.12
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64	7/9/2011	171,717.28
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76	7/16/2011	143,019.52
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28	7/23/2011	146,508.00
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08	7/30/2011	144,510.28
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98	8/6/2011	151,495.28
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68	8/13/2011	117,350.38
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02	8/20/2011	71,614.12
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03	8/27/2011	63,432.14
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84	9/3/2011	80,837.76
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36	9/10/2011	84,845.80
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78	9/17/2011	66,748.62
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06	9/24/2011	68,929.80
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86	10/1/2011	68,871.64
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50	10/8/2011	70,866.90
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62	11/5/2011	70,673.88
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08	12/3/2011	59,429.94
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12	12/31/2011	94,661.00
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30	1/7/2012	74,863.40

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90	1/14/2012	58,901.92
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74	1/21/2012	61,819.92
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94	1/28/2012	62,898.78
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44	2/4/2012	72,154.66
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84	2/11/2012	66,429.04
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54	2/18/2012	77,455.88
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02	2/25/2012	77,611.78
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34	3/3/2012	75,963.86
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48	3/10/2012	76,808.62
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26	3/17/2012	76,883.92
3/28/2009	79,250.83	3/27/2010	69,941.88	3/26/2011	68,490.80	3/24/2012	72,108.36
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58		
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78		
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56		
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14		
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50		
5/9/2009	76,697.22	5/8/2010	67,403.54	5/7/2011	66,379.74		
5/16/2009	71,925.70	5/15/2010	70,186.32	5/14/2011	66,699.76		
5/23/2009	81,395.43	5/22/2010	64,695.71	5/21/2011	63,210.44		
5/30/2009	82,161.55	5/29/2010	67,157.40	5/28/2011	64,724.06		
6/6/2009	74,895.74	6/5/2010	77,371.80	6/4/2011	74,952.34		
6/13/2009	67,327.23	6/12/2010	66,106.29	6/11/2011	62,203.12		
6/20/2009	75,500.53	6/19/2010	64,888.48	6/18/2011	61,200.76		
6/27/2009	67,354.10	6/26/2010	63,950.29	6/25/2011	65,470.44		
6/30/2009 ***	32,059.58	6/30/2010	29,667.19	6/30/2011	34,351.16		
TOTALS 4403564.04		4041141.56		4016541.01		3167848.58	

Table Game Revenue

Date	Amount
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02
June, 2011	121,576.41
July, 2011	141,718.01
August, 2011	137,473.92
September, 2011	110,375.25
October, 2011	124,273.94
November, 2011	121,118.87
December, 2011	140,509.93
February, 2012	142,770.01

2215631.63

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

Week Ending Date	Week Ending March 31, 2012
To be Deposited on:	April 6, 2012
Amount Played	86,815,129.02
Amount Won	77,944,446.08
Amount Promo	272,245.00
MWAP Contribution	<u>5,356.91</u>
Adjusted Gross Terminal Revenue	<u>8,593,081.03</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	343,723.24
Net Terminal Revenue	<u>8,249,357.79</u>
Surcharge @ 10%	824,935.78
State Share Excess @ 58%	478,462.75
Track Share of Capital Reinvestment @ 42%	346,473.03
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	\$ 332,014.11
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	\$ 13,858.92
Adjusted Net Terminal Revenue	<u>7,424,422.01</u>
Racetrack @ 46.50% / 42%	3,118,257.24
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	3,044,013.03
Race Track Purses @ 7% / 14% / 8%	593,953.76
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	37,122.11
Greyhound Development @ .75%	55,683.17
Thoroughbred Development @ .75%	55,683.17
Racing Commission @ 1%	74,244.22
County/Municipality @ 2%	148,488.44
3% Funds:	
Tourism Promotion Fund @ 1.375%	102,085.80
Development Office Promotion Fund @ .375%	27,841.58
Research Challenge Fund @ .5%	37,122.11
Capitol Renovation and Improvement Fund @ .6875%	51,042.90
2004 Capitol Complex Parking Garage Fund @ .0625%	4,640.26
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>74,244.22</u>
	<u>7,424,422.01</u>

WEST VIRGINIA LOTTERY
First Benchmark
Charles Town
County / City Split
Fiscal Year 2012

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
2 days ending: 7/1/2011 - 7/2/2011	\$ 69,824.12	\$ 69,824.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week Ending:								
07/09/11	\$ 171,717.28	\$ 171,717.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/16/11	\$ 143,019.52	\$ 143,019.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/23/11	\$ 146,508.00	\$ 146,508.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/30/11	\$ 144,510.28	\$ 144,510.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/06/11	\$ 151,495.28	\$ 151,495.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/13/11	\$ 149,711.80	\$ 117,350.38	\$ 32,361.42	\$ 2,650.40	\$ 13,332.90	\$ 724.90	\$ 11,255.30	\$ 4,397.92
08/20/11	\$ 143,228.24	\$ 71,614.12	\$ 71,614.12	\$ 5,865.20	\$ 29,505.01	\$ 1,604.16	\$ 24,907.39	\$ 9,732.36
08/27/11	\$ 126,864.28	\$ 63,432.14	\$ 63,432.14	\$ 5,195.09	\$ 26,134.04	\$ 1,420.88	\$ 22,061.70	\$ 8,620.43
09/03/11	\$ 161,675.52	\$ 80,837.76	\$ 80,837.76	\$ 6,620.61	\$ 33,305.16	\$ 1,810.77	\$ 28,115.37	\$ 10,985.85
09/10/11	\$ 169,691.60	\$ 84,845.80	\$ 84,845.80	\$ 6,948.87	\$ 34,956.47	\$ 1,900.55	\$ 29,509.37	\$ 11,530.54
09/17/11	\$ 133,497.24	\$ 66,748.62	\$ 66,748.62	\$ 5,466.71	\$ 27,500.43	\$ 1,495.17	\$ 23,215.17	\$ 9,071.14
09/24/11	\$ 137,859.60	\$ 68,929.80	\$ 68,929.80	\$ 5,645.35	\$ 28,399.08	\$ 1,544.03	\$ 23,973.78	\$ 9,367.56
10/01/11	\$ 137,743.28	\$ 68,871.64	\$ 68,871.64	\$ 5,640.59	\$ 28,375.12	\$ 1,542.72	\$ 23,953.55	\$ 9,359.66
10/08/11	\$ 141,733.80	\$ 70,866.90	\$ 70,866.90	\$ 5,804.00	\$ 29,197.16	\$ 1,587.42	\$ 24,647.51	\$ 9,630.81
10/15/11	\$ 150,525.32	\$ 75,262.66	\$ 75,262.66	\$ 6,164.01	\$ 31,008.22	\$ 1,685.88	\$ 26,176.35	\$ 10,228.20
10/22/11	\$ 137,515.44	\$ 68,757.72	\$ 68,757.72	\$ 5,631.26	\$ 28,328.18	\$ 1,540.17	\$ 23,913.94	\$ 9,344.17
10/29/11	\$ 121,015.96	\$ 60,507.98	\$ 60,507.98	\$ 4,955.60	\$ 24,929.29	\$ 1,355.38	\$ 21,044.68	\$ 8,223.03
11/05/11	\$ 141,347.76	\$ 70,673.88	\$ 70,673.88	\$ 5,788.19	\$ 29,117.64	\$ 1,583.09	\$ 24,580.38	\$ 9,604.58
11/12/11	\$ 135,264.20	\$ 67,627.10	\$ 67,627.10	\$ 5,538.66	\$ 27,862.36	\$ 1,514.85	\$ 23,520.71	\$ 9,190.52
11/19/11	\$ 121,381.20	\$ 60,690.60	\$ 60,690.60	\$ 4,970.56	\$ 25,004.53	\$ 1,359.47	\$ 21,108.19	\$ 8,247.85
11/26/11	\$ 148,281.08	\$ 74,140.54	\$ 74,140.54	\$ 6,072.11	\$ 30,545.90	\$ 1,660.75	\$ 25,786.08	\$ 10,075.70
12/03/11	\$ 118,859.88	\$ 59,429.94	\$ 59,429.94	\$ 4,867.31	\$ 24,485.14	\$ 1,331.23	\$ 20,669.73	\$ 8,076.53
12/10/11	\$ 102,790.88	\$ 51,395.44	\$ 51,395.44	\$ 4,209.29	\$ 21,174.92	\$ 1,151.26	\$ 17,875.33	\$ 6,984.64
12/17/11	\$ 111,962.64	\$ 55,981.32	\$ 55,981.32	\$ 4,584.87	\$ 23,064.31	\$ 1,253.98	\$ 19,470.30	\$ 7,607.86
12/24/11	\$ 108,497.24	\$ 54,248.62	\$ 54,248.62	\$ 4,442.96	\$ 22,350.43	\$ 1,215.17	\$ 18,867.67	\$ 7,372.39
12/31/11	\$ 189,322.00	\$ 94,661.00	\$ 94,661.00	\$ 7,752.74	\$ 39,000.32	\$ 2,120.41	\$ 32,923.10	\$ 12,864.43
01/07/12	\$ 149,726.80	\$ 74,863.40	\$ 74,863.40	\$ 6,131.31	\$ 30,843.72	\$ 1,676.94	\$ 26,037.49	\$ 10,173.94
01/14/12	\$ 117,803.84	\$ 58,901.92	\$ 58,901.92	\$ 4,824.07	\$ 24,267.59	\$ 1,319.40	\$ 20,486.09	\$ 8,004.77
01/21/12	\$ 123,639.84	\$ 61,819.92	\$ 61,819.92	\$ 5,063.05	\$ 25,469.80	\$ 1,384.77	\$ 21,500.97	\$ 8,401.33
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03/31/12	\$ 148,488.44	\$ 74,244.22	\$ 74,244.22	\$ 6,080.60	\$ 30,588.62	\$ 1,663.07	\$ 25,822.14	\$ 10,089.79
Subtotal	\$ 5,572,122.16	\$ 3,242,092.80	\$ 2,330,029.36	\$ 190,829.40	\$ 959,972.06	\$ 52,192.68	\$ 810,384.23	\$ 316,650.99

Benchmark Goal @ 2% \$ 912,063.48

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7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76	7/16/2011	143,019.52
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8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08	7/30/2011	144,510.28
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98	8/6/2011	151,495.28
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9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36	9/10/2011	84,845.80
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78	9/17/2011	66,748.62
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06	9/24/2011	68,929.80
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10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62	11/5/2011	70,673.88
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60
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12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08	12/3/2011	59,429.94
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12	12/31/2011	94,661.00
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30	1/7/2012	74,863.40

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90	1/14/2012	58,901.92
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74	1/21/2012	61,819.92
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94	1/28/2012	62,898.78
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44	2/4/2012	72,154.66
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84	2/11/2012	66,429.04
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54	2/18/2012	77,455.88
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02	2/25/2012	77,611.78
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34	3/3/2012	75,963.86
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48	3/10/2012	76,808.62
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26	3/17/2012	76,883.92
3/28/2009	79,250.83	3/27/2010	69,941.88	3/26/2011	68,490.80	3/24/2012	72,108.36
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58	3/31/2012	74,244.44
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78		
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56		
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14		
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50		
5/9/2009	76,697.22	5/8/2010	67,403.54	5/7/2011	66,379.74		
5/16/2009	71,925.70	5/15/2010	70,186.32	5/14/2011	66,699.76		
5/23/2009	81,395.43	5/22/2010	64,695.71	5/21/2011	63,210.44		
5/30/2009	82,161.55	5/29/2010	67,157.40	5/28/2011	64,724.06		
6/6/2009	74,895.74	6/5/2010	77,371.80	6/4/2011	74,952.34		
6/13/2009	67,327.23	6/12/2010	66,106.29	6/11/2011	62,203.12		
6/20/2009	75,500.53	6/19/2010	64,888.48	6/18/2011	61,200.76		
6/27/2009	67,354.10	6/26/2010	63,950.29	6/25/2011	65,470.44		
6/30/2009 ***	32,059.58	6/30/2010	29,667.19	6/30/2011	34,351.16		
TOTALS 4403564.04		4041141.56		4016541.01		3242093.02	

Table Game Revenue

Date	Amount
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02
June, 2011	121,576.41
July, 2011	141,718.01
August, 2011	137,473.92
September, 2011	110,375.25
October, 2011	124,273.94
November, 2011	121,118.87
December, 2011	140,509.93
February, 2012	142,770.01

2215631.63



600 Hays Avenue
Staunton, Virginia 24401

March 23, 2012

Mr. Tim Boyde
Jefferson County Administrator
124 East Washington Street
Charles Town, WV 25414

Dear Mr. ~~Boyde~~^{Tim}:

Comcast would like to advise you of programming changes coming to Jefferson County in April and May. The attached bill messages detail the moves that are occurring.

Customers are receiving notice of these changes via the bill messages.

In order for subscribers to view digital programming, digital equipment is required. In order for subscribers to view HD programming, HD equipment is required.

Please do not hesitate to contact me at (540) 974-5123 with any questions you may have.

Sincerely,

Paul Comes
Director, Government Affairs

RECEIVED

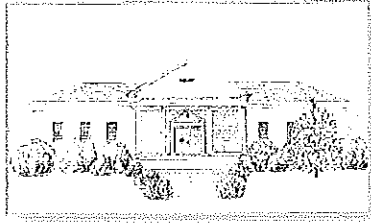
MAR 30 2012

Jefferson County Commission

Bill Message:

IMPORTANT INFORMATION: On or about April 9, 2012, Disney Junior will launch on Digital Preferred ch 125. On May 31, 2012 SOAPnet ch 120 will be dropped from Digital Preferred.

IMPORTANT INFORMATION: Effective May 1, 2012, H2 will be added to Digital Economy ch 116 and HD ch 876. Spike TV will no longer be available on Digital Economy ch 41 and HD ch 827.



OLD CHARLES TOWN LIBRARY, INCORPORATED

Friday, March 23rd, 2012

Sandy Slusher McDonald, Acting County Administrator
Jefferson County Commission
P.O Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Mrs. McDonald:

On behalf of the Directors of the Old Charles Town Library, Inc. please accept my thanks to you and the County Commission for sharing the cost of replacing the carpet in the hallway of our Community Room and Museum. It certainly is an improvement that we can all be proud of.

I also want to extend my appreciation to you and the County Commission for being such good neighbors. The care and improvements to the Community Room that you have made over the years and continue to make is a marvelous example of how our Community continues to assure the well-being of both our Library and Museum.

Again many thanks to you for your continued support. We look forward to a long partnership with the County Commission.

Sincerely,

P. Douglas Perks, Director

C: Mrs Patsy Noland, President

OLD CHARLES TOWN LIBRARY, INC.
200 East Washington Street, Charles Town, West Virginia 25414
304-725-2208

BERKELEY JEFFERSON COMMUNITY CORRECTIONS BOARD
BERKELEY JEFFERSON DAY REPORT CENTERS
406 South Raleigh Street
Martinsburg, West Virginia 25401

March 27, 2012.

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

RE: Joseph Sacchet Resignation

Dear Commission Members:

Please be advised pursuant to letter dated March 26, 2012, I have received the resignation letter of Joseph Sacchet. A copy of the letter is attached. The Board, has reviewed the matter and by motion and vote, in emergency session, has accepted his resignation as of March 30, 2012. This vote will be further ratified at our meeting on April 12, 2012. I have notified finance of his last date by email and a copy of this letter. A copy of this letter will be sent to the grant personnel as well.

The search for a new director will begin immediately. The centers will remain open with services provided, but will be in transition. Thank you for your continued support.

Sincerely,


Pamela Jean Games-Neely
President of the Board

ENCLOSURE

RECEIVED

Jefferson County Commission



406 South Raleigh Street
Martinsburg WV 25401

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

Berkeley/Jefferson Day Report Center

March 26, 2012

Pamela Games-Neely
President
Berkeley Jefferson Community Criminal Justice Board
380 W. South Street Suite 1100
Martinsburg, WV 25401

Dear Pam,

Due to health concerns and the recommendation from my physician, I am regretfully submitting my resignation as Director of the Berkeley/Jefferson Day Report Center effective March 30th 2012. I have in three years accomplished the goals I set for myself regarding the program and its growth. I have greatly appreciated your support as the Board President and the support of the Board during this time. I wish the best to the Day Report Center as it grows in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Sacchet".

Joseph Sacchet
Director

RECEIVED

MAR 30 2012

Jefferson County Commission



STATE OF WEST VIRGINIA
TWENTY-THIRD JUDICIAL CIRCUIT

100 E. WASHINGTON STREET
CHARLES TOWN, WEST VIRGINIA 25414

DAVID H. SANDERS, CIRCUIT JUDGE

BERKELEY, JEFFERSON
AND MORGAN COUNTIES

March 29, 2012

Dear President Noland and fellow Commissioners,

The LAWS program conducted here Tuesday was a great success. In no small part this was due to the wonderful level of sponsorship and support the County Commission gave to the effort and to the splendid efforts of many people working through the County's maintenance department under Bill Polk. As the hosting judge I was extremely gratified to see the courthouse turned-out so well. I would like to personally express my thanks for all that was done to pull off this great day. It's a very rare thing to have the Supreme Court come and hold its session right in the heart of our county. With your great help the day was glorious and was a credit to our people and our county.

Individually I was approached by Chief Justice Menis Ketchum, Justice Robin Davis and Clerk of the Supreme Court Rory Perry - each to tell me how absolutely surprised and impressed they were by the level of support our county gave them. Each of those three told me that they had never before had such outstanding support. They said this was the best LAWS program ever. They couldn't say enough good about our county government and the quality of our people and the local bar. They were impressed with the beauty of the courthouse and courtroom, and how well the room had been adapted to their needs. The bench extensions created by Dean were great, really expertly done and impressive. The technical assistance provided by Ryan was just outstanding. In fact Rory Perry told me that he thought Ryan was fantastic. Bill Polk sent lots of good people into the project: Dennis, Greg, Bryan and others.

When people pull together so well to accomplish something so magnificently it should be recognized and acknowledged. My hat is off to all of you. Thank you.

A handwritten signature in black ink, appearing to read "David H. Sanders".

David H. Sanders
Chief Judge 23rd Judicial Circuit

From: Mary Ann Claytor
To: 'Paul Shroyer'
Date: Thursday, March 29, 2012 10:16:11 AM
Subject: RE: Jefferson County 2013 Budget
[Copy of Jeff WV Budget FYE 6-30-2013.xls](#)

I fixed the publication page. Also I received your budget file and Recap page. Thanks

"This E-mail and any of its attachments may contain WV State Auditor's Office proprietary information, which is privileged, confidential, or subject to copyright belonging to the WV State Auditor's Office. This E-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this E-mail, you are hereby notified that any dissemination, distribution, copying, or action taken in relation to the contents of and attachments to this E-mail is strictly prohibited and may be unlawful. If you have received this E-mail in error, please notify the sender immediately and permanently delete the original and any copy of or printout of this E-mail."

From: Paul Shroyer [mailto:pshroyer@jeffersoncountywv.org]
Sent: Thursday, March 29, 2012 9:24 AM
To: LGS-List
Subject: Jefferson County 2013 Budget

Attache is Jefferson County's FYE June 30, 2013 Budget File and separate scanned file a page with the Clerk's signature, Certification of value page, and Reduced levy Rates.

Paul Shroyer

From: Paul Shroyer
To: patsynol@gmail.com, lynwidmyer@gmail.com, dmanuel@frontiernet.net,
walterpellish@me.com, fberrymorgan@aol.com
CC: sandy@jeffersoncountywv.org
Date: Tuesday, April 03, 2012 12:16:42 PM
Subject: Budget approval letter
[Approval Letter-Ora Ash.pdf](#), [Mary Ann's Email.pdf](#)

Commissioners,

Attached is the budget approval letter for the FYE June 30, 2013 from Ora Ash. It is so inspiring to see that the Auditor's Office and be so critical about timely filing, as noted in paragraph two, even when the delay was due to an error in their report form. The report was emailed to them at 9:24 AM on the 29th and they acknowledged making the requested correction at 10:16.

Enjoy the sun and have a nice day.

Paul Shroyer



Caitlin Myers
152 Pheasant Hill Road
Summit Point, WV 25446

March 30, 2012

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

Dear Jefferson County Commission:

I am a 6th grader at Charles Town Middle School and have been nominated to represent my school and community as a member of the Jr. National Young Leaders in Washington, DC.

The Congressional Youth Leadership Council nominates exceptional students from around the country to attend an experiential educational program. I have enclosed a sample of our itinerary for your review. As you can see, this will be a powerful experience, enabling me to interact with many prominent men and women whom most of us only read about in the news.

Imagine if you had been given this opportunity for a life-changing experience when you were in school and were unable to participate for lack of funds. That is why I am writing to you today.

