

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, May 10, 2012
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Angie Banks, Assessor
- Exonerations - Discussion/Action
2. 10:00 a.m. Robert Shirley, Sheriff
- Approval of part time bailiff - Discussion/Action
3. 10:15 a.m. Paul Shroyer, Financial Director
- Budget Revision # 7 - Discussion/Action
- Request for approval of a Bookkeeping Journal Voucher - Discussion/Action
- Approval of Purchase Order Use - All Purchases Policy - Discussion/Action
4. 10:30 a.m. Break
5. 10:45 a.m. Judge David Greenburg and Mary Newlin, Probation Officer
- Space needed at the Judicial Center for the Juvenile Drug Court - Discussion/Action
6. 11:00 a.m. Peter Chakmakian, Attorney
- Request on behalf of Daniels Forest, LLP, regarding the bonding requirements for Daniels Forest Subdivision - Discussion/Action
7. 11:15 a.m. Roger Goodwin, Chief County Engineer
- Staffing Issues - Possible Executive Session §6-9A-4 - Discussion/Action

UNFINISHED BUSINESS:

8. Reorganization and restructuring the Jefferson County Development Authority Office/Space - Discussion/Action

NEW BUSINESS:

9. Approval of Community Participation Grant Resolution for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$2,000 - Discussion/Action
10. Approval of Community Participation Grant Resolution for the Harpers Ferry Historic Town Foundation in the amount of \$15,000 - Discussion/Action
11. Approval of Community Partnership Grant Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000 - Discussion/Action
12. Approval of Community Participation Grant Resolution for Cheers School Tuition Assistance Program in the amount of \$2,000 - Discussion/Action
13. Approval of Community Participation Grant Resolution for African American Community Association - Fisherman's Hall in the amount of \$3,000 - Discussion/Action
14. Approval of the 2012 County Movie Tour Book Agreement - Discussion/Action
15. Set time for the Primary Election Canvass for Monday, May 14, 2012 - Discussion/Action
16. Set date and time for work session to discuss County Commission priorities and projects - Discussion/Action
17. Approval of Background Checks for Jefferson County - Discussion/Action
18. Approval of Jefferson County Drug Free Workplace Policy - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- ▶ Follow-up on the 340 Defense Shooting Range issue

COUNTY COMMISSION REPORTS

ADJOURN

CORRESPONDENCE:

Summary of the county's appraisal ratio study received from the State of West Virginia Department of Revenue State Tax Department.

Commissioner's Corner Newsletter received from County Commissioners' Association of West Virginia.

West Virginia Board of Directors Spring Board Meeting Draft Agenda received.

Memorandum received from Roger Goodwin, Chief County Engineer concerning Dairy Queen - File #S06-02.

April 2012 Impact Fee Status Report received.

Memorandum received from Roger Goodwin, Chief County Engineer concerning Country Roads Market - File #S11-08.

Invitation received from Jefferson County Parks and Recreation Commission to attend the Grand Re-Opening and Ribbon Cutting of Moulton Park on Friday, May 18, 2012 at 10:00 a.m.

May issue of Valley Views received from the Potomac Valley Audubon Society

Weekly Settlement for Hollywood Casinos at Charles Town Races and Slot received for week ending April 28, 2012 received from the West Virginia Lottery.

Invitation to Salute our Veterans and Families on Saturday, May 19, 2012 at Bloomery Plantation Distillery at 1:00 p.m.

Notice of Primary Election Canvass on Monday, May 14, 2012 at 9:30 a.m.

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



Minutes

Jefferson County Commission

Thursday, May 3, 2012

A meeting of the Jefferson County Commission was held on Thursday, May 3, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Lyn Widmyer (first half only-absent with notice second half), Walt Pellish and Frances Morgan. Also present were Debbie Keyser, Acting County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of the May 3, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

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

APPROVAL OF PURCHASE ORDERS,

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$14,998.26, being purchase order numbers 50845, 50882, 50881, 51014, 51207, 51196, 51197, 51198, 51199, 51201, 51203, 51204, 51205, 51200, 50701, 51208 and 51202. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$95,466.08. Motion seconded by Mr. Manuel and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
067104	425	COMCAST		\$ -	\$ 307.69	\$ 307.69
067105	425	ABH SERVICES, INC.		\$ -	\$ 14,175.00	\$ 14,175.00
067106	716	ALPHA TECH PET	51148	\$ 147.37	\$ -	\$ 147.37
067107	425	ALLIANCE ELECTRIC LLC	51194	\$ 773.00	\$ -	\$ 773.00
067108	401	ANALYTICAL SERVICE, INCOR	51023	\$ 4,640.00	\$ -	\$ 4,640.00
067109	412	BARDANE PUBLIC HEALTH CT		\$ -	\$ 383.00	\$ 383.00
067110	406	ANGELA L BANKS		\$ -	\$ 107.00	\$ 107.00
067111	439	B-K OFFICE SUPPLY INC	50704	\$ 1,009.83	\$ -	\$ 1,009.83
067112	406	ELIZABETH JUNE BOWERS		\$ -	\$ 102.00	\$ 102.00
067113	716	BLUE RIDGE VETERINARY	51152	\$ 250.00	\$ -	\$ 250.00
067114	451	STEVE BARNEY		\$ -	\$ 161.05	\$ 161.05
067115	406	CASTO & HARRIS INC	53294	\$ 977.64	\$ -	\$ 977.64
067115	413	CASTO & HARRIS INC	51054	\$ 48,440.73	\$ -	\$ 48,440.73

067116	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
067117	413	CHARLES TOWN COPYING SRV	51053	\$ 166.50	\$ -	\$ 166.50
067118	440	CANAAN VALLEY INSTITUTE	51020	\$ 320.00	\$ -	\$ 320.00
067119	424	DAYCON	51192	\$ 1,428.69	\$ -	\$ 1,428.69
067120	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 44.30	\$ 44.30
067121	413	ESS ELECTION SYSTEMS &	51058	\$ 30.53	\$ -	\$ 30.53
067122	405	EMBASSY SUITES	50745	\$ 366.00	\$ -	\$ 366.00
067123	406	RHONDA FIELDS		\$ -	\$ 107.00	\$ 107.00
067124	700	GALLS, AN ARAMARK CO	50896	\$ 528.97	\$ -	\$ 528.97
067125	712	DAVID HOLMES		\$ -	\$ 45.00	\$ 45.00
067126	716	HILLSIDE VETERINARY HOSP	51147	\$ 150.68	\$ -	\$ 150.68
067126	716	HILLSIDE VETERINARY HOSP	51155	\$ 371.74	\$ -	\$ 371.74
067127	413	INTAB	51057	\$ 64.52	\$ -	\$ 64.52
067128	700	INTERNATIONAL POLYGRAPH	50899	\$ 1,000.00	\$ -	\$ 1,000.00
067129	413	JEFFERSON PUBLISH CO INC	51056	\$ 20.38	\$ -	\$ 20.38
067129	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 315.82	\$ 315.82
067130	700	JEFFERSON URGENT CARE LL	50900	\$ 190.00	\$ -	\$ 190.00
067131	401	LEWIS CO CIRCUIT CLERK		\$ -	\$ 70.04	\$ 70.04
067132	711	BARBARA J. MILLER		\$ -	\$ 342.00	\$ 342.00
067133	401	DALE MANUEL		\$ -	\$ 71.29	\$ 71.29
067134	406	VICTORIA MYERS		\$ -	\$ 107.00	\$ 107.00
067135	406	VICTORIA MYERS		\$ -	\$ 62.00	\$ 62.00
067136	425	MILLER & ANDERSON INC.	51195	\$ 1,657.61	\$ -	\$ 1,657.61
067137	406	JASON MICKY		\$ -	\$ 102.00	\$ 102.00
067138	406	N.A.D.A. APPRAISAL GUIDE	53297	\$ 140.00	\$ -	\$ 140.00
067139	716	NATIONAL ANIMAL CNRL ASS	51150	\$ 125.00	\$ -	\$ 125.00
067140	406	VANDA NELSON		\$ -	\$ 107.00	\$ 107.00
067141	402	PIFER OFFICE SUPPLY, INC	51051	\$ 51.66	\$ -	\$ 51.66
067141	402	PIFER OFFICE SUPPLY, INC	51055	\$ 83.65	\$ -	\$ 83.65
067142	425	RCS SECURITY	51190	\$ 285.00	\$ -	\$ 285.00
067143	PAYROL L	RETIREE HLTH BENEFIT TRS		\$ -	\$ 6,438.00	\$ 6,438.00
067144	425	RCS SECURITY		\$ -	\$ 66.00	\$ 66.00
067145	700	SOFTWARE SYSTEMS, INC	50901	\$ 192.00	\$ -	\$ 192.00
067146	401	STAPLES CREDIT PLAN		\$ -	\$ 315.13	\$ 315.13
067146	424	STAPLES CREDIT PLAN		\$ -	\$ 173.44	\$ 173.44
067146	428	STAPLES CREDIT PLAN		\$ -	\$ 37.96	\$ 37.96
067146	700	STAPLES CREDIT PLAN		\$ -	\$ 1,783.09	\$ 1,783.09
067146	711	STAPLES CREDIT PLAN		\$ -	\$ 657.78	\$ 657.78
067147	440	SHERIFF OF JEFFERSON CO	51018	\$ 45.03	\$ -	\$ 45.03
067148	975	SUMMIT COMMUNITY BANK		\$ -	\$ 2,441.41	\$ 2,441.41
067149	716	SHERIFF OF JEFFERSON CO	50897	\$ 1,000.00	\$ -	\$ 1,000.00

067150	716	VALLEY PET CEMETERY	50687	\$ 162.38	\$ -	\$ 162.38
067150	716	VALLEY PET CEMETERY	51151	\$ 163.38	\$ -	\$ 163.38
067151	716	WV BOARD VETERINARY MED	51149	\$ 250.00	\$ -	\$ 250.00
067152	440	WV CODE OFFICIALS ASSOC	51021	\$ 150.00	\$ -	\$ 150.00
067153	440	WV CODE OFFICIALS ASSOC	51022	\$ 120.00	\$ -	\$ 120.00
067154	716	WEBSTER VETERINARY SUPPL	50898	\$ 141.79	\$ -	\$ 141.79
TOTAL						\$ 95,466.08
TOTAL				\$ 65,444.08	\$ 30,022.00	\$ 95,466.08

PUBLIC COMMENT:

Annette van Hilst brought materials pertaining to the proposed Capriotti rezoning that were omitted from the Planning Department's package to the Commissioners.

Missy Grove spoke about bullets from the 340 Defense shooting range coming into her yard and her neighbor's yard and she fears for her children's safety. She beseeched the Commission to do something about the situation before someone is injured or killed.

The Commission could not converse with Ms. Grove during Public Comment but stated that this was a serious matter and would be revisited later in the meeting.

PRESENTATIONS:

- 1. Roger Goodwin, Chief County Engineer, and Michelle Mason of the Office of Impact Fees,** presented and explained the proposed FY2013 Capital Improvement Plan for the Impact Fee Program for project submissions.

Motion by Mr. Manuel to accept and approve the FT2013 Capital Improvement Plan for the Impact Fee Program as presented by Mr. Goodwin. Motion seconded by Ms. Morgan and unanimously approved.

- 2. Mike Wiley of Jefferson County Citizens for Economic Preservation** requested that the Commission consider an amendment to the Subdivision Regulations to change the sunset date for extension of plan approvals from July 1, 2012 to July 1, 2015.

Stephanie Grove, Assistant Prosecuting Attorney, advised that the County Commission legally has authority to amend the Subdivision Regulations should it be warranted.

Jennifer Brockman, Director of Planning and Zoning, added that there is no requirement for the Planning Commission to be notified before a developer comes before the Commission and requests an amendment to Subdivision Regulations.

Motion by Ms. Morgan to refer Mr. Wiley's request to the Planning Commission. No second to the motion was forthcoming and the motion died.

Motion by Mr. Manuel to schedule a Public Hearing to discuss an amendment to the Subdivision Regulations in order to extend the sunset date for plan approvals from July 1, 2012 to July 1, 2015 in accordance with the

request of Mike Riley and the JCCEP and invite the Planning Commission members to attend. Motion seconded by Mr. Pellish and carried 3 to 2 with Ms. Morgan and Ms. Widmyer voting against.

Ms. Noland directed that Ms. Keyser meet with Staff and schedule a Public Hearing on an appropriate date. Ms. Brockman stated that she would put the issue on the agenda for the Planning Commission's next meeting and report back to the Commission at the May 31, 2012 meeting.

Before the next presentation the Commission discussed with Mason Carter, Code Enforcement Officer, Engineering Department, and Jennifer Brockman, options that the Commission might have in order to protect the public from bullets from the shooting range. Ms. Brockman provided a background of the Planning and Zoning Department's dealings with the 340 Defense shooting range over the past three years, including several injunctions against the range. Mr. Mason stated that the range seemed to be making every effort to conform to standards of safety. Mr. Mason also stated that he believes the shooting range should voluntarily shut down until it can assure the safety of the residents in the adjacent subdivision or the Planning Commission could obtain another injunction against them.

Ms. Morgan directed legal counsel to research the matter and find a way to amend or revise the safety standards for the shooting range to resolve this problem.

The Commission took a short break at 10:53 a.m.

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

3. **Paul Shroyer, Director of Financial Management** requested that the Commission approve Internal Budget Revision #1012.

Motion by Ms. Widmyer to approve Internal Budget Revision #1012 as presented by Mr. Shroyer. Motion seconded by Mr. Manuel and unanimously approved.

4. **Jennifer Brockman, Director of Planning & Zoning**, had two requests:

- (1) That the Commission approve the proposed contract with Manpower, a Temporary Agency, to provide the Planning and Zoning Department with experienced administrative support to update a database that provides critical information about all project files in a concise manner for easy reference by all Staff.

Motion by Mr. Manuel to authorize Ms. Brockman to execute the contract with Manpower for the purpose stated. Motion seconded by M. Pellish and unanimously approved.

- (2) Request by Ms. Brockman that the Commission schedule a Public Hearing on the landowner-initiated petition to amend the County Zoning Map to rezone a 8.98 acre property owned by Gene Capriotti, designated as Tax District: Harpers Ferry, Map: 9-2, Parcel: 58, located south of Rt. 340 William L. Wilson Freeway) and east of Rt. 27/2 (Allstadt's Hill Road).

Motion by Mr. Pellish to schedule a Public Hearing for the purpose stated by Ms. Brockman. Motion seconded by Mr. Manuel and unanimously approved. Ms. Keyser was directed to work with Staff to schedule the hearing on an appropriate date.

5. **Jennifer Maghan, County Clerk**, updated the Commission on early voting numbers. She reported that the numbers were historically low. The Commission encouraged citizens to go out and vote.
6. **The Commissioners** discussed the priorities of the Commission for the coming quarter.

Ms. Widmyer suggested (1) the CIP for the Capital Outlay Account, (2) get numbers to review the cost of a

CAD system. Ms. Widmyer directed Staff, working with the Acting County Administrator, to prepare a report on what could reasonably be expected to be accomplished in the next quarter and report back to the Commission.

Ms. Morgan suggested (1) that the Commission needs to have a follow-up system in place administered by the Acting County Administrator so that when projects are referred out to others there will be a record and follow up until the project is completed and (2) Commission needs to find out from legal counsel what are its requirements with regard to impact fees.

Mr. Pellish commented that (1) projects need to get done more quickly, including problems with the impact fees and (2) need to determine what the CAD program will cost and get it implemented.

Mr. Manuel thought that (1) the Courthouse repair and restoration and maintenance of other County buildings should be a priority in the next quarter and (2) follow up on projects referred out to others.

Ms. Keyser working with Staff was directed to schedule a work session on an appropriate date to discuss priorities.

7. **Sheriff Shirley** submitted a request to approve the appointments of five (5) new Deputy Reserves to the Jefferson County Deputy Reserve Program, being Dakota White, Wayne Gambrell, Allen Frazee, Glen Kincaid and Paul Hale. The Sheriff stated that these Deputy Reserves are strictly volunteers.

Motion by Mr. Manuel to approve the appointments of five (5) new Deputy Reserves to the Jefferson County Deputy Reserve Program in accordance with the list submitted by Sheriff Shirley. Motion seconded by Ms. Morgan and unanimously approved.

8. **Request for compensation during temporary assignment of Debbie Keyser from Human Resources Manager to Acting County Administrator, effective April 30, 2012.**

Motion by Mr. Pellish to increase the salary for Debbie Keyser from \$78,604.89 as Human Resources Manager to \$97,375.00 while serving as Acting County Administrator, effective April 30, 2012. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Widmyer to return Sandra Slusher McDonald to her former position of Deputy County Administrator from Acting County Administrator, effective April 30, 2012 and reinstate her regular salary of \$61,538.05. Motion seconded by Mr. Pellish and unanimously approved.

9. **Discussion and decision on the upcoming meeting schedule during weeks with a holiday for the months of May, June and July, 2012.**

Motion by Mr. Pellish that the Commission not schedule meetings on Thursday, May 24, 2012 and July 5, 2012. Mr. Manuel seconded the motion and it was unanimously approved. The Commission will meet on its regular schedule in June, 2012. Ms. Morgan advised the Commissioners that she will not be available for the May 17, 2012 meeting.

DEPARTMENT, BOARDS, COMMISSIONS AND AGENCY REPORTS:

Reports were submitted to the Commission by: Jefferson County Commission
Harpers-Ferry Bolivar PSD
Jefferson County Health Department

COUNTY ADMINISTRATOR REPORTS:

Acting County Commissioner Debbie Keyser:

- Reported that Payroll has established a new procedure not formerly in place which deals with employee changes and has prepared a new form (copy of which was handed to the Commissioners for review) which will remain with the record.
NOTE: Ms. Morgan directed Ms. Keyser to verify that each employee file has an I-9 certification.
- Submitted a copy of what will be given to employees next week at the employee health meetings. The meetings will begin on May 9, 2012 with the Department Heads and Electeds being the first to meet so that they can hear it first.
- Reported that the Wellness Program was revised in accordance with the Commission's recommendations.
- Submitted a draft of a Drug Free Work Policy for the Commissioners' review and comments. The County is applying for a grant and this draft policy meets the criteria for the grant. The draft has been reviewed by Stephanie Grove and the Department Heads.
- Submitted a cost sheet for obtaining different types of background checks on new hires from a private company.
- Submitted for review a copy of the job description in the ad that ran previously for the County Administrator's position. Asked the Commissioners to get back to her with any changes they feel are necessary before the ad is run again.
NOTE: Ms. Noland recommended to Ms. Keyser that she shadow another County Administrator for a couple of weeks as she thought this would be very helpful in Ms. Keyser's new role as Acting County Administrator. She stated that Berkeley County would be the most logical county because of its proximity to Jefferson.

COUNTY COMMISSONER REPORTS:

Commissioner Morgan:

- Reported that the Berkeley/Jefferson Day Report Center has a new Director, Jason Castillo.
- Went on the Charles Town Homes Tour.
- Attended a Homeless Coalition dinner.
- Attended a Democratic Association meeting.
- Attended the Maintenance Dept. Open House for the new facility.
- Attended the dedication of the Blue Ridge Primary School.

Commissioner Pellish:

- Spoke with John Reisenweber after his visit to the Kodak facility.
- Still need to find somebody to sit on the Airport Authority Board. Jefferson County Development Authority is to handle this project.

Commissioner Manuel:

- Attended a Democratic Association meeting.

- Attended the dedication of the Blue Ridge Primary School.
- Attended a Wee the People Candidates Forum for Blue Ridge residents.
- Attended a Jefferson County Emergency Services/Fire Chiefs meeting.
- Attended the Maintenance Dept. Open House for the new facility.
- Attended a meeting of the Partnership for Affordable Housing.

Commissioner Noland:

- Attended a Convention and Visitors Bureau meeting.
- Attended the dedication of the Blue Ridge Primary School.
- Attended the Maintenance Dept. Open House for the new facility.
- Attended a meeting of the Partnership for Affordable Housing.

Following the Commissioners' reports Ms. Noland called the meeting in recess until 1:30 p.m. when the Commission will view the presentation on the Water Budget Study.

The Commission reconvened at 1:30 p.m.

10. Roger Goodwin, Chief County Engineer and Analytical Services, Inc. provided a Power Point presentation of the Water Budget Study.

Mr. Goodwin provided the Commission with an introduction of the members of Analytical Services, Inc. and a brief background of the purpose of the Water Study.

Michael Maloy, Senior Geologist with Analytical Services, Inc. presented the details of the Water Study. Mr. Maloy acknowledged the assistance of intern Jeremiah Sanders and GIS Director, Todd Fagan with the study.

Mr. Maloy answered questions from the Commissioners and the Water Advisory Committee.

There being no further business, motion by Mr. Pellish to adjourn the meeting. Motion seconded by Mr. Manuel and the meeting was adjourned at 2:05 p.m.

Upon rising the Commission recessed until Thursday, May 10, 2012 at 9:30 a.m.

PATSY A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED
May 10, 2012

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
CIRCUIT CLERK	50883	\$ 174.81	Pifer Office Supply	stamp pad, envelopes, tape et.
	50885	\$ 1,192.03	Konica Minolta Business Solutions	final agreement
COUNTY CLERK	49674	\$ 520.43	Casto & Harris	Signature recog paper
	49676	\$ 3,407.69	Xerox	printer maint May & June
	49677	\$ 348.16	Spirit of Jefferson	Notice of Admin
	51059	\$ 115.00	Maxlock	install cabinet locks service call
	51061	\$ 1,510.00	Monaco Technology	Election Night support
	51060	\$ 339.59	Casto & Harris	Election day kit
COMMISSION	51010	\$ 102,236.00	WV Regional Jail	April Billing
COURTHOUSE	49715	\$ 783.33	Daycon	Cleaning supplies
	49716	\$ 1,022.50	BK office supply	Copy & Computer paper
	51209	\$ 321.78	Guy' Buick- GMC Truck	Vehicle parts ALS-11
OTHER BUILDINGS	49717	\$ 306.00	ABH Services	Burnish VCT flooring
	51132	\$ 2,259.40	Capital Tristate	Electrical supplies

PROSECUTING ATTORNEY	49614	\$	234.00	Tracey Rice RPR	Transcript St v Ray Cook
	49615	\$	854.52	Specialty Business Supply	Office Supplies
	49616	\$	2,185.00	WVPAA	Registration
SHERIFF TAX	50789	\$	446.26	Pifer Office Supply	Ribbons, post its & Binders
VARIOUS	50951	\$	361.33	NAPA	Vehicle materials/supplies
WVU Extension	53142	\$	1,145.76	WVU c/o Tech Order	Dell Laptop/protectors
GRAND TOTAL				Printed at 11:08 a.m. on 5/7/12	

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Angie Banks, Assesor

Department or Entity: Assessor's Office

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Exonerations**

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

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

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO- Bailiff

Estimation of amount of time needed for appointment: 5min

Date Requested – 1st Choice: 5/10/2012

Date Requested – 2nd Choice: 5/17/2012

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

Subject:

Bailiff hire

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

See attached letter

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

I approve the hire of Romulo Guesada as part time Bailiff.

Attachments:

Personnel Requisition Form
Letter from Sheriff



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

May 2, 2012

To: Jefferson County Commission

From: Sheriff Robert Shirley

Re: Bailiffs

Dear Commissioners:

I am writing to you to request permission to utilize current Jefferson County Sheriff's Office Trip Guard Romulo Quesada as a part time bailiff. This request will not increase the approved budget.

With summer coming that means vacations, but aside from that current Bailiff Robbie Roberts is being promoted at his fulltime job and will no longer be available on Wednesdays or Fridays, Bailiff Richie Breeden has taken full time employment and will be decreasing his hours and with Teen Court being moved to Jefferson County there will be an increased demand for the bailiffs services.

Romulo has proven to be an invaluable asset as a Trip Guard and I feel that he will be just as valuable as a bailiff.

The necessary documents are attached; if you should need anything further, please let me know.

Sincerely,

Robert Shirley
Sheriff and Treasurer
Jefferson County

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 5/2/12 Date Needed ASAP

Job Title Bailiff Salary 12.81/hr Criminal History Check Yes No

Suggested Recruitment Source(s) _____

Applicants Interviewed By _____ Position Reports To Louis Brunswick

Minimum Education Required _____

Minimum Experience Required _____

Job Duties Provide security to the court houses and court rooms as well as Commission meetings

Budget Information will not increase budget

Addition Replacement Explain or For Whom Fill in for vacations, Richie Breeden & Robbie Roberts

Position Budgeted Yes No Proposed Salary 12.81/hr Date of Hire _____

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

Safety/Security Hours Per Week _____

Approvals

Elected Official Approval [Signature] Date 5/2/2012

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

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

Name: Paul Shroyer

Department or Entity: Financial Director, Commission

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

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Budget Revision #7**
Request for approval of a Bookkeeping Journal Voucher
Approval of Purchase Order Use

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:

State Level Budget Revision #7

This budget revision requests additional funding of \$3,000 for Dept #716, Animal Control, Professional Services. The Sheriff is requesting this additional funding come from Dept #700, Law Enforcement Uniforms. This adjustment between department budgets under the Sheriff Control requires no additional funding from outside the two budgets.

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 10th day of May, 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 # 7 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.

Patsy Noland, President
Jefferson County Commission

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Jefferson County Commission
 GOVERNMENT ENTITY

CONTROL NUMBER
2012
 FY
1
 FUND
7
 REV. NO.
1 of 1
 PG. OF NO.

Person To Contact Regarding

Budget Revision: **Paul Shroyer**
 Phone: **304-728-3283**
 Fax: **304-725-7916**

P.O. Box 250
 STREET OR PO BOX
 Charles Town 25414
 CITY ZIP CODE

COUNTY
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Revenues (ALL PAGES)					

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
716	Dog Warden/Humane Society		3,000		3,000
700	Sheriff-Law Enforcement	45,000		3,000	42,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Expenditures					

APPROVED BY THE STATE AUDITOR
 BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

Request for Approval of a Bookkeeping Journal Voucher

The County Clerk's Bookkeeping Department is now requesting that all Journal Voucher Posings now be approved by the County Commission.

Bookkeeping Adjustment

This Journal Voucher Adjustment is required for Tax Office Receipt #35337 to move the amount of \$171.00 from Miscellaneous Revenue Account 001-382 to Communication Center Travel Acct #001-712-02-214-000. This was actual Cash Money returned from an Advance for travel and per diem.

Account Number		Debit	Credit
001-382	Refunds and Reimbursements	\$171.00	
001-712-02-214	Communications Center Travel		\$171.00

Requirement:

Per Vivian Fields of the County Clerk's Office; Bookkeeping will no longer make Journal Voucher Adjustments without the approval of the County Commission; this represents a change in policy for the Bookkeeping Department.

This request will be on the May 10th Commission for approval

JEFFERSON COUNTY, WEST VIRGINIA

35337

No. 35337

DATE: 2012/05/03

RECEIVED OF: DIR OF COMMUNICATIONS

\$

171.00

ONE HUNDRED SEVENTY ONE DOLLARS AND 00 CENTS

IN PAYMENT OF: REFUND FOR PER DIEM.

FOR: REFUNDS & REIMBURSEMENTS

001-382

FUND

\$171.00

ROBERT E SHIRLEY

SHERIFF AND TREASURER

By: _____ TGH
DEPUTY

THE PERSON PAYING MONEY INTO THE TREASURY SHALL FORTHWITH FILE ONE OF THESE RECEIPTS WITH THE COUNTY CLERK.



Jefferson County Emergency Communications
DEPARTMENTAL MEMORANDUM

TO: Theresa Hendricks, Sally Gran
CC: Paul Shroyer
FROM: Jeffrey A. Polczynski, ENP – Director of Communications
DATE: May 2, 2012
SUBJECT: Per Diem Cash for Receipt Back to Budget 712

In the enclosed envelope is \$171.00 cash that was given out in per diem that is being returned to the County.

This cash should be receipted by the Tax Office and placed back into the Emergency Communications Center budget line item 001-712-02-214-000-PS-911 (Travel).

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

Vivian

Do JV to put back into

Jeff's budget

after I recpt. in.

Thanks
Teresa

COUNTY COMMISSION OF JEFFERSON COUNTY

POLICY TITLE: Purchase Order Use-All Purchases

POLICY NUMBER:

ADOPTED:

EFFECTIVE:

REVISED:

PURPOSE:

The purpose of this policy is to establish a uniform procedure for processing all Purchase Orders of the County.

PURCHASE ORDER PROCESSING:

Purchase Orders are to be processed with Invoices attached and forwarded to the Finance Department for payment. Once the Purchase Order has been paid, a copy of the Purchase Order will be returned to the Department which originated the Purchase Order.

PURCHASES:

All purchases shall be for reasonable and necessary cost of County Government. No purchases shall be made in excess of amounts allocated in the current budget. No purchases are to be made in an unauthorized manner. Should a purchase be made for an unauthorized purpose; the cost of the unauthorized purchase shall be a personal expense to purchaser.

BUDGETS:

Each Elected Official or Department shall be responsible for insuring that no purchases are made in excess of allocated funds. The Finance Department should not pay any Invoice in excess of Allocated Funds in the Budget. Invoices should be returned to the department processing the invoice for payment with a notation that the line item is over budget.

<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: Family Court Judge David Greenberg and Mary Newlin, Probation Officer

Department or Entity: Juvenile Drug Court

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Space needed at the Judicial Center for the Juvenile Drug Court**

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:



6

LAW OFFICES

PETER L. CHAKMAKIAN, L.C.

108 NORTH GEORGE STREET

P. O. BOX 547

CHARLES TOWN, WEST VIRGINIA 25414

PETER L. CHAKMAKIAN
ALICE A. CHAKMAKIAN

TELEPHONE (304) 725-9797
TELEFAX (304) 725-3643

May 2, 2012

Patsy Noland, President
Jefferson County Commission
124 East Washington Street
Charles Town, WV 25414

Re: Daniels Forest Subdivision

Dear Commissioner Noland,

I am writing to ask to be placed on the Commission's Agenda, as an appointment and request for action, for May 10, 2012, on behalf of Daniels Forest, LLLP, regarding the bonding requirements for Daniels Forest Subdivision.

By way of background, the final plat of Daniels Forest Subdivision, Phase 1, was approved by the Jefferson County Planning Commission on March 23, 2010. This final plat has not been recorded. As you know, a condition precedent of the recording of a final plat is the placement of an infrastructure bond with the county. As you also know, the county currently has a policy whereby, in times of economic downturns, this same infrastructure bond may be modified or tolled, until such time as the developer wishes to begin construction on the infrastructure or improvements. This current policy presupposes that a bond has been placed from which a modification is requested. The situation of Daniels Forest is a bit different because no bonding has been placed. What Daniels Forest is requesting is that instead of requiring it to obtain an infrastructure bond and then turn around and ask the county to toll the bonding provisions that the county agree to a tolling agreement without the placing of a bond first. This deviation from the current policy would save both Daniels Forest and the County Engineering Department's time and resources to come to the same ultimate conclusion. We have discussed this request with the Engineering Department staff, including Mr. Roger Goodwin, as well as, Ms. Jennifer Brockman, and we believe that they are supportive of this request.

I look forward to discussing this proposal with you at the meeting. If you should have any questions prior to that time, do not hesitate to contact me directly.

Very truly yours,



Peter L. Chakmakian

PLC:mrj

cc: Stephanie Grove, Assistant Prosecuting Attorney
Roger Goodwin, P.E., Chief County Engineer
Acting County Administrator

**AGREEMENT REGARDING BONDING OBLIGATIONS AND
DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS (this "Declaration") is made and entered into as of the ____ day of May, 2012, by Daniels Forest, LLLP ("Declarant") and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

WHEREAS, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in a deed found recorded in the Jefferson County Clerk's Office in Deed Book 969 at page 13, and in a deed of correction found recorded in the aforesaid Clerk's Office in Deed Book 972 at page 602 (the "Land"); and

WHEREAS, the subdivision of the Land has been approved by the Jefferson County Planning Commission into Daniels Forest Subdivision, Section One, Lots 1-11, 38, 107 and Lots 133-143, four 50' Rights of Way called Daniels Forest Lane, Norfolk Court, Smoke Tree Lane and Buckeye Drive, SWM Parcel 1 and Residue (the "Subdivision") consisting of twenty-four (24) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979, (the "Subdivision Ordinance"), and as shown on that certain plat of the Daniels Forest Subdivision approved by the Jefferson Planning Commission (the "Final Plat") on March 23, 2010; and

WHEREAS, the Subdivision Ordinance requires the subdivision of the Land to be evidenced by the recording of the approved final plat in the Office of the Clerk of the County Commission of Jefferson County, West Virginia; and

WHEREAS, the Subdivision Ordinance requires the posting of a bond with the County Commission (the "Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") prior to the recording of any approved final plat; and

WHEREAS, due to the severe down turn in the economy, and in particular, the housing industry, the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations required by the Subdivision Ordinance with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

WHEREAS, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that the Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission.

NOW, THEREFORE, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. **Modification of Original Bonding Obligations.**

(a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following condition precedent (the "Modification Conditions"):

(i) The Declarant submits to the Jefferson County Department of Planning, Zoning & Engineering (the "Department") a surety in the amount of \$10,000 as a Site Stability Bond.

(b) Upon satisfaction of the Modification Conditions, the Department shall place its seal on the approved final plat and the Original Bonding Obligations as required by the Subdivision Ordinance shall be deemed modified as follows:

(i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting a \$10,000 surety as a Site Stability Bond with the County Commission and complying with the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.

(ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than the continuance of an agricultural use existing on the land prior to this agreement, and/or mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the surety for the Site Stability Bond to the Declarant.

(iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's bonding obligations with respect to the Subdivision.

The provisions of this Section 2(b) (iii) shall survive termination of this Declaration.

3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations as required by the Subdivision Ordinance, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b) (ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.

4. **Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b) (ii) above, (a) Declarant shall not commence or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.

5. **Default.**

(a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County Commission may exercise any rights and remedies it may have hereunder or applicable law. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.

(b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants or conditions. All of the remedies permitted or available to the County Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including, but not limited to, its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.

(c) The maximum length of time for tolling the bond shall be four (4) years. At the time of executing this agreement, the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the

Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 surety for the Site Stability Bond shall be forfeited to the County Commission. The merger deed may not be recorded by the County Commission if the Declarant posts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

6. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.

7. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

8. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia.

9. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration.

10. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b) (ii) above. Upon the termination of this Declaration, all rights and privileges of this Declaration, except for the provisions of Section 2(b) (iii) above, shall terminate and have no further force or effect.

11. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in both the name of the developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.

Daniels Forest Subdivision, Section One
(Subdivision Name)

Jefferson County Planning Commission File No. 02-01

Daniels Forest, LLLP
(Applicant/Developer Name)

By: _____ Date _____ / _____ / _____

Printed Name: _____ Title: _____

(Notary Certification Shall Be On The Same Page As The Signature Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that EDWARD G. SMARIGA, Managing Member, Buckeye Development, LLC, General Partner of Daniels Forest, LLLP, whose name is signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged his signature above, on behalf of the limited liability partnership.

Given under my hand this _____ day of _____, 2012.

My commission expires:

(Affix Notary Seal)

Notary Public

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: _____ Date ____/____/____

Printed Name: _____, President

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA whose names are signed to the foregoing, this day personally appeared before me in my Sate and County aforesaid and acknowledged their signature above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this _____ day of _____, 2012.

My commission expires:

(Affix Notary Seal)

Notary Public

ATTEST:

Jennifer S. Maghan
Clerk, County Commission of Jefferson County, WV

THIS DEED OF MERGER made this ____ day of May, 2012, by and between DANIELS FOREST, LLLP, a Maryland limited liability partnership authorized to do business in the State of West Virginia, hereinafter referred to as GRANTOR; and DANIELS FOREST, LLLP, a Maryland limited liability partnership authorized to do business in the State of West Virginia, hereinafter referred to as GRANTEE.

WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said Grantor does hereby grant and convey, with covenants of general warranty, in fee simple, unto the said Grantee, all that certain lot or parcel of real estate, with improvements thereon and appurtenances thereunto belonging, situate in the Charles Town District of Jefferson County, West Virginia, which is more particularly bounded and described as follows:

Lots 1 through and including 11; Lot 38; Lot 107; Lots 133 through and including 143 of the Daniels Forest Subdivision, Section One; SWM Parcel 1; and the 50' Rights of Way called Daniels Forest Lane, Norfolk Court, Smoke Tree Lane and Buckeye Drive, which are more particularly bounded and described according to a survey and plat entitled "Final Plat Section

One, Lots 1-11, 38, 107 & Lots 133-143 Daniels Forest”, made by Harris, Smariga & Associates, Inc., dated October, 2009, which plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book _____ at page _____.

AND BEING a portion of the same parcel of real estate that was conveyed unto the Grantor, herein by deed recorded in the aforesaid Clerk’s Office in Deed Book 972 at page 602.

The property to be merged (Lots 1 through and including 11; Lot 38; Lot 107; Lots 133 through and including 143 of the Daniels Forest Subdivision, Section One; SWM Parcel 1; and the 50’ Rights of Way called Daniels Forest Lane, Norfolk Court, Smoke Tree Lane and Buckeye Drive), hereby conveyed is adjacent to and contiguous to other lands (all that certain tract or parcel of real estate comprising 83.118 Acres called Residue (Development Rights Reserved), as the same is shown and depicted upon the aforementioned plat), owned by the Grantee herein, having been conveyed to it by deed of record in the aforesaid Clerk’s Office in Deed Book 972 at page 602, and this conveyance is made for the purpose of adjusting the boundary line(s) of said presently owned land(s) of the Grantee, thus creating a single lot after merger, and the parcels are no longer to be considered as separate parcels and may not be used or sold individually, unless in agreement with prevailing county land development laws.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to all restrictive covenants, conditions, easements and limitations of record.

This Deed of Merger is made pursuant to the provisions of that certain Agreement between the Jefferson County Commission and Daniels Forest, LLLP, dated May _____, 2012.

DECLARATION OF CONSIDERATION OR VALUE

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the total consideration paid for the real estate hereby conveyed by the document to which this declaration was less than \$100.00 and therefore exempt from the West Virginia Excise Tax on the transfer of real estate.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

WITNESS the following signature and seal:

DANIELS FOREST, LLLP
BY: Buckeye Development, LLC,
General Partner

By: _____ (SEAL)
Edward G. Smariga, Managing Member

STATE OF _____

COUNTY OF _____, to wit:

I, _____, a Notary Public within and for said County and State, do hereby certify that EDWARD G. SMARIGA, Managing Member, Buckeye Development, LLC, General Partner of Daniels Forest, LLLP, whose name is signed to the writing hereto attached, bearing date the ____ day of May, 2012, for DANIELS FOREST, LLLP, has this day acknowledged the same before me on behalf of the Limited Liability Partnership.

Given under my hand this _____ day of _____, 2012.

My commission expires:

(Affix Notary Seal)

Notary Public

THIS INSTRUMENT PREPARED BY: Peter L. Chakmakian, Attorney at Law, P.O. Box 547,
Charles Town, West Virginia 25414



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

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Staffing 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): Authorize the Engineering staff to take the necessary action to hire temporary staff on an as needed basis.

Attachments:



Commission Office Use Only
Date on Agenda:
Appt Time or New Business:

AGENDA REQUEST FORM

Name: John Reisenweber

Department or Entity: Development Authority

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

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Renovations to the Development Authority space**

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:

Capital Project Narrative

Project Name: Jefferson County Development Authority Office Renovation

Benefits of this projects:

The existing office space is outdated, not conducive to efficient operation, lacking in storage space, and does not present well to visiting companies looking to re-locate to Jefferson County. The current space is large enough to accommodate the staff but not in its current configuration. It is not laid out very well which results in constant interruptions to staff and there is very little storage space for office supplies, files, and computer hardware. The benefits of the renovation would correct these problems, make the office more presentable to visitors, enhance the productivity of the staff, and provide additional storage space. The renovation will also provide a nice conference room with improved technology that can be used not only by JCDA, but also by other occupants in the building as well as by other County agencies.

Cost Verses Benefit of this Project:

The benefits of the renovation will far outweigh the costs. Because the maintenance staff is able to accomplish the renovation and the JCDA is willing to cover approximately 2/3 of the renovation costs, the overall cost to the County is minimal. The JCDA needs to have space that is conducive to its operation and presents well to corporate decision makers.

Project Cost Sheet
Jefferson County, West Virginia

Project Name: Development Department Remodling Project

Note: Use only this page all cost can be presented on one page. Otherwise use the tabs at the bottom of the page to access a full page to list Planning Cost, In house labor cost, Contract Labor Cost, and Hardware and Material Cost. The cost from those pages will carry forward to this page. This worksheet has a total of (5) pages for listing various cost.

Planning Cost:

	Activity:	Hourly rate	Hours req	Cost
1				
2				
3				
4				
5				
6				
Total from Planning Cost Page:				674

In house labor cost:

	Position	Hourly rate	Hours req	Cost
1				
2				
3				
4				
5				
6				
Total from In House Labor Page:				11,716

Contract Labor Cost:

	Company Name:			Cost
1				
2				
3				
4				
5				
6				
Total from Contract Labor Page:				15,200

Hardware & Materials Cost:

	Item description:	Item cost	Items Req'd	Cost
1				
2				
3				
4				
5				
6				
Total from Contract Labor Page:				21,138

Total Project Cost			\$	48,728
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Project Cost Sheet
Jefferson County, West Virginia

Total Planning Cost:				\$	674
Planning Cost:					
	Activity:	Hourly rate	Hours req	Cost	
1	Design/Planning	50.19	6	301	
2	Planning	55.42	4	222	
3	Engineering	64.3	1.5	96	
4	Administrative	27.39	2	55	
5					
6					
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Project Cost Sheet
Jefferson County, West Virginia

Total In House Labor Cost			\$	11,716
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In house labor cost:

	Position	Hourly rate	Hours req	Cost
1	Maintenance Mechanic/Carpenter	28.9	200	5,780
2	Maintenance Mechanic/Plumber	33.65	16	538
3	Maintenance Helper	27.36	24	656
4	Labor	21.53	200	4,306
5	Administrative	27.39	5	137
6	Engineering/Inspections	37.25	8	298
7				
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Project Cost Sheet
Jefferson County, West Virginia

Total Contract Labor Cost				\$	15,200
Contract Labor Cost:					Cost
	Company Name:				
1	Electric	90	45		3,600
2	Construction	40	55		2,200
3	Job Corp				500
4	Various Insections				1,000
5	Carpet Install				1,500
6	Lock Smith				1,500
7	Fire alarm				1,800
8	IT Support				1,500
9	HVAC				1,600
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Project Cost Sheet
Jefferson County, West Virginia

Total cost Hardware & Materials			\$ 21,138
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Hardware & Materials Cost:

	Item description:	Item cost	Items Req'd	Cost
1	Metal Studs	4.73	170	804
2	Metal Track	5.2	40	208
3	1/2 inch drywall 12'	11.04	60	662
4	Ceiling Tile 2X4	47.39	16	758
5	Various Ceiling tile Grid			670
6	Insulation	25.23	2	51
7	Drywall Mud	16.95	6	102
8	Lights	58	14	812
9	Misc Electrical Supplies			1,000
10	Carpet			3,800
11	Misc Supplies			1,500
12	Waste Disposal			500
13	HVAC			2,000
14	Recycling Metal			-200
15	Counter Top and Sink			600
16	Fire alarm supplies			800
17	IT Related Parts			500
18	Plumbing Supplies			100
19	Furniture			6,000
20	Paint	12	18	216
21	Base Board	84.73	3	254
22				
23				
24				
25				
26				
27				
28				
29				
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31				
32				
33				
34				
35				
36				
37				
38				
39				
40				

Capital Projects Evaluation Sheet

This worksheet list various considerations to be made in the process of approving expenditures from the Capital Outlay Fund. Any part of a consideration used to rate the capital project request submitted will be assigned a point value between (0) and (5) for rating the value of the project. The total value of the various consideration rated will be a consideration in the approval of all Capital Projects. Rating should be supported by the attached narrative. This form is formatted in Excel Software, if you need to change the wording in any cell of a Consideration to make a better point about your propose project, please free to change this form.

Consideration #1: Cost Reduction of Current Operations:

The cost of this project would be recovered in cost savings in (2) years?	The cost of this project would be recovered in cost savings in (3) years?	The cost of this project would be recovered in cost savings in (4) years?	The cost of this project would be recovered in cost savings in (5) years?		
Rating by submitter 5	N/A	N/A	N/A	Total	5
Rating by Commission				Total	0

Consideration #2: Needed replacement for a current capital asset:

Asset has been in service for (3) years, served it's useful life, and needs replaced.	Asset has been in service for (4) years, served it's useful life, and needs replaced.	Asset has been in service for (5) years, served it's useful life, and needs replaced.	Asset has been in service more than (5) years, served it's useful life, and needs replaced.		
Rating by submitter N/A	N/A	N/A	5	Total	5
Rating by Commission				Total	0

Consideration #3: New technology to better serve the public.

This project would provide better service to the public through computer technology.	This project would allow for quicker service to the public through computer technology.	This project would provide for a larger data base of information for public access.	This project is would reduce the time required to access and evaluate data.		
Rating by submitter N/A	N/A	N/A	N/A	Total	0
Rating by Commission				Total	0

Consideration #4: Capital Improvement Project-Office Space:

Office space needs renovation to present a professional appearance to potential clients who may want to do business in Jefferson County.	Changes are needed in current office space to provide for more efficient service with the public.	Changes are needed in current office space to provide better traffic flow for the public "in" and "out" of the office service area.	Volume of work handled by the department has increased to the point reconfigured space is needed.						
Rating by submitter									Total
5									5
Rating by Commission									Total
									0

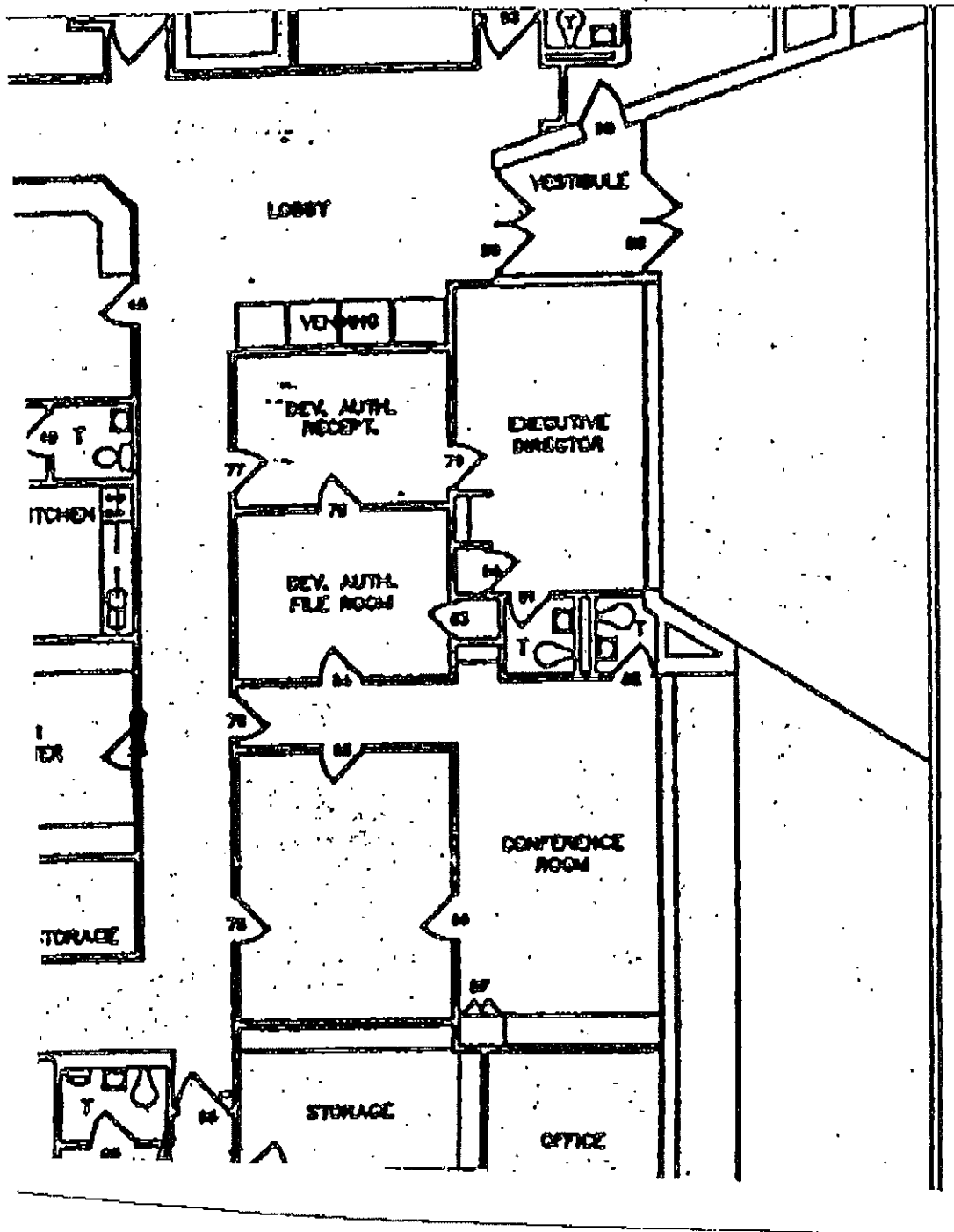
Consideration #5: Additional Office Space needed due to county growth:

Additional office space in needed to relocate Complete departments	Consolidated departments in one location would provide better service to the public.	Some reduction in operation cost could be realized in a reconfigured office complex.	Smaller office building could be sold to cover part of the cost of a larger office complex.						
Rating by submitter									Total
N/A		N/A							5
Rating by Commission									Total
									0

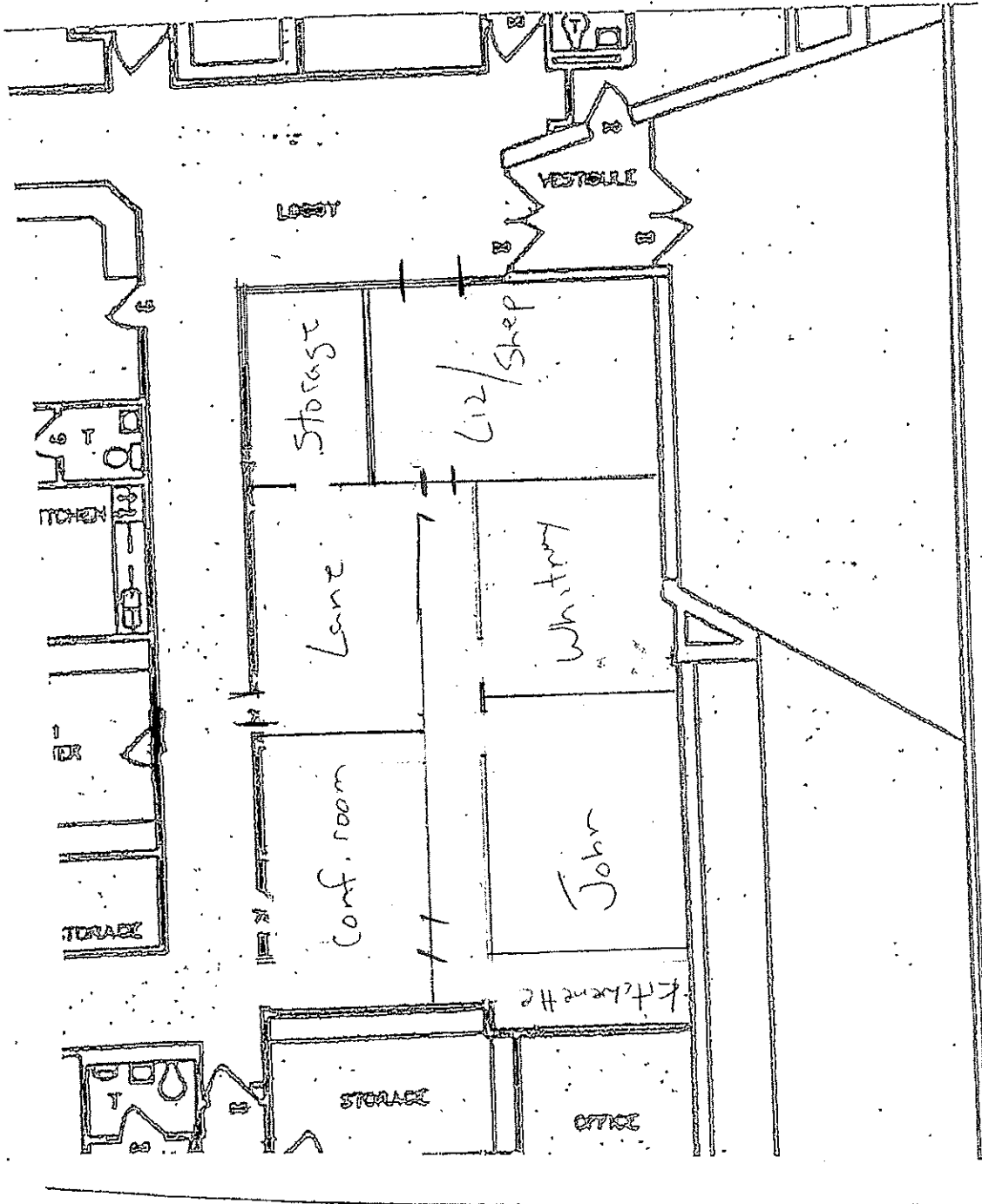
Consideration #6: New Capital Asset needed due to county growth, Equipment:

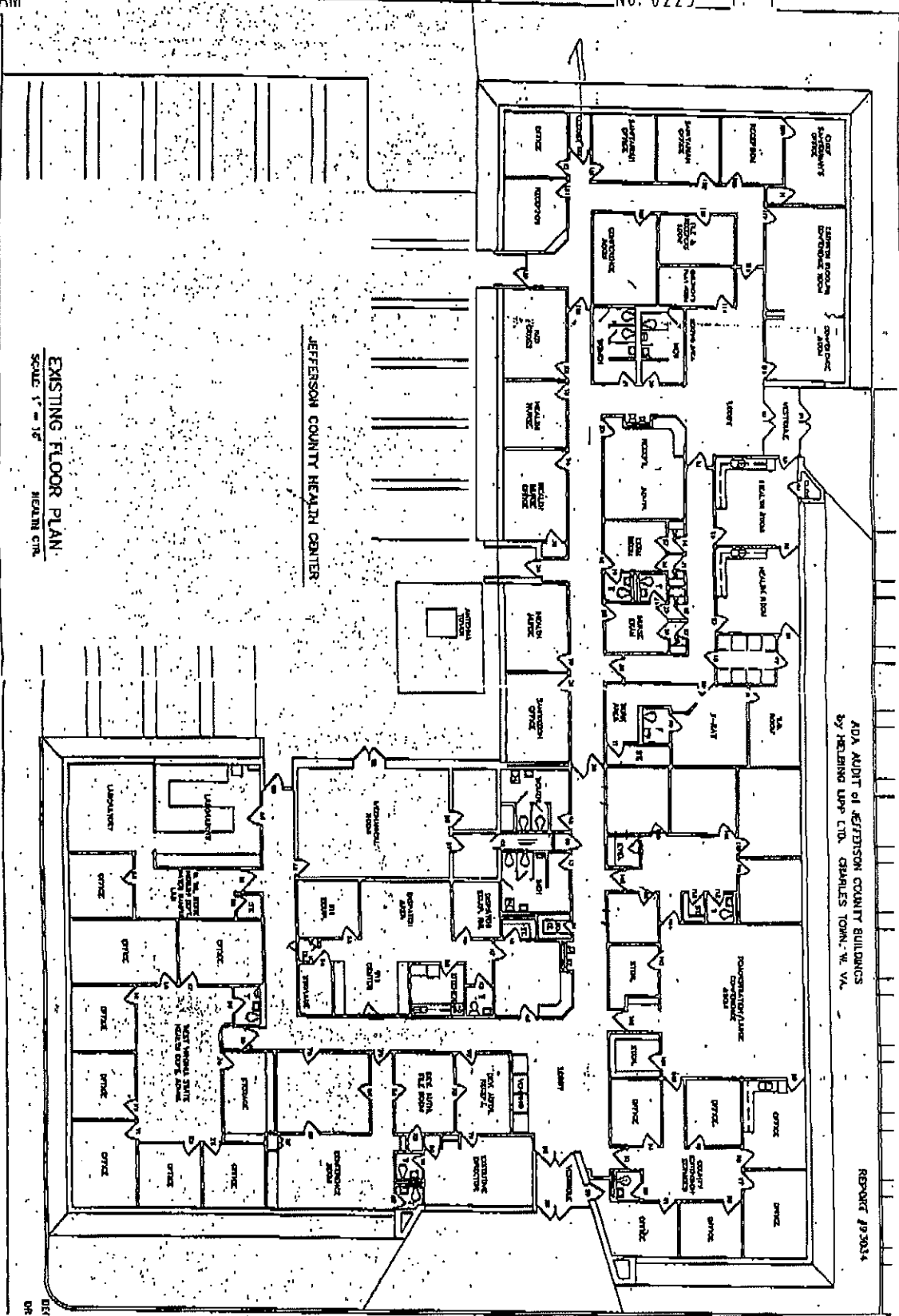
Additional equipment is needed to service additional buildings and real property	Additional equipment will allow department to provide quicker service to our customers.	Assets needed at two locations.	Increase departmental activity requires the addition of an additional asset.						
Rating by submitter									Total
N/A									5
Rating by Commission									Total
									0

Current Plan



Proposed





JEFFERSON COUNTY HEALTH CENTER

EXISTING FLOOR PLAN
SCALE: 1" = 12'
HEALIN CTR.

ADA AUDIT of JEFFERSON COUNTY BUILDINGS
by HEERING UPP LTD. CHARLES TOWN, W. VA.

REPORT #93034

HEALIN CTR.

Commission Office Use Only

9

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Approval of Community Participation Grant Resolution for the Good Shepherd Interfaith Volunteer Caregivers - grant is in the amount of \$2,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Grant Resolution for the Good Shepherd Interfaith Volunteer Caregivers and to authorize the President of the County Commission to affix her signature to the Grant Resolution**

Attachments:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 10th day of May, 2012 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, 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 to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$2,000. This project is to assist the Good Shepherd Interfaith Volunteer Caregivers. The funds from this project will be used to purchase equipment and equipment upgrades.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT
JEFFERSON COUNTY COMMISSION

ATTESTED: _____
County Clerk

12LEDA0389

COMMUNITY PARTICIPATION GRANT PROGRAM

FISCAL YEAR 2012

Deadline for Return:
JUNE 30, 2012

GRANTEE: **Jefferson County Commission** PROJECT NUMBER: **12LEDA0389**
 PROJECT TITLE: **Good Shepherd Interfaith Volunteer Caregivers—Equipment Upgrades** AMOUNT: **\$2,000.00**

SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson Co. Commission Project Title: GSIVC - Equipment Upgrades
 Street Address: PO Box 250 City: Charles Town Zip: 25414
 Chief Elected Official: _____ Email: _____
 Phone: (304) 728-3284 Fax: (304) 725-7916 Form Completed By: _____
 Brief Description of Project: Purchase equipment upgrades

SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization? Yes No
 Nonprofit Organization: Good Shepherd Interfaith Vol. Caregivers Executive Director: Paula Marrone-Reese
 Street Address: PO Box 1882 / 7311 Martinsburg Pike City: Shepherdstown State/Zip: WV/25443
 Phone: (304) 876-3325 Fax: (304) 876-1645 Email: director@gsivc.org
 Website: www.gsivc.org IRS Cert. (Ex: 501(c) 3, etc.): 501(c)3 Yr. Cert: 1990
 Federal Nonprofit Certification is attached. This application **WILL NOT** be processed without Federal nonprofit status.
 State Regulation Checklist for Nonprofit Organization is attached. This application **WILL NOT** be processed without this Checklist.

SECTION 3. PROJECT OWNER AND LOCATION

The use of grant funds at/for private property or private gain or use is prohibited. Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Owner of project site, property or building: _____ Vicinity/site plan attached? Yes No
 Location and address where grant funds will be used (sufficient to drive to site): _____

Upon completion, what government agency will own, operate, or be responsible for the project? _____
 Yes No Project site(s) or building(s) are owned by a government agency.
 Yes No Project site(s) or building(s) are owned by a nonprofit organization. (If yes, attach copy of property deed).

SECTION 4. FUNDING SUMMARY

A minimum of 10 percent is required as a local match. Attach commitment letters for each funding source listed below.

	Amount	Source Grant Program, Bank Loan, Fundraising, Fees, etc.	Status Pending, Approved, Ongoing, etc.	Documentation Letter, Resolution, etc.
a. Grant Funds Requested	\$2,000.00	CPGP		<div style="font-size: 2em; color: blue; font-weight: bold;">RECEIVED</div> <div style="color: red; font-weight: bold;">MAY 04 2012</div>
b. Local Funds (10% local match required)	\$ 500.00	Individual Donor		
c. Other Funds	\$			
d. Other Funds	\$			
e. Other Funds	\$			
Total Project Cost	\$ 2,500.00			Jefferson County Commission

SECTION 5. CERTIFICATION OF STATE REGULATIONS

CHECK ITEMS 1-11 BELOW to certify compliance with the following laws, regulations and requirements by the grantee (municipality, county commission, board of education, public service district, etc.):

1. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged.
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary.
▪ \$5,000.01 to \$25,000	▪ Three written bids required.
▪ \$25,000 or more	▪ Class II Legal Ads required.

2. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.

3. **State prevailing wages will be paid for all construction associated with this project. This regulation applies to any and all projects, regardless project cost.**

Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) must be paid. All contractors must have a West Virginia contractor's license. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

▪ Construction	▪ Painting
▪ Reconstruction	▪ Decoration
▪ Demolition	▪ Alteration
▪ Enlargement	▪ Repair
▪ Remodeling	▪ Expansion

4. **The following documents will be required for the release of grant funds:**

▪ Copies of bids, quotes or bid summary
▪ Copy of legal ad, which must require prevailing wages for construction
▪ Copies of certified payroll records
▪ Copies of invoices

5. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
The county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
6. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
Funds provided to counties and municipalities for grants to nonprofit organization are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**.
7. **Professional services, such as consulting, shall be obtained through a request for proposals.**
8. **Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.**
9. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
10. **The use of grant funds at/for private property or private gain is prohibited.**
11. **Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.**

SECTION 6. PROJECT INFORMATION:

ELIGIBLE activities include, but are not limited to, permanent public improvements related to the following:

▪ Business and Industrial Parks	▪ Land and Property Acquisition
▪ City Hall and Courthouse Facilities	▪ Libraries
▪ Construction and Renovation	▪ Parks and Recreation
▪ Demolition	▪ Parking Facilities
▪ Economic Development	▪ Preservation and Beautification
▪ Emergency Services	▪ Public Safety
▪ Flood and Storm Drainage	▪ Street and Sidewalk Repair
▪ Infrastructure	▪ Technology
▪ Law Enforcement	▪ Water, Wastewater Facilities

INELIGIBLE activities include, but are not limited to, expendable items related to the following:

▪ Administrative costs	▪ Private Property
▪ Food	▪ Rent
▪ Clothing	▪ Maintenance
▪ Homeowners Associations	▪ Salaries
▪ Insurance Premiums	▪ Scholarships
▪ Maintenance	▪ Sports Uniforms
▪ Medical Programs	▪ Training and Speakers' Fees
▪ National Dues	▪ Travel Expenses
▪ Postage	▪ Utility Costs

PROJECT DESCRIPTION

Describe in **SPECIFIC TERMS** the scope of work to be completed and the proposed use(s) of grant funds.

The setup and installation of the software, laptop and wireless network is \$500.00 and will be used as the 10% match.

Purchase laptop computer & software complete with installation (see above.)

If funds are requested for a nonprofit organization, provide mission statement. Attach brochure /web pages if available.

Good Shepherd Caregivers provides non-medical volunteer caregiving services to home-based older adult and/or disabled Jefferson County residents to promote independence, security, and well-being.

SECTION 7. ASSURANCES

The applicant hereby assures and certifies that it shall comply with the following regulations, policies, and requirements:

- A. The applicant assures the State that it will perform the work for which the grant was made as determined by the State.
- B. The applicant assures the State that it has or will secure qualified personnel to administer a grant, and that the costs to administer the grant will be paid for by the applicant.
- C. The applicant assures the State that it will have started work on the project before the end of the fiscal year in which the grant award is made.
- D. The applicant assures the State that it understands that the amount of the grant award cannot be increased without the written consent of the Governor.
- E. The applicant assures the State that payment for work performed will be requested in writing with copies of invoices attached that document the costs of each work segment making up the total amount of funds requested.
- F. The applicant assures the State that it understands that ten percent of the grant award will be held by the State as retainage, pending receipt of a written certificate of substantial completion attached to any final invoices for work not already paid.
- G. The applicant assures the State that it understands that by letter the State can terminate for cause an applicant's grant agreement with the amount of funds recovered equal to the percentage of incomplete work. The applicant further assures the State that it understands that it can be terminated by letter any grant agreement with the State before costs are incurred on the project.
- H. The applicant assures the State that any changes in the scope of work specified in a grant agreement will first be submitted in writing to the State for approval by change order.
- I. The applicant assures the State that in its hiring practices for work to be performed it will comply with the equal employment provisions of Titles VI and VII of the 1964 Civil Rights Act, and Presidential Executive Orders 11246 and 11375, as amended.
- J. **The applicant assures the State that competitive bids will be solicited on any major work element exceeding \$2,500 in cost.** Competitive bidding shall be pursued in all instances.
- K. **Competitive bidding requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.**
- L. **The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of more than \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination.** The receipt and utilization of funds procured through this program mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
- M. **Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3.** This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date.
- N. The applicant assures the State that State **prevailing wage rates will be paid on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.**
- O. Every contract involving **construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work** which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost. The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.**
- P. The applicant assures the State that any part of the project to be occupied by the general public will be made accessible to the handicapped.
- Q. The applicant assures the State that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
- R. The applicant assures the State that it will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
- S. The applicant assures the State that it will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The applicant further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
- T. The applicant assures the State, by evidence of attaching a resolution, motion, or similar action passed by its governing body, that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the applicant to answer any questions by the State about the application, and to abide by the understandings and assurances described in this section.
- U. As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with sub-grantees so that property and/or assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

Checklist for Nonprofit Organizations

Must Be Submitted With Application for Community Participation Grant Program Funding for Nonprofit Organizations

1. Local Government Agency: Jeff Co. Commission Chief Elected Official: _____
 Project Title: GSIVC Equipment Upgrades Amount of Grant: \$ 2,000.00
 Form Completed By: _____ Phone: (304) 728-3224 Fax: (304) 725-7916
2. Nonprofit Organization: Good Shepherd Caregivers Executive Director: Paula Marron-Reese
 Street Address, City, Zip: PO Box 1882 Shepherdstown, WV 25493 Phone: (304) 876-3325 Fax: (304) 876-1645
 Federal nonprofit certification, 501c determination letter from Internal Revenue Service attached.
 Mission statement, brochure, or web pages explaining mission of the organization and services it provides attached.