My participation in the Conference depends on whether I can raise \$ 1,600.00 in sponsorships. (The Conference tuition is \$ 2,069.00; I have mail in the entry deposit of \$ 469.00) I am investing every dollar I can of my own money to make sure I don't miss out on this unique experience and am also taking on extra jobs to raise the funds I need. In addition, through my family, friends and neighbors, I have already raised \$ 100.00.

That leaves me with a balance of \$ 1,500.00, and I am hoping that you could help me reach my goal, along with other businesses I have mailed this to such as Jefferson Security Bank, City of Charles Town-Town Council Mayor Peggy Smith, Charles Town Rotary Club, City of Ranson, Charles Town Races and Slots, and Martins Grocery Store with hope they will consider assisting me with some of the cost. My tuition must be paid no later than May 25, 2012.

RECEIVED


APR 08 2012

Jefferson County Commission

Your support for my sponsorship request would be greatly appreciated. I will contact you next week to discuss the possibility of receiving your support.

I have enclosed background materials on the Conference to answer your questions and help you make your decision. Please contact me at 304-728-0747 or you may contact the Jr. National Young Leaders at 703-584-9533 or the email of www.cylc.org for any further information.

Sincerely,



Caitlin Myers

JUNIOR NATIONAL YOUNG LEADERS CONFERENCE

SCHEDULE OF EVENTS* ☆ WASHINGTON, D.C. ☆ SUMMER 2012

**This schedule is a composite based on past schedules and is provided to demonstrate the pace and composition of a typical session of JrNYLC. Speakers, site explorations, conference activities and locations will vary with each session.*

☆ DAY ONE ☆ VOICES OF LEADERSHIP

Registration and Check-In

The Leader Within: Insights Into Leadership
Leadership Development Activities

Orientation

The Junior National Young Leaders Conference and You:
The Week Ahead

Leadership Focus Groups

The Impact of Leadership Traits

- ❖ Character
- ❖ Communication
- ❖ Goal Setting
- ❖ Problem Solving
- ❖ Respect
- ❖ Teamwork

☆ DAY TWO ☆ VOICES OF FREEDOM

Leadership Focus Groups

Tributes to Valor and Sacrifice: Tour of Our Nation's Memorials

- ❖ Lincoln Memorial
- ❖ Vietnam Veterans Memorial
- ❖ Korean War Veterans Memorial

Field Study Experience: Behind the Scenes of History
National Museum of American History

The Residence at 1600 Pennsylvania Avenue
White House Photo Opportunity

Leadership Focus Groups

Capturing the Experience Reflection Activities
The Process of Social Activism

☆ DAY THREE ☆ VOICES OF STRUGGLE

Leadership Focus Groups

Travel to Harpers Ferry: Site of John Brown's Attack on Slavery

Testing the Times: Would You Follow John Brown?

Choices and Consequences: Loyalties and the American Civil War
History One-on-One: Discovery Experiences

Leadership Focus Groups

Capturing the Experience Reflection Activities
Facing the Music: The Impact of Freedom of Speech

☆ DAY FOUR ☆ VOICES OF COURAGE

Leadership Focus Groups

Field Study Experience: Leadership and Change in United States
History
U.S. Capitol Visitor Center - Exhibition Hall

Tribute to Courage and Commitment: National Memorials

- ❖ Martin Luther King, Jr. Memorial
- ❖ Franklin D. Roosevelt Memorial

Leadership Focus Groups

Capturing the Experience Reflection Activities
Freedom of Expression: Opinions and Decisions

☆ DAY FIVE ☆ VOICES OF CHANGE

Leadership Focus Groups

Leaders Take a Stand: Student Advocacy Projects

Leadership in Action: Closing Keynote Speaker

A Learning Adventure

Sleepover and Leadership Activities at the Maryland Science Center

☆ DAY SIX ☆ VOICES OF THE FUTURE

Closing Breakfast

Leadership Focus Groups

Making a Difference at Home

We, the Future: Continuing the Voice of Leadership

Closing Commencement Ceremony

Departures

Week July 1 to July 6, 2012



JUNIOR NATIONAL YOUNG LEADERS CONFERENCE INFORMATION FOR JUNIOR NATIONAL SCHOLARS AND THEIR PARENTS

ABOUT THE CONGRESSIONAL YOUTH LEADERSHIP COUNCIL

The Congressional Youth Leadership Council (CYLC) is an independent, educational organization and is not affiliated with any political party or the federal government.

CYLC hosts the Junior National Young Leaders Conference (JrNYLC). The purpose of the Conference is to honor and inspire the most exceptional middle school students in the nation, distinguished by their academic excellence, leadership potential and maturity, and to reinforce the virtues of leadership, citizenship and democracy using Washington, D.C. as their classroom.

CURRICULUM SUMMARY

The curriculum for JrNYLC was developed under the direction of Dr. Marguerite Regan, Dean of Academic Affairs. Dr. Regan is a former high school teacher and social science department chairperson who has been involved in the creation and development of innovative educational curricula and programs for high-achievers for over 30 years.

Leadership Goal:

The key goal of JrNYLC is to introduce Junior National Scholars to the important concepts of leadership: character, communication, goal setting, respect, problem solving and teamwork. Students examine leadership in a historical context, focus on applying critical leadership skills in their own lives and explore ways to make a difference when they return home to their schools and communities.

Leadership Objective:

The objective of JrNYLC is to examine the specific leadership traits exhibited by the most prominent and important leaders in United States history. Students assess the key leadership concepts from above by working independently and in collaboration to achieve goals; by identifying future leadership development opportunities; by interacting in a cooperative manner with peers from different leadership groups; and by researching and evaluating leadership in our nation's history through experiential learning.

Leadership Outcome:

Students will return from JrNYLC with enhanced skills and abilities, not only to understand the key concepts of leadership, but to apply them in their everyday lives. A transformation will take place enabling Junior National Scholars to understand that leaders must apply different traits based on different circumstances; to practice their leadership skills of communication, negotiation and persuasion; to use critical thinking skills when analyzing information; to recognize that leaders have a responsibility to make choices that have positive effects on the community; to serve as both leaders and followers in group situations; to relate leadership characteristics to social, cultural and historical contexts and to apply problem solving skills and techniques.

SELECTION AND ENROLLMENT

Requirements for attending the Junior National Young Leaders Conference are strict. High-achieving students may be nominated directly by a teacher, educator or other community leader or may be selected based upon academic interest. Only those middle school students who can meet the challenges of our advanced academic curriculum and who have already demonstrated a high level of maturity and responsibility may attend.

Enrollment in JrNYLC is on a space-available basis, and applications will be processed in the order in which they are received. Enroll online at www.cylc.org/JrNYLC, or complete and return the enclosed Enrollment Application by the enrollment deadline date. Requests for enrollment may exceed available space. In the event that there is no space available when we receive an enrollment application, that student will be placed on a wait list and notified when space becomes available.

SAFETY AND SUPERVISION

There is no higher priority than the safety and security of each and every one of our students throughout their participation in JrNYLC. Every member of our staff understands that this Conference may well represent the first time many students will spend significant time away from their parents and families. The independence, personal growth and confidence that students gain from this experience will serve as one of the foremost benefits of attending.

JrNYLC staff is positioned at Baltimore/Washington International Thurgood Marshall Airport (BWI) to help with student arrivals and departures. Students will be supervised by a full-time staff of professional educators who have experience working with high-achieving students. Attendance is taken throughout the program and students are required to remain with the Conference at all times. The student-to-staff ratio is 17-to-1.

STAFFING

We have achieved a stellar, 25-year record of safely and successfully enriching the lives of young students by providing the most superb professional supervision. We ensure our conferences are administered by the highest caliber, professionally trained and educated staff who create, institute and strictly adhere to safety and security policies and procedures that meet the highest standards.

HOUSING AND TRANSPORTATION

In order to maintain the unique learning environment of JrNYLC, parents are not allowed to accompany students during the Conference. All students attending the Conference will stay at the National 4-H Youth Conference Center in Chevy Chase, MD or the Kirkland Conference Center in Silver Spring, MD, both located just outside of Washington, D.C. Most students will have two to three roommates, and each student will have his or her own bed, which may include a roll-away or an Aerobed. Room checks will be conducted each night to ensure the highest level of security. During the day, a licensed nurse will be available on site for each full day of the Conference.

Private motor coaches provide all transportation between the conference site and program activities. No public transportation will be used while students are attending JrNYLC. Transportation to and from the Conference is not included in the conference tuition.

Students should reserve flights that arrive to and depart from BWI. On arrival day, our staff will be stationed at the gate for flights arriving between noon and 5:30 p.m. to greet students as soon as they de-board the plane. On departure day, for students departing between noon and 4 p.m., our staff will be with them until their flights leave. Please note, there will be no staff or shuttle service provided for students arriving to or departing from Ronald Reagan Washington National Airport (DCA) or Washington Dulles International Airport (IAD).

DRESS CODE

Students should plan to wear relaxed professional clothing throughout the day. Ladies must wear dresses, skirts (**no** mini-skirts) or slacks (**no** denim or capris) with blouses or sweaters. Gentlemen must wear button-down, polo or collared shirts and slacks (**no** denim or cargo pants). There will be an opportunity most evenings to wear casual attire, including jeans. Comfortable dress shoes are essential, since students will be walking a great deal throughout the Conference.

CODE OF CONDUCT

Junior National Scholars are representatives of CYLC, and have been selected to attend the Conference in part because of their level of maturity and responsibility. All students are expected to abide by and uphold CYLC rules and conduct themselves in a manner that will continue to make their families and communities proud.

FOR ADDITIONAL INFORMATION

If you have questions, please call the Office of Admissions Monday through Friday between the hours of 9 a.m. and 8 p.m. Eastern Time (ET), on Saturday from 11 a.m. to 3 p.m. ET or write to the address below. If you write to the Office of Admissions, please include your address and a phone number where we can reach you.

Junior National Young Leaders Conference
Office of Admissions
1919 Gallows Road, Suite 700
Vienna, VA 22182
Phone: (703) 584-9533
E-mail: jrnyc_adm@cylc.org
Web Site: www.cylc.org/JrNYLC



For: All County Commissioners

Fax number:

From: Vivian Parsons, CCAWV

Fax number: 304-346-3512

Date: March 30, 2012

Regarding: Essay Contest

Number of pages: 1

REMINDER!!!!

April 13th is the last day for CCAWV to receive entries for the County Government Essay Contest for eighth grade students.

Please encourage all of your eighth grade classes to participate.

If you have any questions, please feel free to contact us!

We look forward to receiving their perspectives on county government!

Thanks.

County Commissioners' Association of WV
2309 Washington Street, East
Charleston, WV 25311
304-345-4639

Ballot Commission



TO:

ALL COUNTY CLERKS

① memo from Republican party noting 19 Delegates

② sample resolution 9 # of Pages

③ sample voter letters Including the cover

3:00 P. M. MONDAY, APRIL 2nd.

Follow up Call
1-866-405-4104

Code: 8410200

2211 Washington Street East
Charleston, WV 25311
Phone: 304-346-0591
Fax: 304-346-0592
Email: wvaco@wvaco.org

www.wvcounties.org



Memorandum

Date: September 27, 2011

To: The Honorable Natalie Tennant, Secretary of State
Dave Nichols
Office of the West Virginia Secretary of State

From: Mike Stuart
Chairman of the West Virginia Republican State Executive Committee

RE: Delegate Selection Process for the Republican Presidential Nomination

This Memorandum is intended to summarize the Republican Presidential selection process as adopted by written resolution by the West Virginia Republican State Executive Committee (the "SEC") at its summer meeting in July 23, 2011. All prior Memoranda are hereby withdrawn and hereby superseded and you are to disregard any prior narrative or instructions regarding the Republican Presidential selection process.

Please find attached the resolution (the "Resolution") as adopted by the SEC. **REGARDLESS OF THE NARRATIVE AS SET FORTH IN THIS MEMORANDUM, THE RESOLUTION SHALL TAKE PRECEDENCE. THIS MEMORANDUM IS OF NO LEGAL EFFECT AND THE RESOLUTION IS CONTROLLING IN EVERY RESPECT.** This Memorandum is provided at your request and is only meant only for informational purposes to summarize certain provisions of the Resolution.

In the event you have a question, comment, or interpretive inquiry regarding this Memorandum or the Resolution, please contact the Chairman of the West Virginia Republican Party in writing at the following address:

WV Republican Party
Attn: Chairman
P.O. Box 2711
Charleston, West Virginia 25330

SUMMARY OF RESOLUTION

West Virginia is allocated 31 delegates¹ to the 2012 Republican National Convention ("National Convention"). The delegates consist of the following:

- Chairman of the SEC;
- National Committeewoman;
- National Committeeman;
- 19 delegates² selected on a statewide basis in the 2012 West Virginia Primary election ("Statewide Delegates");
- 3 delegates selected from West Virginia's 1st Congressional District on a Congressional district basis in the 2012 West Virginia Primary election ("1st District Delegates");
- 3 delegates selected from West Virginia's 2nd Congressional District on a Congressional district basis in the 2012 West Virginia Primary election ("2nd District Delegates"); and
- 3 delegates selected from West Virginia's 3rd Congressional District on a Congressional district basis in the 2012 West Virginia Primary election ("3rd District Delegates", collectively with 1st District Delegates and 2nd District Delegates, the "Congressional District Delegates").

Mandatory Delegates

Three (3) delegates shall attend the National Convention by virtue of their elected position with the SEC – the State Chairman, the National Committeewoman and the National Committeeman.

Statewide Delegates

Nineteen Statewide Delegates shall attend the National Convention by virtue of being elected on a statewide basis in the 2012 West Virginia Primary election ("Primary Election").

¹ In the event the Republican candidate for Governor is elected on October 4, 2011, an additional Statewide Delegate shall be awarded to the State of West Virginia.

² See Fn. 1 above.

Candidates for Statewide Delegates shall register during the 2012 candidate registration period and pay the appropriate and applicable filing fee pursuant to state laws and or regulations.

Candidates for Statewide Delegates must be registered Republicans pursuant to the requirements for Republican candidates for all other offices listed on the Primary Election ballot. There is no gender requirement for Statewide Delegates.

Candidates for Statewide Delegates must declare to the Secretary of State his or her intention to be committed to a registered Republican candidate for President of the United States or to be uncommitted to any registered Republican candidate for President of the United States when registering to appear on the ballot. If at any time after declaring to the Secretary of State his or her intention regarding commitment, but prior to the Primary Election, any candidates for Statewide Delegates desire to alter his or her commitment, he or she must inform the Secretary of State in writing.

Candidates for Statewide Delegates shall appear on the Primary Election ballot pursuant to the following:

- In candidate order selected by random drawing by county, or as otherwise provided by law, as such drawing is conducted by each county clerk at 9:00 a.m. on February 21, 2012;
- Name given in his/her candidate filing; and
- Name of the Presidential candidate or the term "uncommitted".

Candidates for Statewide Delegates shall be elected by receiving the highest number of votes without regard to gender or Presidential preference.

Congressional District Delegates

Nine (9) Congressional District Delegates, in the aggregate, shall attend the National Convention by virtue of being elected on a Congressional District basis in the Primary Election which shall be allocated equally among West Virginia's three (3) Congressional Districts.

Candidates for Congressional District Delegates shall register during the 2012 candidate registration period and pay the appropriate and applicable filing fee pursuant to state laws and or regulations.

Candidates for Congressional District Delegates must be registered Republicans pursuant to the requirements for Republican candidates for all other offices listed on the Primary Election ballot. There is no gender requirement for Congressional District Delegates.

Candidates for Congressional District Delegates must declare to the Secretary of State his or her intention to be committed to a registered Republican candidate for President of the United States or to be uncommitted to any registered Republican candidate for President of the United States when registering to appear on the ballot. If at any time after declaring to the Secretary of State his or her intention regarding commitment, but prior to the Primary Election, any candidates for Congressional District Delegates desire to alter his or her commitment, he or she must inform the Secretary of State in writing.

Candidates for Congressional District Delegates shall appear on the Primary Election ballot pursuant to the following:

- In candidate order selected by random drawing by county, or as otherwise provided by law, as such drawing is conducted by each county clerk at 9:00 a.m. on February 21, 2012;
- Name given in his/her candidate filing; and
- Name of the Presidential candidate or the term "uncommitted".

Candidates for Congressional District Delegates shall be elected by receiving the highest number of votes without regard to gender or Presidential preference.

Binding of Delegates

Candidates for Statewide Delegates and Congressional District Delegates shall be bound to vote at the National Convention as follows:

- Any Statewide Delegates or Congressional District Delegates that indicate a commitment to a Presidential candidate on the Primary Election ballot shall be allocated and bound to such Presidential candidate until said candidate withdraws his/her candidacy or otherwise releases his/her delegates at or prior to the National Convention.
- Any Statewide Delegates or Congressional District Delegates that indicate "Uncommitted" on the Primary Election ballot shall not be allocated or bound to any candidate for President and shall be able to cast his/her vote for President to any eligible Presidential candidate at the National Convention.
- Any Statewide Delegate or Congressional District Delegate who was/were committed to a Presidential candidate that withdraws his or her candidacy or releases his or her delegates at or prior to the National Convention shall be able to cast his or her vote for President for any eligible Presidential candidate at the National Convention.

Alternates

Retracted as of 4/2/12 per Secretary of State

ORDER

The 2012 Republican Party Primary contains incorrect instructions for voting for candidates to be selected at-large to the National Convention. The instructions restrict the voter to voting for no more than 18 at-large candidates. The correct instruction should restrict the voter to voting for no more than 19 at-large candidates.

Pursuant to authority provided in West Virginia Code §3-1A-6(a), and after consultation with the State Election Commission, the Secretary of State hereby **ORDERS** all state and county election officials:

1. Provide each person requesting, in early voting or election day, a Republican Party primary ballot with a copy of the addendum instructions attached hereto;
2. Provide with each absentee ballot package mailed or otherwise transmitted a copy of the addendum instructions attached hereto;
3. Provide to every person who has, prior to receipt of this ORDER, been transmitted an absentee ballot with a replacement ballot, addendum instructions, and an explanation
 - a. If the voter has already submitted a voted ballot the voter may cause the initial ballot to be "spoiled" by casting a second ballot.
 - b. If the voter has already submitted a voted ballot but does not submit a second ballot, the original ballot will be counted as cast.
4. Allow voting equipment to be programmed under the direction of a state approved programmer to permit voters to cast up to 19 votes for at-large delegate to national convention without being rejected as an "over vote";
5. Allow for manual counting or reproduction of absentee ballots which cast 19 votes for at-large delegate; and
6. Include in poll-worker training express instructions on delivering the addendum instructions and how to address any questions that may occur at the precinct.

So ORDERED by the West Virginia Secretary of State this 28th day of March, 2012.



Natalie E. Tennant
Secretary of State

We, the Ballot Commissioners of Mason County, after being advised by the West Virginia Secretary of State that their office made an error on the Republican ballot relative to the Delegate to the National Convention-At-Large contest, have reviewed the Republican Ballot (both 13th and 14th Delegate Districts) for the 2012 Primary Election and have agreed to place a sticker over the error correcting the instructions with the following language:

FOR DELEGATE TO THE
NATIONAL CONVENTION-AT-LARGE
(Vote For Not More Than Nineteen)

Dated this 2nd day of April, 2012.


BALLOT COMMISSIONER


BALLOT COMMISSIONER


BALLOT COMMISSIONER

Mason County Clerk

Every Statewide Delegate and Congressional District Delegate to the National Convention shall be entitled to select an alternate delegate to attend the National Convention. All alternate delegates must be registered Republicans in the State of West Virginia pursuant to the same qualifications required for candidates to appear on the Primary Election ballot. Alternate delegates are not elected and, in the event an alternate delegate shall vote at the National Convention, such alternate shall be bound by the rules, including, but not limited to, voting at the National Convention, as applicable to the Statewide Delegates or Congressional District Delegates for which such alternate is a replacement. Mandatory Delegates shall not be entitled to name an alternate delegate.

Continuing Resolution

The Presidential Selection Process as set forth in the Resolution shall be the rules and procedures in effect in 2012 and shall remain in effect until such time as the SEC shall change the rules of selection.

THE RESOLUTION AS ADOPTED BY THE SEC IS ATTACHED HERETO AS APPENDIX A.

REGARDLESS OF THE NARRATIVE AS SET FORTH IN THIS MEMORANDUM, THE RESOLUTION SHALL TAKE PRECEDENCE. THIS MEMORANDUM IS OF NO LEGAL EFFECT AND THE RESOLUTION IS CONTROLLING IN EVERY RESPECT. This Memorandum is provided at your request and is only meant only for informational purposes to summarize certain provisions of the Resolution.