CERTIFICATIONS AND ASSURANCES

CHECK ALL ITEMS BELOW to certify compliance with the following laws, regulations and requirements:

3. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

• \$2,500 or less	• No bids required; however, competition is encouraged
• \$2,500.01 to \$5,000	• Three verbal bids documented on a verbal bid summary
• \$5,000.01 to \$25,000	• Three written bids required
• \$25,000 or more	• Class II Legal Ads required

4. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
 Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.
5. **State prevailing wages will be paid for all construction associated with this project, regardless of the cost.**
 West Virginia prevailing wages must be paid for all construction projects using state grant funds. All contractors must have a West Virginia contractor's license. These regulations apply to every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) will be paid. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
6. **The following documents will be required for the release of grant funds.**
- | |
|--|
| • Copies of bids, quotes or verbal bid summary |
| • Copy of legal ad, which must require prevailing wages for construction |
| • Copies of certified payroll records for construction |
| • Copies of invoices. |
7. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
 The county or municipality must act as the administrator of grant funds for to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
8. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
 Funds provided to counties and municipalities for grants to nonprofit organizations are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
9. **Professional services shall be obtained through a request for proposals.**
 Architectural or engineering services shall be obtained in accordance with West Virginia Code §5G.
10. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
11. **The use of grant funds at/for private property or private gain is prohibited.**
 Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Signature: _____

Paula Marron-Reese

Date: _____

5-1-12

Executive Director, Nonprofit Organization

ORIGINAL SIGNATURE REQUIRED

SECTION 8. SIGNATURE AND RESOLUTION

This application must contain the following:

- Application with Original Signature**
- Resolution by Unit of Local Government**
- Documentation of Local Match (Minimum 10 Percent)**
- Nonprofit Application Checklist with Original Signature – Required for Nonprofit Organizations**
- IRS 501(c) Determination Letter - Required for Nonprofit Organizations**

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the applicant will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: _____ Title: _____

Signature: _____ Date: _____

Mayor or County Commission President
ORIGINAL SIGNATURE REQUIRED-USE BLUE INK

West Virginia Development Office
Community Development Division
Community Participation Grant Program
1900 Kanawha Boulevard, East Building 6, Room 553
Charleston, West Virginia 25305
Phone: 304-558-4010 Fax: 304-558-2246
www.wvcommerce.org



Internal Revenue Service
District Director

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: **JAN 29 1998**

Person to Contact:
Brett Siereveld

Telephone Number:
513-241-5199

Fax Number:
513-684-5936

Federal Identification Number:
55-0697743

Good Shepherd Interfaith Volunteer
Caregivers, Inc.
c/o D. Frank Hill, III
P. O. Box 1882
Shepherdstown, WV 25443-1882

Dear Sir:

This letter is in response to your request for a copy of your organization's determination letter. This letter will take the place of the copy you requested.

Our records indicate that a determination letter issued in December 1990, ← granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

We classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

ATTACHMENT (Section 4b. Funding Summary)

Project #: 12LEDA0389

The setup and installation of the software, laptop and wireless network, valued at \$500.00, will be provided by an individual donor. This local fund will be used as the 10% match.

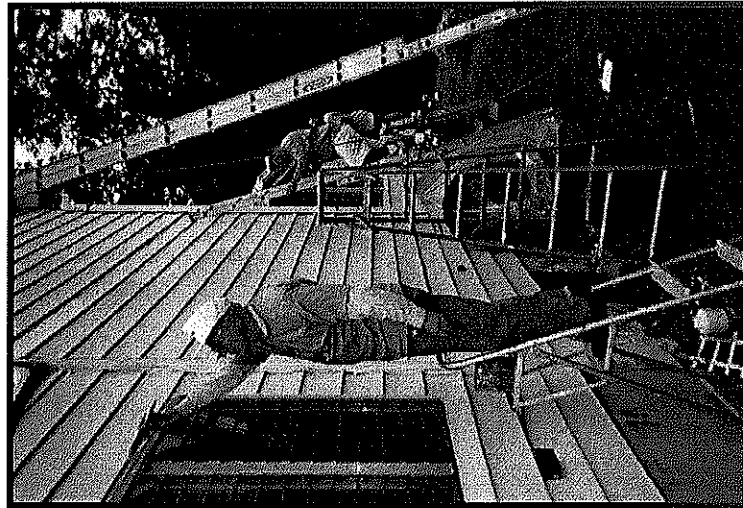
WHO WE ARE

Good Shepherd Caregivers was founded in 1990 by a group comprised of churches, individuals and the Shepherdstown Rotary.

Good Shepherd Caregivers is a 501(c)(3) nonprofit organization. We receive funding from faith communities, individuals, civic organizations, foundations, and the United Way.

As a *Faith In Action* program, we welcome the participation of faith communities.

Churches help further our mission by donating money, inviting us to speak and providing volunteers. We offer help to parishioners who need our services, and organizational support to parish nurses.



GOOD SHEPHERD CAREGIVERS STRIVES TO:

- Promote independence, dignity, security, and quality of life among elderly, disabled, frail, and/or homebound residents of Jefferson County, regardless of income or family circumstances
- Create a stronger, more caring community by mobilizing resources and support from faith congregations and the wider community

Main Office

P. O. Box 1882
7311 Martinsburg Pike
Shepherdstown, WV 25443
(304) 876-3325
Fax: (304) 876-1645

South Jefferson Office

221 E. Washington Street
Charles Town, WV 25414
(304) 725-2262

Our Website

www.gsivc.org

E-mail us at

info@gsivc.org



FAITH
IN ACTION

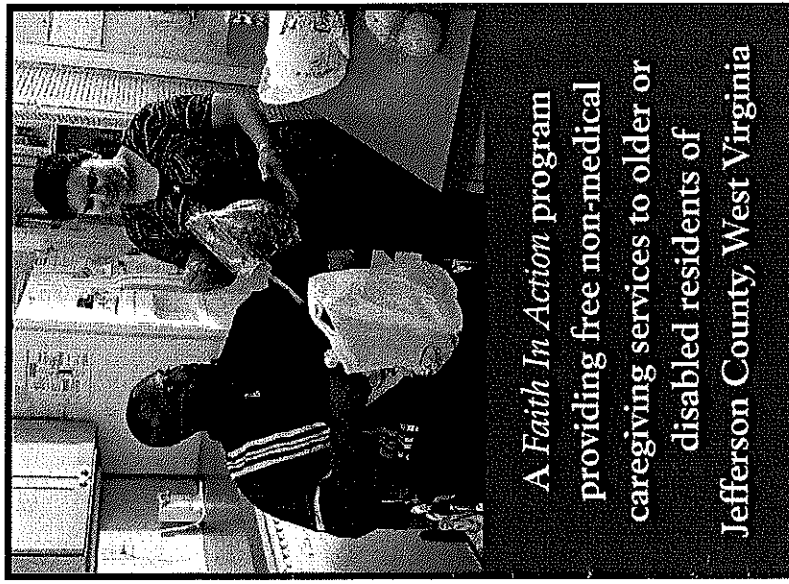


CFC 36613



Good Shepherd Interfaith Volunteer

CAREGIVERS



A Faith In Action program
providing free non-medical
caregiving services to older or
disabled residents of
Jefferson County, West Virginia

A Neighbor's Independence Depends On You

OUR MISSION

Good Shepherd Caregivers, a *Faith In Action* program, provides non-medical, informal volunteer caregiving to home-based older or disabled Jefferson County residents.



OUR SERVICES INCLUDE:

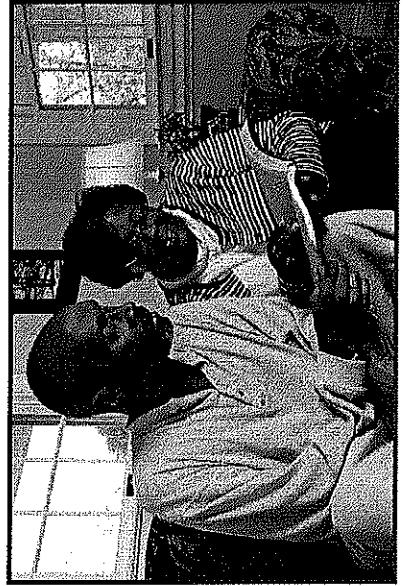
- Transportation to medical appointments, grocery stores, etc.
- Yard work
- Household chores
- Fix-it projects
- Help with paperwork
- Friendly visits
- Reassurance phone calls
- Medical equipment loan

NEIGHBORS HELPING NEIGHBORS



I've had more fun meeting the people from Good Shepherd; they are so much more interesting than people you meet anywhere else – I don't know where they come from!

– A Care Receiver



HOW YOU CAN HELP VOLUNTEER

From school children to senior citizens, volunteers of all ages can help by providing caregiving services or helping out in our offices. As a Good Shepherd volunteer, you give as little or as much time as you wish, knowing that your efforts make a big difference in the lives of your neighbors in Jefferson County.

TOO BUSY TO VOLUNTEER?

Make a contribution, either directly to Good Shepherd or by designating Good Shepherd when you give to United Way.

GET YOUR BUSINESS INVOLVED

- Gain exposure as a sponsor in a special event, such as our annual golf classic or volunteer recognition celebration.
- Get a team of employees together to help Good Shepherd with a special project.
- Donate to our operating fund, or make an in-kind donation of services (such as plumbing or electrical) or goods (such as office supplies or building materials).

SPREAD THE WORD

Invite us to speak at your church, club or neighborhood association.

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

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Community Participation Grant Program - Grant Resolution for the Harpers Ferry Historic Town Foundation

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

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

Attachments: Resolution and Grant application

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 3rd day of May, 2012 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, 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 to receive and administer grant funds pursuant to provision of the Community Participation Grant Program in the amount of \$15,00.00. This project is to assist The Harpers Ferry Historic Town Foundation for a community development, economic development, and tourism Feasibility Study.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT
JEFFERSON COUNTY COMMISSION

ATTESTED: _____
County Clerk

09LEDA0837N



April 29, 2012

Ms. Sandy McDonald
Interim County Administrator
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Subject: Community Participation Grant Program: Project Number: 09LEDA0837N

Ms. McDonald,

Thank you for the opportunity to submit an application for a grant for the WV Community Participation program. Please find attached the grant application and supporting documentation.

If awarded, the funds would be used for three general projects that are all economic, housing, community, and tourism related for the Harpers Ferry region.

1. Studies by a consultant(s): To assess housing, economic, and community conditions; To assess the tourism market; and Provide recommendations and draft plans to address these issues.
2. First phase of development of a SmartPhone "app" directing visitors to Places to Stay, Eat, Shop, Play and provide self-guided app tours of historical, cultural, and natural points of interest.
3. Improving our existing and expanding our promotions and tourism marketing efforts.

We would work with Town of Harpers Ferry, the Town of Bolivar, the Harpers Ferry Merchants Association, the Harpers Ferry National Historical Park, the Jefferson County Convention and Visitors Bureau, the Jefferson County Development Authority, The Journey Through Hallowed Ground, and others on these efforts.

The Harpers Ferry Historic Town Foundation will provide the minimum 10% matching funds (\$1,500) for this grant (\$15,000). We plan to raise additional funds for these projects from the Town of Harpers Ferry, the Town of Bolivar, the Harpers Ferry Merchants Association, the Arts and Humanities Alliance of Jefferson County (grant), and the WV Tourism Office (grant).

Please see attached for more information on these planned programs and our grant request.

Sincerely,

Al Alsdorf, President
Harpers Ferry Historic Town Foundation
PO Box 1427
Harpers Ferry, WV 25425
(304) 535-6955

FEIN: 30-0027184

RECEIVED

APR 30 2012

Jefferson County Commission



COMMUNITY PARTICIPATION GRANT PROGRAM

Fiscal Year 2011 Application and Guidelines

The Community Participation Grant Program provides state grant funds for community and economic development projects throughout West Virginia. With community involvement, the Participation Program enables communities to expand, build and improve a variety of public facilities and services.

Participation grants are approved by the Governor of the State of West Virginia and administered by the West Virginia Development Office. For additional information about the Community Participation Program, please call the West Virginia Development Office at 304-558-4010.

LOCAL MATCH

A local match of 10 percent is required.

ELIGIBLE APPLICANTS

- **Counties, Municipalities and Incorporated Towns**
- **Public Service Districts**
- **Independent Boards and Authorities within Counties or Municipalities, such as:**
 - County and city development authorities
 - Park and recreation boards
 - Public water and sanitary boards
 - County boards of education
- **Counties and Municipalities may also sponsor the applications of public organizations, such as:**
 - Library Commissions
 - Volunteer Fire Departments
 - Emergency Services
 - Nonprofit Organizations
 - Nonprofit organizations must be designated as 501(c) organizations by the Internal Revenue Service.
 - **Organizations that do not have IRS 501(c) status are not eligible for funding.**

ELIGIBLE PROJECTS

The Participation Program encourages public improvements in communities throughout West Virginia. Eligible activities include, but are not limited to, permanent public improvements related to the following:

▪ Business and Industrial Parks	▪ Land and Property Acquisition
▪ City Hall and Courthouse Facilities	▪ Libraries
▪ Construction, Renovation	▪ Parks and Recreation
▪ Demolition	▪ Parking Facilities
▪ Economic Development	▪ Preservation and Beautification
▪ Engineering, Architecture, Design	▪ Public Safety
▪ Flood and Storm Drainage	▪ Street and Sidewalk Repair
▪ Infrastructure	▪ Technology
▪ Law Enforcement, Emergency Services	▪ Water, Wastewater Facilities

INELIGIBLE PROJECTS

Ineligible activities include, but are not limited to, expendable items related to the following:

▪ Administrative costs	▪ Private Property
▪ Food	▪ Rent
▪ Clothing	▪ Maintenance
▪ Homeowner's Associations	▪ Salaries
▪ Insurance Premiums	▪ Scholarships
▪ Maintenance	▪ Sports Uniforms
▪ Medical Programs	▪ Training and Speakers' Fees
▪ National Dues	▪ Travel Expenses
▪ Postage	▪ Utility Costs

COMPETITIVE BIDDING

All purchases involving grant funds are subject to State laws and regulations. Copies of bid notifications and all bids received will be required for the release of grant funds.

Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Competitive bidding requirements, at a minimum, are as follows:

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary
▪ \$5,000.01 to \$25,000	▪ Three written bids required
▪ \$25,000 or more	▪ Class II Legal Ads required

Purchases exceeding \$25,000 require public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3. This notice shall be published by the grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date. Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination.

CONSTRUCTION

All construction involving grant funds are subject to State laws and regulations. Copies of wage records will be required for the release of grant funds.

The receipt and utilization of funds through this program mandate that all construction associated with this project, regardless of the source of funds utilized to pay for the construction, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.

All construction work must be bid according to competitive bidding procedures. West Virginia prevailing wages must be paid for construction work performed on public improvement projects involving state grant funds, regardless of the project cost. All contractors must have a West Virginia contractor's license.

If federal funds are involved, the higher of either federal or state wage rates must be paid. Construction expenses may include professional services, materials, equipment, and contracted labor. Volunteer labor and/or force account labor, for existing employees only, is permitted.

PREVAILING WAGES

West Virginia prevailing wages must be paid for construction work performed on public improvement projects involving state grant funds, regardless of the project cost. Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. All contractors must have a West Virginia contractor's license. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

▪ Construction	▪ Painting
▪ Reconstruction	▪ Decoration
▪ Demolition	▪ Alteration
▪ Enlargement	▪ Repair
▪ Remodeling	▪ Expansion

APPLICATION DEADLINE

Applications may be submitted at any time. The Participation Program is administered according to the state fiscal year, July 1 to June 30. Applications are considered during the fiscal year in which they are received. Those not approved within the fiscal year are removed from consideration and must be resubmitted in a subsequent fiscal year. Upon approval, grant funds should be expended in a timely manner. Mutual written agreement between the West Virginia Development Office and the grantee is required to extend a grant period.

APPROVAL

The Governor of the State of West Virginia will announce the approval of all Participation Program grants through a formal letter to the appropriate unit of local government. Letters are issued and/or presented throughout the fiscal year at the Governor's discretion.

AVERAGE GRANT \$15,000

Generally, Participation grants do not exceed \$50,000, although the amount of each grant will vary depending upon the nature of the project. Most grants range from \$5,000 to \$25,000.

PAYMENT OF GRANT FUNDS

Grants are paid through reimbursement of approved invoices. Following the Governor's approval, the West Virginia Development Office will execute a contract with the unit of local government for each project. Funds are disbursed through reimbursement based upon approved invoices and receipts that correspond to the requirements of the project contract. All requests for reimbursement must be certified by the unit of local government and are subject to the review and approval of the West Virginia Development Office.

No costs should be incurred or commitments made relative to a grant prior to approval of a grant and the full execution of a contract with the State of West Virginia.

RECORD KEEPING AND AUDITS

Project records will be audited by the State Auditor's Office, Chief Inspection Division, or designated audit firm as a part of the grantee's annual audit. All records must be maintained for a period of three years after completion of the final audit.

NONPROFIT ORGANIZATIONS

Nonprofit organizations must have IRS 501(c) status to be eligible for funding. Counties and municipalities may sponsor the applications of nonprofit organizations serving their area, provided that these organizations are legally authorized to receive public funds. Nonprofit organizations must be designated as 501(c) organizations by the United States Internal Revenue Service and be registered with the West Virginia Secretary of State's Office as a charitable organization.

As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds.

Grantees are encouraged to execute intergovernmental agreements with nonprofit organizations (sub-grantees) so that property and assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

ADDITIONAL AUDIT REQUIREMENTS

Any entity, including corporations, partnerships, associations, individuals, or legal entity, who receives one or more state grants in the amount of \$25,000 or more, in aggregate in a calendar year, must file a report of the disbursement of state grant funds. The report shall be filed within two years of the end of the calendar year in which the disbursement of state grant funds by the grantor occurs. The report shall be made by an independent certified public accountant at the cost of the entity receiving the state grant. The scope of the report is limited to showing that the state grant funds were spent for the purposes intended when the grant was made or as stated in approved changes to the scope. Any entity failing to file a required report within the two year period is barred from subsequently receiving state grants until the entity has filed the report and is in compliance with 12-4-14 of the Code of West Virginia.

VOLUNTEER OR PART-TIME VOLUNTEER FIRE DEPARTMENTS

Volunteer or part-time volunteer fire departments that receive one or more state grants in the amount of \$25,000 or more, in aggregate of a calendar year, shall submit a sworn statement of annual expenditures to the Legislative Auditor on or before the fourteenth day of February each year. The sworn statement is to be signed by the chief or director of the volunteer fire department. If the sworn statement is not submitted on or before the fifteenth day of May, unless the time period is extended by the Legislative Auditor, the Legislative Auditor may conduct a report of the volunteer or part-time volunteer fire department. If the sworn statement of annual expenditures is not filed with the Legislative Auditor by the first day of July, unless the time period is extended by the Legislative Auditor, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department. The Legislative Auditor may assign an employee or employees to perform an audit or review of the disbursement of state grant funds at cost to the volunteer fire department.

PROJECT NUMBER: 09LEDA0837N \$15,000

SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Economic Study + Tourism Promotions
 Street Address: _____ City: _____ Zip: _____
 Chief Elected Official: _____ Email: _____
 Phone: (304) _____ Fax: (304) _____ Form Completed By: _____
 Brief Description of Project: _____

NOTE: PHOTOGRAPHS WILL BE REQUIRED UPON COMPLETION OF THE PROJECT, PRIOR TO THE RELEASE OF GRANT FUNDS.

SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization? Yes No
 Nonprofit Organization: HARPERS FERRY HISTORIC TOWN FOUNDATION Executive Director: Pres. Al Alsdorf
 Street Address: PO Box 1427 City: Harpers Ferry State/Zip: WV 25425
 Phone: (304) 535-6955 Fax: (304) _____ Email: harpersferryfoundation@gmail.com
 Website: www.historicharpersferry.com IRS Cert. (Ex: 501(c) 3, etc.): 501c3 Yr. Cert: 2002

Federal Nonprofit Certification is attached. This application **WILL NOT** be processed without Federal nonprofit status.
 State Regulation Checklist for Nonprofit Organization is attached. This application **WILL NOT** be processed without this Checklist.

SECTION 3. PROJECT OWNER AND LOCATION

The use of grant funds at/for private property or private gain or use is prohibited. Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Owner of project site, property or building: _____ Vicinity/site plan attached? Yes No
 Location and address where grant funds will be used (sufficient to drive to site): _____

Upon completion, what government agency will own, operate, or be responsible for the project? _____
 Yes No Project site(s) or building(s) are owned by a government agency.
 Yes No Project site(s) or building(s) are owned by a nonprofit organization. (If yes, attach copy of property deed).

SECTION 4. FUNDING SUMMARY

A minimum of 10 percent is required as a local match. Attach commitment letters for each funding source listed below.

	Amount	Source Grant Program, Bank Loan, Fundraising, Fees, etc.	Status Pending, Approved, Ongoing, etc.	Documentation Letter, Resolution, etc.
a. Grant Funds Requested	\$ 15,000			
b. Local Funds (10% local match required)	\$ 1,500	HF Foundation	Approved	Attached
c. Other Funds	\$			
d. Other Funds	\$			
e. Other Funds	\$			
Total Project Cost	\$ 16,500			

SECTION 5. CERTIFICATION OF STATE REGULATIONS

CHECK ITEMS 1-11 BELOW to certify compliance with the following laws, regulations and requirements by the grantee (municipality, county commission, board of education, public service district, etc.):

1. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged.
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary.
▪ \$5,000.01 to \$25,000	▪ Three written bids required.
▪ \$25,000 or more	▪ Class II Legal Ads required.

2. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.

n/a

3. **State prevailing wages will be paid for all construction associated with this project. This regulation applies to any and all projects, regardless project cost.**

Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) must be paid. All contractors must have a West Virginia contractor's license. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

▪ Construction	▪ Painting
▪ Reconstruction	▪ Decoration
▪ Demolition	▪ Alteration
▪ Enlargement	▪ Repair
▪ Remodeling	▪ Expansion

4. **The following documents will be required for the release of grant funds:**

▪ Copies of bids, quotes or bid summary
▪ Copy of legal ad, which must require prevailing wages for construction
▪ Copies of certified payroll records
▪ Copies of invoices

5. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
The county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

Jeff Co.

6. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
Funds provided to counties and municipalities for grants to nonprofit organization are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**.

7. **Professional services, such as consulting, shall be obtained through a request for proposals.**

8. **Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.**

n/a

9. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**

10. **The use of grant funds at/for private property or private gain is prohibited.**

11. **Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.**

n/a

SECTION 6. ELIGIBLE PROJECTS

ELIGIBLE activities include, but are not limited to, permanent public improvements related to the following:

▪ Business and Industrial Parks	▪ Land and Property Acquisition
▪ City Hall and Courthouse Facilities	▪ Libraries
▪ Construction and Renovation	▪ Parks and Recreation
▪ Demolition	▪ Parking Facilities
▪ Economic Development	▪ Preservation and Beautification
▪ Emergency Services	▪ Public Safety
▪ Flood and Storm Drainage	▪ Street and Sidewalk Repair
▪ Infrastructure	▪ Technology
▪ Law Enforcement	▪ Water, Wastewater Facilities

INELIGIBLE activities include, but are not limited to, expendable items related to the following:

▪ Administrative costs	▪ Private Property
▪ Food	▪ Rent
▪ Clothing	▪ Maintenance
▪ Homeowners Associations	▪ Salaries
▪ Insurance Premiums	▪ Scholarships
▪ Maintenance	▪ Sports Uniforms
▪ Medical Programs	▪ Training and Speakers' Fees
▪ National Dues	▪ Travel Expenses
▪ Postage	▪ Utility Costs

PROJECT DESCRIPTION

Describe in SPECIFIC TERMS the scope of work to be completed and the proposed use(s) of grant funds.

The Harpers Ferry – Bolivar community is at a crossroads today and is in need of assistance in developing plans for revitalization through both general economic development and by better promoting our heritage, cultural, and natural resources. (1) We propose to hire a consultant(s) to conduct studies to assess housing, economic, and community conditions, as well as the tourism market, and to provide recommendations and plans. (2) We will develop a SmartPhone “app” directing visitors to Places to Stay, Eat, Shop, and Play, and provide self-guided app tours of historical, cultural, and natural points of interest. Although the initial target for the app is the Harpers Ferry – Bolivar community, it will be readily extensible to Jefferson County with little extra work. The first phase will be a website tailored for mobile devices. A second phase with additional funds (through WV Tourism Office to be applied for) will expand the SmartPhone to native apps for iPhone, Android, and Blackberry platforms (does not require internet signal). (3) This year we have begun expanding and improving our promotional efforts with volunteer labor and limited funds, and would like to build upon this. We will develop a more visitor-friendly map for publications, new “tearsheets” for visitor information, a new TrailBook ad (working with the Brunswick-to-Cumberland Canal Towns program), a new black heritage walking tour brochure, and new promotions for heritage, community, and Harpers Ferry National Historical Park events (they cannot pay for advertising); revise our Visitors Guide; and implement any other recommendations from the consultant study.

The Harpers Ferry Historical Town Foundation will provide the 10% matching funds required. In addition, we have tentative agreements from the Town of Harpers Ferry, the Town of Bolivar, and the Harpers Ferry Merchants Association to set aside additional funds for these programs. These additional funds, however, must be approved on an individual basis by each Town Council as each project is begun. We will also apply for a grant from the WV Tourism Office for assistance in our promotional efforts.

If funds are requested for a nonprofit organization, provide mission statement. Attach brochure /web pages if available.

www.historicharpersferry.com

Checklist for Nonprofit Organizations

Must Be Submitted With Application for Community Participation Grant Program Funding for Nonprofit Organizations

1. Local Government Agency: Jefferson County Comm. Se. Inc. Chief Elected Official: _____
 Project Title: _____ Amount of Grant: \$ 15,000
 Form Completed By: _____ Phone: (304) ~~535 6155~~ Fax: (304) _____
2. Nonprofit Organization: Harpers Ferry Historic Town Foundation Executive Director: Pres. Al Alsdorf
 Street Address, City, Zip: PO Box 1427, HF WV 25425 Phone: (304) 535 6155 Fax: (304) _____
- Federal nonprofit certification, 501c determination letter from Internal Revenue Service attached.
 Mission statement, brochure, or web pages explaining mission of the organization and services it provides attached.

CERTIFICATIONS AND ASSURANCES

CHECK ALL ITEMS BELOW to certify compliance with the following laws, regulations and requirements:

3. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary
▪ \$5,000.01 to \$25,000	▪ Three written bids required
▪ \$25,000 or more	▪ Class II Legal Ads required

4. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
 Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.

5. **State prevailing wages will be paid for all construction associated with this project, regardless of the cost.**
 West Virginia prevailing wages must be paid for all construction projects using state grant funds. All contractors must have a West Virginia contractor's license. These regulations apply to every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) will be paid. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**

6. **The following documents will be required for the release of grant funds.**

▪ <u>Copies of bids, quotes or verbal bid summary</u>
▪ <u>Copy of legal ad, which must require prevailing wages for construction</u>
▪ <u>Copies of certified payroll records for construction</u>
▪ <u>Copies of invoices.</u>

7. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
 The county or municipality must act as the administrator of grant funds for to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

8. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
 Funds provided to counties and municipalities for grants to nonprofit organizations are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**

9. **Professional services shall be obtained through a request for proposals.**
 Architectural or engineering services shall be obtained in accordance with West Virginia Code §5G.

10. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**

11. **The use of grant funds at/for private property or private gain is prohibited.**
 Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Signature: Pres. Al Alsdorf Date: APR 29, 2012
 Executive Director, Nonprofit Organization
ORIGINAL SIGNATURE REQUIRED

SECTION 7. ASSURANCES

The applicant hereby assures and certifies that it shall comply with the following regulations, policies, and requirements:

- A. The applicant assures the State that it will perform the work for which the grant was made as determined by the State.
- B. The applicant assures the State that it has or will secure qualified personnel to administer a grant, and that the costs to administer the grant will be paid for by the applicant.
- C. The applicant assures the State that it will have started work on the project before the end of the fiscal year in which the grant award is made.
- D. The applicant assures the State that it understands that the amount of the grant award cannot be increased without the written consent of the Governor.
- E. The applicant assures the State that payment for work performed will be requested in writing with copies of invoices attached that document the costs of each work segment making up the total amount of funds requested.
- F. The applicant assures the State that it understands that ten percent of the grant award will be held by the State as retainage, pending receipt of a written certificate of substantial completion attached to any final invoices for work not already paid.
- G. The applicant assures the State that it understands that by letter the State can terminate for cause an applicant's grant agreement with the amount of funds recovered equal to the percentage of incomplete work. The applicant further assures the State that it understands that it can be terminated by letter any grant agreement with the State before costs are incurred on the project.
- H. The applicant assures the State that any changes in the scope of work specified in a grant agreement will first be submitted in writing to the State for approval by change order.
- I. The applicant assures the State that in its hiring practices for work to be performed it will comply with the equal employment provisions of Titles VI and VII of the 1964 Civil Rights Act, and Presidential Executive Orders 11246 and 11375, as amended.
- J. **The applicant assures the State that competitive bids will be solicited on any major work element exceeding \$2,500 in cost.** Competitive bidding shall be pursued in all instances.
- K. **Competitive bidding requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.**
- L. **The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of more than \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination.** The receipt and utilization of funds procured through this program mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
- M. **Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3.** This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date.
- N. The applicant assures the State that State **prevailing wage rates will be paid on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.**
- O. Every contract involving **construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work** which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost. The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.**
- P. The applicant assures the State that any part of the project to be occupied by the general public will be made accessible to the handicapped.
- Q. The applicant assures the State that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
- R. The applicant assures the State that it will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
- S. The applicant assures the State that it will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The applicant further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
- T. The applicant assures the State, by evidence of attaching a resolution, motion, or similar action passed by its governing body, that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the applicant to answer any questions by the State about the application, and to abide by the understandings and assurances described in this section.
- U. As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with sub-grantees so that property and/or assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

SECTION 8. SIGNATURE AND RESOLUTION

This application must contain the following:

- Application with Original Signature**
- Resolution by Unit of Local Government**
- Documentation of Local Match (Minimum 10 Percent)**
- Nonprofit Application Checklist with Original Signature – Required for Nonprofit Organizations**
- IRS 501(c) Determination Letter - Required for Nonprofit Organizations**

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the applicant will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: _____ Title: _____

Signature: _____ Date: _____

Mayor or County Commission President
ORIGINAL SIGNATURE REQUIRED

West Virginia Development Office
Community Development Division
Community Participation Grant Program
1900 Kanawha Boulevard, East Building 6, Room 553
Charleston, West Virginia 25305
Phone: 304-558-4010 Fax: 304-558-2246
www.wvcommerce.org



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **OCT 17 2006**

HARPERS FERRY HISTORIC TOWN FOUNDAT
ION
C/O MAYOR JAMES A ADDY
PO BOX 127 1000 WASHINGTON ST
HARPERS FERRY, WV 25425-0217

Employer Identification Number:
30-0027184
DIN:
306269009
Contact Person:
THOMAS C KOESTER ID# 31116
Contact Telephone Number:
(877) 829-5500
Public Charity Status:
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated May 2002, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity, rather than as a private foundation, during an advance ruling period.

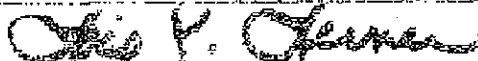
Based on the information you submitted, you are classified as a public charity under the Code section listed in the heading of this letter. Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3576. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lauer
Director, Exempt Organizations
Policy and Administration

Summary of Proposed Budget for Harpers Ferry – Bolivar Programs (WVDO)

Total	WVDO	Match	Program
\$5,500	\$5,500	\$550	Economic Development and Tourism Marketing Studies Housing, Economic, and Community Development Study Heritage Tourism/Cultural Arts Marketing Study
\$4,400	\$4,000	\$400	SmartPhone Development SmartPhone "dotMobi" App: basic version for Website SmartPhone "native" App: full version for iPhone, Android, Blackberry (add-ons)
\$6,550	\$5,500	\$550	Expanded Promotions and Tourism Marketing Campaign Develop a New, More Visitor Friendly Map for Publications Develop New "Tearsheets" with Visitors Information Develop a New TrailBook Ad Develop a Black Heritage Walking Tour Guide Promote Park, Heritage, and Community Events Revise the Visitors Guide Implement Additional Recommendations from Consultant
\$16,500	\$15,000	\$1,500	TOTALS

Notes

- (1) Harpers Ferry Historic Town Foundation will provide the required 10% (\$1,500) match.
- (2) In addition, the Town of Harpers Ferry, the Town of Bolivar, and the Harpers Ferry Merchants Association have tentatively agreed to set aside additional funds for the above programs (on top of the Harpers Ferry Foundation match). However, these additional funds can only be approved on an individual basis by each Town Council, as each project begins. The potential additional funds are estimated to be \$1,000-\$2,000 for the Economic Development and Tourism Marketing studies, \$1,500-\$3,000 for the SmartPhone, and \$2,500-\$5,000 for the Expanded Promotions and Tourism Marketing Campaign.
- (3) In addition, a grant (for \$7,500) from the West Virginia Tourism office will be applied for to supplement the WVDO grant and local contributions.
- (4) It is proposed that the second phase of the SmartPhone development (native App for iPhone, Android, and Blackberry platforms) will be part of the WV Tourism grant.
- (5) In addition, a grant (for \$600) has been obtained from the Arts and Humanities Alliance of Jefferson County to assist in printing of the Black Heritage Walking Tour Guide.