In the event you have a question, comment, or interpretive inquiry regarding this Memorandum or the Resolution, please contact the Chairman of the West Virginia Republican Party in writing at the following address:

WV Republican Party
Attn: Chairman
P.O. Box 2711
Charleston, West Virginia 25330

VALLEY VIEWS

Potomac
Valley
Audubon
Society

Volume 30, Issue 7

April 2012

We're Still Seeking Annual Appeal Contributions

As this is being written in mid March, 164 of you have contributed \$31,647 to our current annual fundraising appeal.

This dollar total is a new record. When last year's annual appeal ended, \$31,596 had been contributed.

Thanks to all of you who have given so far.

But we're not done yet. This year's annual appeal ends on April 1. Since you'll likely get this newsletter a few days before that date—and since we're not going to turn away contributions that come in a few days after that—there's still time for you to make a contribution if you wish to do so.

And we still need your help. Consumer prices rose about 3 percent over the last 12 months, according to the U.S. Labor Department. That means we need to raise another \$897 just to keep the actual spending power of this year's annual appeal revenues at last year's levels. And, obviously, it would help us a lot if we could do better than that.

Remember that your annual appeal contributions are essential to our program efforts. Many of our programs are free. For those that do involve fees, we can never charge participants—especially children—enough to cover all our expenses. Your support makes up the difference!

To contribute, just send a check made out to "PVAS" to PVAS, PO Box 578, Shepherdstown, WV 25443.

PVAS Reception Set for June 23

Bob and Tia McMillian have graciously offered to host a fundraising reception for PVAS at their beautiful modern home on Terrapin Neck the evening of Saturday, June 23.

The reception will be held from 4:00-7:00 p.m. It will be held mostly outside, on the lawn and patio. A first-floor art gallery featuring a collection of West Virginia art will be open for viewing.

Food and beverages will be served, and musical entertainment will provide background.

Dress will be casual.

The event is open to PVAS members and friends, and all proceeds will be used to support the Society's education programs for children.

Tickets to the event will be required, and space will be limited. To request an invitation, contact Jane Vanderhook at janehook@frontiernet.net or 304-876-6993.

See June Reception, Page 3

A Note from Kristin Alexander, Executive Director

Dear members and friends,

As some of you know, my husband Jeff and I are expecting our first child in early May. I'll be decreasing my hours with PVAS in April and then am planning to take maternity leave May 1 – July 31. I'll then be back part time in August to resume my position with PVAS and likely returning full-time in January of 2013.

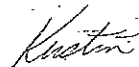
PVAS will be in excellent hands in my absence. Ellen Murphy, our Director of Youth Programs, will be taking over for me during my leave, and Suzi Taylor (Wee Naturalist instructor, past camp director, etc...) is taking over many of the day-to-day instructional responsibilities for Ellen including some of the summer camp sessions.

There will still be some gaps to fill, so you may hear Ellen and Board members ask for help from volunteers even more than usual. If you are able to fill in and help PVAS in my absence, I know Ellen, Suzi, the Board, and PVAS as an organization will be grateful, as will I!

While I'm on leave, please contact Ellen Murphy for all youth and adult education matters. PVAS President Peter Smith has generously offered to cover other administrative matters. Between the two of them, they'll be able to get you whatever you need and will keep the PVAS wheels spinning smoothly.

Thank you for all of your support, and I look forward to introducing you to PVAS' youngest member very soon!

Sincerely,



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

President's Perch

Hello everyone:

Elsewhere in this newsletter, you'll find a message from our Executive Director, Kristin Alexander, announcing that she and her husband Jeff Feldman are expecting their first child in May.

Obviously, this is a big event for Kristin and Jeff and we wish them all the best.

It's a big event for PVAS, too.

Kristin has been with us since 2001, serving initially as our first and only paid employee (Director of the Yankauer Nature Preserve) and then—since 2007—as Executive Director. She's played a major role in PVAS's evolution over those years, and she plays a major role in the organization's operations today. She's gained a tremendous amount of institutional knowledge and has made many friends and established many professional contacts throughout the community.

So it's not going to be easy to fill her shoes while she's on leave.

But we'll give it our best shot.

As Kristin has noted, Ellen Murphy, our very capable Director of Youth Programs, will be filling in on the administrative side and Suzi Taylor, who's been involved with our children's programs for years, will be helping to keep those programs running.

We know that both of them will do an excellent job.

Board members will be pitching in, too. Jane Vanderhook is keeping track of sponsorships for our upcoming Race for the Birds and she'll be coordinating our June fundraising event as well. Don Briggs will be tracking grants and helping to continue our involvement with the City's of Ranson's new Flowing Springs Park project. I'll be assisting with administrative duties and other matters as need be. And so on.

What can you do as a PVAS member? Be supportive of Ellen and Suzi. Let us know ASAP if you think we're forgetting something we should be doing. And if we happen to ask you to lend us a hand with some specific task please do help if you possibly can.

—Peter Smith

Nursery Open House Will Again Benefit PVAS

The Winston Gardens Native Plant Nursery has again pledged to donate 15 percent of the proceeds from its upcoming spring Open House Plant Sale to PVAS.

The donation will be used to support our new Stauffer's Marsh Nature Preserve.

The Open House will be held the weekend of April 28 and 29, from 10:00 a.m. to 3:00 p.m. each day.

Light refreshments will be served and a door prize will be offered.

The nursery is located in northeastern Berkeley County, at 1121 Hollida Lane, one mile off Swan Pond Road.

Operated by noted area landscape designer Virginia Winston and her husband Eldon, it specializes in trees and shrubs that are native to this region.



Black Haw Viburnum from Winston Gardens

This spring it is offering 40 different species for sale. These range from popular favorites like Sugar Maples and Redbuds to hard-to-find species like Fringe Tree, Witch Hazel, and Black-Haw Viburnum.

For directions and a full list of the plants available, go to the Nursery's website at www.winstongardens.com. Or call the Winstons at 304-267-6924.

Wildflower Festival Set for April 14

PVAS will hold its annual spring Wildflower Festival on Saturday, April 14 at the Yankauer Nature Preserve.

The festival, which is held to coincide with the peak of the spring wildflower season, will be held from 11:00 a.m. to 4:00 p.m., rain or shine.

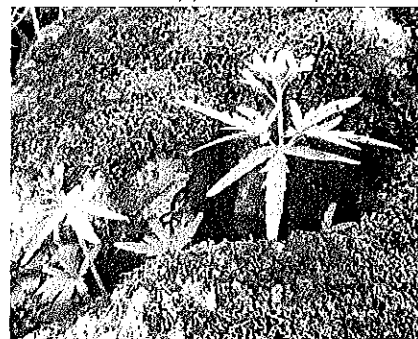
It will include guided wildflower walks through the preserve for advanced and beginner/families, children's activities, and refreshments.

Guided walks will leave the pavilion on the hour, though visitors are welcome to explore the trails on their own as well.

Admission to all these events will be free and everyone is welcome.

For the fifth year in a row, the festival will also include a special Poetry Walk component—poems that focus on spring themes will be posted all along the preserve's Kingfisher trail where the majority of wildflowers are found.

Mid- to late April is traditionally the best time to view early spring wildflowers at the preserve. Some of the wildflowers on display should include bloodroot, spring beauties, Dutchman's breeches, and rue anemone.



Raggy Toothwort photo by Laura Rau

The trails at Yankauer are primitive, so wear sturdy walking shoes. Please leave pets at home and leave the wildflowers for all to enjoy.

For more information contact PVAS at 304-676-3397 or pvas-mail@aol.com.

Poems Sought for Wildflower Festival

PVAS is once again asking local poets to submit poems that will be displayed as part of our annual Wildflower Festival (see Festival story).

Those who wish to submit poems are encouraged to do so by sending them via email to Shepherdstown's Four Seasons Bookstore at 4seasons@citlink.net. Poems may also be dropped off at the store on German Street in person or sent by regular mail to Poetry Walk, c/o PVAS, PO Box 578, Shepherdstown, WV 25443.

The deadline for submissions is 5:00 p.m. Friday, April 6. For more information contact PVAS at 304-676-3397 or pvasmail@aol.com.

June Reception (continued from page 1)

Basic tickets are \$45 per person. Those who pay \$150 for two people will be recognized as Donors, those who pay \$250 for two will be recognized as Patrons, and those who pay \$500 or more for two will be recognized as Supporters.

Ticket costs will be tax-deductible to the extent allowed by law.

To reserve tickets, please call 304-676-3397 or e-mail pvasmail@aol.com and provide your name, address, phone number and number of tickets desired.

The McMillan's house was built in 1997 by former West Virginia Governor Gaston Caperton.



Featured in many architectural publications, it is spectacularly sited along the Potomac River. Its striking contemporary design incorporates local traditions, materials, and practices. Local masons used native stone, local framers and carpenters used state-grown oak and cherry, and a combination of metal and wood siding evokes local building techniques. The house has three main sections, including the art gallery, and an observation tower that overlooks the river. The landscaping was done by Spaulding Landscaping.

School Program Update

PVAS' spring Watershed programs are finishing up with field trips to the Cacapon River, Flowing Springs Run, and Mill Creek. It is through these field experiences that fourth graders put together everything they have learned in the program. They test the water for temperature, pH, and dissolved oxygen, look for macroinvertebrate

critters, assess the surrounding area for signs of erosion, and do other activities that help them understand the importance of clean rivers and streams. Many thanks go to all volunteers who have helped with one of these programs.

Our new "Bugs and Beesties!" preschool program, which is being funded by the Two Rivers Giving Circle, has gotten off to a terrific start, bringing nature into preschool classrooms through a series of half-hour programs. This pilot program introduces preschoolers to everything from mammals to insects and to patterns in nature by using hands-on activities, stories, and costumes in an age appropriate way. In addition, PVAS will be presenting this program as an example of how to get children outside at an early age to the Foundations of Early Childhood Education class at Shepherd University in late March.

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

Spend a Week in the Woods at Camp!

What child wouldn't be interested in spending a week in the woods... and in the company of the coolest people on Earth—camp counselors! Registration for Audubon Discovery Camp's sessions is open, but don't wait too long to decide what your camper will attend, because camp sessions fill quickly!



Sessions at Yankauer Preserve include something in nature for every age! The first sessions in late May and early June feature beginning nature explorations for preschoolers and their parents. When traditional camp begins on June 11, sessions each week will include *Nature Detectives*, *Hop, Slither, Sneak!*, and our signature theme, *Camp Survivor*. Two sessions at the Peter Burr Farm in Bardane (*The Simple Life* and *Nature Detectives*) will encourage campers to explore either the historic farm or the wetlands that borders the property.

Special weeks for middle schoolers emphasize *Wild Wings* (including an afternoon of caving), *Into the Wild* (an overnight hike on the Appalachian Trail), *Life on the Frontier* (with a trip to Old Bedford Village in Pennsylvania), or *Adventure Challenge* (with ropes courses and rock climbing.) Most of these weeks will be held at FLOC's Outdoor Education Center off Mission Road, past Shannondale.

Online registrations for sessions is easy! A link at the www.PotomacAudubon.org/discovercamp will take you directly to the registration portal. A credit card is needed to complete registrations. The base price for most sessions is \$150 per camper, but fees range from \$50 up to \$300 for the teen high adventure sessions. Scholarship applications are also online and must be postmarked by April 6.

If you have questions about camp or the registration process, send Ellen Murphy an email at pvasprograms@gmail.com or call 304-676-8739.

Summer Camp Scholarships Still Available

Families have until April 6, 2012, to apply for PVAS scholarships at a variety of summer nature camps, so act now! Scholarships are available for eligible young people within the PVAS membership area – the Eastern Panhandle of West Virginia and Washington County, Maryland.

Camps, locations, ages, and dates are as follows:

- **Audubon Discovery Day Camp:** our own local camp at Yankauer Nature Preserve, at Peter Burr Farm Site, and at For Love of Children Outdoor Education Center; pre-school to grade 12; week-long sessions May 29 to July 20, 2012.
- **Oglebay Institute Junior Nature Camp:** at Dallas Pike, WV (near Wheeling); ages 10-15; July 22 - 28 or July 29 - August 4, 2012.
- **Burgundy Center for Wildlife Studies:** at Capon Bridge, WV; ages 11-15; June 24 - July 7; July 10 - 24; or July 31 - August 13, 2012.
- **Mountain Adventures Camp:** at Mountain Institute, Spruce Knob, WV; ages 12-17; June 17 - 23, June 24 - 30, July 1 - 7, or July 8 - 14, 2012.
- **West Virginia State Conservation Camp:** at Camp Caesar, Webster County, WV; Campers must be 14 years old by January 2012 and not past 18 on June 1; June 11 - 16, 2012.
- **Trout Unlimited Conservation & Fishing Camp:** at Syria, Virginia (next to Shenandoah National Park), grades 8 through 11; June 24 - June 29, 2012.
- **Student Climate & Conservation Congress (SC3):** at the National Conservation and Training Center (NCTC), Shepherdstown, WV; ages 15 - 18; June 24 - 29, 2012.
- **Nature Photography Camp:** at Shepherd University, Shepherdstown, WV; grades 9-12 (ages 14-18); June 25 - 29, 2012.

Please check our web site at www.potomacaudubon.org for updates or additional opportunities as they become available. The Web site gives more details about individual camps, scholarship application forms, and links to the camps' web sites with lots more exciting information and camp descriptions! You may also contact scholarship coordinator Kathryn Henry at 304-876-6681, or dhenry@myexcel.com.

Camp scholarships are supported by our fall bird seed sale and by additional community sources that fund scholarships to our own day camp program at the Yankauer Nature Preserve and other local sites. Many thanks to these loyal supporters of our summer camping programs!

Register Now for Teen Photo Camp!

PVAS is now accepting applications for its innovative nature photography day camp for area high school students.

Now in its sixth year, the camp will be held June 25-29 from 9:00 a.m. to 3:00 p.m. each day. It will include four days of field

and lab training on the Shepherd University campus and a one-day field trip to nearby natural areas.

Campers will have full access to computers and photo editing software in the computer lab at the University's Center for Contemporary Arts. They will also have the use of Nikon Digital SLR cameras that have been provided by Nikon, Inc.



Anna at Bloody Lane

Campers will not only learn about the fundamentals of digital nature photography and image editing from expert instructors; they will also have an opportunity to gain a greater understanding and appreciation of the natural world.

Enrollment is very limited, so campers receive very intensive, hands-on instruction.

The cost for the entire week is only \$150.

Participating students must be entering grades 9, 10, 11, or 12 in the fall of 2012 (or be of equivalent age).

The camp will be led by Dr. Bruce F. Field, of Hagerstown, an excellent nature photographer. Members of PVAS's Potomac Valley Nature Photographers will also be on hand throughout the week to help mentor and coach participants and will teach specialty topics.

For more information and an application, please go to the PVAS website or contact Ellen Murphy at 304-676-8739 or pvasprograms@gmail.com.

PVAS Offering Scholarship to NCTC Student Conservation Congress

PVAS is pleased to announce that we're partnering with the Friends of the National Conservation Training Center to offer at least one partial scholarship to this summer's Student Climate and Conservation Congress (SC3) at NCTC.

Now in its fourth year, the Congress is sponsored by NCTC and the Green Schools Alliance.

It is aimed at empowering outstanding student environmental leaders with the skills, knowledge, and tools to address natural resource conservation challenges and better serve their schools and communities. It is regarded as the nation's most prestigious week-long youth conservation leadership program.

About 120 high school students from around the nation are expected to participate.

Speakers this year include filmmakers, writers, scientists, photo-journalists, and activists, including environmentalist author Barry Lopez as the keynote speaker. Each day will also include time for outdoor programs, walkabouts, river hikes, campfire stories, stargazing, and time to appreciate nature.

The Congress will begin on Sunday, June 24, and end on Friday, June 29.

PVAS will provide at least one \$300 scholarship that will be available to a deserving high school student who lives in the PVAS service area (Berkeley, Jefferson, Morgan, and Washington Counties). The family of the scholarship recipient will have to provide another \$300 to cover the full cost of participation in the Congress.

The total \$600 cost will include overnight accommodations and all meals at NCTC, and all programs and activities including a canoeing adventure.

If extra funds become available, PVAS may offer a second scholarship.

To apply for a scholarship and/or get more information, please contact Ellen Murphy at pvaprograms@gmail.com or 304-676-8739.

For more information about the Congress, go to its website at www.greenschoolsalliance.org/students/student-climate-conservation-congress-sc3.

Don't Forget April 1 Egg Hunt

If you haven't done so already, there may still be time to sign up for our fifth annual Spring Egg Hunt for children.

The event will be held from 2:00-3:30 p.m. Sunday, April 1, at the Yankauer Nature Preserve.

To check on availability, go to the PVAS website at www.potomacaudubon.org. If space is still available, you can register there.

The fee is \$5 per child.

This is always a great, family-oriented event. Parents should plan to go with their children as they walk on the preserve's trails looking for eggs colored to resemble real eggs of wild birds.

For more information, contact Ellen Murphy, PVAS's Director of Youth Programs, at 304-676-8739 or pvaprograms@gmail.com.

Wee Naturalists Program Continues in April

There's still time to sign up for our April Wee Naturalists program sessions.

The sessions will be held at our Yankauer Nature Preserve on April 25 and 26, from 9:30 to 11:00 a.m. each day.

The theme of both sessions will be: "What Do April Showers Bring?" Participating children will explore the preserve's trails, looking for changes in nature brought about by spring rains.

PVAS's Wee Naturalists program is designed to provide regular opportunities for children ages 3-5 to explore nature together safely under the guidance of an experienced PVAS instructor. At each session, children must be accompanied by a parent, grandparent, other adult relative, or guardian.

The program is led by Suzi Taylor, of Sharpsburg, Maryland, a veteran Audubon camp director who has a degree in environmental education.

To ensure that everyone receives close, personal attention, enrollment will be limited and pre-registration is required.

Easy on-line registration is available on our new website at www.potomacaudubon.org. The fee is \$5 per child/adult team per session.

For more information, contact Ms. Taylor at 301-432-1908 or tomandsuzi506@cs.com.

There's Still Time To Sign Up For "Race for the Birds"

There's still time to sign up to participate in our 11th Annual Race for the Birds.

The event will be held the morning of April 21 at the National Conservation Training Center (NCTC) near Shepherdstown.



As before, the Race for the Birds will include two professionally timed races—one 4.9 miles long and another 7.7 miles long.

There will also be a self-timed 2-mile community jog/walk for families and individuals who prefer a slower pace, and a 1-mile "Fun Run" for children under 10 years of age.

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

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

The 4.9- and 7.7-mile races will follow trails that wind through the forests and fields of the 538-acre NCTC campus.

The 2-mile jog/walk will follow a course that will be very user-friendly for families with small children, and trail-friendly baby joggers will be appropriate and encouraged.

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

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

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

There's Still Time to Register for Birding 101

As this is being written, there's still space available in this year's "Birding 101" course for beginning birders, which will be held during April.

This will be the 27th year we've offered this course.

It's taught by leading local bird experts, including Bob Dean and Matt Orsie.

It utilizes both evening classroom sessions and daytime field

trips. Participants learn everything from bird identification to birding techniques and resources to field etiquette.

It focuses on bird species that are found in the Eastern Panhandle area.

The evening classroom sessions will start on Thursday, April 5, and be held each of the following three Thursdays (April 12, 19, and 26). All of these sessions will be held from 7:00 to 9:00 p.m. at the National Conservation Training Center.

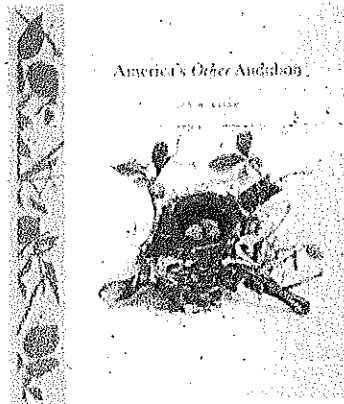
The field trips will be held at various locations around the Panhandle from roughly 7:00 a.m. to noon on the Saturdays following the Thursday evening sessions (April 7, 14, 21, and 28).

Tuition for the full course package of four classroom sessions and four field trips is only \$75.

Registration is required. Online registration, mailable registration forms and more information are available on the PVAS website at www.potomacaudubon.org. Or contact Ellen Murphy at 304-676-8739 or pvasprograms@comcast.net.

New Book: America's Other Audubon

A local author who gave a talk about an important but little-known nineteenth century volume of ornithological illustrations at PVAS's February 2009 meeting has now written a book on the same subject.



The author is Joy Kiser, of Charles Town, former librarian for the National Endowment for the Arts.

Joy's book is entitled *America's Other Audubon*. It chronicles the story of—and reproduces illustrations from—a mostly forgotten volume called *Illustrations of the Nests and Eggs of Birds of Ohio*.