Description of Harpers Ferry – Bolivar Programs

Economic Development and Tourism Marketing Studies.

Housing, Economic, and Community Development Study. Hire a consultant to conduct a study to assess housing, economic, and community conditions in Harpers Ferry, Bolivar, Harpers Ferry National Historical Park, and the surrounding region. Develop a proposed management/business plan for revitalization.

Heritage Tourism/Cultural Arts Marketing Study. Hire a consultant to develop a management/business plan for 1) Marketing/Advertising and 2) Heritage Tourism & Cultural Arts for the Harpers Ferry region.

SmartPhone Development.

SmartPhone "dotMobi" App: basic version for Website. Contract with a company to develop a SmartPhone "dotMobi" website directing tourists and other visitors to Places to Stay, Eat, Shop, Play and also provide self-guided "App" tours of historical, cultural, natural points, and other places of interest. ("dotMobi" is a website tailored for SmartPhones.)

SmartPhone "native" App: full version for iPhone, Android, Blackberry (add-on). Contract with a company to extend the SmartPhone App to a "native" version for iPhone, Android, and Blackberry platforms. ("Native App" means it is downloaded onto the SmartPhone and does NOT need the internet for most basic features).

Expanded Promotions and Tourism Marketing Campaign.

Develop a New, More Visitor Friendly Map for Publications. Currently, several maps that are used in the various publications for the Harpers Ferry - Bolivar region: Visitors Guide, TrailBook, WV Travel Guide, Canal Town brochure, Canal Town kiosks, etc. A new redesigned map will be used for all/most of the publications, to minimize duplication of effort for updating and to provide a more visitor friendly map. The legwork is done through volunteer effort, but the final version needs to be done by professional graphics designers, and funds are needed for printing large maps for the kiosks.

Develop New "Tearsheets" with Visitors Information. This will be 8.5"x11" sheets on a pad that can be torn off. It is an alternative, more compact, and more limited version of information contained in the Visitors Guide. It is an easy format used by merchants and visitor service clerks to provide directions to places interest. It does not replace the Visitors Guide, but augments it, and will require fewer Visitors Guides to be printed.

Develop a New TrailBook Ad. The TrailBook is the "bible" for hikers and bikers on the C&O Canal Towpath and Great Allegheny Passage. It provides information about places from Georgetown, DC to Cumberland, MD to Pittsburgh, PA. This year we will have a smaller ad than last year and incorporate the newly revised, more visitor friendly map that is consistent with the map in the Canal Town brochure and the kiosks. Redesign is largely done by volunteers, but funds are needed to pay for publication of the ad.

Develop a Black Heritage Walking Tour Guide. A walking tour guide of local houses, buildings, and sites associated with Black Heritage in the community is under development. This is one program in the expanded promotions effort. The content is being developed by volunteer effort, but funds for printing are needed. A grant from AHA! (Arts & Humanities Alliance of Jefferson County) has been obtained, but additional funds are needed for a full run.

Promote Park, Heritage, and Community Events. There are many heritage and local community events in the Harpers Ferry - Bolivar area, including at the Park, river adventuring, etc that impact the number of the visitors to our area. The National Park cannot pay for advertisements, and other events are minimally promoted. This program will promote these events. Heritage and regional events that draw visitors from the Washington/Baltimore metro area and elsewhere can be supported by state tourism money; however, local events cannot be funded by state tourism money.

Revised Visitors Guide. Revise and reprint the Visitors Guide which needs to be printed at least two times a year.

Implement Additional Recommendations from Consultant. Implement recommendations from consultant study for marketing the Harpers Ferry region. The expanded promotions & marketing effort may include billboards/banners, low cost television/newspaper ads, promoting programs and events at Harpers Ferry National Historical Park (and other local programs/events), and any other recommendations from the study.

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

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Approval of Community Partnership Grant Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Grant Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000 and to authorize the President of the Commission to affix her signature to the Resolution**

Attachments:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 3rd day of May, 2012 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, 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 to receive and administer grant funds pursuant to provision of the Community Participation Grant Program in the amount of \$10,00.00. This project is to assist the Blue Ridge Watershed Coalition. These funds will be used for the purchase of peak flow monitoring systems.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT
JEFFERSON COUNTY COMMISSION

ATTESTED: _____
County Clerk

12LEDA0078

COMMUNITY PARTICIPATION GRANT PROGRAM

FISCAL YEAR 2012

Deadline for Return:
JUNE 30, 2012

GRANTEE: Jefferson County Commission **PROJECT NUMBER:** 12LEDA0078
PROJECT TITLE: Blue Ridge Watershed Coalition—Water, Sewer **AMOUNT:** \$10,000

SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Blue Ridge Watershed Coalition
 Street Address: 124 East Washington Street, PO Box 250 City: Charles Town Zip: 25414
 Chief Elected Official: Patsy Noland Email: DStellato@JeffersonCountyWV.org
 Phone: (304) 728-3335 Fax: (304) 725-7916 Form Completed By: John Maxey
 Brief Description of Project: Stream and river water quality monitoring in Jefferson County. Working with WV DEP, Region 9, and the Jefferson County Commission the Blue Ridge Watershed Coalition will purchase the necessary equipment, train volunteers for sampling and regularly publish water quality readings.

SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization? Yes No
 Nonprofit Organization: Blue Ridge Watershed Coalition Executive Director: Ronda Lehman
 Street Address: P.O. Box 538 City: Harpers Ferry State/Zip: WV 25425
 Phone: (304) 535-2520 Fax: (304) 535-2618 Email: JohnRMaxey@gmail.com
 Website: www.blueridgewatershed.org IRS Cert. (Ex: 501(c) 3, etc.): 45-2105782Yr. Cert: 2012

- Federal Nonprofit Certification is attached. This application **WILL NOT** be processed without Federal nonprofit status.
 State Regulation Checklist for Nonprofit Organization is attached. This application **WILL NOT** be processed without this Checklist.

SECTION 3. PROJECT OWNER AND LOCATION

The use of grant funds at/for private property or private gain or use is prohibited. Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Owner of project site, property or building: Jefferson County Commission Vicinity/site plan attached? Yes No
 Location and address where grant funds will be used (sufficient to drive to site): 124 East Washington Street,
 Charles Town, WV 25414

Upon completion, what government agency will own, operate, or be responsible for the project? Jefferson County Commission
 Yes No Project site(s) or building(s) are owned by a government agency.
 Yes No Project site(s) or building(s) are owned by a nonprofit organization. (If yes, attach copy of property deed).

SECTION 4. FUNDING SUMMARY

A minimum of 10 percent is required as a local match. Attach commitment letters for each funding source listed below.

	Amount	Source Grant Program, Bank Loan, Fundraising, Fees, etc.	Status Pending, Approved, Ongoing, etc.	Documentation Letter, Resolution, etc.
a. Grant Funds Requested	\$10,000			
b. Local Funds (10% local match required)	\$15,000	Jefferson County Commission	Pending	
c. Other Funds	\$			
d. Other Funds	\$			
e. Other Funds	\$			
Total Project Cost	\$ 25,000			

SECTION 5. CERTIFICATION OF STATE REGULATIONS

CHECK ITEMS 1-11 BELOW to certify compliance with the following laws, regulations and requirements by the grantee (municipality, county commission, board of education, public service district, etc.):

1. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

- | | |
|--------------------------|---|
| ▪ \$2,500 or less | ▪ No bids required; however, competition is encouraged. |
| ▪ \$2,500.01 to \$5,000 | ▪ Three verbal bids documented on a verbal bid summary. |
| ▪ \$5,000.01 to \$25,000 | ▪ Three written bids required. |
| ▪ \$25,000 or more | ▪ Class II Legal Ads required. |

2. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.

3. **State prevailing wages will be paid for all construction associated with this project. This regulation applies to any and all projects, regardless project cost.**

Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) must be paid. All contractors must have a West Virginia contractor's license. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

- | | |
|------------------|--------------|
| ▪ Construction | ▪ Painting |
| ▪ Reconstruction | ▪ Decoration |
| ▪ Demolition | ▪ Alteration |
| ▪ Enlargement | ▪ Repair |
| ▪ Remodeling | ▪ Expansion |

4. **The following documents will be required for the release of grant funds:**

- Copies of bids, quotes or bid summary
- Copy of legal ad, which must require prevailing wages for construction
- Copies of certified payroll records
- Copies of invoices

5. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
The county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

6. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
Funds provided to counties and municipalities for grants to nonprofit organization are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**.

7. **Professional services, such as consulting, shall be obtained through a request for proposals.**

8. **Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.**

9. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**

10. **The use of grant funds at/for private property or private gain is prohibited.**

11. **Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.**

SECTION 6. PROJECT INFORMATION:

ELIGIBLE activities include, but are not limited to, permanent public improvements related to the following:

▪ Business and Industrial Parks	▪ Land and Property Acquisition
▪ City Hall and Courthouse Facilities	▪ Libraries
▪ Construction and Renovation	▪ Parks and Recreation
▪ Demolition	▪ Parking Facilities
▪ Economic Development	▪ Preservation and Beautification
▪ Emergency Services	▪ Public Safety
▪ Flood and Storm Drainage	▪ Street and Sidewalk Repair
▪ Infrastructure	▪ Technology
▪ Law Enforcement	▪ Water, Wastewater Facilities

INELIGIBLE activities include, but are not limited to, expendable items related to the following:

▪ Administrative costs	▪ Private Property
▪ Food	▪ Rent
▪ Clothing	▪ Maintenance
▪ Homeowners Associations	▪ Salaries
▪ Insurance Premiums	▪ Scholarships
▪ Maintenance	▪ Sports Uniforms
▪ Medical Programs	▪ Training and Speakers' Fees
▪ National Dues	▪ Travel Expenses
▪ Postage	▪ Utility Costs

PROJECT DESCRIPTION

Describe in **SPECIFIC TERMS** the scope of work to be completed and the proposed use(s) of grant funds.

The Blue Ridge Watershed Coalition is proposing a stream and river water quality monitoring program for use by watershed groups in Jefferson County. The total program cost is projected to be \$25,000. A request has been made to the Jefferson County Commission for \$15,000 and this grant request is for the remaining \$10,000. The project will consist of two parts:

- 1.) Shenandoah River watershed monitoring in partnership with Friends of the Shenandoah River
 - A. - Volunteer training - all watershed groups in Jefferson County to be invited to 2 training sessions:
 - EPA qualified sampling training for volunteers - conducted by FOSR - \$650
 - Sampling training session II for volunteers - conducted by WV DEP - NC
 - B. Lab fees for testing of samples to be take twice a month from six Blue Ridge streams - \$7,200
 - C. Lab fees for testing of samples to be taken twice a month from 3 Shenandoah sites - \$3,600
- Total for Shenandoah FOSR monitoring \$11,450

- 2.) Peak flow Sediment monitoring equipment purchase

Equipment for peak flow sediment monitoring will be stored with the Jefferson County Engineering Department and will be available for use by all registered non profit watershed groups in the county. Five monitoring "stations" will be purchased consisting of a turbidity sensor, a data logger, a marine battery and a containment structure for each at a total cost of \$13,550

The grand total of both parts is \$25,000

If funds are requested for a nonprofit organization, provide mission statement. Attach brochure /web pages if available.

Mission Statement and presentation attached.

For more information please see www.BlueRidgeWatershed.org

Checklist for Nonprofit Organizations

Must Be Submitted With Application for Community Participation Grant Program Funding for Nonprofit Organizations

1. Local Government Agency: Jefferson County Commission Chief Elected Official: Patsy Noland
 Project Title: Blue Ridge Watershed Coalition Amount of Grant: \$ 10,000
 Form Completed By: John Maxey Phone: (304) 535-2520 Fax: (304) 535-2618

2. Nonprofit Organization: Blue Ridge Watershed Coalition Executive Director: Ronda Lehman
 Street Address, City, Zip: P.O. Box 538, Harpers Ferry, WV Phone: (304)261-8070 Fax: (304)

- Federal nonprofit certification, 501c determination letter from Internal Revenue Service attached.
 Mission statement, brochure, or web pages explaining mission of the organization and services it provides attached.

CERTIFICATIONS AND ASSURANCES

CHECK ALL ITEMS BELOW to certify compliance with the following laws, regulations and requirements:

3. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**
- | | |
|--------------------------|--|
| ▪ \$2,500 or less | ▪ No bids required; however, competition is encouraged |
| ▪ \$2,500.01 to \$5,000 | ▪ Three verbal bids documented on a verbal bid summary |
| ▪ \$5,000.01 to \$25,000 | ▪ Three written bids required |
| ▪ \$25,000 or more | ▪ Class II Legal Ads required |
4. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
 Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.
5. **State prevailing wages will be paid for all construction associated with this project, regardless of the cost.**
 West Virginia prevailing wages must be paid for all construction projects using state grant funds. All contractors must have a West Virginia contractor's license. These regulations apply to every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) will be paid. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
6. **The following documents will be required for the release of grant funds.**
- Copies of bids, quotes or verbal bid summary
 - Copy of legal ad, which must require prevailing wages for construction
 - Copies of certified payroll records for construction
 - Copies of invoices.
7. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
 The county or municipality must act as the administrator of grant funds for to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
8. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
 Funds provided to counties and municipalities for grants to nonprofit organizations are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
9. **Professional services shall be obtained through a request for proposals.**
 Architectural or engineering services shall be obtained in accordance with West Virginia Code §5G.
10. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
11. **The use of grant funds at/for private property or private gain is prohibited.**
 Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Signature: _____

Date: 4/29/12

Executive Director, Nonprofit Organization

ORIGINAL SIGNATURE REQUIRED

SECTION 7. ASSURANCES

The applicant hereby assures and certifies that it shall comply with the following regulations, policies, and requirements:

- A. The applicant assures the State that it will perform the work for which the grant was made as determined by the State.
- B. The applicant assures the State that it has or will secure qualified personnel to administer a grant, and that the costs to administer the grant will be paid for by the applicant.
- C. The applicant assures the State that it will have started work on the project before the end of the fiscal year in which the grant award is made.
- D. The applicant assures the State that it understands that the amount of the grant award cannot be increased without the written consent of the Governor.
- E. The applicant assures the State that payment for work performed will be requested in writing with copies of invoices attached that document the costs of each work segment making up the total amount of funds requested.
- F. The applicant assures the State that it understands that ten percent of the grant award will be held by the State as retainage, pending receipt of a written certificate of substantial completion attached to any final invoices for work not already paid.
- G. The applicant assures the State that it understands that by letter the State can terminate for cause an applicant's grant agreement with the amount of funds recovered equal to the percentage of incomplete work. The applicant further assures the State that it understands that it can be terminated by letter any grant agreement with the State before costs are incurred on the project.
- H. The applicant assures the State that any changes in the scope of work specified in a grant agreement will first be submitted in writing to the State for approval by change order.
- I. The applicant assures the State that in its hiring practices for work to be performed it will comply with the equal employment provisions of Titles VI and VII of the 1964 Civil Rights Act, and Presidential Executive Orders 11246 and 11375, as amended.
- J. **The applicant assures the State that competitive bids will be solicited on any major work element exceeding \$2,500 in cost.** Competitive bidding shall be pursued in all instances.
- K. **Competitive bidding requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.**
- L. **The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of more than \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination.** The receipt and utilization of funds procured through this program mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
- M. **Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3.** This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date.
- N. The applicant assures the State that **State prevailing wage rates will be paid on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.**
- O. Every contract involving **construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work** which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost. The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.**
- P. The applicant assures the State that any part of the project to be occupied by the general public will be made accessible to the handicapped.
- Q. The applicant assures the State that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
- R. The applicant assures the State that it will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
- S. The applicant assures the State that it will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The applicant further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
- T. The applicant assures the State, by evidence of attaching a resolution, motion, or similar action passed by its governing body, that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the applicant to answer any questions by the State about the application, and to abide by the understandings and assurances described in this section.
- U. As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with sub-grantees so that property and/or assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

SECTION 8. SIGNATURE AND RESOLUTION

This application must contain the following:

- Application with Original Signature**
- Resolution by Unit of Local Government**
- Documentation of Local Match (Minimum 10 Percent)**
- Nonprofit Application Checklist with Original Signature – Required for Nonprofit Organizations**
- IRS 501(c) Determination Letter - Required for Nonprofit Organizations**

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the applicant will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: _____ Title: _____

Signature: _____ Date: _____

Mayor or County Commission President

ORIGINAL SIGNATURE REQUIRED-USE BLUE INK

**West Virginia Development Office
Community Development Division
Community Participation Grant Program**
1900 Kanawha Boulevard, East Building 6, Room 553
Charleston, West Virginia 25305
Phone: 304-558-4010 Fax: 304-558-2246
www.wvcommerce.org



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 08 2012

BLUE RIDGE WATERSHED COALITION
PO BOX 538
HARPERS FERRY, WV 25425

Employer Identification Number:
45-2105782
DLN:
301249075
Contact Person:
CASEY A SUTFIELD ID# 31474
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
January 30, 2012
Contribution Deductibility:
Yes
Addendum Applies:
No

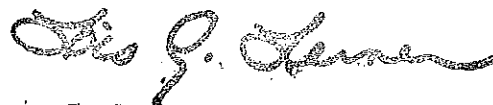
Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Lois G. Lerner
Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)

Mission Statement

The Blue Ridge Watershed Coalition was formed from the Vision Statement of the Blue Ridge Mountain Communities Area Watershed Plan “Future of the Mountain: A Common Vision for the Jefferson County Blue Ridge Mountain Communities Area.” (appended)

The goals of the Coalition are:

- monitoring, protecting, and restoring water quality in the Blue Ridge watershed of Jefferson County;
- reducing nutrients and sediment in the Blue Ridge watershed of Jefferson County and ultimately in the Chesapeake Bay;
- obtaining funds to achieve effective and long-term solutions;
- educating citizens about the natural environment and how they can have a positive impact on our watershed and ultimately the quality of the Chesapeake Bay;
- honoring the Common Vision and new concerns of the residents of the Blue Ridge communities of Jefferson County; and
- preventing future necessity for public water or sewage systems by preserving and improving the current private water sources, wells, and septic systems along the Blue Ridge of Jefferson County.

*The Blue Ridge Watershed Coalition
of Jefferson County West Virginia*



Stream and River Water Monitoring 2012 Funding Request

- \$10,000 Community Participation Grant

Awarded - Senator John Unger

- \$15,000 Jefferson County Commission

Requested for 2012

\$25,000 Total 2012 monitoring budget

Budget Detail:

A. Friends Of the Shenandoah River – Nitrogen/Phosphorus/Turbidity

Monitoring	# Samples	Lab fees per sample	Total
Mountain Streams 6 - Twice each month	144 Samples	\$50.00	\$7200.00
Shenandoah River 3 Locations	72 Samples	\$50.00	\$3600.00
Training	2 Sessions	FOSR & WV DEP	\$650.00
Total			\$11,450.00



FOSR Home

About FOSR:

Mission Statement

Is there a Problem?

Board of Directors

Newsletters

Links & Affiliations

Resources:

Monitoring Map & Data Portal

Monitoring Data Files

Water Data Query

Water Quality Reports

River Efforts:

River Monitoring

Full-time Laboratory

Education & Events

Membership:

Our Members

Become a Member

Become a Monitor

Welcome!
The Friends of the Shenandoah River is a volunteer, non-profit, scientific organization dedicated to the preservation and protection of the Shenandoah River and it's tributaries.

Announcements:

- ***NEW*** The latest newsletter is [here](#).
 - All newsletters are on [this page](#).
- The [Downstream Project](#) has produced a [short video segment](#) of FOSR boardmember Charles Vandervoort highlighting some of the issues of nutrient and sediment pollution.
- Try out our [map/data portal](#). It is now a larger map with an improved interface that includes [drainage areas](#) and [river mile markers](#). Send questions or comments via [Email](#).
- FOSR's financial statements:
 - [2010 Balance Sheet](#)
 - [2010 Budget vs. Actual](#)

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Public Data Portal

- Ammonia
- Nitrate/Nitrite
- Orthophosphate
- Dissolved Oxygen
- pH
- Temperature
- Turbidity

The screenshot shows the website's navigation menu on the left, including links for FOSR Home, About FOSR, Mission Statement, Board of Directors, Newsletters, Links & Affiliations, Resources, Monitoring Map & Data Portal, Monitoring Data Files, Water Data Query, and Water Quality Reports. The main content area features a 'Water Quality Data Query' section with a list of 14 monitoring sites (CR01 to FC02) and a 'Select a Site:' dropdown menu. Below the site list are date selection fields for 'Start Date' and 'End Date', each with dropdowns for month, day, and year. There are also checkboxes for 'Parameters' (All, Ammonia, Nitrate/Nitrite, Orthophosphate, Dissolved Oxygen, pH, Temperature, Turbidity) and 'Output type:' (Graph, Table). A 'Submit Query' button is at the bottom.

Water Quality Data Query

Select a Site:

- CR01 (Crooked Run @ Lake Frederick Dam)
- CR02 (Nineveh Spring)
- CR03 (Crooked Run @ Rt. 639 bridge)
- CR04 (McKay Spring)
- CR05 (Crooked Run @ Cabin Ct)
- CR06 (Crooked Run @ Townsend Dr)
- CR07 (Crooked Run @ Reliance Rd near Oldt Rd)
- CR10 (Crooked Run on FOSR property)
- CR20 (Crooked Run near mouth & Rte 66)
- CRDR (Dry Run @ Rt. 637 Cauton Mill Rd)
- CRMC (Molly Camel @ Ritmour Hollow Rd)
- CRMC2 (Molly Camel @ Reliance Road Bridge)
- CRWR (West Run @ Rt. 637 Cauton Mill Rd.)
- FC01 (Shenandoah River @ Rt. 50 Bridge - Berry's Landing)
- FC02 (Spout Run)

Start Date: month / day / year (Leave blank for all dates)

End Date: month / day / year

Parameters:

- All
- Ammonia
- Nitrate/Nitrite
- Orthophosphate
- Dissolved Oxygen
- pH
- Temperature
- Turbidity

Output type:

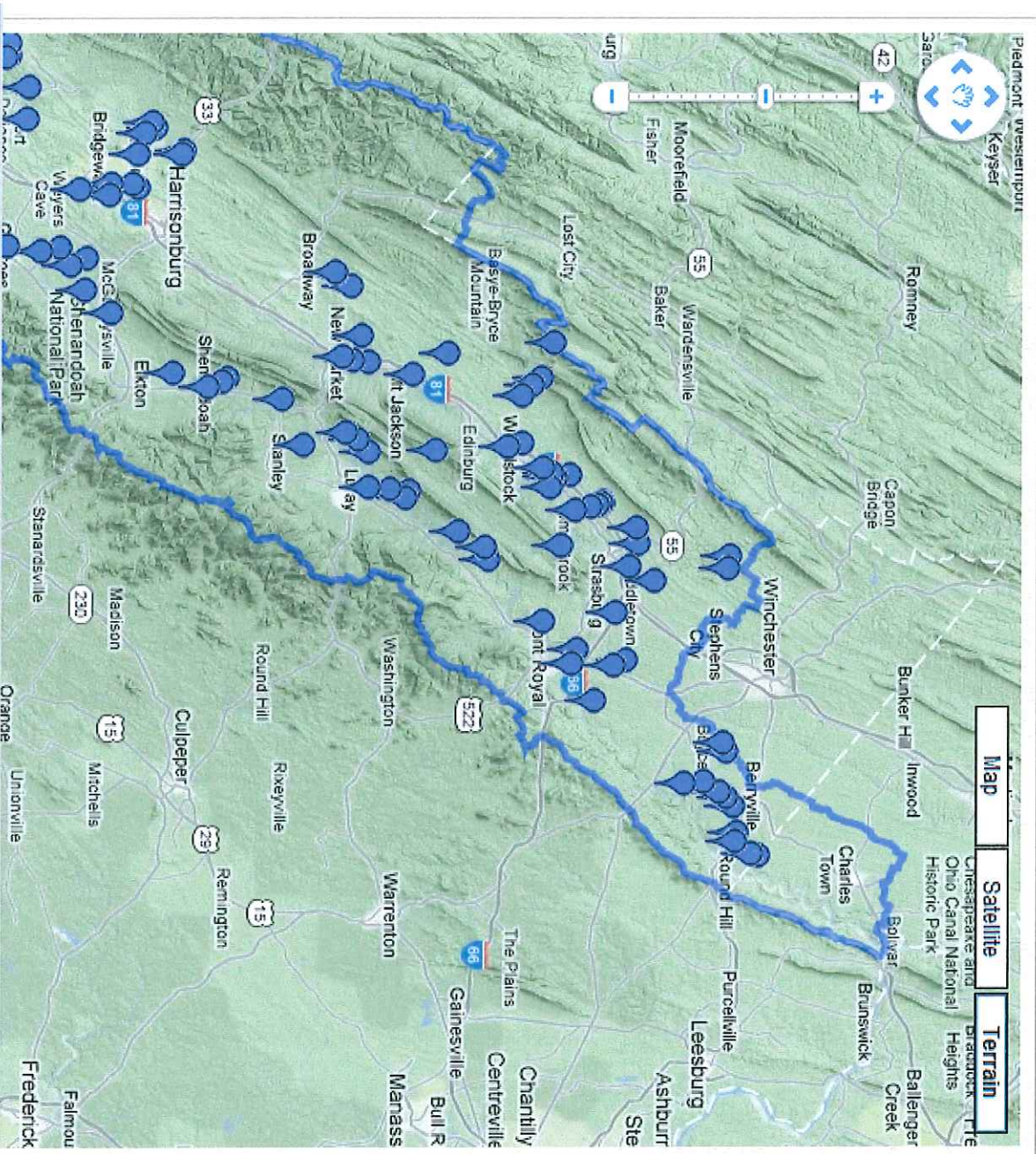
- Graph
- Table

Submit Query

[Map of water sampling sites.](#)

[Explanation of Water Quality Analysis Parameters](#)

Website Credits



Map
 Satellite
 Terrain



Layers

- Active Sites
- Inactive Sites
- USGS Stream Gages
- Entire Watershed Outline
- Selected Sub-watersheds
- River Mile Markers
- Virginia DEQ Impairments

NOTE: There is a limit of about 100 markers viewable in a map window — you may need to zoom in to see the marker or feature of interest to you.

Selectable Graph or table presentations

Water Quality Data Query : Search Results

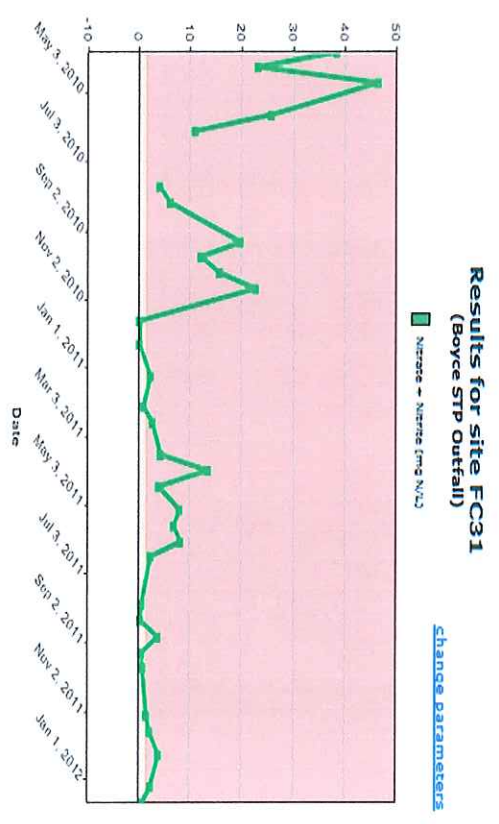
Results for site FC31 (Boyce STP Outfall)

Latitude: 39.08864, Longitude: -78.06342

Records Returned: 34

[change parameters](#)

Date	Nitrate
3/27/2010	39.59
4/10/2010	23.22
4/24/2010	46.53
5/22/2010	25.79
6/5/2010	11.02
7/10/2010	
7/24/2010	4.12
8/7/2010	5.96
9/11/2010	19.96
9/25/2010	12.2
10/9/2010	15.65
10/23/2010	22.67
11/20/2010	0.06
12/11/2010	0.2
1/8/2011	2.38
2/5/2011	0.63
2/19/2011	2.7
3/19/2011	4.17
4/2/2011	13.43
4/16/2011	3.96
5/7/2011	7.93
5/21/2011	6.9
6/4/2011	8.27
6/18/2011	2.29
7/30/2011	0.507
8/13/2011	0.206
8/27/2011	3.679
9/10/2011	0.441
9/24/2011	0.691
11/5/2011	1.53
11/19/2011	2.066
12/10/2011	3.923
1/7/2012	2.219
1/21/2012	0.626



Budget Detail

B. Peak flow Sediment Monitoring

Equipment	Quantity	Price	Total
Campbell Scientific OBS-3+ Turbidity Sensor	5	\$1,000.00	\$5,000.00
Campbell Scientific CR-800 Data Logger	5	\$1,000.00	\$5,000.00
Marine Battery	5	\$70.00	\$350.00
Containment	5	\$500.00	\$2,500.00
PC-400 Software	2	\$350.00	\$700.00
Total			\$13,550.00

Continuous Monitoring of sediment levels requires
specialized equipment

Campbell Scientific

- **OBS-3+ Turbidity Sensor**

Highly accurate – light diffraction sensor

- **CR-800 Data Logger**

Programmable logger - 200,000 data points stored – allows
recording of sediment level every 15 seconds for 1 month

- ▶ HOME
- ▶ INSTRUMENTS ▶
- ▶ SELECTOR
- ▶ APPLICATIONS
- ▶ FAQ'S
- ▶ GLOSSARY
- ▶ SALES REPS ▶
- ▶ SUPPORT ▶
- ▶ CONTACT US

Need Help?
Find the right instrument for your application.
[click here](#)

Applications

D & A Instruments in action



Sediment Runoff from Croplands
D & A assisted the USDA National Sedimentation Laboratory by providing OBS-3s and technical support for a study of sediment production from tilled agricultural lands in the southeastern U.S. ... [more](#)



Gambinonini Mercury Mine
Using OBS-3s, OBS-5s, rain gauges, and other hydrological instrumentation, state and federal water-quality officials have monitored mercury-contaminated sediment in runoff from the abandoned Gambinonini Mercury Mine located at Santa Maria, California ... [more](#)



Dredging in Bahrain
D & A provided OBS-3As to log suspended sediments near dredging operations for port expansion in the Persian Gulf. Vertical profiles were made daily at several baseline stations far from the project ... [more](#)



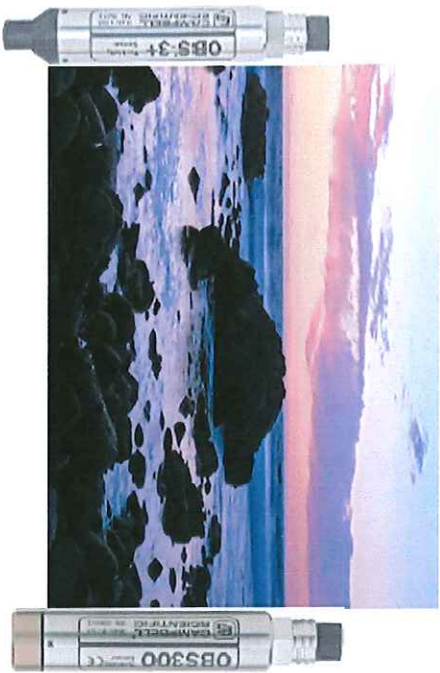
Port of Oakland Expansion
D & A provided systems to the Port of Oakland for monitoring water quality impacts from dredging and construction of new berthing and freight handling facilities. ... [more](#)

Examples of Installations

Turbidity Sensor



OBS-3+ and OBS300 Turbidity Sensors



Introduction

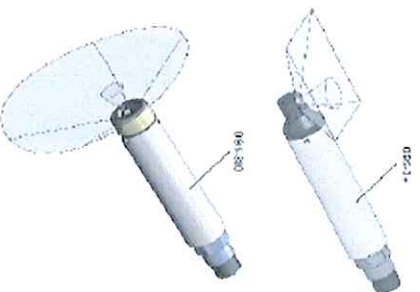
The OBS-3+ and OBS300 use OBS® technology to measure suspended solids and turbidity to 4000 NTUs. They are submersible sensors. With the stainless steel body, these turbidity sensors can be submerged in fresh water to a depth of 500 metres.

With the titanium body, the sensors can be submerged in both fresh and salt water to a maximum depth of 1500 metres.

OBS Technology and Model

The OBS-3+ and the OBS300 use the innovative OBS method for monitoring suspended sediment and turbidity. With this method, the probe uses its optics to emit a near-infrared light into the water. It then measures the light that bounces back from the water's suspended particles.

The OBS-3+ has optics on the side of its body, which allows you to avoid obstructions above or below the probe (see below). The OBS300 has optics on the end of its body, which allows you to avoid obstructions around the sides of the probe.