Illustrations was initiated by a talented young amateur naturalist named Genevieve Jones, and then completed by her family after she died suddenly of Typhoid in 1879.

America's Other Audubon is being published by Princeton Architectural Press. The publication date is May 16.

One week before that, Joy invites everyone to a May 9 book-launch party in Washington, DC, that will be co-hosted by Princeton Architectural Press and the Smithsonian Institution Libraries.

The party will be held at 5:30 p.m. in the Baird Auditorium of the Smithsonian's Museum of Natural History. It will include a 40-minute presentation about the book, Q&A, a book signing and reception. Admission will be free.

For more information about Joy's book, please go to a pre-publication website she has established, www.americasotheraudubon.com. Note that the site includes links for ordering copies online through the publisher, Amazon.com, and Barnes and Noble, and that Joy will receive a commission for every copy sold through her Amazon.com link.

Get Involved In Watershed Cleanups!

This is the time of year for watershed cleanup efforts.

PVAS encourages its members to pitch in and get involved whenever they can.

At all cleanup sites, expect moderate-to-difficult work. In addition, cleanup work usually involves walking on rocky/slippery terrain.

Trash bags, gloves and other equipment will be provided to all volunteers unless otherwise noted. Feel free to bring along your own gloves, rakes, or grabbers. Waterproof boots or waders may be helpful at some sites.

Other less strenuous volunteer jobs such as volunteer check-in and recording data are often also available.

In our area, most of cleanup efforts are coordinated through the Alice Ferguson Foundation's Annual Potomac River Watershed Cleanup and/or the West Virginia Department of Environmental Protection's "Make it Shine" program.

This year, the first two weeks of April have been targeted for scheduling cleanups.

As this is being written in mid-March, cleanup events are only just starting to be set for our area. These are listed below. For the most current information, watch the Alice Ferguson Foundation website at www.fergusonfoundation.org

Berkeley County, WV

April 14: Opequon Creek at Van Metre Ford Stone Bridge, Martinsburg, 9:00 a.m. to 12 noon. Sponsored by the Opequon Creek Project Team. Pre-registration required; contact Sandra Bernardi at sbernardi@frontier.com. Directions: From Interstate 81 Take Exit 13 East (King Street) 1.5 miles Left on Queen Street one block Right on Burke Street (CR36) Follow Burke through town and along the railroad tracks for 2.2 miles until you reach Stone Bridge. Parking lot is on the right before you cross the bridge.

Jefferson County, WV

April 14: Harpers Ferry National Historical Park, Potomac Wayside. 9:00 a.m. to 12 noon. No pre-registration required. Directions: Take Route 340 to the Tri-State Exxon station at the intersection with Route 671; park in the open lot adjacent to the station.

April 14: Harpers Ferry National Historical Park, Potomac Street Extended. 9:00 a.m. to 12 noon. No pre-registration required. Directions: Meet park staff or volunteers at Harpers Ferry historic train station lot. From there, group will move to clean up location. Please car pool as vehicle access to site is limited

Morgan County, WV

April 7: Sleepy Creek along Luther Michael Road, in the southern part of the county. 9:30 a.m. Sponsored by the Sleepy Creek Watershed Association. No pre-registration required. Directions: From the intersection of Route 9 East and US 522 at the Sheetz station, take US 522 south 7.4 miles and turn left onto Luther Mi-

chael Road (State Road 38/8). Go past Creek Road (at 8/10 mile) and continue past Tabor Road (1.3 miles further). Stay on Luther Michael over the Sleepy Creek Bridge and pass Timber Ridge Rd (3/10 mile further). Go 5/10 mile and park in the Fearnow driveway on the right. For more info contact Gale Foulds at 304 258-6155.

Washington County, MD

April 14: Antietam National Battlefield, Sharpsburg, MD. 9:00 a.m. to 12 noon. Sponsored by the National Park Service. Directions: Meet at the Battlefield Visitors Center on Route 65. For more info contact Debbie Cohen at debbie_cohen@nps.gov.

WV Legislature Passes Resolution on Resource Recovery Facilities!

Berkeley County Solid Waste Authority Press Release
March 10, 2012

On March 9, the West Virginia Senate joined the House of Delegates and passed House Concurrent Resolution 59. The purpose of the resolution is to express support for the improvement in the collection, processing, and consumption of recyclable materials throughout the State of West Virginia. The resolution noted that recycling creates jobs, conserves natural resources and has economic value. The resolution further expresses support to the West Virginia Public Service Commission and the West Virginia Department of Environmental Protection to permit resource recovery facilities in the state as a means to increase the collection of recyclable materials and the utilization of solid waste as a resource rather than landfilling. HCR 59 was sponsored by Delegate Walter Duke and co-sponsored by 23 bi-partisan Delegates from across the State. The resolution enjoyed support in the Senate, led by Senator(s) John R. Unger and Jeff Kessler.

The resolution can be read at: http://www.legis.state.wv.us/Bill_Status/bills_text.cfm?billdoc=hcr59

Conservation Note: Saving Trees

Use the power of your shopping choices to conserve forests. Have you ever thought about how green the home tissue products you buy are? The percentage of recycled content in everyday items like paper towels, paper napkins, facial tissues and toilet paper varies widely, and according to the Natural Resources Defense Council, if every U.S. household replaced just one roll of non-recycled content paper towels with a 100 percent recycled content roll, more than half a million trees could be saved. Similar savings are possible with facial tissue, paper napkins and toilet paper. Look for products with a high percentage of recycled content, especially post-consumer material. Post-consumer fiber is material that has been used in an earlier product and diverted from the waste stream for re-use, preventing it from taking up landfill space or being incinerated.

Bleaching agents are another factor in the environmental impact of your paper products choices. Most of these products are bleached to improve their appearance, but chlorine-based bleaching agents create highly toxic by-products that can contribute to poor water and air quality. Look for products labeled totally chlorine free (TCF) or processed chlorine free (PCF). Check out the Natural Resource Defense Council's Shoppers Guide to Home Tissue Products, [www](http://www.nrdc.org/land/forests/gtissue.asp).

[nrdc.org/land/forests/gtissue.asp](http://www.nrdc.org/land/forests/gtissue.asp), for more information and handy brand comparison tables.

An even greener alternative is to replace some of your paper products with reusable cloth. Use a cloth dishtowel instead of a paper towel for non-toxic cleanup jobs and cloth napkins instead of paper – you will save money and trees.

New Window Tape Can Significantly Reduce Bird Collisions at Homes

Press Release: American Bird Conservancy

A new, translucent adhesive tape, which tests show can significantly reduce bird collisions with glass windows and doors, is now available to the public. The product is being sold by American Bird Conservancy (ABC) and production of ABC; BirdTape is made possible through the generous support of the Rusinow Family Foundation.

Birds can't see glass and don't understand the architectural cues, such as window frames, mullions, and handles, that alert people to the hazard. Experts estimate that up to one billion birds may die each year from resulting collisions. Unlike some sources of bird mortality that predominantly kill weaker individuals, there is no distinction among victims of glass. Because



ABC's BirdTape being applied.
Photo: Steve Holmer, ABC

glass is equally dangerous for strong, healthy, breeding adults, it can have a particularly serious impact on populations. Studies have shown that even small windows can be dangerous to birds that are accustomed to flying through gaps between trees and shrubs.

To learn more about ABC Bird Tape, go to: www.abcbirdtape.org. ABC has produced a [video](#) that demonstrates how to install the bird tape.

Reminder for Landscape Gardening Conference

Potomac Valley Audubon Society has joined a variety of other area organizations in cosponsoring a landscape gardening conference that will be held at Shenandoah University in Winchester, Virginia, on April 14.

This one-day conference is entitled "Tomorrow's Landscapes: More Birds, Butterflies, and Bees for YOUR Garden" is organized by the Piedmont/Blue Ridge Horticulture Society and Shenandoah University's Environmental Studies Department.

Experts will provide valuable advice on ways homeowners can improve birds and butterfly habitat with plant choices suited to the mid-Atlantic climate and soils.

Space will be limited and preregistration is required. The regis-

tration fee will be \$99, which includes lunch and drinks. For more information and to register, go to www.tomorrowlandscapes.org. If questions remain, contact Genie Cate at info@pbrhs.org or call 540-877-2002.

View from the Eagle's Nest

by Sandy Sagalkin

For some reason, I've been thinking about this year's Ruth Ann Dean Memorial Birdathon. It must be a sign that spring is coming. Spring is a great time for birders. We don't determine the arrival of spring by the spring equinox. Each of us has a favorite bird whose song signals for us that spring is here. For me, it's the Eastern Phoebe, whose horse song says its own name, "phee bee, phee bee," over and over again. Some birders have already posted hearing it, and I know I'll hear it before this article goes to print. The Eastern Phoebe is only one of over a hundred different species of birds that pass through the Eastern Panhandle on their northerly migration.

It certainly felt like spring day as I headed out to a PVAS birding outing at Murphy's Farm, which is part of Harpers Ferry National Park. I had seen Deb Hale's postings on the WVListServe and



Birders at Murphy's Farm-Shenandoah Overlook

was impressed by the number of birds she had been seeing in the area, so I asked her if she would lead a PVAS trip. She is just two years out of Birding 101, but is already an impressive birder. She agreed and so we went. The weather was perfect, and we were soon shedding our layers. What a great trip—pot-bellied Eastern Meadowlarks showing off with their

bright yellow V-neck sweaters and melancholy songs, a dozen or more Northern Flickers flitting about, two Wild Turkeys sailed across the Shenandoah River as we watched a lone Horned Grebe diving in the river, and we ended the trip with a Bald Eagle, Red-tailed Hawk, and Turkey Vulture circling in front of us as if in mock aerial combat.



Eastern Meadowlark

"Are you going to enter the Birdathon this year," I asked Deb. Last year Deb joined the Barn Swifts, the winning team with 118 species. "I hope to," she said. The Birdathon, now in its third year, will be the closing event of PVAS's celebration of International Migratory Bird Day (IMBD). We PVASers like our birds so much that we plan to celebrate IMBD for 12 days.

The last two Birdathons the weather was crummy and felt anything but spring like. I was on team, "Sandpipers" with Birdmom, Bill Hale, and Jenny Eaton. We began at 4:30 a.m. at Birdmom's house, where we called in an Eastern Screech Owl. Then on to Sleepy Creek, which was shrouded in fog. That's not a good thing when you are trying to find warblers in the treetops; it made us rely on our ears. Then on to Stauffer's Marsh for a Virginia Rail and Merlin; Shannondale Springs Wildlife Management Area for White-eyed Vireos and other birds; the Shenandoah River; and finishing at dark somewhere along Rt. 9, finding the Great Horned Owl nest with baby GHOWs that Bob Dean reported seeing. We had a great day with 99 species.

I have made it sound like the Birdathon is a competition. It is not.

While we nominally award titles for placing high in the Birdathon, it is really just a great opportunity to get together with friends or family and see how many birds you can observe in a day. We try for a personal or team "best." I'll be on team, Maryland Yellowthroats this year, birding in Washington County. Team entries can be friends that like to bird together, teams of spouses, and, for individuals that are just getting started, placement on other teams.

We also have a few birders who just like to spend the day sitting on their back porch doing a "Big Sit," that is, seeing how many birds they can observe from their back porch or other area delineated by a circle 50 feet in diameter. The rules for the Big Sit are very flexible and leave room for making it a party with a birding theme. For two years in a row, Jean Neely and her team, "Three Ol' Coots," came in number one in the Big Sit competition.

I hope I have persuaded some of you to enter the Birdathon, which you can do online from the PVAS website, www.potomacaudubon.org, or join us when we return to Murphy's Farm or some of the other birding venues we go to almost every week of the year.

Five Birding Trips Set For April

PVAS is sponsoring five local birding trips during April.

Possible species to be sighted on these trips include early spring migrants, including Blue Gray Gnatcatchers, swallows, House Wrens, and Brown Thrashers; possible early arriving warblers; and year-round birds such as Bald Eagles, Red-tailed and Red-Shouldered Hawks and Great Blue Herons.

All the trips are free and anyone with an interest is welcome to come along, regardless of their birding skills. But please note the pre-registration is necessarily in a couple of cases.

Binoculars will be available at all the trips, except the April 29 Eidiolon trip, for anyone who needs them.

For all the trips, everyone should wear sturdy walking shoes or boots, dress appropriately for the terrain and prevailing weather conditions, and bring along water and bug spray.

Trips may be cancelled in the event bad weather. Various trip details could also change depending on weather or recent bird sightings.

The specific dates, destinations and details are as follows:

Wednesday, April 4: C&O Canal bird walk at Harpers Ferry. Participants should plan to meet at 8:00 a.m. outside John Brown's Fort, where Potomac and Shenandoah Streets cross in Harpers Ferry National Park. Parking is available along Potomac Street near the train station.

The walk will start at the Point, proceed over the footbridge and continue about two miles northwest along the C&O Canal towpath and back.

Deb Hale will lead this trip. For more information or to check on possible cancellation because of weather, contact her at debhale72@gmail.com or 304-535-1528

Saturday, April 14: Birding trip to the Shannondale Springs Wildlife Management Area in Jefferson County. Meet at 8:00 a.m. in the parking lot in front of the Martin's Supermarket in the

Jefferson Crossroads shopping Center off Route 340 just east of Charles Town. The 1,361-acre Shannondale Springs property is managed by the West Virginia Division of Natural Resources; it includes a mixture of forest, brush land and open fields covering rolling hills. The trip will involve walking about two miles over mostly level ground, although some hilly, uneven terrain will be encountered. For more info, contact Sandy Sagalkin at 240-291-6465 or monsansagalkin@myactv.net.

Wednesday, April 18: Birding trip to Altona Marsh west of Charles Town. Meet at 7:00 a.m. in the parking lot in front of the Martin's Supermarket in the Jefferson Crossroads shopping Center off Route 340 in Charles Town. The Marsh is a seventy-acre marl wetland protected by The Nature Conservancy. It provides habitat for a wide variety of bird species and the terrain offers easy viewing. Trip will involve about two miles of level walking, some along a railroad track. Pre-registration is required. To pre-register, contact trip leader Sandy Sagalkin at monsansagalkin@myactv.net or 240-291-6465.

Saturday, April 28: The campus of the National Conservation Training Center outside Shepherdstown. Participants should plan to meet at 8:00 a.m. at the visitor's parking lot in front of the Center's Main Building. The Center's 538-acre campus is not normally open to the public, so this is a good opportunity to visit. The campus contains a mix of fields and forestland, and provides good habitat for a rich variety of bird species. This trip will involve walking about two miles over moderate terrain. Please note that because the Center is a federal facility, pre-registration is essential to enter the grounds. To pre-register, contact trip leader Sandy Sagalkin at the email address or phone number shown above no later than April 23.

Sunday, April 29: Bird walk at the Eidolon Nature Preserve in Morgan County. Join local birders Jon Boone and Janet Ardam for a walk that will offer opportunities to see a variety of migrating and year-round birds, including the rare Cerulean Warbler, before trees are in full foliage. Meet at the Preserve entrance at 6:30 a.m. For more info, contact the Nature Niche Store in Berkeley Springs at 394-258-0992 or natureniche@earthlink.net.

April Program Will Focus On School Science Project

Our April program at the National Conservation Training Center will focus on a grant-funded local school science project that is studying the feasibility of reintroducing Brook Trout into local streams.

The program will be held at 7:00 p.m. Wednesday, April 11, in Room 151 of the Instructional West Building.

Admission is free and everyone is welcome to attend.

Brook Trout are West Virginia's only native trout. They no longer survive in the Eastern Panhandle because of degradation of habitat.

The local school Brook Trout project is being undertaken this spring by seventh graders at Jefferson County's Wildwood Middle School, under the guidance of science teacher Carolyn Thomas.

Ms. Thomas will explain how the project is providing students with a better understanding of a variety of subjects, including fish

biology, the importance of local natural resources, the multiple factors that influence water quality, and the role of technology in conducting and communicating research.

The project is being supported by a \$10,000 Toyota TAPESTRY grant.

Administered by the National Science Teachers Association, the Toyota TAPESTRY grant program is the largest K-12 science grant program of its kind in the U.S. It awards grants totaling more than \$500,000 annually for innovative classroom projects in the fields of environmental education, physical science, literacy and science education.

For more information about the Brook Trout project, go to the project website at <http://boe.jeff.k12.wv.us/trout>.

For more information about the Toyota TAPESTRY grant program go to www.nsta.org/pd/tapestry/.

Potomac Valley Nature Photographers

The Potomac Valley Nature Photographers are planning a "Wildflower Photo Safari" at NCTC for their April 27 meeting. To catch more daylight, they are meeting at 6pm at a large patch of bluebells along Captain Hendricks Drive. To find the group, check in at the guard station. Just beyond, turn right on Captain Hendricks Drive. Park at the Support Services Building (not along the road please!) and walk the remainder of the road which dead ends at the wildflower meadow. In case of rain, the meeting will be held in room 151IW at 6:00 p.m. and a video by renowned nature photographer DeWitt Jones will be shown.

Wings of Dreams Shop Helps PVAS Again

Shepherdstown's On the Wings of Dreams shop is once again donating proceeds from crystal sales to PVAS. This is the fifth year shop owner Laura Rau has set aside three cents from each crystal and mineral sold throughout the year to donate to the Society.

This year's donation of \$220 targets PVAS youth programs.

"Supporting PVAS gives us the opportunity to participate in both environmental and humanitarian efforts," Laura said. "The Society's work to protect and preserve wetlands and other sensitive natural environments are vital in this fast-growing area. PVAS also sponsors numerous programs to educate children about the environment, encouraging them to get out in nature and away from the computer or TV. It's an important investment in the future all around."

"A very special thank you is also in order for the many custom-

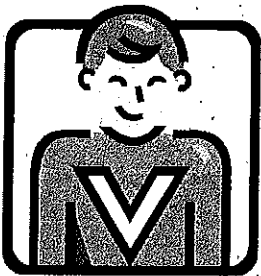


ers of the shop whose crystal purchases in 2011 contributed to the PVAS donation."

Laura recently attended the Tucson Gem Show, the largest gem and mineral show in the world, and has returned with many beautiful specimens that will contribute to next year's donation.

The shop is located at 139 West German Street. In addition to crystals, it offers a wide variety of sterling silver and natural stone jewelry; Native American jewelry, books and music; incense; sages, shells and prayer feathers; magical and ceremonial herbs; tools and statuary for practitioners of Buddhist, Hindu and Earth-Based spiritualities; essential oils; prayer flags and Tibetan and crystal singing bowls. Its website can be found at www.WingsOfDreamsShop.com.

Volunteer Help Needed



Volunteer Services

Newsletter

PVAS needs a new editor/publisher for the Valley Views newsletter. The current editor/publisher has, with the exception of a few publication years, been putting Valley Views out since 1993, and now it's time for some new blood and fresh ideas.

Anyone with experience in desktop publishing or an interest in print and graphics layout can master the essentials. Publication of the newsletter involves tasks that can be divided among a number of people so more than one person can share in the process. There are even some non-computer tasks for those with reluctance to jump into the technical side of things. Interested persons should contact Wayne Braunstein at wbraun@frontiernet.net to discuss this volunteer need.

Membership

We're looking for a person or persons to work on membership matters. Interested persons will work with membership data reports to generate renewal reminders and welcome letters for new members. Familiarity with word processing and mail merge operations is helpful but not critical. Interested persons should contact Wayne Braunstein at wbraun@frontiernet.net to discuss this volunteer need.

Experience Not Required

Many of the tasks do require access to a personal computer but being a computer geek is not a requirement. If you have know how to send and receive emails and have a word processing program on

your computer (and if you're comfortable with using it), you've got the basics covered.

For anyone interested in the newsletter, photo editing is not essential but if you know how to use a graphics program you'll be able to put it to good use. PVAS will provide a desktop publishing program for use in laying out the newsletter and the current editor will work with you to teach you the necessary techniques and tricks.

Getting a New iPad???

Tempted by the new iPad? If you find yourself with an "extra" iPad sitting around once the newest iPad is released, consider donating the old one to PVAS! With the new PVAS website on-line registrations, memberships and other administrative matters, AND PVAS' increased programs off-site, PVAS staff could definitely use access to e-mail and the website in remote locations. If you would like to make a tax-deductible contribution of your original iPad, we'd graciously accept. Thanks for considering this opportunity!

Master Naturalist Program Enters Sixth Year

PVAS's Potomac Valley Master Naturalist Program kicked off its sixth year of instruction March 17 and 18 with a full weekend of classes at Cacapon State Park. Classes will continue at various locations in the Eastern Panhandle into October. The accompanying photo shows this year's class members.



Potomac Valley Master Naturalist chapter has over 60 active members in the Eastern Panhandle area.