Key Features/Benefits

- Provides a compact, low-power probe that is field proven
 - Supports fresh water and salt water applications (salt water submersion requires titanium body)
- Compatible with all of our contemporary dataloggers as well as many retired dataloggers
- Contains an integral voltage clamp and optional 4–20 mA current loop
- Fitted with MCBH-5-F-S, wet-pluggable connector - multiple mating cable length options available
- Offers an optional 5-point sedimentation calibration (must send Campbell Scientific a dry sample of sedimentation from the water that will be monitored)

Typical Applications

- Gauge rivers and streams
- Monitor dredging and mining operations
- Control water quality in settling ponds and tanks
- Support sediment transport research
- Provide laboratory measurements

The emitted light and detector cones of the OBS-3+

Data Logger



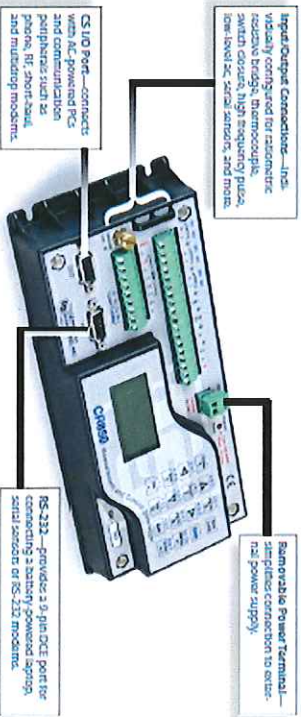
CR800-Series Measurement & Control Systems



Rugged
Instruments with
Research-Grade
Performance

CR800 & CR850 Measurement and Control Systems

The CR800 and CR850 dataloggers provide precision measurement capabilities in a rugged, battery-operated package. Both models consist of measurement channels enclosed in a plastic shell and an integrated wiring panel. They standard operating ranges is -25 to 450°C. An extended range of -55 to 485°C for the CR800 or -50 to 480°C for the CR850 is also available.



Features

- 4 Mbytes* of battery-backed SRAM
- Program execution rate of up to 100 Hz
- CS I/O and RS-232 serial ports
- 13-bit scaling to digital conversions
- 16-bit microcontroller with 32-bit internal CPU architecture
- Temperature compensated real-time clock
- Background system calibration for accurate measurements over time and temperature changes
- Single DAC used for excitation and measurements to give ratiometric measurements
- Gas Discharge Tube (GDT) protected inputs
- Data values stored in tables with a time stamp and record number
- Battery-backed SRAM and clock that ensure data, programs, and accurate time are maintained while a CR800-series datalogger is disconnected from the main power source
- One program status LED
- Serial communications with serial sensors and devices supported via I/O port path
- Paribus, Modbus, and DNP3 protocols supported

Model Descriptions

The models differ in their keyboard display. The CR800 uses an external keyboard display, the CR1000KD, which connects to the CR800 via its CS I/O port. The CR850 includes an on-board keyboard display as part of its integrated package.

Operating System/Logic Control

The on-board operating system includes measurement, processing, and output instructions for programming the datalogger. The programming language, CRBasic, uses a BASIC-like syntax. Measurement instructions specific to bridge configurations, voltage outputs, thermocouples, and microfrequency signals are included. Processing instructions support algebraic, statistical, and transcendental functions for on-site processing. Output instructions process data over time and control external devices.

Storage Capacity*

The CR800 series has 2 MB of flash memory for the Operating System and 4 MB of battery-backed SRAM for CPU usage, program storage, and data storage. Data is stored in a table format.

*Campbell Scientific is increasing the data storage memory from 2 MB to 4 MB. Dataloggers with a serial number greater than or equal to 3635 will have a 4 MB memory. The 4 MB dataloggers will also have a reader on the carrier rating "4M Memory".

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

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Approval of Community Participation Grant Resolution for Cheers School Tuition Assistance Program in the amount of \$2,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Grant Resolution for Cheers School Tuition Assistance Program and to authorize the President of the County Commission to affix her signature to the Resolution**

Attachments:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 10th day of May, 2012 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, 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 to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$2,000. This project is to assist the Cheers School Tuition Assistance Program. The funds from this project will be used to computers and software.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT
JEFFERSON COUNTY COMMISSION

ATTESTED: _____
County Clerk

12LEDA0384

COMMUNITY PARTICIPATION GRANT PROGRAM

FISCAL YEAR 2012

Deadline for Return:
JUNE 30, 2012

GRANTEE: Jefferson County Commission PROJECT NUMBER: 12LEDA0384
PROJECT TITLE: Cheers School Tuition Assistance Program AMOUNT: \$2,000.00

SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson county Commission Project Title: CHEERS School Tuition Assistance Program
Street Address: 124 E Washington Street Box 328 City: CHARLES TOWN Zip: 25414
Chief Elected Official: Patricia Noand Email: _____
Phone: (304) 728 3284 Fax: (304) 725 7916 Form Completed By: Danielle Stacker
Brief Description of Project: Requesting funds to purchase computers for 4-12 year old children to use for educational opportunities

SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization? Yes No
Nonprofit Organization: CHEERS School Family, Inc Executive Director: Tasha Demko
Street Address: 95 Children's Way Box 344 City: Kearneysville State/Zip: WV 25430
Phone: (304) 728 1100 Fax: (304) 728 1119 Email: cheers
Website: www.CHEERSSchoolFamily.org IRS Cert. (Ex: 501(c) 3, etc.): 501c3 Yr. Cert: 2011
 Federal Nonprofit Certification is attached. This application **WILL NOT** be processed without Federal nonprofit status.
 State Regulation Checklist for Nonprofit Organization is attached. This application **WILL NOT** be processed without this Checklist.

SECTION 3. PROJECT OWNER AND LOCATION

The use of grant funds at/for private property or private gain or use is prohibited. Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Owner of project site, property or building: CHEERS School Family, Inc Vicinity/site plan attached? Yes No
Location and address where grant funds will be used (sufficient to drive to site): 95 Children's Way Kearneysville WV 25430 ; Clubhouse/Pre K room
Upon completion, what government agency will own, operate, or be responsible for the project? _____
 Yes No Project site(s) or building(s) are owned by a government agency.
 Yes No Project site(s) or building(s) are owned by a nonprofit organization. (If yes, attach copy of property deed).

SECTION 4. FUNDING SUMMARY

A minimum of 10 percent is required as a local match. Attach commitment letters for each funding source listed below.

	Amount	Source Grant Program, Bank Loan, Fundraising, Fees, etc.	Status Pending, Approved, Ongoing, etc.	Documentation Letter, Resolution, etc.
a. Grant Funds Requested	\$2,000.00	Grant progr.	Pending	
b. Local Funds (10% local match required)	\$ 200	Quality Masters	Ongoing Approved letter	
c. Other Funds	\$			
d. Other Funds	\$			
e. Other Funds	\$			
Total Project Cost	\$ 2,200			

SECTION 5. CERTIFICATION OF STATE REGULATIONS

CHECK ITEMS 1-11 BELOW to certify compliance with the following laws, regulations and requirements by the grantee (municipality, county commission, board of education, public service district, etc.):

1. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

- | | |
|--------------------------|---|
| ▪ \$2,500 or less | ▪ No bids required; however, competition is encouraged. |
| ▪ \$2,500.01 to \$5,000 | ▪ Three verbal bids documented on a verbal bid summary. |
| ▪ \$5,000.01 to \$25,000 | ▪ Three written bids required. |
| ▪ \$25,000 or more | ▪ Class II Legal Ads required. |

2. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.

3. **State prevailing wages will be paid for all construction associated with this project. This regulation applies to any and all projects, regardless project cost.**

Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) must be paid. All contractors must have a West Virginia contractor's license. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

- | | |
|------------------|--------------|
| ▪ Construction | ▪ Painting |
| ▪ Reconstruction | ▪ Decoration |
| ▪ Demolition | ▪ Alteration |
| ▪ Enlargement | ▪ Repair |
| ▪ Remodeling | ▪ Expansion |

4. **The following documents will be required for the release of grant funds:**

- Copies of bids, quotes or bid summary
- Copy of legal ad, which must require prevailing wages for construction
- Copies of certified payroll records
- Copies of invoices

5. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
The county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

6. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
Funds provided to counties and municipalities for grants to nonprofit organization are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**.

7. **Professional services, such as consulting, shall be obtained through a request for proposals.**

8. **Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.**

9. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**

10. **The use of grant funds at/for private property or private gain is prohibited.**

11. **Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.**

SECTION 6. PROJECT INFORMATION:

ELIGIBLE activities include, but are not limited to, permanent public improvements related to the following:

▪ Business and Industrial Parks	▪ Land and Property Acquisition
▪ City Hall and Courthouse Facilities	▪ Libraries
▪ Construction and Renovation	▪ Parks and Recreation
▪ Demolition	▪ Parking Facilities
▪ Economic Development	▪ Preservation and Beautification
▪ Emergency Services	▪ Public Safety
▪ Flood and Storm Drainage	▪ Street and Sidewalk Repair
▪ Infrastructure	▪ Technology
▪ Law Enforcement	▪ Water, Wastewater Facilities

INELIGIBLE activities include, but are not limited to, expendable items related to the following:

▪ Administrative costs	▪ Private Property
▪ Food	▪ Rent
▪ Clothing	▪ Maintenance
▪ Homeowners Associations	▪ Salaries
▪ Insurance Premiums	▪ Scholarships
▪ Maintenance	▪ Sports Uniforms
▪ Medical Programs	▪ Training and Speakers' Fees
▪ National Dues	▪ Travel Expenses
▪ Postage	▪ Utility Costs

PROJECT DESCRIPTION

Describe in **SPECIFIC TERMS** the scope of work to be completed and the proposed use(s) of grant funds.

Our organization requests funds for the purchase of computers, monitors, mice and keyboards. The purpose of these materials will be to furnish our school age and W/Pre-K classroom with updated technological equipment, permitting expanding educational opportunities. These opportunities may be utilized for additional educational experiences in regards to exploration, homework assistance and gaining computer skills. The addition of computers would benefit approximately 40 four-year old children enrolled into our W/Pre-K classroom and up to 24 school-aged children, ages 5-12. The proposed usage of grant funds would permit teacher guided and independent learning through the use of both computer software as well as developmentally appropriate educational internet.

If funds are requested for a nonprofit organization, provide mission statement. Attach brochure /web pages if available.

Empowering and equipping the promise of tomorrow's generation today through education, enrichment energized community collaboration so that the children in our communities have a strong foundation for the future. www.CHEERS.SchoolFamily.org

Checklist for Nonprofit Organizations

Must Be Submitted With Application for Community Participation Grant Program Funding for Nonprofit Organizations

1. Local Government Agency: Jefferson County Commission Chief Elected Official: Patricia Notand
 Project Title: CHEERS School Nutrition Assist Pro Amount of Grant: \$ 2000 (Project Mumb 12LRDA0384)
 Form Completed By: Danielle Slacker Phone: (304) _____ Fax: (304) _____

2. Nonprofit Organization: CHEERS School Family, Inc Executive Director: Tasha Demko
 Street Address, City, Zip: 95 Childrens Way Pearmanville WV Phone: (304) 7281100 Fax: (304) 7281119

- Federal nonprofit certification, 501c determination letter from Internal Revenue Service attached.
 Mission statement, brochure, or web pages explaining mission of the organization and services it provides attached.

CERTIFICATIONS AND ASSURANCES

CHECK ALL ITEMS BELOW to certify compliance with the following laws, regulations and requirements:

3. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**
- | | |
|--------------------------|--|
| ▪ \$2,500 or less | ▪ No bids required; however, competition is encouraged |
| ▪ \$2,500.01 to \$5,000 | ▪ Three verbal bids documented on a verbal bid summary |
| ▪ \$5,000.01 to \$25,000 | ▪ Three written bids required |
| ▪ \$25,000 or more | ▪ Class II Legal Ads required |
4. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
 Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.
5. **State prevailing wages will be paid for all construction associated with this project, regardless of the cost.**
 West Virginia prevailing wages must be paid for all construction projects using state grant funds. All contractors must have a West Virginia contractor's license. These regulations apply to every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) will be paid. All construction must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
6. **The following documents will be required for the release of grant funds.**
- Copies of bids, quotes or verbal bid summary
 - Copy of legal ad, which must require prevailing wages for construction
 - Copies of certified payroll records for construction
 - Copies of invoices.
7. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
 The county or municipality must act as the administrator of grant funds for to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
8. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
 Funds provided to counties and municipalities for grants to nonprofit organizations are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
9. **Professional services shall be obtained through a request for proposals.**
 Architectural or engineering services shall be obtained in accordance with West Virginia Code §5G.
10. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
11. **The use of grant funds at/for private property or private gain is prohibited.**
 Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Signature: Tasha Demko Date: 5/3/12

Executive Director, Nonprofit Organization

ORIGINAL SIGNATURE REQUIRED

SECTION 7. ASSURANCES

The applicant hereby assures and certifies that it shall comply with the following regulations, policies, and requirements:

- A. The applicant assures the State that it will perform the work for which the grant was made as determined by the State.
- B. The applicant assures the State that it has or will secure qualified personnel to administer a grant, and that the costs to administer the grant will be paid for by the applicant.
- C. The applicant assures the State that it will have started work on the project before the end of the fiscal year in which the grant award is made.
- D. The applicant assures the State that it understands that the amount of the grant award cannot be increased without the written consent of the Governor.
- E. The applicant assures the State that payment for work performed will be requested in writing with copies of invoices attached that document the costs of each work segment making up the total amount of funds requested.
- F. The applicant assures the State that it understands that ten percent of the grant award will be held by the State as retainage, pending receipt of a written certificate of substantial completion attached to any final Invoices for work not already paid.
- G. The applicant assures the State that it understands that by letter the State can terminate for cause an applicant's grant agreement with the amount of funds recovered equal to the percentage of incomplete work. The applicant further assures the State that it understands that it can be terminated by letter any grant agreement with the State before costs are incurred on the project.
- H. The applicant assures the State that any changes in the scope of work specified in a grant agreement will first be submitted in writing to the State for approval by change order.
- I. The applicant assures the State that in its hiring practices for work to be performed it will comply with the equal employment provisions of Titles VI and VII of the 1964 Civil Rights Act, and Presidential Executive Orders 11246 and 11375, as amended.
- J. **The applicant assures the State that competitive bids will be solicited on any major work element exceeding \$2,500 in cost.** Competitive bidding shall be pursued in all instances.
- K. **Competitive bidding requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.**
- L. **The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of more than \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination.** The receipt and utilization of funds procured through this program mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
- M. **Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3.** This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date.
- N. The applicant assures the State that **State prevailing wage rates will be paid on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.**
- O. Every contract involving **construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work** which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost. The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.**
- P. The applicant assures the State that any part of the project to be occupied by the general public will be made accessible to the handicapped.
- Q. The applicant assures the State that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
- R. The applicant assures the State that it will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
- S. The applicant assures the State that it will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The applicant further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
- T. The applicant assures the State, by evidence of attaching a resolution, motion, or similar action passed by its governing body, that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the applicant to answer any questions by the State about the application, and to abide by the understandings and assurances described in this section.
- U. As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with sub-grantees so that property and/or assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

SECTION 8. SIGNATURE AND RESOLUTION

This application must contain the following:

- Application with Original Signature**
- Resolution by Unit of Local Government**
- Documentation of Local Match (Minimum 10 Percent)**
- Nonprofit Application Checklist with Original Signature – Required for Nonprofit Organizations**
- IRS 501(c) Determination Letter - Required for Nonprofit Organizations**

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the applicant will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: _____ Title: _____

Signature: _____ Date: _____

Mayor or County Commission President
ORIGINAL SIGNATURE REQUIRED-USE BLUE INK

West Virginia Development Office
Community Development Division
Community Participation Grant Program
1900 Kanawha Boulevard, East Building 6, Room 553
Charleston, West Virginia 25305
Phone: 304-558-4010 Fax: 304-558-2246
www.wvcommerce.org



Internal Revenue Service
Director, Exempt Organizations
Rulings and Agreements

Department of the Treasury
P.O. Box 2508
Cincinnati, Ohio 45201

Date:

MAR 17 2006

Cheers School Family Inc.
DBA Heritage Child Development Center
P O Box 873
Berryville, VA 22611

Person to Contact - ID#:
Joan Kiser - 31-07390
Contact Telephone Numbers:
877-829-5500 Phone
513-263-3756 Fax
Federal Identification Number:
54-1825504

Dear Sir or Madam:

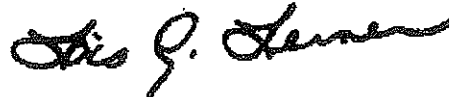
By our determination dated February 1997, you were held to be exempt from Federal Income Tax under the provisions of section 501(c)(3) of the Internal Revenue Code.

You recently furnished us information that Children First Child Development Center, Inc. merged with Heritage Child Development Center, Inc. on January 1, 2005. Then on January 24, 2005 Heritage Child Development Center, Inc. changed their name to Cheers School Family Inc. DBA Heritage Child Development Center. Based on the information submitted, we have determined that the merger and name change does not affect your exempt status. The organization will continue using Employer Identification Number 54-1825504.

Please let us know about any further changes in the character, purposes, method of operation, name or address of your organization.

If you have any questions regarding this matter, please contact the person whose name and telephone number appear in the heading of this letter.

Sincerely,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements



Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248667583
Nov. 29, 2011 LTR 4168C E0
54-1825504 000000 00

00022168

BODC: TE

CHEERS SCHOOL FAMILY INC
HERITAGE CHILD DEVELOPMENT CENTER
PO BOX 873
BERRYVILLE VA 22611-0873



✓
12/1/11

048784

Employer Identification Number: 54-1825504
Person to Contact: Ms Hall
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Nov. 17, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in February 1997.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section 509(a)(2).

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.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

0248667583
Nov. 29, 2011 LTR 4168C E0
54-1825504 000000 00
00022169

CHEERS SCHOOL FAMILY INC
HERITAGE CHILD DEVELOPMENT CENTER
PO BOX 873
BERRYVILLE VA 22611-0873

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

Sincerely yours,

Doris P. Kenwright

Doris Kenwright, Operation Mgr.
Accounts Management Operations 1



CHEERS
School Family

Education

Enrichment

Experience

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About CHEERS

CHEERS is so much more than day care!

We are passionate about our mission!

Empowering & equipping the promise of tomorrow's generation today through:

- * [Education](#)
- * **Enrichment**
- * **Experience**
- * **Energized community collaboration**

so that the children in our communities have a strong foundation for the future.

CHEERS is a non-profit organization dedicated to learning, literacy and love. We operate three child development centers located in Berryville, Virginia and Kearneysville, West Virginia, conveniently located for commuting parents. Our facilities provide children with a whimsical and uniquely child-focused environment, perfect for playing, learning, and having fun!

*CHEERS is so much more than day care! We are your child's home-away-from home, a [School](#) Family with whom they spend their days learning and growing and developing the skills they need to be successful people, both personally and academically. **After all, the children of today are our leaders of tomorrow!***

Our centers are structured to offer children [programs](#) that build self-esteem and confidence by being respectful, positive, accepting, and caring. The classroom environments utilize a process-oriented curriculum that meets or exceeds state standards for early learning, and teachers facilitate the development of life-long learning skills that are especially important for school-age youth making independent decisions on an increasing basis. Brain-based learning techniques emphasize cooperation, connection and non-violence, and establish rituals, routines and reliability to foster a sense of safety. We welcome you to tour our facilities and see what being a part of our School Family is all about!

Our Management Structure

A Board of Directors determines all financial, legal, and corporate policies and decisions. An Executive Director oversees the senior management of the centers and serves on the Board as well as an [Early Childhood Specialist](#) who works with the Centers to identify and support any children with special needs. Each center has parent representation on the Board, as well as equitable representation from the Virginia and West Virginia communities.

The Principal handles the day-to-day operations at the Centers and manages a staff consisting of an Assistant Principal, Teachers, Assistant Teachers, Mentors, and the site Chef. A School-Age Coordinator manages The Clubhouse location.

Parent Involvement Committee (PIC)

Parents at the Centers are encouraged to become members of the Parent Involvement Committee. The Principals hold monthly parent meetings to coordinate programs such as parent participation, fund-raising, and special parent or staff events. Parents are invited to get involved in sub-committees as well.

Cheers School Family is proudly powered by [WordPress](#)
[Entries \(RSS\)](#) and [Comments \(RSS\)](#).



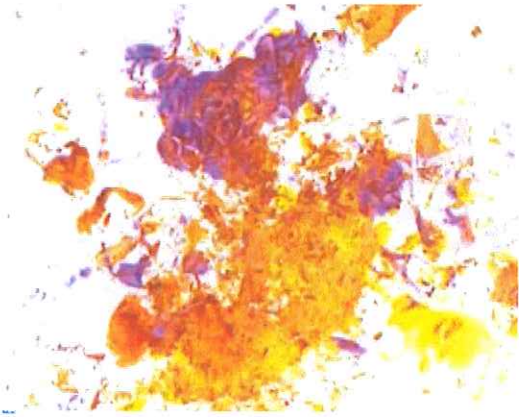
CHEERS
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Our Core Values

CORE (*kôr*) *noun: the center of an object.*

VALUES (*val-ue*) *noun: to consider with respect to worth, excellence, usefulness, or importance.*

Community:

We focus on teaching the children the importance of community, diversity, dignity, and respect for others so that they grow into responsible and compassionate adults.

Academics & Socialization:

We have a firm commitment in providing cutting edge child development programs built on a solid educational foundation focused on academics, social development, and relationships.

Responsibility:

We are constantly monitoring opportunities to maintain fiscal responsibility in order to keep our programs affordable to our families and offer competitive salaries to retain our employees.

Excellence:

We strive for quality, safety, and value by practicing continuous [training](#) and development for our employees, responding to innovations in our field, and actively recruiting the best people to work in our centers.

At CHEERS we passionately CARE and are committed to Community, Academics, Responsibility and Excellence. We strive daily to meet and exceed these values in everything we do.

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Our History

The CHEERS [School Family](#) is incorporated as a non-profit, tax-exempt organization. It started as a single child development center in 1997 serving 100 children and by January 2005, it was serving close to 300 families in three locations. Some key dates follow:

- September, 1997 The Heritage Child Development Center (HCDC) opened in the Grace Episcopal Church Parish Hall serving 24 children while the building was under construction.
- June, 1998 Heritage opened the new building with a capacity of 100 children,
- June, 2001 Heritage expanded to a second site for its school-age program, The Clubhouse, serving 35 children.
- April, 2002 The Children First Child Development Center (CFCDC) opened as a sister center in Kearneysville, WV, serving another 100 children.
- December 2004 the final documents were signed by the respective Boards of Directors to legally merge the two organizations. The two organizations would collectively serve 247 children between the ages of six weeks and 12 years.
- January, 2005 The Heritage Clubhouse expands into a second building at its site, bringing the Clubhouse capacity to 63 children and the CHEERS School Family to 275 children, with expansion capacity of a half-day program to 295 children.

Both HCDC and CFCDC were founded by area businesses and individuals committed to bringing quality child care to the rural communities. Without their commitment of time, talent and resources the child development centers would not exist.

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Children First Child Development Center



Conveniently located in Kearneysville, WV, just off of Rt. 9 near CharlesTown, Children First is a 6000 square foot, state-of-the-art facility designed and built with children in mind. The classrooms are large and sunlit, and filled with things children want to play with and- more importantly - can learn with!

Before you even enter CFCDC, you understand that it's a different kind of place. Charlotte busily spins her web on a 20' windmill, while Wilbur the Pig and Gussie the Goose look on. A farm bell tower commands attention at the front, and children ring the bell on their birthday while their classmates sing their birthday celebration song!



After passing through the doors - one for the big people and one for the little people - you understand that this place was built for kids! The main hallway is painted with a mural that represents the farming heritage of Jefferson County, and the length of the hallway is trimmed with shapes and textures and words for children to see and feel and experience the wonder.

There are six classrooms designed to meet the emerging needs of children as they grow, and three age-appropriate outdoor playgrounds - surrounded by secure fencing - to challenge their physical development.



CFCDC is proud to be a [United Way agency](#). The United Way has been a major champion of our program, funding our start-up expenses and providing funding each year that enables CFCDC to [enroll](#) children from lower-income families. In addition to funding, United Way volunteers have donated many hours to helping us maintain our gardens, yards, and playgrounds on the annual [Day of Caring](#).

CFCDC is open 5 days a week, from 6:30 am to 6:30 pm, and year-round except for major holidays and two in-service [training](#) days.

CHEERS - So much more than daycare!

Cheers School Family is proudly powered by [WordPress](#)
[Entries \(RSS\)](#) and [Comments \(RSS\)](#).

BY-LAWS
OF
CHEERS SCHOOL FAMILY, INC

ARTICLE I - PURPOSE

The purposes for which the Corporation is organized are:

A. To provide child care services in the Clarke County, Virginia and Jefferson County, West Virginia areas and to enable individuals (the parents) to be gainfully employed by promoting, fostering, and operating a non-profit, community child care center for children; to engage in activities related to pre-school education and to child care; and to foster equal opportunity in learning and education for all children regardless of race, creed, sex, religion or national origin; and

B. In furtherance thereof, to have and exercise any and all powers and privileges now or hereafter conferred by the laws of the Commonwealth of Virginia upon corporations; provided, however that the Corporation shall exercise only such powers as are in furtherance of the exempt purposes of organizations set forth in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

ARTICLE II – DISSOLUTION

No director or officer of the Corporation, or any private individual, shall be entitled to share in the distribution of any of the Corporation's assets or their proceeds, upon dissolution of the Corporation. In the event of the dissolution of this Corporation, all the property and assets of this Corporation shall be distributed as follows:

(1) All liabilities and obligations of this Corporation shall be paid, satisfied, or discharged, or adequate provision shall be made therefore;

(2) Assets held by the Corporation upon consideration requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution shall be returned, transferred or conveyed in accordance with such requirements; and

(3) All other property and assets shall go and be distributed, at the discretion of the directors, either to the Federal government, or to a state, or local government for public purposes, or to such a non-profit corporation or association as may be selected by the directors of this Corporation so that the properties and assets of this Corporation shall, in that event, be used for and devoted to purposes for which this Corporation is organized.

ARTICLE III- OFFICES

The principal office of the Corporation shall be located at 1065 W. Main Street, Berryville VA 22611. The Corporation may have such other offices as The Board of Directors may designate or as the business of the Corporation may from time to time require.

ARTICLE IV - BOARD OF DIRECTORS

A. GENERAL POWERS.

The business and affairs of the Corporation shall be managed by its Board of Directors. The directors shall in all cases act as a Board, and they may adopt such rules and regulations for the conduct of their meetings and the management of the Corporation, as they may deem proper, not inconsistent with these by-laws and the laws of this Commonwealth.

B. NUMBER, TENURE AND QUALIFICATIONS.

(1) The number of directors may, from time to time, be increased or decreased by resolution, provided, however, that the number of directors shall never be less than seven (7) nor more than thirteen (13). Each center shall have a maximum of two (2) parent representatives to serve on the Board. The president of the Parent Involvement Committee (PIC) may or may not be one of those members; the president of the PIC may choose to opt out of serving on the Board of Directors.

(2) Each director shall hold office for a term of two (2) years, from May 1 to April 30 two years later, and until his successor shall have been elected and qualified. Terms of directors shall be staggered to maintain continuity.

(3) Each director shall participate in the funding of the corporation's activities, either through donation and/or fundraising activities.

(4) Each director shall make every effort to attend board meetings. Failure to attend three consecutive regularly scheduled board meetings without providing advance notice to the president or secretary of the Corporation shall constitute cause for removal as director.

C. ELECTION.

Any vacancy on the Board of Directors, arising from any cause, shall be filled in accordance with paragraph I of this Article.

D. REGULAR MEETINGS.

The Board shall meet at least quarterly. The directors may designate, by resolution, the time and place for the holding of such regular meetings without other notice than such resolution. The meeting in the spring quarter of each year shall be held in April and shall be designated the Annual Meeting, at which the Board shall elect new directors and officers for the coming year, which elections shall take effect on May 1 following the annual meeting.

E. SPECIAL MEETINGS.

Special meetings of the directors may be called by or at the request of the president or any two directors. The person or persons authorized to call special meetings of the directors may fix the place for holding any special meeting of the directors called by them.

F. NOTICE.

Notice of any special meeting shall be given at least five (5) days previously thereto by written notice delivered personally or by telegram or by electronic mail or mailed to each director at his business address. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed, with postage thereon prepaid. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

G. QUORUM.

At any meeting of the directors three directors shall constitute a quorum for the transaction of business, but if less than said number is present at a meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

H. MANNER OF ACTING

The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the directors.

I. NEWLY CREATED DIRECTORSHIPS AND VACANCIES.

Any vacancy on the Board of Directors, arising from any cause - including but not limited to expansion of the Board, expiration of term, resignation, or death - shall be filled by majority vote of all directors including the outgoing director. In the event of a tie vote, the vote of the outgoing director shall not be counted. In the event of a tie, which cannot otherwise be broken, the Vice President of the Parents Involvement Council as established in the by-laws of the Corporation shall have a vote. If there are no directors in office, the Parents Involvement Council as established in the by-laws of the Corporation shall elect new directors. A director elected to fill a vacancy caused by resignation, death or removal

shall hold office for the unexpired term of his predecessor.

J. RESIGNATION AND REMOVAL OF DIRECTORS.

(1) A director may resign at any time by giving written notice to the board, the president or the secretary of the Corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the board or such officer, and the acceptance of the resignation shall not be necessary to make it effective.

(2) The members may remove one or more directors with or without cause, at any duly called meeting. The notice for such meeting shall state that the purpose, or one of the purposes, of the meeting is removal of the director. A quorum being established, a majority vote shall be sufficient for removal. The director whose removal is sought shall be counted to determine whether a quorum is present and shall be eligible to vote.

K. COMPENSATION.

No compensation shall be paid to directors, as such, for their services.

EXECUTIVE AND OTHER COMMITTEES.

The executive committee shall consist of those directors who serve as President, Vice President, Treasurer, and Secretary. The Executive Committee shall have all the powers of the Board except the powers to (1) elect new directors or officers, (2) approve the annual budget, (3) amend the articles or by-laws, or (4) dissolve the Corporation. The board, by resolution, may designate other committees. Committee chairs shall be appointed by the board President. Each such committee other than the executive committee shall serve at the pleasure of the board and shall serve a purely advisory role.

ARTICLE V - MEMBERS

The directors of the Corporation shall be the members of the Corporation. When a director's term of office ends for any reason, he shall cease to be a member of the Corporation. The members shall have no voting rights independent of their powers as directors.

ARTICLE VI - OFFICERS

A. NUMBER.

The officers of the Corporation shall be a president, a vice president, a treasurer, and a secretary, and such other officers as the board of directors shall from time to time determine, each of whom shall be elected by the directors from among themselves. The president and vice president shall serve as chairman and vice-chairman, respectively, of

the Board. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the directors. An officer may hold more than one office, provided, however, that the president shall not also serve as secretary.

B. ELECTIONS AND TERM OF OFFICE.

The officers of the Corporation shall be elected annually at the Annual Meeting of the Board. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

C. REMOVAL.

Any officer or agent elected or appointed by the directors may be removed by the directors whenever in their judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

D. VACANCIES.

A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the directors for the unexpired portion of the term. The Executive Committee may appoint officers to fill any vacancy pro tem, until the next meeting of the Board.

ARTICLE VII - ADMINISTRATION

A. The general operations of the Corporation shall be managed by an Executive Director who is hired by the Board. The Executive Director shall hire and supervise such management and administrative support personnel as are required to oversee the Corporation's child development programs at all locations in which the Corporation provides such services.

B. The Executive Director shall directly supervise the Site Supervisors and central office administrative personnel.

C. The Executive Director shall ensure that the records, books, and accounts of the Corporation are audited by a qualified independent accountant each year prior to the Annual Meeting. The Executive Director shall work in conjunction and partnership with the Board Treasurer to ensure the fiscal accuracy and financial integrity of the Corporation.

ARTICLE VIII - PARENT INVOLVEMENT COUNCIL

Each center will have a Site Supervisor in charge of the site-specific operations and administration. The Site Supervisor of each center shall solicit parents to serve on a Parent Involvement Council (PIC) for each center. The President of each Parent Involvement Council shall have the option to be one of the two center representatives to serve on the Board of Directors of the Corporation; agree members of the Parent Involvement Council shall advise the Board regarding concerns and interests of parents.

A. General Powers. The Parent Involvement Council shall coordinate with the Site Supervisor and be responsible for fundraising, parent volunteerism, marketing efforts and parent programming. The purpose of the PIC is to encourage involvement by parents in volunteer activities to reduce the costs of operating the facility.

B. Number and Qualifications Council Members. The PIC shall have a minimum of six parents with children enrolled in the Center.

C. Nominations. The Parent Involvement Council, with the assistance of the School Principal, shall solicit nominations from among the parents of children enrolled in the Center.

D. Election of PIC Members. Members to serve on the Parent Involvement Council shall be elected at the Annual Meeting of parents each year and shall hold office for one year or until successor(s) have been elected. There shall be no limit on the number of terms a PIC member may serve. Any vacancy occurring in the PIC may be filled by an affirmative vote of a majority of the remaining PIC members.