Remaining 2012 Master Course dates and locations are:

April 28, Shepherd University

May 19, TBA

June 23, NCTC

July 28, Cacapon State Park

August 11, NCTC

September 8, CraftWorks

October 6, Yankauer Nature Preserve

November/December, Annual Meeting

PVMN also sponsors Natural History Workshops which can be used by Certified Master Naturalists as recertification classroom hours, but are also open to the general public. These are posted at www.PotomacAudubon.org and registration for the spring classes is now available.

The co-chairs of this year's Program are Melanie Snyder, of Charles Town, and Susan Jones, of Berkeley Springs.

Calendar of Events

Details go to www.potomacaudubon.org

- April 1, 2-3 pm: Egg Hunt, Yankauer Preserve (Pre-registration required)
- April 4, 8 am: Bird walk, C&O Canal (Harpers Ferry)
- April 5: Birding 101 Kickoff (Pre-registration required)
- April 11, 7 pm: PVAS program, NCTC
- April 14, 11 am-4pm: Wildflower Festival at the Yankauer Nature Preserve
- April 14, 8 am: Birding trip, Shannondale Springs Wildlife Management Area
- April 14: Landscape Gardening Conference, Shenandoah University.
- April 18, 8 am: Birding trip to Altona Marsh
- April 21: Annual "This Race is for the Birds!", NCTC
- April 27, 6 pm: Nature Photographers mtg., NCTC (wildflower photo shoot)
- April 28, 8 am: Birding trip, NCTC
- April 29, 6:30 am: Bird walk, Eidolon Preserve
- May 2, 7 pm: Joint NCTC/PVAS lecture at NCTC
- May 5, 8 am: Introduction to Birding at NCTC
- May 5, 8 am: Birding Through History, Antietam National Battlefield
- May 5, 11 am: Bald Eagle watch for parents and children (ages 6 and up), NCTC
- May 6, 10 am: Trillium walk at the Thompson Wildlife Management Area
- May 6, 7 am: Bird walk, C&O Canal (Shepherdstown area)
- May 8, 8 am: Bird walk, Stauffer's Marsh Nature Preserve
- May 9, 7 pm: PVAS program, NCTC
- May 10 7 am: Bird walk, Flowing Springs Park
- May 12-13: Third Annual Ruth Anne Dean Memorial Birdathon
- May 25, 7 pm: Potomac Valley Nature Photographers mtg., NCTC

JOIN PVAS TODAY!

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

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

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

Membership Form

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

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

Clip and mail this form to:

Membership Chair, PVAS
 PO Box 578
 Shepherdstown, WV 25443

Thank you for your support!



If you'd rather join the National Audubon Society:

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

RED TEXT - DOT ALERT

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



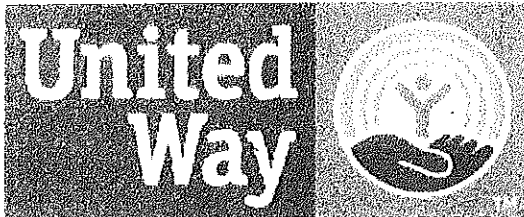
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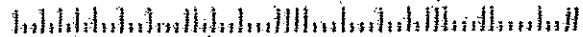
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 Charles Town, WV 25414

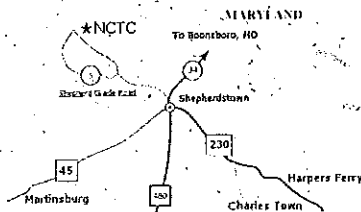
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April 2012

Printed on 100% post-consumer waste recycled paper

Volume 30, Issue 7



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

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

PVAS Officers and Board Members

- President: Peter Smith 304 876-1139 psmith@frontiernet.net
- Vice President: Bob Reynolds robert.reynolds40@gmail.com
- Secretary: Mina Goodrich larymina@peoplepc.com
- Treasurer: Lex Miller pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 wbraun@frontiernet.net
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Emeritus Board Members

- Jean Neely jeaneely@comcast.net

Special Contacts

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- Web Master: Kathy Bilton kathy@fred.net
- PVAS Wildlife Rescue Coord: Diana Mullis 304-267-3482



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Preserving History Investing in the Future

We all have standards that we live by. As a teenager, do you remember being handed a Department of Motor Vehicles Driver's License Rules Booklet? Oh my, those hand signals! We all hopefully passed the driver's license permit test, but we may have forgotten those hand signals because the ease of today's technology. Whoever thought there would be a car that parallel parked with the push of a button? The same standards in effect when you initially passed your test, may not be the same requirements of today.

County government must also follow many standards. Most of the courthouses in our state are listed on the Historic Register or are qualified to be listed. The WV State Historic Preservation Office (SHPO) is your best resource to assist you with following the US Secretary of Interior's Standards and Guidelines. Just like the driver's test standards, these standards change over time.

The 36CFR 67 standards are listed on National Park Service website, Technical Preservation Services at <http://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>.

This awesome website lists the rehabilitation standards of masonry, wood, metals, roofs, windows, entrances, storefronts, structural systems, finishes, mechanical systems, site, setting, energy, new additions, accessibility, and health / safety.

What is the standard for your county courthouse? Contact SHPO before you rehabilitate your courthouse.

In the very near future, the CFIA will be assessing every courthouse, so your county is prepared to be investing in the future. The assessment will provide each county with a guide to ensure that we are maintaining the courthouses by following the proper standards. Check out our website to follow our progress on this project.

Grant Coordinator Spotlight!

Cindy Whetsell is the Administrator for the Lewis County Commission. Lewis County was recently awarded grants for the 7th and 8th Cycles for a roof on the historic Lewis County Courthouse.

Mrs. Whetsell attended Moorehead High School and Alderson Broadus College. Her entire professional tenure has been in county government in the counties of Hardy, Grant and Lewis. She is married to David L. Whetsell, MD and they are the parents of Bryan, 2007 graduate of West Virginia University, Benjamin, 2011 Graduate of WVU, and Kathryn,

2011 Graduate of WVU and currently studying at West Virginia School of Medicine.

"My professional philosophy has always been to serve the public in a professional and prompt manner. During my career I have administered numerous state and federal grants. Recently, Lewis County was awarded grants from the WVCFIA, WV Historic Preservation Grant Program, the Energy Efficiency & Conservation Block Grant, WV Court Security Grant, WV Community Development Grant Program



Cindy Whetsell continued:

and the WV Tower Assistance Fund to name a few. I have worked with many entities in Lewis County to receive Federal Firefighters Grants, Federal Law Enforcement Grants and Federal and State Transportation Grants. Presently, I am administering grants for the WV Department of Homeland Security to build towers and broadband throughout the state. These grants alone total more than \$10 Million dollars to assist all 55

counties." Cindy serves on the County Commissioners' Association of West Virginia Service Review Committee, Central West Virginia Community Action and is a member of the Western Rotary Club. She is active in 4-H, a member of the WV Community Education Outreach Service and the Mountaineer Parent's Club.



*Take a Look at
Grants From a
Different Side*

*Courthouse
Facilities
Improvement
Authority
Board of
Directors
Increases
Funding to
\$120,000.00*

Dept. of Transportation Act of 1964 - Section 4(f)

Federal law compels states to set aside approximately 10% of their federal-aid highway allocation for new and non-traditional activities that enhance the community benefits of transportation investments.

historic and cultural resources, transportation museums, visitor centers, rail depots and other historic transportation facilities, historic Main Street revitalizations, and the purchase of historic sites.

Half of the twelve eligible Transportation Enhancement activities relate to historic preservation: preservation of transportation-related

For more information on this funding stream, go to www.preservationnation.org.

8th Cycle Grants Completion - Lewis County

The Lewis County Courthouse employees are especially at ease now that the roof has been repaired. They no longer need to wonder about water pouring into the Circuit Court courtroom and the Circuit Clerk's Office.

CFIA grant in the amount of \$80,000 to assist them with the project.

General Restoration Corporation was awarded the contract for structural and roof rehabilitation by the Lewis County Commission in the amount of \$241,770. Lewis County was awarded an 8th Cycle

Lewis County Commission contracted Chapman Technical before beginning the rehabilitation. Their investigation of the courthouse roof revealed the deterioration was much worse than anticipated. This process provided a continued longevity of the historic Lewis County Courthouse.

The Final Project Report stated that the contractor did a superior job!

2012 Ninth Cycle Grants Announced

The CFIA Board of Directors awarded grants to the following twenty-three counties in January 2012: Calhoun, Clay, Fayette, Gilmer, Greenbrier, Hampshire, Hancock, Harrison, Kanawha, McDowell, Mineral, Monroe, Morgan, Pleasants, Raleigh, Randolph, Ritchie, Summers, Taylor, Tucker, Wetzel, Wirt and Wood.

The grant application process is always open to all fifty-five counties. The 9th

Cycle application process focused on ten categories: Life Safety, Structural Improvements, Roofing, Electrical/Data, Exterior Improvements, Mechanical (HVAC/Plumbing), Doors and Windows, Accessibility and New Construction / Space.

Statewide funding totaled \$1,924,121 with most grants being awarded in the categories of electrical, roofing, and life safety projects.

LEGISLATION Impacting the WVCFIA - www.legis.state.wv.us

Senate Bill 76 - Creating Green Buildings Act, requiring new building construction projects of public agencies and projects receiving state funds to be designed and constructed complying with the ICC International Energy Conservation Code and the ANSI standards - This bill passed the legislature.

Senate Bill 468 - To allow the CFIA the ability to issue bonds to raise funds for

paying for costs of approved modifications or construction of courthouse facilities. This bill passed the Senate, but did not pass the House.

Senate Bill 618 - This legislation entails several different issues. The area that impacts our Authority is the listing of Magistrate Court fees. The list as passed places the CFIA fee at 12th. We will most certainly receive fewer fees. We are not sure of the exact impact®

Conference Room Named After Judge L.D. Egnor

The WVCFIA office is conveniently located near our State Capitol Building at 2003 Quarrier Street.

Turn onto California Avenue from the Kanawha Boulevard and make the first right onto Quarrier Street. We are the second house on the right and we have parking in the rear of our building.

In 2011 our Meeting Room was named after the first Board Chairman, the

Honorable Judge L.D. Egnor. The Authority accomplished many things during Judge Egnor's tenure as Board Chairman.

Judge Egnor once said, "Our children and grandchildren will enjoy the use and occupancy of the greatest of all landmarks of American government - those repositories of the records and indicia of what we are and will be - our County Courthouses."



Spirit of West Virginia Award

The West Virginia Association of Counties won the Spirit of West Virginia Award, presented the 2011 WV The recognition development the state's The award is WVACO Office. Director of is currently should be available in the late fall of 2012.



at the Governor's Conference on Tourism as part of Tourism Awards for the Courthouse Documentary. is given for promoting West Virginia tourism and enhancing community pride while preserving cultural, historical or natural heritage and beauty. an engraved Blenko Vase which is on display in the Congratulations to Patti Hamilton, Executive WVACO, for all of her hard work on the project. She working on a book of all 55 courthouses. The book

2012 Board of Directors

W. Richard Staton, Chairman (Wyoming County Prosecuting Attorney)

Adell Chandler, Circuit Clerk
Alan Moats, Judge
Amy J. Swisher, Family Court Judge
Betsy Castle, Circuit Clerk
Majority Leader Brent Boggs, House of Delegates
Cynthia Pyles, Commissioner
Diana Cromley, County Clerk
Hershel R. Mullins, Magistrate
James Hoskins, Sheriff
Mike Pierson, Commissioner

Janice Cosco, County Clerk
Jason Nettles, Assessor
President Jeffrey Kessler, Senator
Jim S. Samples, Prosecuting Attorney
Joseph M. Alongi, Assessor
Larry Whited, Family Court Judge
L.D. Egnor, Retired Judge
Mike Woelfel, Magistrate
R. Steve Tanner, Sheriff

Director's Brief



WVCFIA

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Melissa Garretson Smith,
Executive Director

Brenda S. Ashworth,
Executive Assistant

The Courthouse Facilities Improvement Authority has undergone many positive changes during the previous year. I became the Executive Director on September 1, 2010 and, although the Authority had a solid base, it was in need of some progressive changes. Of most importance was the grant application and scoring system that had been in place since the inception of the Authority almost 10 years prior. With the help of Adam Krason from ZMM Architects, we created a user friendly and more detailed application. We also refocused our funding guidelines toward projects that would encourage counties to protect their courthouses from loss or damage due to disasters.

We have audited previous grant cycles, balanced our financial statement, implemented Board of Directors by-laws and became responsible for our own payroll duties.

We have continued repairs at our office building. You also might notice that we

have a new website, logo and slogan.

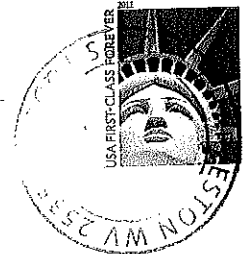
The Authority has been featured on the front cover of the Contractors Association's magazine and in two articles in recent State Journals. We participated in History Day during the Legislature, served as a vendor at several conferences and provided a training course during the Construction Expo.

We successfully changed some of our rules through the legislative rules process. Soon, we will sign a contract with a professional architecture firm to commence an update of the courthouse facilities needs assessment. This assessment will benefit all 55 counties! Finally, we are proud to introduce our first ever newsletter! Kudos to Brenda for her hard work on the newsletter. We hope that you will find it informative.

Brenda and I are here to serve you.
Please do not hesitate to contact us!

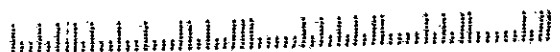
-Melissa

WVCFIA
2003 Quarrier Street
Charleston, WV 25311



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

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Ethics Reporter

Since the Last Reporter

Since the February edition of the **REPORTER**, the West Virginia Ethics Commission published four Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education, as well as publishing a corrected version of last month's 2012-03 opinion containing technical changes.

At its March 2 meeting, the West Virginia Ethics Commission approved opinions relating to the: permissibility of a mayor participating in city council meetings when a private customer of his has a matter before the council, the permissibility of a municipal police department soliciting

donations for the purchase of a police dog and other equipment, the permissibility of a retiring state employee pursuing private employment and the limitations placed on the individual and the permissibility of a county commissioner cohabitating with a county employee without violating any provision of law.

ADVISORY OPINION REPORT

Advisory Opinion 2012-07 concerned the permissibility of a mayor participating in city council meetings when a private customer of his has a matter before the council.

The mayor in this instance is a part-time elected official who receives a salary from the city but is also desirous of seeking outside employment in a sales position. The mayor promises not to utilize his position or town resources to further his private

business interests and further promises to recuse himself should a private customer of his have business before the city or the council.

The Ethics Commission examined the provisions of 6B-2-5(b)(1) prohibiting a public official from using their position to produce a private gain for themselves or for another, of 6B-2-5(j) prohibiting public officials from voting on matters in which they have a financial interest in certain instances, of 6B-2-5(o) governing when public officials may solicit private business, and general provisions of state law addressing municipalities and the status afforded a mayor as the chief executive officer .

The Commission ruled in this instance that there was not potential violation of ethical standards for a part-time mayor to work in a sales position outside of his municipal duties as long

as the mayor does not utilize any public resources or employees to further his business interests or use his status and position as mayor for his benefit either. The Commission further ruled that the mayor must recuse himself should any of his customers have business with the city or the city council that he could influence, and that the mayor must also not be involved in any purchasing planning activities or purchasing decision-making that would affect his outside business interests.

Advisory Opinion 2012-08 concerned the permissibility of a municipal police department soliciting donations for the purchase of a police dog and other equipment.

The police department is proposing to solicit local fraternal organizations to donate funds for the purchase of equipment that is needed in police cars. The solicitation will not include a request for a specific amount but will rather include the goal of the fundraising

drive to cover the full costs of the needed equipment. With regard to seeking funds for the purchase of a police dog, the department is proposing that it be permitted to team with a local media outlet which would then solicit the funds and turn them over to the department as a gift.

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(c) regulating and restricting the solicitation of gifts by public officials, and the legislative rules of the Commission governing the solicitation of gifts.

The Ethics Commission ruled that precedent from a number of similar cases in the past should be upheld in rejecting the department's request to solicit funds for the purpose of purchasing a police dog or equipment.

Previous Advisory Opinions have ruled that unless there is an overriding public benefit, a public agency may not

solicit funds for internal operating expenses. However, the Commission noted that there is nothing prohibiting the city or the police department from accepting unsolicited donations or from non-public officials from independently conducting such solicitation activities.

Advisory Opinion 2012-09 addressed the permissibility of a retiring state employee pursuing private employment and the limitations placed on the individual.

In this case, the employee in question does not head an agency but does hold a position of great responsibility in overseeing county school construction projects paid for by the state. The agency he works for does not contract with any business involved in the projects but does have overall supervisory responsibility over projects.

The individual is considering a number of positions with firms that will require his interaction with county

March, 2012

Page Three

boards of education and with his former agency.

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(g) prohibiting a public official from appearing in a representative capacity before his former agency in a variety of circumstances and those of 6B-2-5(e) prohibiting the use of confidential information gained through public service to further private interests. In addition, the Commission analyzed 6B-3-2 restricting certain categories of public officials from serving as lobbyists after leaving the service of the public.

Since the Ethics Commission was not presented with a specific request for an opinion in this case, it chose to discuss a number of potential scenarios in general ways and encouraged the individual to seek more guidance as needed when his circumstances

of post-retirement employment become clearer. The Commission did indicate however, that the individual did not face a great many restrictions in seeking employment given the fact that he did not hold a position that was bound by specific prohibitions found in the Ethics Act..

Advisory Opinion 2012-11 concerned the permissibility of a county commissioner cohabitating with a county employee without violating the Ethics Act or the Chapter 61-10-15 standards.

In this case, the county commissioner plans to live with an employee of the commission. There are plans to move the employee to the office of another elected county official. The county commission approves the budgets of all county offices, even though each is independently elected.

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. The Commission also examined its legislative rules concerning nepotism 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 proposed living relationship between a county commissioner and a county employee would constitute a violation of the 61-10-15 pecuniary interest prohibitions. The Commission offered a lengthy commentary on the situation and a similarly lengthy analysis of precedent setting State Supreme Court decisions in cases involving 61-10-15 standards.

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

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

**BOARDS AND
COMMISSIONS**

NONE PUBLISHED)

**BOARDS OF
EDUCATION**

NONE PUBLISHED

**COUNTY
GOVERNMENT**

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Permissibility of a county commissioner cohabitating with a county employee without violating the Ethics Act or Chapter 61-10-15 standards

LEGISLATURE

NONE PUBLISHED

**MUNICIPAL
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2012-08:
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STATE GOVERNMENT

2012-09:
Permissibility of a retiring state employee pursuing private employment and the limitations placed on the individual

**TRADE
ASSOCIATIONS AND
LOBBYISTS**

NONE PUBLISHED

MISCELLANEOUS

NONE PUBLISHED

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WEST VIRGINIA ETHICS COMMISSION
2012 ADVISORY OPINIONS
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(Includes opinions published through March 1, 2012)

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2012-04:

Permissibility of a municipal water board employing the board's chairperson (See also MUNICIPAL GOVERNMENT)

BOARDS OF EDUCATION

NONE PUBLISHED

COUNTY GOVERNMENT

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Permissibility of a county commission purchasing property from a real estate business with which a member of the commission is associated

2012-03:

Permissibility of a county agency employing a relative of one of its supervisors

2012-03: [CORRECTED ADMINISTRATIVELY]

Permissibility of a county agency employing a relative of one of its supervisors

2012-05:

Permissibility of a county commissioner voting on matters affecting his public employer

2012-11:

Permissibility of a county commissioner cohabitating with a county employee without violating the Ethics Act or Chapter 61-10-15 standards

LEGISLATURE

NONE PUBLISHED

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Permissibility of a town adopting an ordinance to compensate the mayor for performing additional job duties

2012-01:

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2012-07:

Permissibility of a mayor participating in city council meetings when a private customer of his has a matter before the council

2012-08:

Permissibility of a municipal police department soliciting donations for the purchase of a police dog and other equipment

2012-04:

Permissibility of a municipal water board employing the board's chairperson (See also BOARDS AND COMMISSIONS)

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Permissibility of a state employee whose agency funds a non-profit organization serving on the board of directors for that organization

2012-06:

Permissibility of a statewide elected official accepting travel expenses from a state vendor to attend and speak at an international conference

2012-09:

Permissibility of a retiring state employee pursuing private employment and the limitations placed on the individual

TRADE ASSOCIATIONS AND LOBBYISTS

NONE PUBLISHED

MISCELLANEOUS

NONE PUBLISHED

CORRECTED

FILED

ADVISORY OPINION NO. 2012-03 2012 MAR 12 AM 9:16

Originally Issued On February 2, 2012 By **Office West Virginia
Secretary of State**
WEST VIRGINIA ETHICS COMMISSION

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 discussion, deliberation and votes and must not have any involvement in the matter.²

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.