E. Termination of PIC Members. A PIC member may resign at any time with written notification to the Site Supervisor. Removal for any reason of a PIC member can occur only upon a vote of the majority of the PIC. Membership in the PIC shall terminate when a member no longer has a child enrolled at the Center.

F. Meetings. The PIC will meet at least quarterly under the guidance of the Site Supervisor to coordinate activities. Meetings will be documented with minutes.

G. Committees.

(1) A Fundraising Committee shall establish an annual fund raising goal; subject to the Board's approval, plan and implement events to meet that goal; and oversee the records necessary to document the group's activity.

(2) A Marketing/Communication Committee shall be appointed to implement a plan for distribution of marketing materials to parents and to the community.

(3) A Parent Programming Committee shall plan Center events, special programming, and Helping Hands tasks. Documentation of these events will be made on a Center calendar.

(4) A Board Development Committee shall continually engage members in the community for potential board service, prepare the agenda for the annual board retreat,

and implement ongoing education of the board to best practices.

(5) A Curriculum Committee shall ensure active monitoring of the curriculum at each center to ensure the Centers are meeting the individual state's learning standards as well as the Corporation's standards.

H. PIC Officers. At its meeting the members of the PIC shall elect a President, a Vice President, and such other officers as the members of the PIC may deem advisable.

I. Annual Meeting. The PIC shall conduct an Annual Meeting after the budget for the new year has been approved by the Board of Directors.

ARTICLE IX - CONTRACTS AND LOANS

A. CONTRACTS.

The directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances. Absent such authority no officer or officers, agent or agents, shall have authority to enter into any contract on behalf of the Corporation.

B. LOANS.

No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the directors. Such authority may be general or confined to specific instances.

ARTICLE X - INDEMNIFICATION

Every director, officer, employee, or agent of the Corporation shall be indemnified by the Corporation against all expenses and liabilities, including counsel fees, incurred by or imposed upon him in connection with any proceeding in which he may be made a party, or in which he may become involved, by reason of his being or having been a director, officer, employee, or agent, provided that he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Corporation, except in cases:

(1) wherein the director, officer, employee, or agent is adjudged guilty of gross negligence or willful misconduct in the performance of his duties; or

(2) wherein the director, officer, employee, or agent is adjudged guilty of negligence or misconduct in the performance of his duty to the Corporation, unless (and only to the extent that) the court in which such action or suit was brought shall determine upon application that, despite the adjudication or liability, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such director, officer, employee, or agent may be entitled.

In any proceeding brought by or in the right of the Corporation there shall be no damages assessed against any officer or director of the Corporation, unless such officer or director engaged in willful misconduct or knowing violation of the criminal law. The provisions set forth in this Article shall not be deemed exclusive of any other rights to which such officer or director may be entitled under the laws of the Commonwealth of Virginia.

ARTICLE XI - FISCAL YEAR

The fiscal year of the corporation shall end on the last day of December in each year.

ARTICLE XII - WAIVER OF NOTICE

Unless otherwise provided by law, whenever any notice is required to be given to any director of the corporation under the provisions of these by-laws or under the provisions of the articles of incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE XIII - AMENDMENTS

2875948.1

These by-laws may be altered, amended or repealed and new by-laws may be adopted by a vote of a majority of the directors then in office, at a duly called meeting, upon five (5) days notice of the proposed amendment. Once such notice is given, the proposed amendment may be modified at the meeting and duly adopted, but no unrelated amendment may be made.

May 2, 2012

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

To Whom it May Concern:

In support of Children First Child Development Center, Quality Masters Carpet Care, LLC, will make a donation of \$200 to help fund their efforts in partnership with the Jefferson County Commission to provide computers for preschool through school-age children for educational opportunities. The contribution will be made directly to Children First Child Development Center no later than June 30, 2012.

You may contact me with any questions at (304) 283-9066.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rich Pell', with a long horizontal flourish extending to the right.

Rich Pell
Owner



Google earth



Image © 2012 GeoEye
© 2012 Google

RELEASE

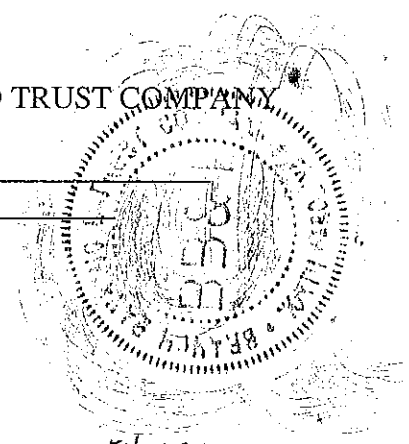
The undersigned hereby releases that Deed of Trust from CHILDREN FIRST CHILD DEVELOPMENT CENTER, INC., to JOSEPH RAYMOND and HELEN COLLINS, Trustees, to secure BRANCH BANKING AND TRUST COMPANY in the amount of \$170,000.00, said Deed of Trust dated May 31, 2001, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed of Trust Book 1017, at page 220.

Dated this 11th day of February, 2008.

WITNESS the following signature and seal.

BRANCH BANKING AND TRUST COMPANY

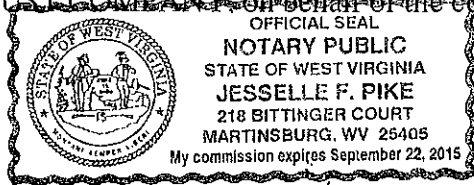
By: [Signature]
Its: SVP



STATE OF West Virginia

COUNTY OF Berkeley, to-wit:

The foregoing instrument was acknowledged before me this 11th day of February, 2008, by John F. Beatty, Senior Vice President of BRANCH BANKING AND TRUST COMPANY, on behalf of the company.



[Signature]
NOTARY PUBLIC

My Commission Expires: September 22, 2015

THIS DOCUMENT WAS PREPARED BY:

Stephen M. Mathias, Esquire
BOWLES RICE MCDAVID GRAFF & LOVE LLP
P.O. Drawer 1419
Martinsburg, West Virginia 25402

AFTER RECORDING MAIL TO:
Cheers School Family, Inc.
Post Office Box 344

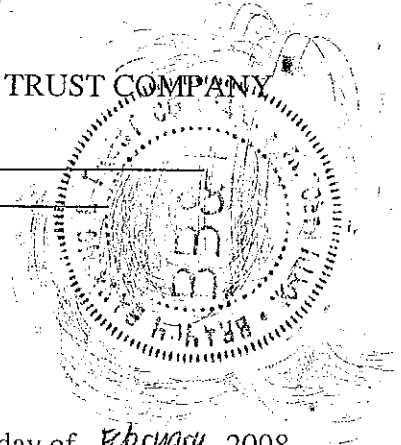
JEFFERSON COUNTY, WV
FILED
February 22, 2008 12:30:10
JENNIFER S. MAGHAN
COUNTY CLERK
TRANSACTION NO: 2008003362
RELEASES

Dated this 11th day of February, 2008.

WITNESS the following signature and seal.

BRANCH BANKING AND TRUST COMPANY

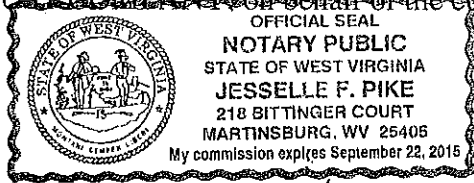
By: [Signature]
Its: SVP



STATE OF West Virginia,

COUNTY OF Berkeley, to-wit:

The foregoing instrument was acknowledged before me this 11th day of February, 2008,
by John F. Beatty, Senior Vice President of BRANCH BANKING
AND TRUST COMPANY ~~on behalf of the~~ company.



[Signature]
NOTARY PUBLIC

My Commission Expires: September 22, 2015

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Martinsburg, West Virginia 25402

AFTER RECORDING MAIL TO:
Cheers School Family, Inc.
Post Office Box 344
Kearneysville, WV 25430

JEFFERSON COUNTY, WV
FILED
February 22, 2008 12:30:10
JENNIFER S. MAGHAN
COUNTY CLERK
TRANSACTION NO: 2008003362
RELEASES
Book: 248 Page: 00485



13

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

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Community Participation Grant Resolution for African American Community Association - Fisherman's Hall in the amount of \$3,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Community Participation Grant Resolution for African American Community Association for Fisherman's Hall in the amount of \$3,000 and to authorize the President of the County Commission to affix her signature to the Resolution**

Attachments:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 10th day of May, 2012 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, 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 to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Program in the amount of \$8,000. The funds from this project will be used for the preservation and rehabilitation of the Fisherman's Hall.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT
JEFFERSON COUNTY COMMISSION

ATTESTED: _____
County Clerk

12LEDA0383

COMMUNITY PARTICIPATION GRANT PROGRAM

FISCAL YEAR 2012

Deadline for Return:
JUNE 30, 2012

GRANTEE: Jefferson County Commission PROJECT NUMBER: 12LEDA0383
PROJECT TITLE: African American Association—Fisherman Hall Building Renovations AMOUNT: \$3,000.00

SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Fisherman's Hall
Street Address: P.O. Box 250 124 E. Washington St. City: Charles Town Zip: 25414
Chief Elected Official: Patricia Roland, President Email: Sandy@jeffersoncountycwv.org
Phone: (304) 728-3284 Fax: (304) 725-7914 Form Completed By: James Tolbert
Brief Description of Project: Renovation & Restoration of Fisherman's Hall

SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization? Yes No
Nonprofit Organization: African American Community Assoc. Executive Director: JAMES A. TOLBERT, SR.
Street Address: P.O. Box 643-321 S. West St. City: CHARLES TOWN State/Zip: WV 25414
Phone: (304) 725-7852 Fax: (304) _____ Email: jtolbert@frontiernet.net
Website: www. IRS Cert. (Ex: 501(c) 3, etc.): 501(c)3 Yr. Cert: 2004

- Federal Nonprofit Certification is attached. This application **WILL NOT** be processed without Federal nonprofit status.
 State Regulation Checklist for Nonprofit Organization is attached. This application **WILL NOT** be processed without this Checklist.

SECTION 3. PROJECT OWNER AND LOCATION

The use of grant funds at/for private property or private gain or use is prohibited. Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Owner of project site, property or building: African American Community Assoc. Vicinity/site plan attached? Yes No
Location and address where grant funds will be used (sufficient to drive to site): 321 Southwest Street, Charles Town, WV

Upon completion, what government agency will own, operate, or be responsible for the project? _____

- Yes No Project site(s) or building(s) are owned by a government agency.
 Yes No Project site(s) or building(s) are owned by a nonprofit organization. (If yes, attach copy of property deed).

SECTION 4. FUNDING SUMMARY

A minimum of 10 percent is required as a local match. Attach commitment letters for each funding source listed below.

	Amount	Source	Status	Documentation
		Grant Program, Bank Loan, Fundraising, Fees, etc.	Pending, Approved, Ongoing, etc.	Letter, Resolution, etc.
a. Grant Funds Requested	\$3,000.00			
b. Local Funds (10% local match required)	\$ 300.00	Fundraising	Ongoing	
c. Other Funds	\$			
d. Other Funds	\$			
e. Other Funds	\$			
Total Project Cost	\$ 3300.00			

SECTION 5. CERTIFICATION OF STATE REGULATIONS

CHECK ITEMS 1-11 BELOW to certify compliance with the following laws, regulations and requirements by the grantee (municipality, county commission, board of education, public service district, etc.):

1. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged.
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary.
▪ \$5,000.01 to \$25,000	▪ Three written bids required.
▪ \$25,000 or more	▪ Class II Legal Ads required.

2. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.
3. **State prevailing wages will be paid for all construction associated with this project. This regulation applies to any and all projects, regardless project cost.**

Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) must be paid. All contractors must have a West Virginia contractor's license. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

▪ Construction	▪ Painting
▪ Reconstruction	▪ Decoration
▪ Demolition	▪ Alteration
▪ Enlargement	▪ Repair
▪ Remodeling	▪ Expansion

4. **The following documents will be required for the release of grant funds:**

▪ Copies of bids, quotes or bid summary
▪ Copy of legal ad, which must require prevailing wages for construction
▪ Copies of certified payroll records
▪ Copies of Invoices

5. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
The county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
6. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
Funds provided to counties and municipalities for grants to nonprofit organization are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**.
7. **Professional services, such as consulting, shall be obtained through a request for proposals.**
8. **Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.**
9. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
10. **The use of grant funds at/for private property or private gain is prohibited.**
11. **Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.**

SECTION 6. PROJECT INFORMATION:

ELIGIBLE activities include, but are not limited to, permanent public improvements related to the following:

▪ Business and Industrial Parks	▪ Land and Property Acquisition
▪ City Hall and Courthouse Facilities	▪ Libraries
▪ Construction and Renovation	▪ Parks and Recreation
▪ Demolition	▪ Parking Facilities
▪ Economic Development	▪ Preservation and Beautification
▪ Emergency Services	▪ Public Safety
▪ Flood and Storm Drainage	▪ Street and Sidewalk Repair
▪ Infrastructure	▪ Technology
▪ Law Enforcement	▪ Water, Wastewater Facilities

INELIGIBLE activities include, but are not limited to, expendable items related to the following:

▪ Administrative costs	▪ Private Property
▪ Food	▪ Rent
▪ Clothing	▪ Maintenance
▪ Homeowners Associations	▪ Salaries
▪ Insurance Premiums	▪ Scholarships
▪ Maintenance	▪ Sports Uniforms
▪ Medical Programs	▪ Training and Speakers' Fees
▪ National Dues	▪ Travel Expenses
▪ Postage	▪ Utility Costs

PROJECT DESCRIPTION

Describe in **SPECIFIC TERMS** the scope of work to be completed and the proposed use(s) of grant funds.

RENOVATION OF THE BASEMENT OF FISHERMAN HALL TO include replacing the old walls + framing where necessary. New flooring + electrical wiring. Also includes the removal of the old wiring + trash from removing any unusable studding, etc. Any funds not used for the basement, will be used for renovation of the 2nd floor which includes drywall, floor + new electrical wiring.

If funds are requested for a nonprofit organization, provide mission statement. Attach brochure /web pages if available.

Checklist for Nonprofit Organizations

Must Be Submitted With Application for Community Participation Grant Program Funding for Nonprofit Organizations

1. Local Government Agency: Jefferson County Commission Chief Elected Official: Patricia Roland, President
 Project Title: F. Sherman Hall II Amount of Grant: \$ 3,000
 Form Completed By: James Tolbert Phone: (304) 728-3284 Fax: (304) 725-7916
2. Nonprofit Organization: African American Community Assoc Executive Director: JAMES A. Tolbert, Sr.
 Street Address, City, Zip: 321 S. W St CHARLESTOWN, WV 25414 Phone: (304) 725-7852 Fax: (304) 725-7852
- Federal nonprofit certification, 501c determination letter from Internal Revenue Service attached.
 Mission statement, brochure, or web pages explaining mission of the organization and services it provides attached.

CERTIFICATIONS AND ASSURANCES

CHECK ALL ITEMS BELOW to certify compliance with the following laws, regulations and requirements:

3. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**
- | | |
|--------------------------|--|
| • \$2,500 or less | • No bids required; however, competition is encouraged |
| • \$2,500.01 to \$5,000 | • Three verbal bids documented on a verbal bid summary |
| • \$5,000.01 to \$25,000 | • Three written bids required |
| • \$25,000 or more | • Class II Legal Ads required |
4. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
 Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.
5. **State prevailing wages will be paid for all construction associated with this project, regardless of the cost.**
 West Virginia prevailing wages must be paid for all construction projects using state grant funds. All contractors must have a West Virginia contractor's license. These regulations apply to every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) will be paid. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
6. **The following documents will be required for the release of grant funds.**
- | |
|--|
| • Copies of bids, quotes or verbal bid summary |
| • Copy of legal ad, which must require prevailing wages for construction |
| • Copies of certified payroll records for construction |
| • Copies of invoices. |
7. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
 The county or municipality must act as the administrator of grant funds for to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
8. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
 Funds provided to counties and municipalities for grants to nonprofit organizations are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
9. **Professional services shall be obtained through a request for proposals.**
 Architectural or engineering services shall be obtained in accordance with West Virginia Code §5G.
10. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
11. **The use of grant funds at/for private property or private gain is prohibited.**
 Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Signature: James A. Tolbert, Sr.
 Executive Director, Nonprofit Organization
ORIGINAL SIGNATURE REQUIRED

Date: 5/3/2012

SECTION 7. ASSURANCES

The applicant hereby assures and certifies that it shall comply with the following regulations, policies, and requirements:

- A. The applicant assures the State that it will perform the work for which the grant was made as determined by the State.
- B. The applicant assures the State that it has or will secure qualified personnel to administer a grant, and that the costs to administer the grant will be paid for by the applicant.
- C. The applicant assures the State that it will have started work on the project before the end of the fiscal year in which the grant award is made.
- D. The applicant assures the State that it understands that the amount of the grant award cannot be increased without the written consent of the Governor.
- E. The applicant assures the State that payment for work performed will be requested in writing with copies of invoices attached that document the costs of each work segment making up the total amount of funds requested.
- F. The applicant assures the State that it understands that ten percent of the grant award will be held by the State as retainage, pending receipt of a written certificate of substantial completion attached to any final invoices for work not already paid.
- G. The applicant assures the State that it understands that by letter the State can terminate for cause an applicant's grant agreement with the amount of funds recovered equal to the percentage of incomplete work. The applicant further assures the State that it understands that it can be terminated by letter any grant agreement with the State before costs are incurred on the project.
- H. The applicant assures the State that any changes in the scope of work specified in a grant agreement will first be submitted in writing to the State for approval by change order.
- I. The applicant assures the State that in its hiring practices for work to be performed it will comply with the equal employment provisions of Titles VI and VII of the 1964 Civil Rights Act, and Presidential Executive Orders 11246 and 11375, as amended.
- J. **The applicant assures the State that competitive bids will be solicited on any major work element exceeding \$2,500 in cost.** Competitive bidding shall be pursued in all instances.
- K. **Competitive bidding requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.**
- L. **The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of more than \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination.** The receipt and utilization of funds procured through this program mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
- M. **Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3.** This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date.
- N. The applicant assures the State that **State prevailing wage rates will be paid on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.**
- O. Every contract involving **construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work** which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost. The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.**
- P. The applicant assures the State that any part of the project to be occupied by the general public will be made accessible to the handicapped.
- Q. The applicant assures the State that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
- R. The applicant assures the State that it will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
- S. The applicant assures the State that it will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The applicant further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
- T. The applicant assures the State, by evidence of attaching a resolution, motion, or similar action passed by its governing body, that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the applicant to answer any questions by the State about the application, and to abide by the understandings and assurances described in this section.
- U. As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with sub-grantees so that property and/or assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

SECTION 8. SIGNATURE AND RESOLUTION

This application must contain the following:

- Application with Original Signature**
- Resolution by Unit of Local Government**
- Documentation of Local Match (Minimum 10 Percent)**
- Nonprofit Application Checklist with Original Signature – Required for Nonprofit Organizations**
- IRS 501(c) Determination Letter - Required for Nonprofit Organizations**

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the applicant will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: _____ Title: _____

Signature: _____ Date: _____

Mayor or County Commission President
ORIGINAL SIGNATURE REQUIRED-USE BLUE INK

West Virginia Development Office
Community Development Division
Community Participation Grant Program
1900 Kanawha Boulevard, East Building 6, Room 553
Charleston, West Virginia 25305
Phone: 304-558-4010 Fax: 304-558-2246
www.wvcommerce.org



2. To enhance the self-esteem of ethnic minorities, particularly African-American youth, by creating programs which will supplement the public educational system in various fields, including Arts and Humanities; and,
3. To determine the impact of public educational programs related to health and environmental issues affecting the African-American community in particular, and the total community in general.

ARTICLE III

SECTION ONE. MEMBERSHIP

The members of this corporation are those who have contributed money or other property, real or personal, to the corporation of the value of \$15.00 or more, and whose name and address are recorded with the secretary of the corporation. All members shall be members for life, unless removed from membership at their own request or unless removed from membership by a majority vote of the Board of Directors, for causes originating under these bylaws, and for violation of the said bylaws, and only after charges have been made and proven to the satisfaction of said Board. Membership shall terminate upon death and membership shall not be assignable. No applicant for membership shall be barred on account of basis of race, religious preference, color, creed, age, sex, ethnic origin, or sexual preference.

SECTION TWO. VOTING

Each member of this corporation shall have one vote in any meeting of members, without regard to the amount of gift(s) to the corporation upon which membership is granted.

SECTION THREE. BASIC POLICIES

The following are the basic policies of the Corporation:

1. The Corporation shall be non-commercial, non-political, and non-partisan.
2. The names of the Corporation or the names of any members in their official capacities shall not be used in any connection with a commercial concern or with any partisan or political interest or for any purpose not appropriately related to promotion of the mission of this Corporation.

THE AFRICAN AMERICAN COMMUNITY ASSOCIATION
OF
JEFFERSON COUNTY, Inc.

As amended February 6, 2007

BY-LAWS

ARTICLE I

SECTION ONE. NAME

The name of this organization shall be The African-American Community Association of Jefferson County hereinafter, the Corporation).

SECTION TWO. TYPE OF ORGANIZATION

This Corporation is a private, non-profit organization created under the laws of the State of West Virginia by Charter dated December 14, 1994. The Corporation is not authorized to issue stock, and is therefore, to be a non-stock and non-divided corporation, and no pecuniary profits shall be declared or paid to members thereof.

SECTION THREE. SERVICE AREA.

The Corporation will serve the Eastern County of Jefferson in West Virginia. The principal office as the place of business is located in Jefferson County. This Corporation may have other offices, places of business, and activity in the Jefferson County area as its Board of Directors may from time to time determine.

ARTICLE II

MISSION

The mission of this Corporation is to establish a community cultural center in Jefferson County wherein the following programs can be established and carried forth:

1. To research, collect, and disseminate, African-American contributions to the history of Jefferson County and West Virginia. To establish a section of the Center wherein the total history of African people can be archived and made available to the public; and,

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAR 02 2004

AFRICAN-AMERICAN COMMUNITY
ASSOCIATION OF JEFFERSON COUNTY
PO BOX 843
CHARLES TOWN, WV 25414-0000

Employer Identification Number:
55-0750650
DLN:
17053045703094
Contact Person:
ERIC J BERTELSEN ID# 31323
Contact Telephone Number:
(877) 829-5500
Public Charity Status:
170(b)(1)(A)(vi)

Dear Applicant:

Our letter dated June 1999, stated you would be exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code, and you would be treated as a public charity during an advance ruling period.

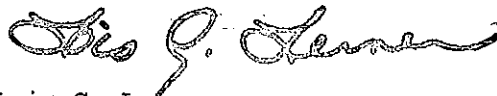
Based on our records and on the information you submitted, we are pleased to confirm that you are exempt under section 501(c)(3) of the Code, and you are classified as a public charity under the Code section listed in the heading of this letter.

Publication 557, Tax-Exempt Status for Your Organization, provides detailed information about your rights and responsibilities as an exempt organization. You may request a copy by calling the toll-free number for forms, (800) 829-3676. Information is also available on our Internet Web Site at www.irs.gov.

If you have general questions about exempt organizations, please call our toll-free number shown in the heading between 8:00 a.m. - 6:30 p.m. Eastern time.

Please keep this letter in your permanent records.

Sincerely yours,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Letter 1050 (DO/CG)

BOOK NO 868 JEFFERSON COUNTY

THIS DEED, made this the 15 day of July, ⁴⁵⁴⁴ 1997, by and between Sherwood Bryant and Morrissey Bryant, parties of the first part, and The African-American Community Association of Jefferson County, Inc., party of the second part.

NOW THEREFORE, WITNESSETH That for and in consideration of the premises and TEN DOLLARS (\$10 00) paid by the party of the second part to the parties of the first part, the parties of the first part, the following described property

All that certain lot or parcel of land improved by a building known as the Star of Bethlehem Hall, situated in Charles Town, Jefferson County, West Virginia, fronting 50 feet, more or less on the east side of West Street, and Extending back easterly with the line of Lucian Tolbert a distance of 50 feet to a point, a corner with said Tolbert, thence northerly with line of said Tolbert and parallel with West Street 30 feet to a corner with Tolbert, thence again with his line easterly approximately 84-1/2 feet to the lot line of John Tolbert, thence northerly with his line 20 feet to the lot line of Sylvia Radeoutt, a corner, thence westerly with her line approximately 134-1/2 feet to West Street, thence with the southern boundary line of West Street 50 feet, more or less, to the point of beginning.

And being the same parcel of real estate conveyed to Alene Edna Taylor by Deed of Dean Rankin Taylor, divorced, and Warren Adam Taylor, single dated the 22nd day of October, 1974, and recorded in the aforesaid Clerk's Office

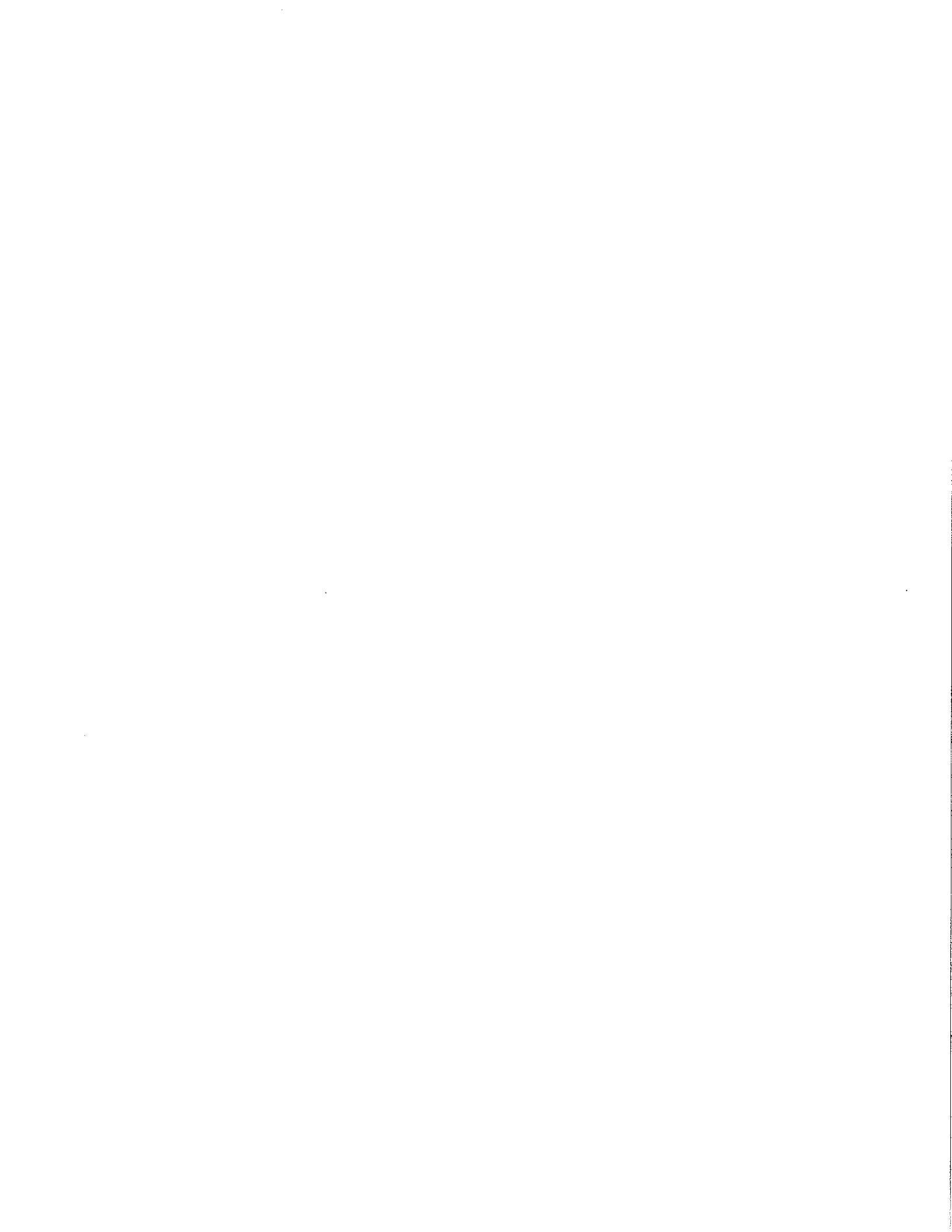
And also being the same parcel of real estate conveyed to the grantors herein by Pauline Stopiak, Trustee by deed dated December 3, 1995 of record in the office of the Clerk of the Jefferson County Commission in Deed Book 550 at page 555

Together with and including all building, all fixtures, including but not limited to all plumbing, heating, lighting, ventilation, refrigeration, incineration, air conditioning apparatus, (the Trustor hereby declaring that it is intended that the items herein enumerated shall be deemed to have been permanently installed as part of the realty), and all improvements now or hereafter existing thereon, the hereditament and appurtenances and all other rights thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, and the rents, issues, and profits of the above described property

This conveyance is made subject to any and all outstanding property taxes and assessments

This conveyance is made for and during such time as the property is used for eleemosynary purposes only and if the property is not used for said purposes the conveyance is void and the property reverts back to the grantors

110-577 C. M. W. B. W. R.



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

14

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: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Approval of the 2012 County Movie Tour Book Agreement

Please provide the County Commission with a description of your request or presentation, including any background information: **This is a free service provided by CGI Communications associated with NACo, which will provide the County with footage of our County to put on our Website as well as our Cable Channel to encourage visitation to our County. This agreement has been reviewed by Legal.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the 2012 Tour Book Agreement and allow the President to affix her signature to the appropriate documents**

Attachments:

2012 County Movie Tour Book Agreement

CGI Communications, Inc.
130 East Main Street, 8th Floor
Rochester, NY 14604
800-398-3029 phone
866-429-8611 fax

Name: Nichelle Hosby
Title: Executive Assistant
Address: 124 E. Washington Street
County, State, Zip: Jefferson, WV, 25414
Phone: 304-728-3284
Email: nhosby@jeffersoncountywv.org
Website: www.jeffersoncountywv.org

This agreement is between CGI Communications, Inc. and the **County Commission of Jefferson County** and shall remain in effect from the date it is signed by both parties until the third anniversary of the date that the completed and approved County Video Program is made available for viewing via a link on the www.jeffersoncountywv.org homepage for viewer access. This Agreement shall automatically renew at the end of its term for a successive three (3) year period unless either party gives written notice of its intention to terminate or modify at least sixty (60) days prior to the end of the current term. Any termination or modification of this Agreement shall not take effect until the expiration of the current term.

CGI Communications, Inc. and its eLocalLink division shall provide a County Movie Showcase as follows:

- ⌘ Website Welcome video from your County Manager or other civic leader and an Education, Quality of Life, and Real Estate/Relocation video (approximately 1 minute in duration)
- ⌘ Up to three additional videos to showcase various aspects of your County and/or organization (providing a total of seven 1 minute County highlight videos)
- ⌘ Script writing and video content consultation
- ⌘ A videographer will come to your location to film videos
- ⌘ All aspects of video production and editing, from raw footage to final video including professional voiceovers and background music
- ⌘ Final draft of County Movie Showcase content subject to your approval
- ⌘ Patented OneClick™ Technology and encoding of all videos into multiple streaming digital formats to play on all computer systems, browsers, and Internet connection speeds; recognized player formats include WindowsMedia® and QuickTime®
- ⌘ Store and stream all videos on CGI's dedicated server
- ⌘ Business sponsors allowed on the perimeter of video panels
- ⌘ Duration of sponsor participation will be one year and eLocalLink is solely responsible for annual sponsorship fulfillment including all related aspects of marketing, production, printing, and distribution
- ⌘ Viewer access of the County Movie Showcase from your website shall be facilitated by eLocalLink providing HTML source code for graphic link to be prominently displayed on the www.jeffersoncountywv.org website homepage
- ⌘ eLocalLink will own copyrights of the master County Movie Showcase
- ⌘ The County of Jefferson will assume no cost or liability for this project

Program Add-On if signed and received by May 4th, 2012:

- ⌘ Encoding, hosting, and streaming of additional 5 minutes of video per month. Finished video content will be provided to CGI by the County of Jefferson
- ⌘ CGI will provide the County of Jefferson with a DVD copy to be used for non-commercial purposes only

The County of Jefferson shall provide the following:

- ⌘ A letter of introduction for the program on your organization's letterhead
- ⌘ Assist with the content and script for the County Movie Showcase
- ⌘ Agrees to give eLocalLink the right to use organization's name in connection with the preparation, production, and marketing of the program set forth herein only
- ⌘ Agrees to display the "Coming Soon" graphic link prominently on the www.jeffersoncountywv.org website homepage within 10 business days of receipt of HTML source code
- ⌘ Agrees to display the "Video Tour Book" link to be no less than 150 by 400 pixels prominently on the www.jeffersoncountywv.org website homepage for the term of this agreement
- ⌘ Provides eLocalLink exclusive streaming video rights for the program described herein only

This Agreement constitutes the entire agreement of the parties and supersedes any and all prior communications, understandings and agreements, whether oral or written. No modification or claimed waiver of any provision shall be valid except by written amendment signed by the parties herein.

We, the undersigned, understand the above information and have full authority to sign this agreement.

The County of

Signature:

Name (printed):

Title:

Date:

CGI Communications, Inc.

Signature:

Name (printed): Nicole Rongo

Title: Vice President

Date: April 24th, 2012



Community Movie Program Sponsorship Policy

It is the policy of CGI Communications/e-LocalLink not to solicit or otherwise provide sponsorship opportunities to any business or organization that may be perceived as offensive. These types of establishments include, but are not limited to, adult bookstores/entertainment, pawnshops, and tattoo/piercing parlors.

Additionally, the participating community may advise CGI Communications/e-LocalLink of specific businesses to be disallowed as sponsors. The participating community must advise CGI Communications/e-LocalLink of this information in writing PRIOR to the beginning of the sponsorship solicitation campaign.

As a privately owned company, independent of the participating community, CGI/e-LocalLink can eliminate from consideration those companies and organizations it deems inappropriate. The participating community is not responsible for actions taken by CGI/e-LocalLink in eliminating from consideration those businesses and organizations CGI/e-LocalLink has deemed inappropriate.



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Patsy Noland

VICE PRESIDENT
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Pellish

COMMISSIONER
Lyn Widmyer

Dear Jefferson County Business Owner:

The County of Jefferson is excited to announce the launch of a new program that we feel will have a significant impact on the promotion of our County. We have entered into a three year agreement with CGI Communications to produce a series of streaming online videos highlighting all our community has to offer its residents, visitors, and businesses.

CGI is a leader in online marketing solutions, working with thousands of communities and businesses nationwide. With an easily viewable interface on the official County website (www.jeffersoncountywv.org), the video showcase will engage viewers in learning more about area attractions, economic development opportunities, quality of life, and so much more. The County of Jefferson is dedicated to highlighting the advantages of living and working in our community, and we feel that this program can do just that!

In addition, CGI will be contacting members of our local business community to offer participation in the program, as well as an opportunity to learn more about CGI's innovative new digital media products for businesses.

We encourage you to consider supporting the program, and learning more about all that CGI has to offer.

Best Regards,

Patricia A. Noland
President, County Commission

ACTING COUNTY ADMINISTRATOR
Sandy Shusher McDonald

16

Commission Office Use Only
Date on Agenda:
Appt Time or New Business:

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Set time and date for work session to discuss County Commission priorities and projects

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: Debbie Keyser

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Approval of Background checks for Jefferson County

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:

Background Checks for Jefferson County

Position	Reports	Costs	Turn Around	Annual Estimated #	Cost
Management Positions and Maintenance Positions	Criminal, Felony & Misdemeanor - 7 years Unlimited # of Counties MVR for current state SS# Trace	\$37.70	Avg T: 2 Days Avg T: Instant Avg T: Instant	4	\$150.80
Finance	Management Position Plus Credit Report	\$42.20	Avg T: Instant	0	
Homeland Security Emergency Operations Center	Criminal, Felony & Misdemeanor - 7 years State Search National Search Federal Search SS# Trace Prohibited Parties MVR for current state Requires fingerprinting	\$60.38	Avg T: 2 Days Avg T: 4-5 Days Avg T: Instant Avg T: Instant	30	\$1,811.40
Homeland Security Volunteers Working with children	Criminal/Fel/Misdemeanor SS# Trace National Sex Offender List	\$37.70 \$4.50 <u>\$7.95</u> \$50.15		10	\$501.50
Summer Interns All employees driving County Vehicles	MVR Report Complete annually	\$5.95 /State	Avg T: Instant	100	\$595.00
Lifetime residents hired for non-management positions	Local Vendor to search Berkeley & Jefferson County; SS # Trace will check other addresses	\$4.00 <u>\$1.00</u> \$5.00	Avg T: 1 day Avg T: 2 days		
JC Parks & Rec Park Volunteers dealing with children	SS Validation SS Trace National Sex Offender List	\$1.00 \$4.50 <u>\$7.95</u> \$13.45		30	\$0.00 **
Projected Costs					\$3,058.70

** Billed to Parks & Rec

**Jefferson County
Background Checks Proposal**

- In the past background checks were ran through the 911 Center. The process is no longer available.
- This proposal does not apply to Jeff Polczynski and the 911 Center background check procedures.
- This proposal is recommending HireRight. Based on a comparison with other companies and costs, this seems to be a respected carrier with reasonable fees and solid current data.
- The Fair Credit Reporting Acts requires use of data which is within the last 6 months. Data sources must be regularly updated to assure accuracy. HireRight obtains data directly from the courts to eliminate issues.
- The State of West Virginia requires for Federal and Criminal checks to be completed with fingerprinting.
- Fingerprinting for Homeland Security can be completed at the Sheriff's office or State Police at no cost.
- It is the employer's responsibility to ensure we use pertinent background information that is relevant to the job. Legal and HR would be resources for the managers as they obtain reports.
- It becomes the employer's responsibility to ensure we obtain the best, most accurate service and that it is used consistently to ensure we meet the criteria established by the Fair Credit Reporting Act.
- In order save money and remain compliant, we can establish different reports based on different positions. We can make arrangements to have Jennifer from Parks & Rec and Barb Miller from Homeland Security established with their own ID to manage and be billed for their hires.
- Recommend we run MV Reports annually for all employees driving County Vehicles.
- Due to expense, this recommendation does not include retroactively processing background checks on current employees.



18

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

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: May 10, 2012

Date Requested – 2nd Choice: _____

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

Subject: Approval of Jefferson County Drug Free Workplace Policy

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

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

Attachments:

Jefferson County Drug Free Workplace Policy

Jefferson County recognizes that drug and alcohol abuse is an on-the-job problem as well as a social problem. We believe that abuse of alcohol and the use of illegal drugs endangers the health and safety of the abusers and of others around them.

Therefore, Jefferson County has established a Drug Free Workplace Policy. Employees are prohibited from using illegal drugs (including the non-prescribed use of prescription medication) on or off the employer's premises. Employees are also prohibited from possessing, transporting, manufacturing or distributing alcohol or illegal drugs on the premises. Possession of paraphernalia used in connection with the use of any drug is evidence of violation of this rule. Employees may only transport alcohol onto the employer's premises if it is part of the employee's job responsibilities. Company sponsored meetings or activities or other social/business events during which alcoholic beverages are served are not considered alcohol abuse just because alcohol was served.

Employees who are found on the job to be under the influence of illegal drugs or alcohol, violating this policy, will be disciplined, up to and including termination. An employee who violates the Drug Free workplace program by having drugs on County property or for testing positive in a confirmed test for suspicion of drugs, or refusal to cooperate in the drug testing procedures will be treated as a positive confirmed test for drugs. Upon conviction for violating any state or federal drug law or drug related criminal charge each employee is required to notify the County Administrator within five business days thereof. This notification of drug conviction requirement applies whether the conviction resulted from conduct performed while in the course and scope of employment or off duty.

Jefferson County will maintain an Employee Assistance program (EAP) effective July 1, 2012 that consists of referring employees and their families who suffer from alcohol or drug use problems to local drug and alcohol counselors. The EAP is provided at no charge to employees and is strictly confidential. If an employee wishes to pursue help through the EAP, a phone number will be provided in the upcoming open enrollment meetings. If you need assistance prior to that, contact your BCBS health care carrier.

In the event an employee is required to seek a treatment plan, it will be at the employee's expense. The employee must provide documentation through the County's EAP program, and at the EAP's recommendation, may be required to be randomly drug tested, at the employee's expense. A positive confirmed test through the EAP during or after treatment will result in termination of employment.

Nothing in this statement of policy shall be presumed to override, amend or change any requirements of State and/or Federal law. In the event any of the provisions of this policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

It is important that we all work together to deal with substance abuse to make our place of employment a safe and rewarding place to work.

Definitions:

Alcohol: Liquids containing Ethyl Alcohol (Ethanol).

Drugs: Drugs mean alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs or metabolite of any of these substances. Non-prescribed use of prescription medication is also prohibited.

Medications: Prescription and non-prescription substances obtained and used legally to combat illness and injury or for other therapeutic reasons.

Work: Performing any activity under any conditions during any period of time as an employee. Employee is defined as a regular full or part time employee of the County, leased employee or contract employee covered by worker's compensation insurance. i.e. driving, on duty, on call, or performing any tasks as part of employment duties.

Use/Using: As pertains to drugs, alcohol and medications; to drink smoke, apply topically, inject, possess, solicit, distribute, dispense, manufacture or transfer. Exceptions to these rules regarding the definition of "use" will be allowed only with the County Administrator's written permission.

Alcohol and Drug Referral Hot Line	1-800-252-6465
National Cocaine Hot line	1-800-262-2463
Alcoholics Anonymous	1-800-344-2666
Narcotics Anonymous	1-817-80-3951
Jefferson County EAP Program	To Be Announced 7-1-2012

I state that I have read or will read all sections of this Drug Free Workplace Program. I understand that violation of any provision of this policy may lead to disciplinary action up to and including termination of employment, and that I may forfeit my worker's compensation benefits. I further agree that neither the issuance of these policies, nor the acknowledgement of its receipt, constitutes or implies a contract of employment or guaranteed right to recall.

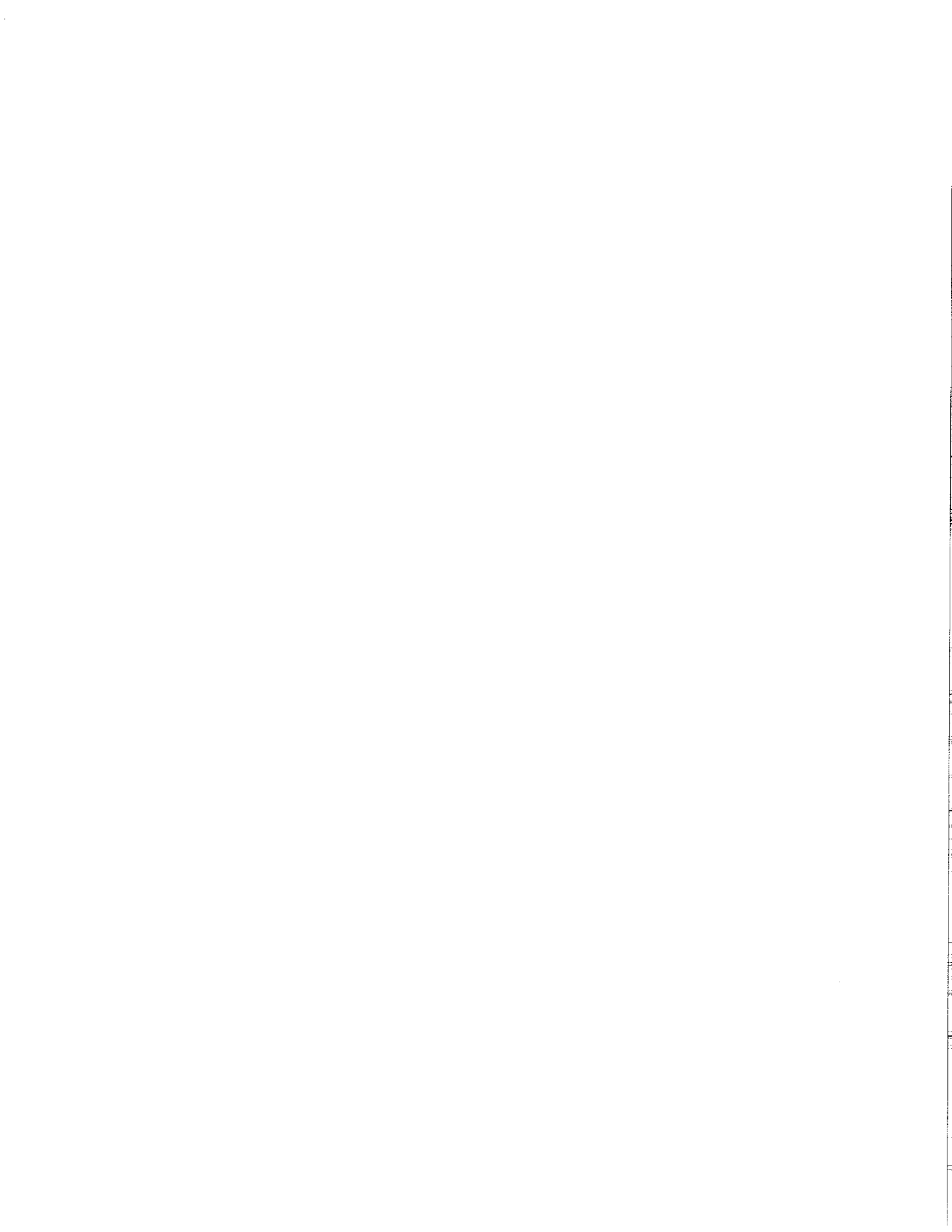
Please sign and date this statement of understanding and agreement with the Company's Drug Free Workplace Policy.

Date Received

Employee Printed Name

Employee Signature

Supervisor's Witnessed Signature





STATE OF WEST VIRGINIA
Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Craig A. Griffith
State Tax Commissioner

April 24, 2012

Honorable Members
Jefferson County Commission
100 E. Washington Street
P. O. Box 250
Charles Town, WV 25414

Dear Commissioners:

Re: Appraisal Ratio Results

We have completed and enclosed a summary of your county's appraisal ratio study comparing the accuracy of CAMA values to market values for real property subsequent to your meetings as a Board of Review and Equalization. The median or aggregate ratio of appraised values must be between 90% and 110% of market value and the COD must be less than 15 for residential improved property and less than 20 for all other property in order to meet the Property Valuation Training and Procedures Commission standards.

Results are shown for the appraisals after the Board of Review hearings under provisions of West Virginia Code § 11-3-24.

If you have any questions concerning this report, please feel free to contact Steve Judy, Appraiser Manager, in our Charleston office at (304) 558-3940.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey A. Amburgey".

Jeffrey A. Amburgey
Director
Property Tax Division

JAA/clb
Enclosure
Cc: Assessor of Jefferson County

RECEIVED

APR 30 2012

Jefferson County Commission

Property Tax Division, Appraisal Services
1124 Smith Street, 2nd Floor
Charleston, WV 25301
Phone (304) 558-8587 Fax (304) 558-1843

4/4/2012

JEFFERSON 2012
POST BOE RATIO REPORT EVALUATION

	NUMBER OF SALES	AGGR RATIO	OK? YES OR NO	MEDIAN	OK? YES OR NO	COD~	OK? YES OR NO	OVERALL OK? YES OR NO
RES IMP	544	99	YES	99	YES	10	YES	YES
RES VAC	32	99	YES	97	YES	13	YES	YES
COM ALL	6	92	YES	92	YES	6	YES	YES
TOTAL LESS F&T	582	99	YES	99	YES	10	YES	YES

	AGGR RATIO	MEDIAN	COD~	YES=COD & AGGR OR MED. YES NO=COD/NO OR MED OR AGGR NO
RES IMP	90 - 110	90 - 110	15 OR LESS	YES
RES VAC	90 - 110	90 - 110	20 OR LESS	YES
COMM ALL	90 - 110	90 - 110	20 OR LESS	YES
TOTAL LESS F&T	90 - 110	90 - 110	20 OR LESS	YES

Note: Must have at least three (3) sales in a category to produce statistical results

SALES RATIO FOR JEFFERSON COUNTY		FROM 07/10 TO 06/11 RANGE		000.00% - 999.99%		DATE 04/04/2012		PAGE NO.	
NUMBER SALES	TOTAL CONSIDER.	MEAN CONSIDER.	TOTAL VALUE	MEAN VALUE	AGGR. RATIO	MEAN RATIO	MEDIAN RATIO	STD. DEV.	COEF. DISP.
RESIDENTIAL IMP									
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
3	109,900	36,633	121,100	40,366	110.19	110.48	108.57	7.60	4.55
5	236,900	47,380	273,200	54,640	115.32	117.41	124.00	14.73	8.81
12	869,275	72,439	940,500	78,375	108.19	108.30	109.72	17.52	10.98
19	1,740,600	91,610	1,860,900	97,942	106.91	106.96	106.78	9.39	6.75
105	13,202,501	125,738	13,649,600	129,996	103.39	103.44	101.19	14.03	10.11
400	99,190,973	247,977	97,631,200	244,078	98.43	99.04	98.04	80.19	9.78
RESIDENTIAL IMPROVED									
544	115,350,149	212,040	114,476,500	210,434	99.24	100.60	99.18	13.41	10.11
32	3,361,291	105,040	3,311,500	103,484	98.52	98.43	96.95	16.48	13.23
576	118,711,440	206,096	117,788,000	204,493	99.22	100.48	99.10	13.59	10.28
APARTMENT IMPROVED									
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
COMMERCIAL IMPROVED									
5	10,789,900	2,157,980	9,963,100	1,992,620	92.34	97.43	92.10	8.65	6.96
1	240,000	240,000	216,700	216,700	90.29	90.29	90.29	0.00	0.00
6	11,029,900	1,838,316	10,179,800	1,696,633	92.29	96.24	91.74	8.26	6.15
INDUSTRIAL IMPROVED									
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
TIMBER IMPROVED									
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
FARM IMPROVED									
2	330,000	165,000	311,100	155,550	94.27	93.79	93.78	7.61	5.74
0	0	0	0	0	0.00	0.00	0.00	0.00	0.00
2	330,000	165,000	311,100	155,550	94.27	93.79	93.78	7.61	5.74
COMB C & I IMPROVED									
5	10,789,900	2,157,980	9,963,100	1,992,620	92.34	97.43	92.10	8.65	6.96
1	240,000	240,000	216,700	216,700	90.29	90.29	90.29	0.00	0.00
6	11,029,900	1,838,316	10,179,800	1,696,633	92.29	96.24	91.74	8.26	6.15
584	130,071,340	222,724	128,278,900	219,655	98.62	100.41	99.05	13.53	10.24
582	129,741,340	222,923	127,967,800	219,875	98.63	100.44	99.05	13.54	10.26
TOTAL LESS F&T									
TOTAL									

Inside

President's Message
Director's Discussion
CCAWV Calendar
Board Meeting Info,
Legislative Wrap-up



Spring has
Spring!!

Commissioners' Corner
County Commissioners'
Association of
West Virginia

Cindy Pyles, President
Mineral County
Commissioner
(304) 788-5921

Vivian Parsons
Executive Director
2309 Washington St., E.
Charleston, WV 25311
(304) 345-4639
Fax (304) 346-3512
E-Mail: info@ccawv.org
www.ccawv.org

This is a monthly
publication for coun-
ty commissioners and
their staff, Associate
members and other
interested parties.

County Commissioner' Assoc. of WV-Cindy Pyles, President - Vivian Parsons, Exec. Dir.

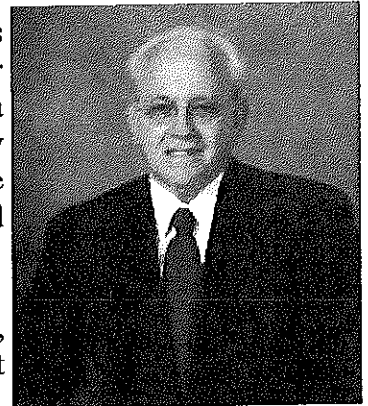
VOLUME 14, NUMBER 4

APRIL 2012

In Memory of James "Jim" Booton May 7, 1939 -April 9, 2012

The staff of CCAWV joins with fellow Commissioners from across the state in mourning the loss of former Wayne County Commissioner, Jim Booton. He was a former President and Board Member of the County Commissioners Association. He was a true friend to the Commissioners' Association and will be greatly missed by all of us.

James Harlen "Jim" Booton, 72, of Lavalette, WV, went to be with the Lord Monday, April 9, 2012 at Emogene Dolin Jones Hospice House in Huntington.



Son of the late Harlan and Letha Ferguson Booton. Jim currently held office as the Wayne County Clerk, was the owner of Booton Realty and Lavalette Mini Storage and former owner of Queen's Store in Wayne. He was also a former Wayne County Commissioner, served as a board member for many organizations including past President of The Tri-State Airport Authority, a former board member of Stepping Stones, Wayne County Community Services, Wayne County Economic Development and also served on the Wayne County Advisory Board for Hospice of Huntington. He was also a member of the Mays Chapel United Methodist Church, was a Gideon and member of the IOOF Huntington Lodge, and the Wayne Masonic Lodge #18 AF&AM.

Survivors include his loving wife of 52 years, Avenell Estep Booton; one daughter, Kimberly Pauley of Lavalette, WV; one son, Todd Booton and wife, Melinda of Lavalette, WV; five grandchildren, J.B. Justice, Heath Booton, Mark Justice, Canaan Booton, Hannah Pauley and a host of other family and friends.



We wish to express our sincere sympathies to his family, we will truly miss Jim!

2011-2012 CCA Board of Directors

President

Cindy Pyles, Mineral (788-5921)

Vice-President

Tim McCormick, Ohio (234-3628)

Immediate Past President

Ron Watson, Harrison (624-8500)

Ex Officio Members

Joe Coburn, Mercer (487-8306)

District 1 – Western Division

Don Mason, Marshall (845-0482)

Scott Lemley, Wetzel (455-8217)

Danny Greathouse, Hancock (564-3311)

District 1 -- Eastern Division

Chair: Janice LaRue, Mineral (788-5921)

Bernie Fazzini, Harrison (624-8500)

District 2 – Western Division

Chair: Pat Boyle, Lewis (269-8200)

Jerry Linkinogor, Clay (587-4259)

District 2 -- Eastern Division

Mike Taylor, Randolph (636-2057)

J.R. Keplinger, Hardy (530-0284)

Donnie Tenney, Upshur (472-0535)

District 3 – Western Division

Mickey Brown, Boone (369-1561)

Nancy Cartmill, Cabell (526-8634)

District 3 -- Eastern Division

Chair: Chuck Armentrout, Webster
(847-5780)

Jack Woodrum, Summers (466-7100)

Denise Scalph, Fayette (574-4290)

County Commissioners'

Association of WV

2309 Washington Street East

Charleston, WV 25311

(304) 345-4639

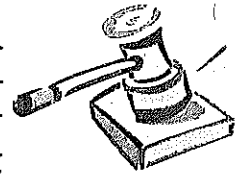
info@ccawv.org

Vivian Parsons, Executive Director

Jennifer Webb, Admin. Assistant

President's Perspective

by Cindy Pyles, CCAWV President



With the 2012 Legislative session completed, county commissioners will face few changes. Through a strong, coordinated effort, we protected the integrity of county commissions and their budgets to provide services in each county.

Our opposition to extending authority to class III and IV municipalities to administer TIF without the advice and consent of affected county commissions was heard and we prevailed. One area which strains county budgets remained unchanged; Regional Jail costs will be the same. Budgetary agenda of other associations could have had an impact on county commissions; however, our efforts proved successful and we prevailed.

Commissioners new to the office may not understand the importance of attending regional and state meetings, understanding problems of all counties and getting to know legislators. Seasoned commissioners have learned the importance of meeting with key individuals and departments which oversee highways, economic development and homeland security. If a county has no legislators who chair major legislative committees, working with departments becomes key to obtaining funding for projects in a county.

I want to personally thank each one who made phone calls, sent emails, and spent time in Charleston on behalf of county commissions. With your time, effort, and dedication, we will continue to further the essential work of county commissions.

Director's Discussion...

By Vivian Parsons, Executive Director

Legislative Session 2012 is over. As anticipated in presidential election years, and with a lagging economy, the session was a little slow and the legislation actually passed, was somewhat sparse for counties. Approaching our proposed 2012 agenda with these things in mind, CCAWV kept our priorities to a minimum. Our game plan was to look for new revenue sources, but above all, protect the current county resources and programs from erosion. In this context, I think we had a successful session. Several negative bullets were dodged and a few good things succeeded passage. Some good things, as in all sessions, were lost along the way.



We were very pleased that SB 487 passed. This bill broadens the definition of "economic development authority" so that all qualifying counties will have access to their share of coalbed methane severance taxes. Some county's shares have been on hold in the Treasurer's office for tax years 2009, 2010, and 2011. We were also pleased for passage of SB 362 that authorizes the issuance of \$52.5 million in bonds for capital improvements for Cacapon Resort State Park (Morgan County) and Beech Fork State Park (Wayne County). Congratulations to the Morgan and Wayne County Commissioners on their diligent efforts! The debt service on these bonds will be paid from an additional allocation from the State Excess Lottery Revenue Fund.

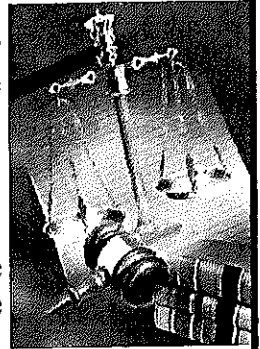
(Continued on Page 3)

Director's Discussion

(Continued from page 2)

On the other hand, we were disappointed to lose SB 468 - the bill to allow the Courthouse Facilities Improvement Authority to issue bonds, thereby providing more grant dollars for county courthouse repair. And also SB 526 - a bill that would have granted permissive authority to county commissions to impose an additional transfer tax for dedication to regional jails and drug treatment programs. Both bills died in House Finance in the final days of the session.

I was told a long time ago that, the true measure of a successful session is often more about what did not pass, rather than just those bills that did. Here are a couple of bills we were glad to see a little more study on, before being passed into law:



House Joint Resolution 113 - the "county option" homestead exemption amendment. While it appeared to be county discretion for increasing the amount of homestead exemption in each individual county, as written, it actually gave final authority to the legislature to make that decision. Died in the Senate.

SB 417 - Establishing right to disposition of deceased's remains - one version of this bill left county commissions sorting out who would have the right to dispose of deceased's remains. Died in the House.

SB 4068 - Providing that antique motor vehicles be valued at their salvage value for personal property tax purposes - Salvage value is an end-run around the constitution for giving a property tax exemption and amounts to a loss in county tax dollars. This bill actually passed the legislature, but was VETOED by the Governor.

HB 4488 - Reforming, altering, or modifying a county commission - this bill would have added "election by magisterial district, rather than county-wide" to the different types of county government that could be chosen. We had concerns that election by magisterial district could further divide county commission decision-making techniques. Died in the Senate.

HB 4547 - Creating the WV Innovation Free-Trade Business Technology Property Valuation Act and the WV Innovation Free-Trade Tax Credit Act - This bill is another erosion of county property taxes in the name of attracting business. Died in the Senate.

The legislature passed 214 bills and the Governor VETOED nine of those. Of the 205 bills signed by the Governor into law I have summarized twenty-five that have county interest and/or impact, in the following pages.

If there is a bill you'd like to know more about that I have not included, just give me a call.

CCAWV Calendar of Events



May 20-22, 2012
CCAWV Spring Board Mtg.
Mardi Gras Resort
Cross Lanes, WV

August 5-8, 2012
CCAWV Annual Meeting
Mountaineer Resort
Hancock County, WV

Interim Meetings
May 14 - 16, 2012
June 25 - 27, 2012
July 23 - 25, 2012
August 13 - 15, 2012
September 10 - 12, 2012
October 8 - 10, 2012
November 26 - 28, 2012
December 10 - 12, 2012
January 7 - 9, 2013

CCA Board Member Nancy Cartmill wins Award...

Celebrating a Legacy of Women in Public Service - Award Winner

Nancy Cartmill received the "Mrs. Anna Johnson Gate Award" for Government. When talking about government, Nancy Cartmill's name always seems to come up. Nancy was named an Outstanding Young Woman of America in 1972. She was appointed by Senator Rockefeller to serve on the implementation team for the National Commission on Children's Report.



She worked 25 years as a lobbyist both in Charleston and Washington, D.C. She served on Governor Manchin's Transition team and Governor Caperton's School Health Task Force. She served on the Governor's Select Committee for Education for Governor Moore, Governor Rockefeller and Governor Caperton. She is a member of Cabell County Republican Women and worked on the Cabell County planning commission for four years. Other positions she worked/served on are the 4-H Extension Agency for 6 years, WV Long Term Care Committee, Goodwill Board of Directors, Southwestern Community Action Council Board of Directors, President of WV PTA, and Served as ED of WV PTA for 20 years.

She also served as Mayor of Barboursville and served on the Huntington Area Chamber of Commerce for 7 years. She is now serving as President of the Cabell County Commission.

Nancy was married to the late Larry Cartmill, owner of Cartmill Aluminum Company. She has two children-Randy Johnson and Melody Hall and one granddaughter, Ashley Nicole Corder.

Congratulations Nancy!!!

CCAWV Plans 2012 Spring Board Meeting in Charleston...

It's time to make plans to attend the County Commissioners' Association of WV's Spring Board and Legislative Committee meeting scheduled for May 20-21, 2012, at the Mardi Gras Casino & Resort, Charleston, WV. This is a beautiful facility with a lot of nice amenities for your pleasure.



The Meeting will start on Sunday, May 20, 2012 at 3:30 p.m. with a Legislative Wrap up. There will be a welcome reception at 6:00 p.m. and Dinner at 7:00 in the French Quarter Restaurant.

We will be starting the CCA Board meeting on Monday at 9:00 a.m. and concluding at 4:00 p.m.

The room reservation cutoff date is May 4th. To make a reservation call the Mardi Gras Casino & Resort at 1-866-956-0483.



We hope that you will be able to attend. We would like to encourage everyone to attend. CCAWV Board meetings are always open to our membership. If you have any questions, please give us a call.

The tentative agenda and registration form are enclosed.



2309 Washington Street, East
 Charleston, WV 25311
 E-mail: info@ccawv.org
 Phone: (304) 345-4639
 Fax: (304) 346-3512

April 3, 2012

Dear Board and Legislative Committee Members:

It's time to make plans to attend the County Commissioners' Association of WV's Spring Board & Legislative Committee meeting scheduled for May 20-21, 2012, at Mardi Gras Casino & Resort, Charleston, WV. A block of rooms have been reserved at \$99.00 per night. Reservations should be made by calling Mardi Gras Casino & Resort at 866-956-0483. **May 4th is the reservation cutoff date.** You must have a credit card to reserve your room. Valet parking is included in the price of your room. Check in time on Sunday is after 4:00 p.m. and checkout is 11:00 a.m.

Following is the "tentative meeting schedule..."

Sunday – May 20, 2012

3:30 p.m.-5:30 p.m. Legislative Meeting (The Big Easy)
 6:00 p.m. Welcome Reception (Hotel Lobby)
 7:00 p.m. Dinner (French Quarter Restaurant)

Monday – May 21, 2012

8:00 a.m.-9:00 a.m. A breakfast buffet is provided in the Hotel Lobby
 Meal is included in the price of your room.
 9:00 a.m.-12:00 p.m. CCA Board Meeting (The Big Easy)
 12:00 noon Lunch (The First Turn Restaurant)
 1:30 p.m.- 4:00 p.m. CCA Board Meeting continued

The registration fee for the board meeting will be \$135.00 per county attendee/ \$55.00 for guests. Registration for guests includes reception and dinner. Breakfast is included with your room for attendees and spouses. Please clip the registration form below and return to this office by May 11, 2012 or fax your registration to 346-3512.

Cancellation Policy: *There will be no penalty for cancellations received on or before May 11, 2012! May 12, 2012, and thereafter, all no-shows will be charged the full registration amount. We apologize for the need to adopt this policy, but on this date, the costs for room rentals, refreshments, etc. are incurred on your behalf even when you cancel and the Association is stuck with covering the cost. Thanks for your cooperation!*

Name	Title	County
_____ I will attend Spring Board & Legislative Mtg./ Bill my County \$135.00 Registration Fee		
_____ I will attend/ Check enclosed for \$135.00 Registration Fee		
_____ I am unable to attend		
_____ My Guest(s) will attend		
_____ Name		
_____ Will pay (\$55.00 per guest) at door (Includes Reception and Dinner on Sunday)		
_____ Check for Guest(s) enclosed (\$55.00 per guest)		

County Commissioners' Association of West Virginia

Summary of 2012 Bills

Index of Bills Summarized

SB 36	Relating to disclosure requirements for certain public contracts.....	1
SB 76	Creating Green Buildings Act.....	1
SB 100	Relating to fees collected by circuit court clerks.....	2
SB 362	Authorizing bond issuance for Cacapon Resort State Park.....	2
SB 365	Increasing membership of PEIA Finance Board.....	2
SB 387	Requiring training of floodplain managers.....	3
SB 437	Relating generally to substance abuse.....	3
SB 469	Relating generally to other post-employment benefits.....	4
SB 487	Creating Coalbed Methane Gas Distribution Fund.....	5
SB 517	Including community beautification and reclamation programs in authorized community corrections programs.....	6
SB 618	Relating to certain payments to governmental units.....	7
SB 621	Requiring DOH concur with major subdivisions or land developments provide sufficient access.....	8
HB 4063	Relating to civil service commissions in political subdivisions.....	8
HB 4068	Providing that antique motor vehicles be valued at their value for personal property tax purposes.....	9
HB 4086	Designating certain property as qualified capital addition to a manufacturing facility.....	9
HB 4107	Relating to volunteer firefighter training.....	10
HB 4238	Establishing procedures for address confidentiality program participants on the special absentee voting list.....	10
HB 4257	Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986.....	11
HB 4263	The West Virginia Buy American Act.....	11
HB 4403	Changing the filing deadline for certified write-in candidates.....	11
HB 4451	Ensuring that county executive committees have control of designating the persons who serve as ballot commissioner.....	12
HB 4522	Providing additional contempt powers for family court judges.....	12
HB 4567	Permitting the Harrison County Commission to levy a special district tax.....	12
HB 4630	Modifying the membership of the Braxton County Recreational Development Authority.....	13
HB 4654	Relating to the provision of mailing services by the CPRB to certain retiree organizations.....	13



SB 36 Relating to disclosure requirements for certain public construction contracts

Amends WV Code §5-22-1

Passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill requires the disclosure of subcontractors within one business day of the opening of bids for state public construction contracts by the apparent low bidder when any subcontractor is providing over \$25,000 of services on the project, for the construction, alteration, decoration, painting or improvement of a new or existing building or structure **with the Department of Administration, Division of Purchasing, valued at more than \$500,000.00**. This section shall not apply to any other construction projects, such as highway, mine reclamation, water or sewer projects.