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. 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 in the employment of the relative.

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 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.³ W. Va. Code § 6B-2-5(d)(3) reads, in pertinent part:

³ Although, W. Va. Code § 6B-2-5(d)(1) expressly excepts employment from the prohibition against

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

***This opinion was administratively corrected on March 1, 2012.

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.

ADVISORY OPINION NO. 2012-11

Issued On March 1, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

FILED

2012 MAR 12 AM 9:16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **County Commissioner** asks if he may cohabit with a county employee without violating the Ethics Act or W. Va. Code § 61-10-15.

FACTS RELIED UPON BY THE COMMISSION

The Requester plans to live in the same house as an employee of the County Commission. To remove her from the County Commission's direct supervision, the employee could be relocated to be supervised by another County elected official.

The County Commission approves the budget for all County elected officials, although each is an independent office. These county officials may appoint and employ subordinate staff by and with the advice and consent of the county commission.

CODE PROVISIONS AND LEGISLATIVE RULE RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) prohibits a public official from knowingly and intentionally using his or her office or the prestige of his or her office for his or her own private gain or that of another person.

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.

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.

3.5. 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... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service... if, as a member ... 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. The Requester's situation is unique and raises delicate concerns.

In Advisory Opinion 2012-03, the Commission reviewed its nepotism opinions. Significantly, the Commission has never formally addressed an employment situation involving cohabitation. Recognizing the privacy rights of the parties involved, the Ethics Commission's analysis is extremely cautious, deliberative and unobtrusive.

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". Thus, there is nothing in the Ethics Act to prohibit the Requester's future roommate from continuing her employment with the County after they move in together. Notwithstanding this conclusion, our inquiry does not end here.

W. Va. Code § 61-10-15, a criminal provision, prohibits covered persons, such as county commissioners, from having a personal financial interest, **directly or indirectly**, in public contracts over which their public positions gives them voice, influence or control. See *generally* Advisory Opinion 2012-01. Although the Requester states that the county commission employee could be moved to the office of another elected county official rather than continue under the county commission's direct supervision, the county commission still has "voice, influence or control" over her employment contract. The County Commission must approve the budget for all County officials. These county officials may appoint and employ subordinate staff "by and with the advice and consent of the county commission". W. Va. Code § 7-7-7. See *e.g.* Advisory Opinion 95-24 (County Commissioner had a financial interest in his spouse's employment contract with the Sheriff's department.), and Advisory Opinion 2007-03 (Assessor has the ultimate authority to hire individuals to work in the Assessor's office.) See *also* Advisory Opinion 96-23 (If a County Commission candidate were elected, his spouse's employment by the County Public Service District would violate § 61-10-15.)

The foregoing advisory opinions concern the employment of a spouse of a county official. These opinions followed West Virginia Supreme Court precedent that considered whether the employment of the spouse of a county officer is a contract in

which the officer is 'directly or indirectly pecuniary interested' for purposes of § 61-10-15. Specifically, in Haislip v. White, et al., 124 W. Va. 633, 642 (1942), the Court wrote:

We prefer to rest our decision on the broad principle that there is still a relation existing between husband and wife, and mutual liabilities growing out of the family relation, which creates, on the part of each, an interest in the contracts of the other, out of which compensation arises, and the proceeds of which are used directly or indirectly within the family circle.

Based upon the cited analysis, the Court held there was a prohibited financial interest.

Here, however, the parties are not married; instead they intend to reside together. The question, then, is whether cohabiting creates the same personal financial interest that marriage does. The Requester intends to share a home with a subordinate employee. Although the nepotism provisions specifically reference cohabitating sexual partners, the Commission's analysis will focus on the **financial** relationship between the individuals created by their decision to live together, and not on the nature of their personal relationship.

Specifically, does W. Va. Code § 61-10-15, a criminal provision, cover non-married, unrelated adults who live together? As the West Virginia Supreme Court has opined, penal statutes must be strictly construed against the State. State v. Neary, 179 W. Va. 115, 119365 S.E.2d 395, 399 (1987). Nonetheless, in Neary the Court went on to state:

It also answered the argument that without requiring a showing of some specific pecuniary gain this "would be a violation of the time-honored canon that penal statutes are to be narrowly construed," by stating: "But even penal statutes must be 'given their fair meaning in accord with the evident intent of Congress.' ... In view of the statute's evident purpose and its comprehensive language, we are convinced that Congress intended to establish a **rigid rule** of conduct...." 364 U.S. at 550-51, 81 S.Ct. at 309-10, 5 L.Ed.2d at 289.

Id., 179 W. Va. 115, 120, 365 S.E.2d 395, 400 (1987) (emphasis added)

The Court further ruled:

There is little, if any, leeway present to construe the statute since, as stated in Alexander v. Ritchie, 132 W.Va. 865, 871, 53 S.E.2d 735, 739 (1949), "Code, 61-10-15, implements the public policy of this State, and its provisions are clear and unambiguous. Although harsh, its objects and purposes are salutary."

Id., 179 W. Va. 115, 118, 365 S.E.2d 395, 398 (1987)

In Advisory Opinion 2012-03, a county agency asked whether it could employ the adult son of one of its supervisors. Analyzing W. Va. Code § 61-10-15, the Commission

noted that an employment contract with a county entity constitutes a public contract, and that 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 in the employment of the relative.

The opinion reads, in relevant part, "The son resides with his father. As such, the father has a financial interest in the employment of his son, and therefore a financial interest in any employment contract." The Commission noted that if the prohibitions of § 61-10-15 applied in that situation, then the son's employment with the Agency would be prohibited. Ultimately, the Ethics Commission concluded that the supervisor was a county employee rather than a county official and therefore was not subject to the prohibitions of § 61-10-15. See also Advisory Opinion 97-34 (County Health Administrator not one of statutorily enumerated positions; Administrator is an employee, not an officer, for purposes of § 61-10-15).

The Commission has considered the fair meaning of the statute's inclusion of the term "**indirect** pecuniary interest" (emphasis supplied) in accord with the evident intent of the Legislature. As a result, the Commission hereby finds that there is a rebuttable presumption that where two adults share a home or otherwise live together, regardless of whether it is a romantic or platonic relationship, they have at least an indirect financial interest in the employment contract of the other. This conclusion adopts a common sense approach to the definition of financial interest. Where two or more adults share living quarters, their expenses are bound to overlap. Therefore, each has an interest in the employment of the other(s) to ensure that all are able to meet their respective financial obligations. Adult emancipated children who live with their parents, cohabiting sexual partners, adult siblings, or unrelated roommates who share expenses all fit in this category.

As a result of the foregoing finding, the Commission further finds that notwithstanding the fact that the Requester's potential roommate entered into her employment contract before their relationship began, her continued employment in **any** County Office after they move in together violates W. Va. Code § 61-10-15. See generally Advisory Opinion 92-11 (although employment contract between the requester's spouse and the County Board of Education was entered into four years earlier, the requestor may have voice, influence or control over the renewal, modification or enforcement of the employment contract, giving rise to a potential violation of W. Va. Code § 61-10-15.) See also Advisory Opinions 2004-10A and 2004-10B (continuation of contract generates potential violation because of the requester's voice, influence or control over the renewal, modification or enforcement of employment contract).

The County Commission's willingness to transfer the employee to another County Office to prevent any conflict of interest, though laudable, fails to change the outcome. As earlier noted, the County Commission has voice, influence and control over all county office's employment contracts.

Finally, although the Legislature amended W. Va. Code § 61-10-15 to allow the

Commission to grant an exemption when the prohibitions thereof would result in undue hardship, this provision does not apply to employment contracts. Thus, the Commission finds that it lacks the authority to exempt any employment contract not already expressly authorized by the statute. See Advisory Opinion 2007-03 (It does not appear from the recent amendment to the statute that the Legislature intended to exempt employment contracts other than those expressly listed in W. Va. Code § 61-10-15.)


As the West Virginia Supreme Court, in Serge v. Matney, 273 S.E. 2d 818, 820 (1981) wrote:

If the legislature wishes to establish exemptions or provide that personnel who have tenure with the county as employees of one of the numerous county agencies can retain their jobs even though their husbands have been elected to ... county [office], then the legislature should do so.

Indeed, following the issuance of Advisory Opinion 2007-03, the Legislature amended the statute and expressly created additional employment exemptions. See W. Va. Code §§ 61-10-15(k) and (l).

The Ethics Commission recognizes that this opinion could impose a hardship on individuals affected by its ruling. As a result, the Commission hereby instates a transition period of one year to allow affected individuals to bring their conduct into compliance herewith. Or, in the alternative, the transition period will allow the Legislature to amend W. Va. Code § 61-10-15 to expressly exempt adults who reside together from the prohibitions thereof.

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. Pursuant to W. Va. Code § 6B-2-3, any person acting in good faith reliance on an advisory opinion is immune from the sanctions of W. Va. Code § 61-10-15, and shall have an absolute defense to any criminal prosecution to actions taken in good faith reliance upon such opinion. Further, in accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by public servants and other persons unless and until it is amended or revoked.


R. Kemp Morton, Chairperson



ADVISORY OPINION NO. 2012-07

FILED

Issued On March 1, 2012 By The

2012 MAR 12 AM 9:16

WEST VIRGINIA ETHICS COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A Mayor who recently accepted a part time direct sales position asks under what circumstances the Ethics Act requires him to recuse himself when a customer appears before City Council on an unrelated matter.

FACTS RELIED UPON BY THE COMMISSION

In West Virginia, the majority of mayors are elected by the qualified voters of the municipality.¹ Most mayors are part-time positions. Few mayors are independently wealthy; a number of mayors are retired. Most mayors work in some fashion in the private sector. For example, a mayor may own a funeral home or sell life insurance.

The Requester states that he recently accepted a part time direct sales position with a local company. As a result, he is in contact with many businesses and property owners within the municipality. The Requester understands that he is prohibited from using public resources (including subordinate staff or his mayoral title) to solicit sales. The Requester specifically states:

I want to ascertain that I can sell goods and services to businesses and people that I know as long as the business relationship is kept separate and apart from my capacity as an elected official. I understand also the implication of being paid by a customer who may at some time come before City Council for consideration of some issue and my need to recuse myself should that be deemed necessary.

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....

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

- (1) Public officials... may not vote on a matter:
 - (A) In which they ... or a business with which they ... [are] associated have a financial interest. Business with which they are associated means a business of which the person ... is a director, officer, owner, employee,

¹ In a Commission or Manager form of government, the mayor is elected from among the City's elected Commission or Council Members. W. Va. Code § 8-3-2.

compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

(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.

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

Except as provided in this section, a person who is a public official ... may not solicit private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control. A person who is a public official ... may solicit private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control when:

- (A) The solicitation is a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular or other written or printed media; or
- (B) The solicitation is limited to the posting of a notice in a communal work area; or
- (C) The solicitation is for the sale of property of a kind that the person is not regularly engaged in selling; or
- (D) The solicitation is made at the location of a private business owned or operated by the person to which the subordinate public official or public employee has come on his or her own initiative.

W. Va. Code § 8-10-1 provides, in relevant part, "When not otherwise provided by charter provision or general law, the mayor of every municipality shall be the chief executive officer of such municipality...."

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 that give the appearance of impropriety.

Here, the Requester recognizes that his constituents and customers may overlap. He wants to ensure that he complies with the Ethics Act should a customer appear before City Council on a matter over which the City has jurisdiction to take official action.

Although the Requester acknowledges that he will not use public resources to advance his private business interests, the Commission takes this opportunity to remind other public officials who also have private business interests that the Ethics Act prohibits more than a *de minimis* use of public resources for private benefit.

Specifically, public servants may not use office equipment, office supplies or office space for the benefit of their private businesses. Further, they may not use subordinate staff to perform work associated with their private businesses while the subordinates are on the government time clock. Finally, before using subordinate staff to perform work associated with their private businesses while the subordinates are **not** on the government time clock, public officials should contact the Ethics Commission to determine whether such a work arrangement is permissible under the Ethics Act.

Next, W. Va. Code § 6B-2-5(o) prohibits a public official from soliciting private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control, with certain exceptions. See, e.g. Advisory Opinions 90-155 (County Board of Education member may not use his public position to market insurance products to Board employees), 96-06 (County Board of Education Personnel Director prohibited from soliciting current and potential Board employees to purchase insurance), and 98-20 (County Board of Education member may not solicit Board employees or their spouses to purchase security systems). Also, the Commission finds that the Requester may not distribute business cards, flyers, or other promotional materials concerning his private business from his office and/or in City/Town Hall. It would create an appearance of impropriety for a mayor, the municipality's CEO, to actively promote her/his private business on municipal property.

Although the Requester states that he intends to "sell goods and services to businesses and people", the Commission takes this opportunity to remind public officials about the Ethics Act's prohibition against having an interest in a public contract. W. Va. Code § 6B-2-5(d)(1) provides that "no elected ... official ... or member of his or her immediate family ... may be a party to or have an interest in the profits or benefits of a contract which the official ... may have direct authority to enter into, or over which he or she may have control...." The Act's reference to "contract" includes any financial transaction—including selling goods or services—with one's own governing body, when the total amount exceeds \$1,000 in a calendar year. If a municipality desires to purchase goods or services from the private business of one of its municipal officials and the amount exceeds \$1,000 in a calendar year, it must seek and obtain a contract exemption from the Ethics Commission pursuant to W. Va. Code § 6B-2-5(d)(3).²

²A separate criminal provision applies to certain county officials, in addition to the prohibitions contained in the Ethics Act. See W. Va. Code § 61-10-15.

In the course of performing his regular business activities, it is inevitable that the Requester's customers may end up before City Council on certain issues. Under certain circumstances the Requester is required to recuse himself.

There are a number of ways a citizen may appear before Council. One way is simply to address Council on an issue of public concern. During such public comment portions of Council meetings, Council is prohibited from taking official action on matters subject to such public comments unless the issue is already on the meeting agenda. See OMA Advisory Opinion 2011-03. Another way that a citizen may appear before Council is when Council is considering adopting an ordinance or charter revision that directly affects the citizen. Or, a citizen may request a zoning variance or an exception to the building code requirements. In other situations, a citizen may appeal a decision of a municipal official to Council.

The Ethics Act does not contain specific language to address the situation described. Instead, it contains prohibitions against accepting gifts from interested persons, W. Va. Code § 6B-2-5(c); and prohibitions against seeking employment with or buying/selling property to/from interested persons, W. Va. Code § 6B-2-5(h). Therefore, the Commission will borrow from those sections to provide guidance to the Requester and similarly situated municipal public officials.

In Advisory Opinion 2005-12, a member of a County Planning Commission who owned a business selling products used by contractors asked for guidance on voting on matters regarding customers of his business. The Commission held:

It is necessary for the requester to be recused from those decisions where he is currently supplying the developer or a contractor for a particular subdivision, or is currently bidding on such a mater, as he may be considered to have at least an indirect financial interest in the outcome of such matters. Otherwise, the requester is not prohibited from voting on matters when approval may or may not lead to business with the developer, a contractor working for the developer, an individual home builder, or contractor working for a home builder.

Similarly, here the fact that a citizen purchased goods or services from the Requester is insufficient to require the Requester to recuse himself from a proceeding. If the citizen is a current customer, however, the mayor must recuse himself from deliberation and voting on the matter. For recusal to be effective, the mayor must 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 § 6B-2-5(j)(3)³

The guidance provided herein should not be construed to apply to transactions for goods or services purchased through a commercial establishment which offers the

³ Although it may not be applicable to the Requester, other mayors may be in a business that prohibits them from disclosing the details of the conflict that requires recusal, e.g. a doctor may not disclose the name of a patient. In such instances, the affected official should simply disclose on the record that she has a personal conflict of interest that requires her to recuse herself, and then leave the room.

same goods or services for sale to the general public.

Although the Requester does not serve in such a capacity, West Virginia law permits mayors to preside over municipal court. W. Va. Constitution Article 8, §1. See also W. Va. Code § 8-10-1. For those mayors who also serve as municipal judge, they need to take special care if a customer appears before them in their judicial capacity. Again, the fact that a citizen purchased goods or services in the past from a mayor is generally insufficient to require the mayor to recuse herself/himself from the proceeding. The mayor shall, however, disclose the fact of the transaction, and if either party requests that the mayor recuse herself/himself from the proceeding following such disclosure, the mayor shall do so. Further, mayors are prohibited from presiding over a judicial matter involving a customer when the transaction occurred within the preceding six months.

In conclusion, there is no prohibition in the Ethics Act against a mayor having an outside business or employment. Nonetheless, the Requester:


- may not use public resources for the benefit of his private business;
- may not use subordinate staff to perform work associated with his private business while the subordinates are on the government time clock;
- may not solicit private business from subordinates;
- may not distribute promotional materials concerning his private business from his office and/or in City/Town Hall;
- may not have an interest in a public contract, with certain exceptions; and
- must recuse himself when a current customer appears before Council.

Finally, when a current customer is competing for a municipal contract, the Requester must recuse himself from:

- Drafting bid specifications or requests for proposals;
- Recommending selection of the vendor; and/or
- Approving the method or manner of payment to the vendor.

The Commission appreciates the Requester's initiative in seeking advice given the number of mayors who are similarly situated.

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. 2012-08

Issued On March 1, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

FILED

2012 MAR 12 AM 9:16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **Municipal Police Department** asks whether the Ethics Act permits the solicitation of donations for the purchase of a police canine and shotgun/rifle racks for police cars.

FACTS RELIED UPON BY THE COMMISSION

The Requester is a City Police Department who would like to obtain funding for two law enforcement needs: (1) a police canine; and, (2) shotgun/rifle racks for police cruisers. Although the Requester does not identify the anticipated cost of either need, it does outline proposed methods for obtaining funding for each.

For the shotgun/rifle racks, the Police Department desires to write a letter to local fraternal organizations requesting a donation to go toward the purchase of the racks. According to the Requester, the letter would provide them with the estimated cost of each rack, and the total number needed. The Requester further states that the letter would not request a specific amount of money, instead it would leave to the organization's discretion how much, if any, it wished to contribute.

With respect to the police canine, the Requester proposes partnering with a local media entity that will conduct the fundraising drive. The Requester states that the media partner would solicit the public for donations and handle the collection. At the conclusion of the fundraising drive, the media partner would then present the money to the Police Department.

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. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in *de minimis* private gain does not constitute use of public office for private gain under this subsection. 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.

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

A public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family: *Provided*, That no public official or public employee may solicit for a charitable purpose any gift from any person who is also an official or employee of the state and whose position is subordinate to the soliciting official or employee[.]

Finally, the Commission's Legislative Rule governing solicitation of charitable gifts, W.Va.C.S.R. § 158-7-6, states in relevant part:

6.1. Public officials and public employees may solicit gifts for a charitable purpose when there is no resulting direct pecuniary benefit to the public official or public employee or an immediate family member.

6.2. The Ethics Commission may recognize programs or activities as involving a charitable purpose on a case-by-case basis.

* * *

6.5. A reasonable amount of public resources may be used for a charitable solicitation or fund-raising drive that is conducted in furtherance of the West Virginia State Employees' Coordinated Campaign or a fund raising campaign officially approved by either the executive, legislative or judicial branch of State Government or the governing body of any political subdivision.

* * *

6.7. State government agencies and the governing bodies of political subdivisions may solicit funds to support or underwrite agency programs which are statutorily created or authorized and are intended to help the poor and disadvantaged. If a state government agency or governing body of a political subdivision seeks to solicit funds for use by the agency for any other purpose, then the state government agency or governing body of a political subdivision must first seek permission from the Executive Director of the West Virginia Ethics Commission or the Ethics Commission through issuance of a formal advisory opinion. The Executive Director or Ethics Commission may only authorize such a solicitation if it serves a public purpose. This provision does not apply to the solicitation of donations by a member of the Legislature or a member of the Board of Public Works who is soliciting funds for a regional or national organization conference or other function in accordance with W.Va. Code § 6B-2-5 (c) (6) and § 6B-2-5 (c) (7).

ADVISORY OPINION

The permissibility of a law enforcement agency soliciting funds for the needs of their office is not a matter of first impression for the Commission. Indeed, the Commission addressed the specific question relating to police canines in Advisory Opinion 92-06, and held that public officials and employees “may **not** solicit monetary contributions from area businesses to help defray the cost of purchasing such a dog for the Sheriff’s Department.” (emphasis added). See also Advisory Opinion 90-176 (County Commission may not solicit funding from area businesses for law enforcement training).

In the years following the issuance of these opinions, the Commission established a Legislative Rule governing solicitation of charitable gifts. W.Va.C.S.R. § 158-7. In light of such, and given the amount of time since this issue was first addressed, the Commission takes this opportunity to review the rules relating to solicitation and its prior holding.

Solicitation by a Public Servant

The West Virginia Ethics Act states that “a public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family.” W.Va. Code § 6B-2-5(c). Although the statute does not define “charitable purpose”, the Commission’s legislative rules provide that the Commission will make such a determination on a case-by-case basis. W.Va.C.S.R § 158-7-6.2.

As a general rule, the Commission is hesitant to approve a governmental agency’s solicitation for its own operational needs.¹ However, the Commission has outlined certain circumstances in which a public entity may solicit such funds.

State government agencies and the governing bodies of political subdivisions may solicit funds to support or underwrite agency programs which are statutorily created or authorized and are intended to help the poor and disadvantaged. If a state government agency or governing body of a political subdivision seeks to solicit funds for use by the agency for any other purpose, then the state government agency or governing body of a political subdivision must first seek permission from the Executive Director of the West Virginia Ethics Commission or the Ethics Commission through issuance of a formal advisory opinion. The Executive Director or Ethics Commission may only authorize such a solicitation if it serves a public purpose.

W.Va.C.S.R. § 158-7-6.7.

¹ This is distinguishable from those situations in which there is express statutory authority allowing the public entity to solicit private funds for operational needs. See e.g. W. Va. Code § 18B-2A-4(m); W. Va. Code § 49-9-17(b); W. Va. Code § 5-1E-3(6).

The Commission further clarified its position in Advisory Opinion 2005-02, wherein it held:

As a general guideline, the Commission recognizes two main categories of programs or activities which constitute a charitable purpose: (1) Those which benefit the poor or disadvantaged; and, (2) Those which serve a public purpose or provide a significant public benefit.

The Commission further held that "the overriding purpose of the solicitation must be to provide a benefit to the public as opposed to defraying the internal administrative costs of the [Agency]." A.O. 2005-02.

Requester's Specific Needs

The Requester seeks to solicit funds for shotgun/rifle racks and a police canine. The Requester has identified these as needs of the department, and has proposed two fundraising methods.

The Commission is mindful of the necessity of law enforcement agencies adequately protecting the public, and is appreciative of the Requester's efforts to achieve this objective. Unfortunately, budget restraints limit the ability of the Requester to purchase the desired items, and the Requester seeks to look to the local community for assistance.

In seeking outside monetary assistance, however, public agencies raise the potential for a coercive solicitation. For this reason, the Commission established a case-by-case review of "charitable" solicitations and has been stringent in its holding that "the overriding purpose of the solicitation must be to provide a benefit to the public as opposed to defraying the internal administrative costs of the [Agency]". A.O. 2005-02.

Upon review of the Requester's desired solicitations, the Commission finds that the Requester fails to establish this overriding purpose. Rather, the desired solicitations appear to be more related to defraying internal administrative costs associated with purchasing the desired items. Accordingly, the Commission re-affirms its prior decision in Advisory Opinion 92-06, and finds that solicitations for the purchase of a police canine and shotgun/rifle racks are not permissible under the Ethics Act as they do not constitute charitable gifts.

Finally, the Commission's holding applies to solicitation by the Requester, and does not prevent the police department from accepting an **unsolicited** gift. As the Commission held in A.O. 90-176, government agencies may accept gifts **as an entity** if the acceptance of such gifts inures to the benefit of the public generally or is in furtherance of the operation of the office. See *also* A.O. 92-06. The key is that the gift is given to, and utilized by, the government agency, and is not for the personal, private gain of a particular public servant. See W.Va. Code § 6B-2-5(c)(1).

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 only by part-time elected prosecuting attorneys unless and until it is amended or revoked, or the law is changed.



R. Kemp Morton, Chairperson

ADVISORY OPINION NO. 2012-09

FILED

Issued On March 1, 2012 By The

2012 MAR 12 AM 9:16

WEST VIRGINIA ETHICS COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **State Employee** who plans on retiring from state government asks what limitations in the Ethics Act apply to him if he takes a job in the private sector.

FACTS RELIED UPON BY THE COMMISSION

The Requester is a State employee. While he has significant decision-making authority, he is not the head of an agency, his position is not created by code and he does not take an oath of office.

In his current position, he has oversight responsibilities relating to construction projects in the public school system. In general, his State agency does not contract with construction, architectural or engineering firms for projects in the county school system; however, he and his staff have oversight responsibilities relating to businesses which contract with the county school system.

In regard to his involvement with contracts at the State level, his agency has an agreement with an estimating firm. For this contract, his agency issued the request for quotations (RFQ). He states that his agency handled the RFQ process, including defining the scope of work, to ensure continuity for all project reviews and cost estimates for local projects. His agency has a task order type agreement with this company, but it is the counties which directly contract with and pay the firm for services rendered to the county.

The Requester and his staff frequently interact with the counties. As it relates to this job duty he states "My involvement is wide ranging and can vary from answering simple questions regarding [agency] policy to assisting my staff members with county contract administration when complicated decisions arise. While I act in an advisory capacity with regards to design and construction contracting, it is the [county agencies] that have the ultimate decision-making authority regarding design and construction contract awards and administration."

Upon retirement, the State employee anticipates working for a private architectural firm or construction management firm that contracts with county agencies. Through his position, he may have contact with his former agency. He is also considering employment with the estimating firm. If he works for the firm, his focus would be upon educational planning and school project development which would require him to serve as the liaison to the counties, his former agency, or both.

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(g) reads in relevant part:

Except as otherwise provided in section three, four or five, article two, chapter eight-a of this code: (1) No elected or appointed public official ... shall, during his or her public service ... with a governmental entity authorized to hear contested cases or promulgate or propose rules, appear in a representative capacity before the governmental entity in which he or she serves ... in the following matters:

- (A) A contested case involving an administrative sanction, action or refusal to act;
- (B) To support or oppose a proposed rule;
- (C) To support or contest the issuance or denial of a license or permit;
- (D) A rate-making proceeding; and
- (E) To influence the expenditure of public funds.

...

(e) *Confidential information.* -- No present or former public official or employee may knowingly and improperly disclose any confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests or the interests of another person.

(f) *Prohibited representation.* -- No present or former elected or appointed public official or public employee shall, during or after his or her public employment or service, represent a client or act in a representative capacity with or without compensation on behalf of any person in a contested case, rate-making proceeding, license or permit application, regulation filing or other particular matter involving a specific party or parties which arose during his or her period of public service or employment and in which he or she personally and substantially participated in a decision-making, advisory or staff support capacity, unless the appropriate government agency, after consultation, consents to such representation. A staff attorney, accountant or other professional employee who has represented a government agency in a particular matter shall not thereafter represent another client in the same or substantially related matter in which that client's interests are materially adverse to the interests of the government agency,

without the consent of the government agency: *Provided*, That this prohibition on representation shall not apply when the client was not directly involved in the particular matter in which the professional employee represented the government agency, but was involved only as a member of a class. The provisions of this subsection shall not apply to legislators who were in office and legislative staff who were employed at the time it originally became effective on the first day of July, one thousand nine hundred eighty-nine, and those who have since become legislators or legislative staff and those who shall serve hereafter as legislators or legislative staff.

§ 6B-3-2 reads, in relevant part:

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

...

(4) Will and pleasure professional employees of the Executive Department [commonly referred to as the Board of Public Works] under the direct supervision of the Executive Department officer and who regularly and substantially participates in a decision-making or advisory capacity regarding agency or department policy.

...

(7) Heads of any state departments or agencies.

W.Va. C.S.R. § 158-11-3.6 reads in relevant part:

Once a full-time public official or employee has...terminated his or her employment; then there is no waiting period for seeking employment.

ADVISORY OPINION

No provision in the Ethics Act specifically prohibits public officials from working for a particular business after they leave government service. Several opinions of the Commission indicate that there may be limits in regard to being employed in positions funded by grant monies that public servants, through their prior public positions, helped secure. See A.O.s. 96-43 and 2001-32. A public servant who has sought to secure a grant should first check with the Ethics Commission before seeking employment funded by the grant. Additionally, public servants who want to begin their job search while they are still employed by their government agency may need an employment exemption before communicating with potential private sector employers. W.Va. C.S.R. § 158-11-1 *et. seq.*

While the Ethics Act does not expressly prohibit public employees or officials from working for a particular private business upon their departure from government, limitations may apply. A general overview of the limitations which apply follows:

First, the Requester may **not** disclose or use confidential information. W.Va. Code § 6B-2-5(e).

Second, the Requester may, either on his own behalf or on the behalf of his private employer, communicate with his former agency on general matters. The revolving door restrictions in W.Va. Code § 6B-2-5(g) do not apply to him as he **not** a public official, i.e. one whose position is created by code or who takes an oath of office. See A.O. 2010-22. As such, he does not have to wait one (1) before appearing back before his agency.¹

Third, if the Requester plans on serving as the liaison for his private employer on a contract over which he had oversight responsibility through his public position, then he should seek further guidance from the Ethics Commission. While he is not subject to the limitations in "g", he is subject to the limitations in W.Va. Code § 6B-2-5(f) which prohibits public servants from representing parties in matters in which they were substantially involved. While the Commission has previously ruled that this limitation does not ban all involvement with public contracts which may have been discussed or let during the public servant's employment or service; still, limitations may apply. See A.O. 2002-08 (revised). For example, if the Requester's employer wants him to serve as the point of contact with his former public employer on a "change order" or request to modify a contract which was let by his former public employer, then the limitations in this section may be triggered. To further analyze the application of this code provision, the Ethics Commission would need specific facts, including an example of the Requester's anticipated participation therein.

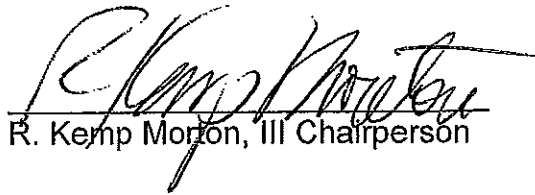
Fourth, while it does not appear that the Requester plans on lobbying, there is no restriction in the Ethics Act which prohibits him from registering as a lobbyist as he is not an agency head nor does he hold any of the other positions in government to which this prohibition applies. W.Va. Code § 6B-3-4.

In closing, the Commission has provided a general overview of the rules which govern the Requester's post-public service employment. If the Requester has a question about the application of the Ethics Act in regard to a particular job responsibility he may have in the private sector, then he should contact the Commission for further advice.

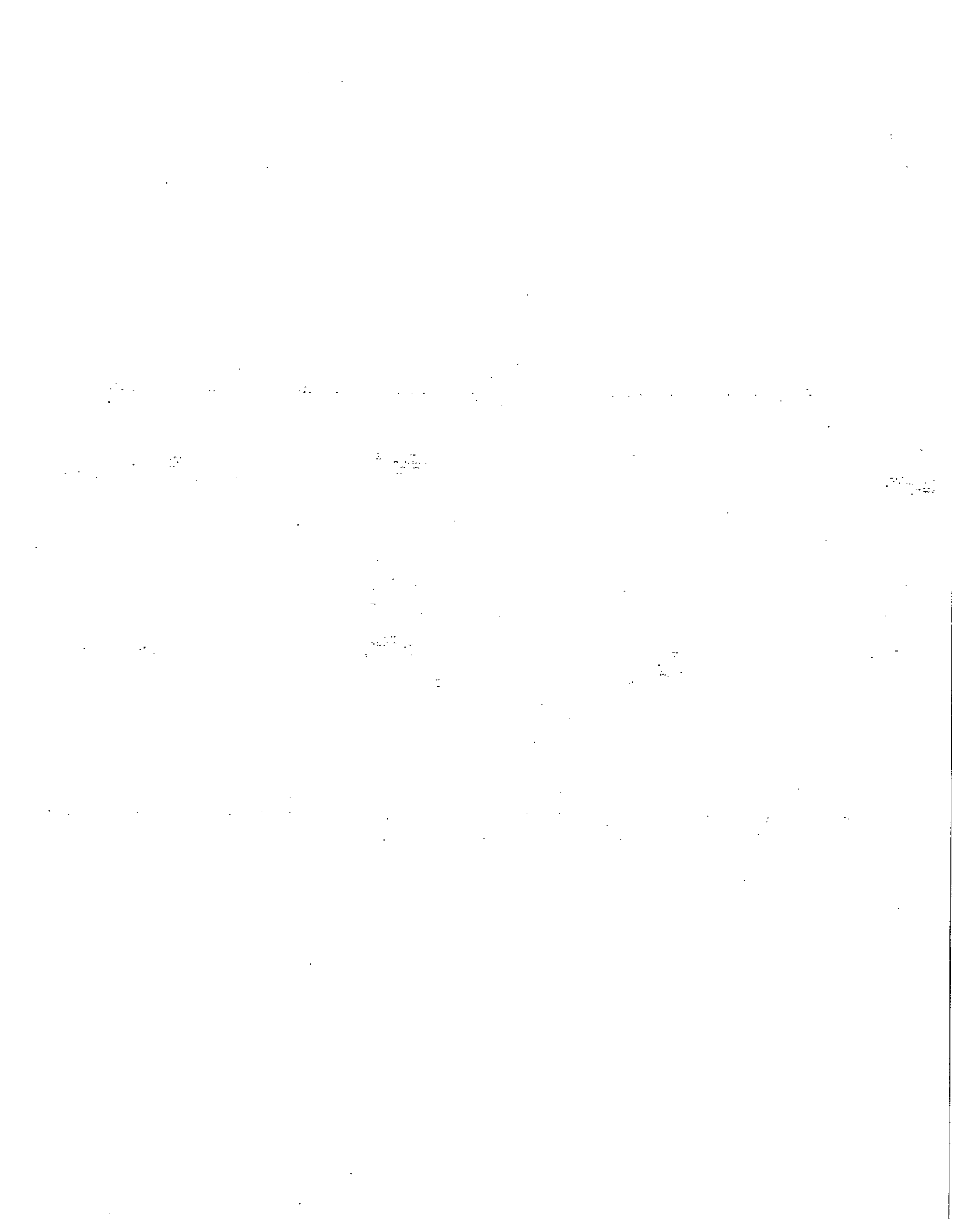
¹ If he were subject to these limitations, he could not appear or communicate with his agency for a one (1) year period on the following matters: (A) A contested case involving an administrative sanction, action or refusal to act; (B) To support or oppose a proposed rule; (C) To support or contest the issuance or denial of a license or permit; (D) A rate-making proceeding; and (E) To influence the expenditure of public funds.

This advisory opinion is based upon the facts presented. 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 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





Shay McNeil
Extension Agent 4-H Youth Development
Jefferson County

Jefferson County 4-H Report

jefferson.ext.wvu.edu/



Find us on Facebook @
WVU Jefferson County
Extension Service



Follow us on Twitter
@Jefferson_WV_4H

We have so much to be happy about!



I recently had the opportunity to attend the American Camping Association Conference in Atlanta where I heard Dr. Christine Carter speak. Her Keynote address was titled *Teaching Happiness: Positive Emotions are Skills to Be Learned*. She explained that happiness can be learned and that happiness actually precedes success. How refreshing it was to hear that happiness can be a learned trait. As people, our level of happiness, and success, can be controlled and altered. This was an empowering moment for me.

Spring happens to be my favorite time of year. It is a time of renewal, literally and figuratively. I can literally see signs of renewal as the trees begin to bud and flowers start to bloom. I would like to challenge you to engage in some figurative renewal this spring and commit to learning happiness.

Dr. Carter explained that there are three steps to creating an environment where happiness can be learned. The first step is to celebrate risk taking risks. It is ok to make mistakes as long as we learn and grow from those mistakes. Second, begin to incorporate gratitude rituals into your daily routine. It can be as simple as making a list every day of things for which you are grateful. The idea is to make gratitude a habit, and to find happiness even in the simplest of forms. The final step is to create a culture of kindness. Random acts of kindness not only brighten someone else's day, but will make you feel all warm and fuzzy inside as well. As you begin to take these steps you may find that the sky is a little bluer, and the grass a little greener, and not just because it's spring!

Here's to a happier you!

Carter, Christine, Phd. (2012, February). *Teaching Happiness: Positive Emotions are Skills to Be Learned*
Keynote Presentation at American Camping Association Annual Conference, Atlanta, Ga.

What's Inside:

Calendar of Events	2	James W. Staley Scholarship	4	Governor's Service Awards	6	IFYE	7
It's Showtime!	3	Arts & Crafts Help Needed	5	EITC Tax Credit	6	Robotics Team	7
State & Tri-County Camp	3	Clover Guide	5	STEM Training	6	Club News	7/8
4-H Shooting Sports Weekend	4	Community Garden	5	Dance Weekend	6		
Livestock Learning Opportunities	4	County Roundup; Poster & Photo Entries	5	Hot Dog Stand Help Needed	7		

March

22	Tri County Younger Camp Counselor Training, 6:30 p.m., Berkeley Extension Office
25	Multi-Disciplinary 4-H Shooting Sports Weekend registration due to Extension Office
25	WV Beef EXPO, Stockman, Grassland registration postmarked
26	Horse Judging Clinic, 9:30 a.m., Jackson's Mill

April



2	Tri-County Camp registration mailed out
2	State 4-H & FFA Horse Judging Contest registration due to Extension Office
3	4-H Leaders Association Meeting, 7 p.m., Extension Office
11	It's Showtime! registration due to Extension Office
12-14	WV Beef EXPO, Jackson's Mill
15	James W. Staley 4-H Scholarship applications deadline to Extension Office, details page 4
13	Beef Cattle Evaluation & Stockman's Contest, Jackson's Mill
13	All Star nominations due to Morgantown
18	It's Showtime!, Acts: 5:15 p.m., Show starts 6 p.m., Wright Denny Intermediate School
19	Jefferson County 4-H Foundation Meeting, 7 p.m., Extension Office
20-22	Multi-Disciplinary 4-H Shooting Sports Weekend, Gilmer Co. 4-H Camp
21	Chickenstock, Buy/sell anything chicken-related, Tractor Supply, Martinsburg, All Day 304/825-3076
26	Animal Science Workshop, Market Animal Nutrition & Care, 6 p.m., Berkeley Youth Fairgrounds
28	Market Goat & Lamb Weigh In, 8-10 a.m.
28	State Horse Judging, Potomac State, Keyser, WV
28	Adult Staff & Teen Counselors CPR Health Heart Certified Training, 9 a.m.-2 p.m. Hedgesville Fire Dept
28	Camp Frame Clean-Up, Time TBD

May

4	OMC (Older Members Conference) registration due to Extension Office
5	Swine Weigh In, 8-10 a.m., Fairgrounds
12	EXPO 2012, Fairgrounds, Entry Forms & Catalog at www.jeffersoncountyfairwv.org
19	Adult & Teen Counselor required training, 10 a.m., Camp Frame
19	Camper Orientation & Tour of Camp Frame, 2-3 p.m.
19	Camp Frame Chicken BBQ, 3-7 p.m.
29	Animal Science Workshop, Showing Your Market Animal, 6 p.m., Berkeley County Fairgrounds

Heritage 4-H Dance Club meets the 1st Sunday of every month from 3-5 p.m. in the Exhibit Hall at the Berkeley County Fairgrounds. You can be part of this special interest group while maintaining 4-H membership in another club. All that is required is a love of dance! **Contact: Pam Lehr, 304-261-4420**



Mark your
calendars

Lamb & Goat Weigh In
 April 28, 8-10 a.m.
Swine Weigh In
 May 5, 8-10 a.m.
 Jefferson County Fairgrounds



August 19-26

Farm Day

June 16th - 10 a.m - 5 p.m
 4 farms in Jefferson County
 More information in next
 newsletter.



4-H...
 the POWER OF YOUTH

Happenings at the Mill

2012 State Camps OMC – June 17-23

(Older Members Conference)
Open to West Virginia 4-H members entering 9th grade and up. Conference purpose is to develop leadership among older 4-H members through opportunities to discuss timely issues and problems and to teach new skills that can be used in local clubs and communities

Alpha I – July 8-13

Alpha II – July 15-20

Open to West Virginia 4-H members entering the 6th grade and up. To provide 4-H members personal development experiences to help better understand themselves, and to display personal confidence when assuming leadership positions.

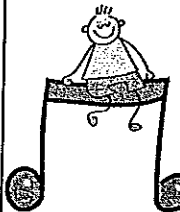
Special Tracks

- Alpha I & II:
Operation Military Kids
Speak Out
- Alpha I & II:
Operation Military Kids
Babysitting Certification
- Alpha I (only): Network
Academy: Future Millionaire's
- Alpha II (only): SET, Science,
Engineering & Technology

*Scholarships are available.
For more information contact
the Extension Office at
304/728-7413 Ext. 1*




It's Showtime!

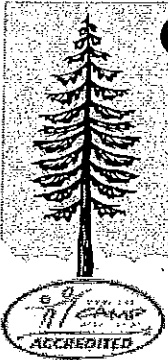


On April 18th, you will be able to share your talents with the whole county. Make plans now to participate in the county wide 4-H Talent Show. Enter as a single act, enter as a group, enter as a club, come and enter the show! This is a county event and everyone can participate. Invite your family and friends to come.

It's Show Time is scheduled for April 18th, acts register at 5:15 p.m., show starts at 6 p.m. at Wright Denny Intermediate School.



CAMP




2012 Camp Dates/Camp Frame

Younger June 11-15
Intermediate June 18-22
Older June 25-29

2012 Tri-Co. Older Camp theme: Seuss-a-palooza
(be careful of any graphic you may use to avoid copyright issues)

Tri-County Camp registration forms will be mailed out Monday, April 2. The forms for camper registration & Bud Day Teen Counselor will also be available at Jefferson.ext.wvu.edu


2012 Bud Day June 2, Camp Frame Theme: "Down Under"



AUSTRALIA

Teen counselors needed.
Application form on Berkeley and Jefferson county websites after April 2 or by contacting the Extension Office. Teen counselors will receive an early check in time at Older Camp.

Camp Training *FREE*
Adult & Teen Counselors
April 28
9 a.m. to 4 p.m.
Hedgesville Fire Department




Chicken BBQ


Saturday, May 19th, Camp Frame,
3-7 p.m. \$8 Adults Children under 12 \$4



Come out & support Camp Frame



**Camp Frame
Camper Orientation
& Tour**
May 19 - 2-3 p.m.


**Adult & Teen Camp
Counselors Required
Training**
Camp Frame - May 19

Learning Opportunities

WV Multi-Disciplinary 4-H Shooting Sports Weekend Camp April 20-22, 2012

This camping weekend is designed to teach life skills through safe, noncompetitive activities in shooting sports and natural resources. Campers will participate in several different tracks including archery, air rifle, shot gun, muzzleloader, air pistol and wildlife conservation. The camp will take place at the Gilmer County 4-H Camp in Glenville, WV. Contact the Extension Office if you have interest. Registration will be due **March 30th to Extension Office.**



State 4-H & FFA Horse Judging Contest



April 28 - Potomac State College of WVU, Keyser, WV The State 4-H Horse Judging Contest is designed to provide youth participants with the opportunity to develop skills in critical thinking, leadership, teamwork, evaluation, communications, and decision-making. The winning team is eligible to represent West Virginia in the national contest in November. If you have interest in participating, call the Extension Office.

4-H Market Animal Workshops

Berkeley County Extension 4-H Animal Science is offering two workshops for market animal projects. The next workshop is **April 26th - 6 p.m.** at the Berkeley County Youth Fairgrounds and will cover the feed and care of your market animal. The second workshop will be on **May 29th - 6 p.m.** at the fairgrounds on getting ready for the fair and showmanship. It is open to youth between the ages of 9 & 21. Parents, 4-H Leaders, FFA Advisors and others who are interested in raising and showing market animals are also encouraged to attend. Contact the Berkeley County Extension Office at 304/264-1936 to register.

Stock Show University

The Loudoun County 4-H Beef Club is hosting a free showing beef cattle workshop on **March 31st** at the Loudoun County 4-H Fairground in Leesburg, VA. Professionals from Sullivan's Stock Show University will be demonstrating the correct ways to fit and clip your show cattle. A complimentary lunch will be provided by the Loudoun County 4-H Beef Club. For more information, directions, questions or to RSVP contact Shannon Scheider at ShannonSchneider@ymail.com

EXPO 2012 May 12, 10 a.m.-3 p.m.

Jefferson County Fairgrounds - Beef cattle, Dairy cattle, Goat, Sheep, Rabbit & Horse Shows All exhibitors welcome. Catalog including entry form available at Jeffersoncountyfairwv.org (We are currently working on coordinating a photo exchange at this year's EXPO event. If you have interest in swapping photos, contact the Extension Office.)



James W. Staley 4-H Scholarship

Established by the 4-H Leaders Association

Criteria: 1. Graduating Senior attending a post-secondary institution 2. Recipient must currently be a 4-H member in Jefferson County and must have been a 4-H member in Jefferson County for the past 5 consecutive years. 3. Minimum of a 2.0 grade point average. (include student transcript) **Amount:** Two \$500 Scholarships **Application Process:** Letter of application to include 4-H experiences, 4-H projects completed, 4-H camping experiences, county and state leadership experiences and a brief summary of how 4-H has helped you develop in the four fold ways of head, hand, heart and health. Also, attach 2 letters of recommendation, one being from your club's leader. Submit application to: Jefferson County Extension Office, Attention: 4-H Scholarship Committee 1948 Wiltshire Rd., Suite 3, Kearneysville, WV 25430 **Must be submitted or postmarked by April 15th**

4-H & FFA Dairy Lease

The West Virginia State Dairy Show has amended the Dairy Lease program for 2012 to allow 4-H or FFA members to lease dairy cattle to show. The intent is to increase involvement in the show by giving an opportunity to youths who otherwise would not be able to show dairy cattle. The West Virginia State Fair has also approved this program. Information is available at wvdairyshow.com Contact **Jean Woloshuk** (Jean.Woloshuk@mail.wvu.edu;



Special Needs Egg Hunt

Saddles & Smiles 4-H Club is again having an Special Needs Easter Egg Hunt at the **Jefferson County Fairgrounds on April 1 from 2-4 p.m.** Activities will include face painting, games, an Easter parade and a picture with the Easter Bunny. The pavement at the horse barn for wheel chair activities. Imagine the horse barn splashed in pastels for Easter. The stall fronts will have various 'Easter theme decorations'. There must be a least one dozen eggs on each stall front for the wheel chair participants to "find". There are 40 stall fronts, so if you or your club would like to help, please **contact Margaret Liskey (304) 676-4642** Please help us spread the word to any special needs friend that you may know. As always, if you would like to help, donate or volunteer, we welcome your assistance.

Spring Arts & Crafts Festival June 8, 9 & 10

Jefferson County 4-H Leaders will again be handling the entry gates.

2 shifts each day: 9:30 a.m. - to 1 p.m. & 1 p.m. - 4:30 p.m.

A percentage of the funds at the gate will go to financing youth development opportunities for 4-H members. Your help is needed. Contact Denver Hipp to volunteer at 304/260-9435 or denver.hipp@afsb.com



2012 Clover Guide

2012 Clover Guides have been mailed out to members, leaders and volunteers. (1 per family)

Take some time to look at the contents. Included is new and revised information. If you have not received a Clover Guide, contact the Extension Office

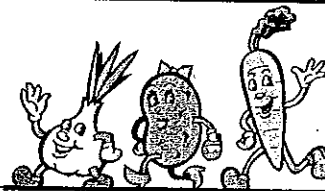


Community Garden Space Still Available in Ranson

The garden spaces will be available by May. Plot sizes 10'x10' = \$20, 10'x20' = \$25, 10'x30' = \$30

Garden spaces will be assigned on a first come, first serve basis. For more information, contact

Jane Tabb 304/728-7413 Ext. 4 or Jane.Tabb@mail.wvu.edu



2012 County Roundup Results

March 1 - Wildwood Middle School

Twenty five members brought their presentation skills to this year's County Roundup for competition with other 4-H'ers. There were many excellent presentations.

GOOD JOB & WELL DONE to all the participants!

Members who received top honors have the opportunity to present at this year's State 4-H Days Visual & Public Speaking Contest:

Public Speaking

Elizabeth Stover: *First Impressions*

Visual Presentation

Caitlyn Adams: *How to Take Care of a Pony*

Madison Cogle: *So, you Want to Show Pigs?*

Molly Ott: *It's a Dog's Life*

Gregory Rucker: *Woodworking Tools & Equipment*

Emma Stover: *Ants*

Joshua Shupe: *Preparing to Travel to Singapore*

Hailey Hawthorne: *Nancy Drew, Then and Now*

Catherine Rucker: *The ABC's of Stretching*

Emily Hott & Sydney Walker: *Baking White Chocolate Chip Brownies*

Cassie Chrisman: *What is Safe to Carry Your Lunch in?*

Shelby Kowalski: *The Hauntings of WV*

We wish all the members who attend State 4-H Days, good luck!

Special thanks to Chairperson Loretta Shade and committee members Sherry Chambers, Vicki Ott, and Polly Wharton for organizing this successful event and to the volunteers who participated as room chairs and judges.

Poster & Photo Contest:

Excellent Participation & Entries!

This year's poster contest participant entries:

4-H Promotion: Addison Hough, Coleton Holler, Emma LaBombard, Connor LaBombard, Mason LaFollette, Matt LaFollette, John Leigh, Aiden Turney, Bryce Turney, Kendall Turney, & Griff Williams

4-H Health, Nutrition & Food Safety: Hunter Dodson, Alex Owens, & Jordan Wasson

4-H Litter, Recycling & the Environment: Kate Hefner, Olivia Hobbs, Eleanor Puster, Ava Roth, & Olivia Rucker

4-H Safety: Ksusha Lowry-Neufeld, Liam Morris, Mary Katherine Morris, & Robert Puster

4-H Dairy: Alex Owens, Eleanor Puster, Robert Puster, Mary Rawn, & Catherine Vickers

Photographic entries:

Grace Ashley, Mike Benner, Abigail Blake, Mary DeWees (3), McKayla Dodson, Tyler Donley (2), Emily Everhart (2), Jenna

Everhart Hannah French, Noah French, Kevin Grega, Morgan Grega, Sara Grega, Kayla Grove, Kelsey Hayden, Emily Hott, Matthew Hott, Shelby Kowalski, Megan Lee, Rebecca Lee (3), Shelby Lee (3), Samantha Legowik (3) Tamarra Legowik (3), Thaddeus Legowik (3), Ksusha Lowry-Neufeld, Charlotte Moutz (3), Gracie Mumaw, Anna Ours, Eleanor Puster (3), Robert Puster (2), Jayme Smith, Austin Thomas, Kent Thomas, Catherine Vickers, Sydney Walker (2), Ally Wharton, Benson Wiedemer, Hunter Williams, Courtney Wilt, & Hagan Wilt



Governor's Service Awards

Each year, West Virginia's volunteers quietly perform amazing things all around us every day. One of the purposes is to showcase outstanding examples of community leadership as role models so the public will appreciate the value of service for themselves and their communities. Volunteer West Virginia's annual Governor's Service Awards are the premiere way these volunteers are showcased. Each year at the state volunteer conference, *Faces of Leadership*, West Virginians with exemplary dedication to service and volunteerism are celebrated at a banquet where they are given an award from the Governor. To nominate an outstanding individual, family, organization or business that displays enduring commitment for the betterment of the Mountain State through volunteerism, download the nomination form and packet at www.volunteerwv.org/nd/index_facesofleadership_GSA2012.cfm or call Toll Free: 800.WVHELPS (984-3577)

Applications must be received no later than April 13.



Earned Income Tax Credit



EITC, the Earned Income Tax Credit, sometimes called EIC is a tax credit to help you keep more of what you earned. refundable federal income tax credit for low to moderate income working individuals and families. Congress originally approved the tax credit legislation in 1975 in part to offset the burden of social security taxes and to provide an incentive to work. When EITC exceeds the amount of taxes owed, it results in a tax refund to those who claim and qualify for the credit. To qualify, you must meet certain requirements and file a tax return, even if you do not owe any tax or are not required to file. Detailed information can be found at www.irs.gov/individuals/article/0,,id=96406,00.html or contact the local IRS office located at **55 Meridian Parkway, Suite 107 Martinsburg, WV 25404 (304) 263-4901**

Monday-Friday - 8:30 a.m.- 4:30 p.m.

This office offers many services, including free tax preparation if you qualify for EITC.

STEM Volunteer Training

On January 31st, 17 volunteers came to the STEM (science,



technology, engineering, and math) training held at the Jefferson County Extension Office. WVU Extension Service STEM Specialist, John Kessell came and demonstrated to leaders and volunteers several fun activities that they could do with their 4-H club members to incorporate STEM

learning. Each club represented was given a STEM activity kit to take with them for use in their club meetings. Pictured are Emily Nibert and Polly Wharton. Polly is holding a bubble in her hand.

Dance Training Workshop

Several members and leaders from Jefferson County attended the annual Dance Training Workshop held at Jackson's Mill State 4-H Conference Center at the beginning of March. 4-H members and volunteers attending the training learned new dances to bring back to their county programs.



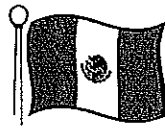
Over 450 4-H members from around the state participated in the annual weekend camp. Here are many of those campers participating in one final dance in the Assembly Hall.

2012 IFYE Tour

Jefferson County's very own **Emma Byrne** spent 6 months in Mexico. Come hear about her



experiences in April. Specific dates and times TBD.



Robotics Team

Jefferson County will be forming a Robotics team in April. If interested please contact the Extension Office.



We need your help for the 2012 Hot Dog Stand

The Hot Dog Stand was very busy during the evenings last year, and we couldn't have done it without all the great leaders and club members/parents and friends. I anticipate this year being just as busy if not more. We are looking for an evening supervisor (or 2) to run the stand from 4 p.m. - until closing time each night. With my growing family and Natalie's young family, we need your help to keep the stand running smoothly. You wouldn't necessarily have to be

in the stand all night, just check in every hour or so and help the club that's in there trouble shoot, make sure the shift changes go smoothly, and be "on-call". Then when it's time to close up, make sure things are cleaned properly, the floor is mopped, re-stock for the next day, etc.; wait for Clover Corner to bring their money and for Denny Barron to come collect all the money. If you are interested, send me an email, and we can discuss when you are available and what needs to be done. rdnckgr1218@aol.com or call the Extension Office.



Shenandoah Shamrocks Give Visual Presentations

Visual presentations provide 4-H Club members the opportunity to practice public speaking skills and become comfortable giving speeches in front of large groups. During the January and February meetings, members of the Shenandoah Shamrocks 4-H Club gave visual presentations on these topics:

McKayla Dodson – Description of English vs Western horseback riding, **Miranda Dodson** – Description of how to identify, capture, and mount insects as a 4-H project, **Emily Everhart** – Dissolution of Ibuprofen, **Jenna Everhart** – Fun facts about farm animals, **Shelby Kowalski** – Hauntings of West Virginia, **Ksusha Lowry-Neufeld** – Masks and what they tell us about the people who wear them, **Matthew Silveous** (CloverBud) – Things on the Farm, **Montana Silveous** – Horses and Girls, **Shelby Silveous** – The Fiddle

Club members turned in entries for the State Photo Contest and the State Poster Contest. Club Leader **Barbara Dodson** met with first-year 4-H members to review how project books and activity records should be completed. Health Officer **Shelby Kowalski** spoke to the club about the importance of good dental care with an emphasis on flossing. As a follow-up at the March meeting, the Shenandoah Shamrocks 4-H Club will collect donations of toothpaste and toothbrushes for the guests of the Hospitality Center, a homeless shelter in Charles Town. In other news, two club members won honors at the Jefferson County Social Studies Fair. **Julia Wood** from Charles Town Middle School took second place with her project "How Did Charles Washington Find Charles Town?" and **Shelby Kowalski** from Wildwood Middle School also earned a second place ribbon with her project "History of 4-H." **Ksusha Lowry-Neufeld** won third place with her masks project at the Berkeley County Social Studies Fair. And finally, **Mary DeWees** won first place in the Chemistry category at the Jefferson County Science Fair for her project "Back to (Punnett) Square 1." A big **HOW HOW** to these Club members! The Shenandoah Shamrocks 4-H Club meets the second Monday of every month at 7 p.m. at Wright-Denny Intermediate School in Charles Town, WV.

Barbara Dodson, Club Leader, can be reached at: bdodson1013@frontiernet.net. Club Reporter is **Ksusha Lowry-Newfeld**




Members of the Bakerton Country Roads 4-H Club met on January 16.

There were 13 members present and 1 guest. Members began the meeting with the boys vs. girls playing the "Body Parts" game. Holding the foot of 1 member to the ear of another member and walking to the target was the biggest challenge of the game. The monthly business meeting was followed by demonstration projects. One of the demonstration projects was "Sweet Treats" and the members enjoyed eating the treats as a snack. The Clover Buds made 32 valentines for "National Salute to Veteran Patients".

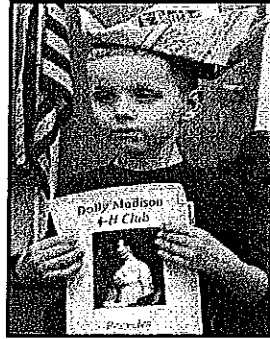
Club Reporter is **Ava Roth**

Club Leader is **Jenny Eaton**

Clover Bud Leader is **Carolyn Bryant**

 The January meeting of the Dolly Madison 4-H Club was held at the Extension Office. We went over our new Health Planners. We also talked about the State Poster & Photo Contest entries due in February. Refreshments were provided by the Sullivan family.

Dolly Madison Clover Buds had a program on Recycling. They also made paper hats out of newspapers. Pictured is **Benjamin Puster**, a 1st year clover bud with his hat.



The February meeting of the Dolly Madison 4-H Club was held at the Extension Office. We went over our health planner lesson for February. There were 3 visual presentations by members: **Elliott Sullivan**, **Eleanor Puster** and **Robert Puster**. We learned about cats, sheep and how to make a pizza. **Eleanor** and **Robert Puster** provided the refreshments.



Club Reporter is **Eleanor Puster**
 Club Leader is **Harry Puster**
 Clover Bud Leader is **Linda Puster**

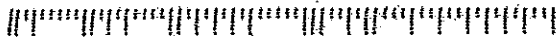
Elliott Sullivan & his cat Creamsicle

 **Evergreen 4-H Club News**

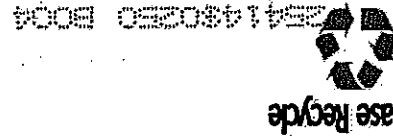
Ten members of the Evergreen 4-H Club brought their holiday cheer to the veterans at the Martinsburg VAMC for Valentine's Day. During their visit they distributed cards that they had made at their February meeting. They also sang Happy Birthday to a couple of the veterans. The club continues community service by giving their time at the Jefferson County Animal Shelter. They clean cages and other chores followed by play time with the animals. In addition, the club also donates food and other items to the shelter. This community orientated club also supports the Jefferson County Food Pantry. In April we will be planting a tree for Arbor Day. Club Reporter is **Kayla Welsh**
 Club Leaders are **Pamela Smith & Toni Milbourne**

 **Middleway Climbers Club News**

The Middleway Climbers 4-H Club held their monthly meeting on January 9th at the White Church. A program on *How to do a Presentation* was given by **Mrs. Hawthorne**. Thank you cards were read from when we went holiday caroling. Planning was done for our Valentine dinner in February. The club picked a day to go snow tubing in February. Our next meeting will be February 13th. Club Reporter is **Brandon Chrisman**
 Club Leaders are **Gail Banfield & Mary Lind**



County Administrator
 P.O. Box 250
 Charles Town, WV 25414



**March & April
 4-H Newsletter**

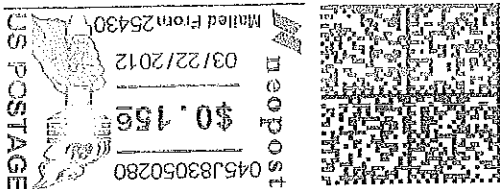


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 Kearneysville, WV 25430



NONPROFIT
 ORG



After reading the decision by the Tax Assessor's Office regarding not taxing HOAs on their "common areas", I have a gripe. While studying our deed to our farm I discovered that we own the land beneath Roper North Fork Road (four acres) and part of the abandoned roadbed of The Old Shanandale Road (four acres) which connected Roper North Fork Road to Kabletown Road before continuing on to its termination at the Shenandoah River.

This ground can not be used for its designated purpose as agriculture, as per our land use designation, because it is neither grazable nor tillable due to grading and/ or asphalt. Since we cannot have our own little toll booth or have any agricultural use to derive income of any sort from this land, I feel that we too should be granted a "No Tax" status on these eight (8) acres as it can't be thought of as anything but common, or public use ground just as the HOAs of this county claim when it comes to park and storm water management. There is nothing more public than a road and therefore I feel that we are entitled to this tax break as well.

There are other farmers in this county that because of the criteria set by the HOAs, also fall into this dilemma but have yet to realize it. I ask you now, will you rectify this inequity by disallowing the decision by the Tax Assessor's Office, or will you grant us the tax break on the basis that it has status as Common or Public Ground?

Respectfully yours,



Richard Zigler
1083 Roper North Fork Road
Charles Town, West Virginia

RECEIVED

MAR 27 2012

Jefferson County Commission