Fiscal Impact: No fiscal impact to counties.**Signed by Governor: April 2, 2012****SB 76 Creating Green Buildings Act**

Amends WV Code by adding a new article, designated §22-29-1, §22-29-2, §22-29-3 and §22-29-4

Bill Passed March 10, 2012; The new Green Buildings Act is effective July 1, 2012.

This bill requires 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/ASHRAE/IESNA Standard 90.1-2007.

- (a) "ANSI" means the American National Standards Institute;
- (b) "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers;
- (c) "IESNA" means the Illuminating Engineering Society of North America;
- (d) "ICC" means the International Code Council; and
- (e) "Public agency" means an agency of the state and political subdivisions, public institutions of higher education and boards of education.

All new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations, including public schools, that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: *Provided*, That if any construction project has a commitment of federal funds to pay for a portion of such project, this section shall only apply to the extent such standards are consistent with the federal standards.

Fiscal Impact: According to fiscal note provided by Dept. of Administration, all state buildings require LEED standards which already encompasses these factors, but if your county does not require LEED standards, this requirement could cause added construction costs.

Signed by Governor: April 2, 2012

SB 100 Relating to fees collected by circuit court clerks

Amends WV Code §59-1-11

Passed March 5, 2012; Effective 90 days from passage (May 28, 2012)

This bill removes the requirement that the circuit clerk charge three times the amount of actual postage when sending certain documents by mail or express and instead allows for the collection of a fee equal to the **actual** amount of the postage and express costs for sending decrees, orders or records that have not been ordered to be sent by mail or express.

Fiscal Impact: Should be minimal, allowing taxpayers to pay actual costs.**Signed by Governor: March 14, 2012****SB 362 Authorizing bond issuance for Cacapon Resort State Park and Beech Fork State Park capital improvements**

Amends WV Code adding new sections, designated §29-22-18e; and §31-15-16b,

Passed March 9, 2012; Effective 90 days from passage (June 7, 2012)

This bill authorizes the issuance of \$52.5 million in bonds for capital improvements for Cacapon Resort State Park (Morgan County) and Beech Fork State Park (Wayne County) beginning in fiscal year 2013 providing that the debt service on the bonds is payable from an additional allocation from the State Excess Lottery Revenue Fund.

Fiscal Impact: No expense to two counties involved, but should provide economic benefits to both.**Signed by Governor: April 2, 2012****SB 365 Increasing membership of PEIA Finance Board**

Amends WV Code §5-16-4

Passed March 6, 2012, to take effect July 1, 2012

This bill will increase the number of members on the Public Employees Insurance Agency Finance Board from nine to eleven by adding one representative of a political subdivision and one additional representative of the public having experience in the financing, development or management of employee benefit programs. In a recent newspaper article, PEIA Director Ted Cheatham said "one new member will represent the public, and one will represent interests of counties, cities and other political subdivisions, West Virginia Association of Counties executive director Patti Hamilton is expected to be the governor's appointee for that seat."

Fiscal Impact: Finance Board members receive the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties for each day or portion of a day engaged in the discharge of official duties. At the current time this amount is \$150.00 per day. Finance Board members attend on average six meetings annually. The Public Employees Insurance Agency projects that passage of this legislation with the inclusion of two additional Finance Board members would have an annual cost of approximately \$2,000.00.

Signed by Governor: March 20, 2012

SB 387 Requiring training of floodplain managers

Amends WV Code §15-5-20 and adds a new section designated §15-5-20a

Passed March 7, 2012; Effective 90 days from passage (June 5, 2012)

The bill requires that beginning July 1, 2012, all floodplain managers must complete training of 6 hours in floodplain management annually, as provided by the WV Division of Homeland Security and Emergency Management and provides that another manager may take over the responsibilities of a manager who has not completed the required training. The bill also eliminates the requirement that the Office of Emergency Services report to the West Virginia Disaster Recovery Board on debris that may cause an obstruction during disasters.

Fiscal Impact: Impact to counties is minimal (perhaps some travel costs) as the training is provided by the state at regional locations several times a year without registration fees.

Signed by Governor: March 20, 2012

SB 437 Relating generally to substance abuse

Amends WV Code §16-1-4, §30-1-7a, §30-5-3, §60A-3-308, §60A-9-3, §60A-9-4, §60A-9-5, §60A-9-7, §60A-10-3, §60A-10-4, §60A-10-5, §60A-10-7, §60A-10-8 and §60A-10-11, and §61-12-10. Also adds a new article, designated §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8, §16-5H-9 and §16-5H-10, three new sections, designated §60A-9-4a, §60A-9-5a and §60A-9-8, and a new section, designated §60A-10-16.

Bill Passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill is the Governor's bill relating to substance abuse generally. It addresses the regulation of opioid treatment programs in this state; updating rules for opioid treatment program facilities to require clinical guidelines, recovery models, education and training requirements for treatment facility staff. It addresses the licensing and oversight of chronic pain management clinics; creating the Chronic Pain Clinic Licensing Act. It establishes limitations on the dispensing of controlled substances at a pain management clinics; requires annual inspections of pain management clinics; and provides for suspension or revocation of a pain management clinic license.

It removes requirement of certain licensed or certified health care professionals to complete continuing education course work on the subject of end-of-life care and requires certain licensed or certified health care professionals to complete drug diversion training and best practice prescribing of controlled substances training.

The bill requires additional information to be submitted to the Controlled Substances Monitoring Program database and clarifies that reporting is required for certain amounts of drugs dispensed to patients. The bill requires training for law-enforcement officials in order to access the Controlled Substances Monitoring Program database.

The bill requires the Board of Pharmacy to establish an advisory committee and sets forth the members and the scope and duties for the committee. It also requires the Board of Pharmacy to create a Controlled Substances Monitoring Program Database Review Committee and sets forth the membership of the review committee and the scope, powers and duties.

The bill further requires the Board of Pharmacy to provide annual reports to the Legislature. The bill requires professions with prescriptive authority to conduct an initial search of the Controlled Substances Monitoring Program database when prescribing a course of treatment that includes prescribing

of pain-relieving controlled substances and an annual search of the Controlled Substances Monitoring Program database for certain patients. It also establishes a felony offense and penalties for unauthorized access, use or disclosure of information contained in the Controlled Substances Monitoring Program database.

This bill creates the Fight Substance Abuse Fund and sets forth permissible uses for fund.

The bill addresses the current Methamphetamine Laboratory Eradication Act by establishing reduced daily, monthly and annual amount restrictions on the sale, transfer, dispensing or possession of ephedrine, pseudoephedrine and phenylpropanolamine by pharmacies.

It also establishes the use and requirements of the Multi-State Real-Time Tracking System; requiring pharmacies and retail establishments to electronically submit certain information to the Multi-State Real-Time Tracking System. **This bill further provides supersession and preemption of all local laws, ordinances and regulations pertaining to the sale of certain substances.**

The bill establishes an expiration date for Multi-State Real-Time Tracking System; requires the National Association of Drug Diversion Investigators to forward certain records to the West Virginia State Police and provides real-time access to the Multi-State Real-Time Tracking System to law enforcement. It requires the West Virginia State Police to submit an annual report with data and statistics on methamphetamine use, production and distribution; and requires the chief medical officer to provide notice to the Controlled Substances Monitoring Program Database Review Committee in the case of a death caused by overdose.

Fiscal Impact: The Department of Health and Human Resources estimates the fiscal impact to comply with the licensing and oversight of chronic pain management clinics to be \$503, 202 the first year and \$493,335 thereafter. Revenue projections are based on an assumption of 100 pain clinics at \$300/year licensing fee for \$30,000. There is an initial appropriation of \$ 5 million in the state budget for this purpose.

Signed by Governor: March 29, 2012

SB 469 Relating generally to other post-employment benefits

Amends WV Code §5-16-3; §5-16D-7; §11-21-96; and §18-9A-24 and adds three new sections, designated §5-16-5a; §5-16-5b.

Effective from passage (February 20, 2012)

This bill creates a funding source for "other post-employment benefits" or OPEB. It directs \$30 million in personal income tax into the West Virginia Retiree Health Benefit Trust Fund expected to begin in fiscal year 2016 until the Governor certifies that trust fund is fully funded or July 1, 2037, whichever date is later. It also directs the Director of the Public Employees Insurance Agency to evaluate and administer programs that ensure the long-term effectiveness of the agency and requires the director to issue annual progress reports to the Legislature. The bill prohibits the Public Employees Insurance Agency (PEIA) Finance Board from including in the financial plans any subsidy from the Retiree Health Benefit Trust for the cost of coverage for retired employees who were hired on or after July 1, 2010. The bill also specifies that portions of the employer annual required contribution (ARC) of county boards of education shall be billed to and be a responsibility of the state.

Fiscal Impact: (provided by the Governor's office) Recent actions of the PEIA Finance Board, together with these legislative changes have created a reduction in the Plan's Actuarial Accrued Liability

(AAL) by approximately \$2.6 billion and allow for reduction in the ARC and the annual OPEB Cost billed to Employers. Since the ARC is what sets their OPEB liability, employers will see relief in the rate of OPEB liability accrual, July 2012. The annual OPEB cost has gone from \$864 million in FY 2012 to \$225 million in FY 2013. Taking into consideration money collected for the ARC in the form of ARC contribution payments, the remaining ARC employers must accrue in 2013 will be approximately \$79 per eligible health policy. This represents a \$715 (\$794-\$79) decrease from the previous year's rate of accrual. The participating employers with OPEB liabilities on their financial statements are currently under no obligation to fund this liability per WV Code 5-16d-6. There will come a point in the life cycle of this long-term liability (approximately FY 2017) where the plan will begin amortization of this amount off employer books by crediting the previously billed remaining ARC.

Signed by Governor: February 20, 2012

SB 487 Creating Coalbed Methane Gas Distribution Fund

Amends WV Code §11-13A-20a

Effective from passage (March 10, 2012)

This bill relates to the distribution of coalbed methane gas severance tax to counties. It redefines "county economic development entity." Without this bill, some counties currently could not receive their share of this money because their EDA was not created under WV Code § 7-12. This bill defines "county economic development entity" as a county economic development authority established in §7-12 of the WV Code or if a county does not have an authority under §7-12, an entity designated by resolution of the county commission of the county as the lead entity for economic development activities for the purpose of encouraging economic development in the county which entity may be, but is not limited to being, redevelopment authorities created under WV Code §16-18; county economic development corporations; regional economic development councils, corporations or partnerships.

Further the bill authorizes the Tax Commissioner to deposit coalbed methane severance tax moneys into the Coalbed Methane Gas Distribution Fund created in the State Treasurer's Office and directs the State Treasurer to distribute these funds to county commissions directly (when total is \$10,000 or less) or to the designated county economic development entities (including accumulated but undistributed moneys from fiscal years 2009, 2010, 2011 and 2012, in counties whose EDA's didn't heretofore qualify.)

When funds total \$10,000 or less, the county commission may then use the funds to offset its regional jail costs, costs of any community corrections programs in which it participates, expenses of a volunteer fire department that provides service within its county or expenses of any library that provides services within its county.

The bill also sets forth that the permissible uses of Coalbed Methane Gas Distribution Fund moneys received by county economic development entities are for economic development projects and infrastructure projects.

"Economic development project" means a project in the state which is likely to foster economic growth and development in the area in which the project is developed for commercial, industrial, community improvement or preservation or other proper purposes.

"Infrastructure project" means a project in the state which is likely to foster infrastructure improvements and covers post mining land use, water or wastewater facilities, stormwater systems, steam, gas, telephone and telecommunications, broadband development, electric lines and installations, roads, bridges, railroad spurs, drainage and flood control facilities, industrial park development, road or buildings that promote job creation and retention.

EDA's must obtain approval of its respective county commission, in writing, for expenditure of these funds. None of these funds may be used for paying wages to any employee of the county or EDA.

The bill also eliminates the requirement of the Development Office approval for use of these funds. Instead, on or before December 1, 2013, and December 1 of each year thereafter, the county economic development entity or county commission receiving a distribution of funds shall deliver to the Joint Committee on Government and Finance a written report setting forth the specific projects for which those funds were expended during the next preceding fiscal year, a detailed account of those expenditures and a showing that the expenditures were made for the purposes required by this section.

An audit of any funds distributed under this section may be authorized at any time by the Joint Committee on Government and Finance to be conducted by the Legislative Auditor at no cost to the county economic development entity or county commission audited.

Fiscal Impact: According to the Fiscal note from the State Tax Department, passage of this bill would have no overall impact on State or local revenue. The changes proposed in the bill do not affect the levying of the Severance Tax on coalbed methane or the computation of the amount to be distributed to counties or the lead economic development authorities in counties. It simply allows counties access to their current share.

Signed by Governor: April 2, 2012

SB 517 Including community beautification and reclamation programs in authorized community corrections programs.

Amends WV Code §62-11C-5

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill adds authorization for Community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas, and community gardens, to the list of programs that Community corrections programs may provide.

Fiscal Impact: According to fiscal note provided by the WV Department of Corrections, Total Estimated Costs are \$200,000 to \$300,000 implementation plus \$300,000 annual operational costs.

Signed by Governor: March 30, 2012

SB 618 Relating to certain payments to governmental units.

Amends WV Code §8-10-2a; §8-10-2b; §8-13-15; and §50-3-2a and adds a new section, designated §7-5-2a
 Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill was amended in the final days of the session to include the language from HB 4030 (which CCAWV OPPOSED) and SB 167 (which CCAWV supported), along with its original purpose to require municipal courts and magistrate courts to wait at least eighty days from the date the person is charged with a motor vehicle violation before notifying the Division of Motor Vehicles of that person's failure to pay or failure to appear. As passed, SB 618 will also include a new §7-5-2a. Credit cards as form of payment (SB 167), which reads as follows:

Notwithstanding any code provision to the contrary, county officers required or authorized to collect fines, fees, taxes or other moneys provided by law may accept credit or check cards as a form of payment. County officers may set a fee to be added to each transaction equal to the charge paid by the county officers for the use of the credit or check card by the payor: Provided, That the county officer is required to obtain three bids and use the lowest qualified bid received: Provided, however, That if a county officer has obtained credit card services, another county officer may be added to that service without receiving bids for that service. The county officer shall disclose the amount of the fee to the payor prior to the transaction and no other fees for the use of a credit or check card may be imposed upon the payor. Acceptance of a credit or check card as a form of payment shall be in accordance with the rules and requirements set forth by the credit or check card provider.

The bill also includes language (HB 4030) to prioritize the crediting of partial payments of costs, fines, forfeitures, restitutions or penalties imposed by magistrate court. Currently, this has been handled in administrative court rule. The bill moves Worthless Check Payee and Restitution to number 2 and 3 spots of the list, ahead of multiple county revenue sources as follows:

Partial payments of costs, fines, fees, forfeitures, restitution or penalties made pursuant to this section shall be credited to amounts due in the following order:

- (1) Regional Jail Fund;*
- (2) Worthless Check Payee;*
- (3) Restitution;*
- (4) Magistrate Court Fund;*
- (5) Worthless Check Fund;*
- (6) Per Diem Regional Jail Fee;*
- (7) Community Corrections Fund;*
- (8) Regional Jail Operational Fund;*
- (9) Law Enforcement Training Fund;*
- (10) Crime Victims Compensation Fund;*
- (11) Court Security Fund;*
- (12) Courthouse Improvement Fund;*
- (13) Litter Control Fund;*
- (14) Sheriff arrest fee;*
- (15) Teen Court Fund;*
- (16) Other costs, if any;*
- (17) Fine.*

While CCAWV supported the concept of accepting credit cards for payment in counties, we were opposed to the reprioritization language that was amended into this bill and therefore we sent a letter to the Governor requesting that he veto SB 618 along with several county commissions and the W Courthouse Facilities Improvement Authority.

Fiscal Impact: CCAWV requested a new fiscal note on the amended bill but none was provided. We were told that the impact is very difficult to quantify...another reason CCAWV requested that the Governor veto this bill. The Governor did sign the bill, but pledged to continue to monitor the impact to county revenue and support legislative change if reductions warrant it.
Signed by Governor: April 3, 2012

SB 621 Requiring DOH concur with major subdivisions or land developments provide sufficient access

Amends WV Code §8A-5-7

Bill passed March 8, 2012; Effective 90 days from passage (June 6, 2012)

This bill recommends that counties, prior to final approval for a new subdivision, require the developer obtain and submit a letter from the Division of Highways acknowledging that the subdivision provides sufficient access to state roads.

Fiscal Impact: No fiscal note was provided, however CCAWV has received and forwarded to all counties, a letter from DOH, acknowledging the passage of the bill and their willingness to work with counties to "assure that all new subdivisions are safe for the traveling public." The letter also indicates that Developers will work with the DOH local district office to receive the confirmation letter needed.

Signed by Governor: March 20, 2012

HB 4063 Relating to civil service commissions in political subdivisions

Amends WV Code §7-14-3; §7-14B-3; §8-14-7; and §8-15-12

Bill passed March 9, 2012, Effective from passage

This bill relates to county and municipal civil service commissions. Each civil service commission for deputy sheriffs previously created is continued. The commissioners shall, unless sooner removed, continue to serve until their respective terms expire and their successors have been appointed and qualified. Each civil service commission for deputy sheriffs consists of the following three members:

- (1) One commissioner appointed by the county bar association;
- (2) One commissioner appointed by the county deputy sheriff's association; and
- (3) One commissioner appointed by the county commission.

(c) The commissioners' terms are for four years and shall be staggered.

If the county bar association or the county deputy sheriff's association fails to make an appointment within sixty days, then the county commission shall make the appointment.

This bill requires that qualified civil service commissioner appointments have not been convicted of a felony or a misdemeanor involving moral turpitude and that they not be related to a county commissioner from which the appointment is made or to the president or chairman of a similarly situated association or of the

county bar association from which the appointment is made. They must be a resident of this state and a qualified voter of the county in which the commission is located. Civil Service commissioners must not be a county commissioner of the county from which the appointment is made; or the president, chairman or similarly situated executive official of the county deputy sheriff's association or the county bar association, from which the appointment is made; cannot hold any other office, other than the office of notary public, under the United States, this state, or any municipality, county or other political subdivision thereof or serve on any political committee; or take an active part in the management of any political campaign.

The county commission may remove a serving commissioner for neglect of duty, incompetence, official misconduct or good cause. The reasons for removal of a commissioner shall be stated in writing and made a part of the records of the civil service commission.

Fiscal Impact: -0-

Signed by Governor: March 20, 2012

HB 4068 Providing that antique motor vehicles be valued at their salvage value for personal property tax purposes – VETOED BY THE GOVERNOR

Amends WV Code §11-1C-5 adds a new section, designated §11-1C-5c

Bill passed March 10, 2012; Effective July 1, 2012

This bill provides that the minimum appraised value of a motor vehicle is \$700 for purposes of ad valorem property taxes; and that the appraised value of an antique motor vehicle is \$5,000 for purposes of ad valorem property taxes.

Fiscal Impact: Bill was amended in final days, therefore no new fiscal note is available.

VETOED by Governor: March 16, 2012 – No Veto Message Available.

HB 4086 Designating certain property as a qualified capital addition to a manufacturing facility.

Amends WV Code §11-6F-2 and §11-6F-4

Bill passed January 25, 2012; Effective July 1, 2012

This bill, dubbed the "cracker bill," extends the special valuation of certified capital addition property to include certain significant initial investment in certain manufacturing facilities, without the qualifying requirement of preexisting investment, and to enlarge the time over which that special valuation applies from 10 years to 25 years.

Fiscal Impact: As prepared by the WV State Tax Department, the proposed changes to the special method for appraising qualified capital additions will have little or no direct effect on Property Tax revenue because manufacturing capital investments exceeding \$2 billion in a single facility rarely, if ever, occur in West Virginia. While there could be some Property Tax revenue foregone due to the reduced valuation for purposes of the Property Tax, the special method of appraisal would not reduce any tax derived from current sources. With the proposed changes to the special method for appraising qualified capital additions to manufacturing facilities, a \$2 billion investment in capital, including buildings, machinery and equipment, would produce roughly \$1.5 million in new direct Property Taxes each year. In addition, there will likely be other direct or indirect increases in tax revenue attributable to the new or expanded facility that would result in the creation of thousands of new jobs that may offset the tax revenue foregone.

Signed by Governor: January 26, 2012

HB 4107 Relating to volunteer firefighter training.

Amends WV Code §29-3-9 and a new section designated, §29 - 3 - 5 d

Bill passed February 14, 2012; Effective from passage

This bill authorizes the State Fire Commission to establish the training requirements for volunteer firefighters by legislative rule, on or before July 30, 2012.

Training requirements for firefighters which:

(1) Provide for:

(A) Minimum training levels for rescue and firefighting;

(B) Minimum levels of equipment needed to protect life and property within fire service areas;

(C) Minimum performance standards the departments must meet in response times, communications, levels of water flow and pressure; and

(D) Other performance measures as considered necessary to meet the overall goals of improved fire prevention and control.

(2) Allow the training to be offered in segments, blocks or modules: *Provided*, That no firefighter may engage in firefighting activities, except in response to wildland fires, until he or she has completed all firefighter one training: *Provided*, however, That support members may provide ancillary assistance to firefighters as defined by the rule;

(3) Provide for online training;

(4) Allow testing to be done in person or online; and

(5) Establish the testing requirements which include:

(A) If the individual is required to test in person, then the tests must be given regionally at various times throughout the year; or

(B) If the individual is authorized to test online, then the requirements for online testing must be established.

(b) The State Fire Commission may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

(c) The training policies in effect as of the effective date of the enactment of this section during the Regular Session of 2012 will remain in effect until superceded by the emergency rule or legislative rule promulgated pursuant to this section.

Fiscal Impact: No fiscal note provided. – Was supported by the VFD Association.

Signed by Governor: February 23, 2012

HB 4238 Establishing procedures for address confidentiality program participants on the special absentee voting list.

Amends WV Code §3-3-1, §3-3-2 and §3-3-2b

Bill passed March 6, 2012; Effective 90 days from passage (June 4, 2012)

To further protect a person's location that is participating in the Address Confidentiality Program, this bill establishes procedures for: (1) The inclusion of Address Confidentiality Program participants on the special absentee voting list; and (2) the method of application and ballot provision for the program participants.

Fiscal Impact: No fiscal note provided

Signed by Governor: March 15, 2012

HB 4257 Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986

Amends WV Code adding a new section, designated §3-2-6a

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill permits voter registration in person up to, but not including, the day of the election for any member of a uniformed service of the United States, as defined in 42 U. S. C. §1973ff-6, any member of the Merchant Marine of the United States, any person who resides outside the United States by virtue of his or her employment in support of national security functions or purpose; and any spouse or dependent residing with a person who meets the aforesaid criteria. The bill also provides for applicability of section; providing that any person who registers pursuant to this section shall vote a provisional ballot; and requires the Secretary of State to prescribe procedures to implement the section.

Fiscal Impact: No fiscal note provided.

Signed by Governor: March 30, 2012

HB 4263 The West Virginia Buy American Act.

Amends WV Code by adding a new section, designated §5A-3-57

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill creates a "Buy American Task Force." It sets forth legislative findings and declares the following state policy:

It is the policy of West Virginia that the state and its political subdivisions should aid and promote the economy of this state and the United States by requiring a preference for the procurement of iron, steel, manufactured goods, coal and timber produced in the United States in all contracts for the construction, reconstruction, repair, improvement or maintenance of public buildings and public works projects.

The bill further requires the Purchasing Division and the Division of Labor to convene a task force to study the use of American made construction materials and manufactured goods in the various aspects of the construction and maintenance of public buildings and public works projects of the state and its political subdivisions which are funded in part by state grants, state loans or state appropriations, and requires the task force to report to Legislature by December 31, 2012.

Fiscal Impact: -0-

Signed by Governor: March 15, 2012

HB 4403 Changing the filing deadline for certified write-in candidates.

Amends WV Code §3-6-4a

Bill passed March 9, 2012; Effective 90 days from passage (June 7, 2012)

This bill changes the filing deadline for certified write-in candidates; and removes language that conflicts with other sections of the code relating to the filling of vacancies. The write-in candidate's certificate of announcement for any office shall be received no later than the close of business on the forty-ninth day before the election at which the office is to be filled; except when there is a death of the nominee or a the disqualification or removal of a nominee from the ballot by a court of competent jurisdiction not earlier than the forty-eighth day nor later than the fifth day before the general election, the certificate shall be received no later than the close of business on the fifth day before the election or the close of business on the day following the occurrence of the vacancy, whichever is later.

Fiscal Impact:-0-

Signed by Governor: March 20, 2012

HB 4451 Ensuring that county executive committees have control of designating the persons who serve as ballot commissioner

Amends WV Code §3-1-19

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill, relating to appointment of ballot commissioners, authorizes the county executive committees of the two largest political parties to make the appointments. If the county executive committees do not make the appointments in a timely manner, then the county clerk shall make the appointments.

Fiscal Impact: -0-

Signed by Governor: March 30, 2012

HB 4522 Providing additional contempt powers for family court judges

Amends WV Code §51-2A-9

Bill passed March 10, 2012; Effective July 1, 2012

With passage of this bill, when person is in civil contempt, the court, in its discretion, and as an alternative to incarceration, may place the person on work release, in a weekend jail program, in an existing community service program, in an existing day-reporting center program, in any other existing community corrections program or on home confinement until the person has purged himself or herself of the contempt.

Fiscal Impact: No fiscal note provided, however, could provide some relief from regional jail costs.

Signed by Governor: March 30, 2012

HB 4567 Permitting the Harrison County Commission to levy a special district tax

Amends WV Code §7-22-9

Bill passed March 8, 2012; Effective from passage

This bill authorizes the Harrison County Commission to levy a special district excise tax for the benefit of the Charles Pointe Economic Opportunity Development District. As interpreted by the WV State Tax Department, the Consumers Sales and Service Tax and Use Tax currently collected within the Charles Pointe Economic Opportunity Development District would be re-designated as a Special District Excise Tax for deposit into a special fund, for funding the development. The State General Revenue Fund would retain sales tax proceeds from business within the District up to an amount equivalent to the base year tax revenue. Incremental sales tax collections, above the base year amount, from sales and service activity within the Charles Pointe Economic Opportunity Development District would be available for the development project.

Fiscal Impact: As provided by the WV State Tax Department, additional administrative costs associated with passage of this bill would likely be incurred by the State Tax Department, the State Treasurer's Office and the Harrison County Commission. However, the additional administrative costs for the State Tax Department and the State Treasurer's Office would likely be minimal since the creation of the Charles Pointe Economic Opportunity Development District would likely be an addition to existing processes rather than requiring the development of forms, procedures, and processes for an entirely new program. The State Tax Department administrative costs would likely be offset by the one percent retention of Special District Excise Tax revenue authorized by W. Va. Code §11-10-11a(e). The Harrison County Commission would likely incur some minimal additional administrative costs to maintain and share a list of Taxpayers within the Charles Pointe Economic Opportunity Development District required to collect and pay the Special District Excise Tax. There could be some loss of State General Revenue over time to the extent that any new activity within

the District displaces existing retail activities in the market region located outside of the District. However, such an impact can not be readily quantified.
Signed by Governor: March 20, 2012

HB 4630 Modifying the membership of the Braxton County Recreational Development Authority

Amends and reenacts chapter 196 of the Acts of the Legislature - Local Bill

Bill passed March 6, 2012; Effective from passage

This bill modifies the membership of the Braxton County Recreational Development Authority. It transfers certain authority from the Braxton County Board of Education to the Braxton County Commission and requires the approval of the Braxton County Commission and the Braxton County Board of Education on land transactions conducted by the authority.

Fiscal Impact: -0-

Signed by Governor: March 15, 2012

HB 4654 Relating to the provision of mailing services by the CPRB to certain retiree organizations

Amends WV Code §5-10D-6

Bill passed March 7, 2012; Effective from passage

This bill, relating to voluntary deductions by the Consolidated Public Retirement Board from monthly benefits to pay retiree association dues, establishes the date when the increased dues will be deducted, requires prior authorization of the increased deductions by the retirants, adds requirement of board provision of blind mailing services for retiree associations, provides that the board is not liable for the provision of services and **establishes a termination date of July 1, 2022**. Under this bill a retiree association representing only West Virginia public retirees may request the board to mail voluntary membership applications and dues deduction cards to any eligible retirees of any West Virginia public retirement plan administered by the board: *Provided*, That the retiree association shall pay all costs associated with these mailings, including but not limited to copying, mailing, postage, record-keeping and auditing. The CPR board may contract with a third-party to provide mailing services that agrees to maintain the confidentiality of the names, addresses and other personally identifiable information of the retirants.

Fiscal Impact: -0-

Signed by Governor: March 14, 2012



*WVACo Board of Directors
Spring Board Meeting Draft Agenda
Twin Falls State Park
June 3 - 5, 2012*

Sunday, June 3rd

3:00 - 5:00 Registration / Welcome Refreshments courtesy of Wyoming County Officials
5:00 p.m. Annual Meeting Planning Committee Meeting (tentative time)
Other Committee Meetings as Needed - Committee Members will be contacted.
7:00 p.m. BBQ Dinner Sponsored by Wyoming County Commission & Hosted by
Commissioner Jason Mullins / Shelter Area

Monday, June 4th

8:00 a.m. Breakfast / Possible Committee Meetings to be determined
9:00 a.m. **General Session - WVACo Business Meeting**
Pledge of Allegiance / Roll Call / Establish Quorum / Approval of Minutes
Welcome from Wyoming County Officials
Welcome from Twin Falls Superintendent - *Scott Durham*
Self-Introductions
Remarks from Outgoing President - *Jerry Berry, Summers County Commissioner*

Welcome from the President - *Jeff Waybright, Jackson County Clerk*
Report & Brief Board Orientation from Executive Director - *Patti Hamilton*
Update on Dental/Vision Benefit Plan & WVACo Endorsed Life Insurance Program -
Kathy Hughes Yates
Update on WV Counties Risk Pool - *Patti Hamilton / WVCoRP Staff*
Report from NACo Northeast County Caucus Board Representative - *Patsy Noland*
Report from Compensation Committee - *Lavada Williamson, Committee Chair*

Budget Committee Report / Adopt Budget for Fiscal Year 2013 - *Committee Chair*
Approve Renewal of Contract for Knight Consulting Services for FY 2013
Report from Annual Meeting/Reception Committee / Approve Preliminary Plans -
Committee Chair
Committee Appointments for 2012-2013
11:00 a.m. Regional Jail Authority Update - *Joe DeLong, Acting Executive Director of the WV
Regional Jail Authority*

Noon - **Luncheon - Area Legislators Invited**
1:00 - 3:00 Update: Recording Fee Litigation - *Harry Bell, Bell Law Firm*
Presentation by WV Sheriffs Association - *Information about Constitutional Amendment
Campaign*
Continuation of Morning Agenda / County Health Initiative / Legislative Issues needing
Board Discussion or Action
Old Business / New Business

Free Time After Business Meeting - Enjoy Twin Falls! / Committee Meetings As Needed

6:00 p.m. Cook-Out Around the Campfire - Sponsored by Wyoming County Commission &
Hosted by David "Bugs" Stover
*Followed by Entertainment provided by Wyoming County Officials (they will not be the entertainment
- they are the sponsors of it!)*

Tuesday, June 5th

9:00- 11:00 Regional Wrap-Up
"Issues & Eggs" Power Point Presentation - Review of 2012 Legislative Session
Planning for 2012 Interim Session & 2013 Legislative Session



2012
SPRING BOARD
MEETING

June 3-5, 2012
TWIN FALLS RESORT



REGISTRATION

Name _____

County _____ Title _____

Address _____

GUEST _____

Registration Fee for Guests: \$40.00 Non-Board Member: \$75.00
No registration fee for Board Members.

____ I will be attending the meeting but do not need a room.

ACCOMMODATIONS: TWIN FALLS STATE PARK Check In: 3:00 pm Check Out: 12:00 pm

ROOM: ___ Queen (\$87) ___ Doubles (\$87) ___ Queens (\$95)
___ 2 Queens (\$95) ___ King (\$105) ___ King Suite (\$120)

PAYMENT:

___ Direct Bill Credit Card: TYPE _____ Card # _____

Exp. _____ WVACO PHONE: 304-346-0591 FAX: 304-346-0592

PLEASE INCLUDE LETTER OF CREDIT (if applicable) and
TAX EXEMPT FORM WITH REGISTRATION

WVACO will make all room reservations.



Twin Falls is located southwest of Beckley. > Exit I-64/I77 at Beckley Exit 42 (marked Beckley and Robert C. Byrd Drive). From Exit 42 it is 28 miles(45 minutes) to Twin Falls Lodge. > From the Exit Ramp turn right onto Rt 16 South/Rt 97 West (marked Sophia, Mullens). Drive approximately 3.5 miles. > Bear right onto Rt 54 South towards Mullens. > Drive approximately 15 miles on Rt 54 South. You will drive through the towns of Glen White and Lester. These towns are locally noted for very strict enforcement of their speed limits, so be careful. > At Maben, about a quarter of a mile past Maben Easy Stop, turn right onto Rt 97 West and drive 5.5 miles. > About a quarter of a mile past the Exxon Station you will come to a STOP sign. > Turn left onto Bear Hole Road. It is 4.1 miles to Twin Falls Lodge.

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: SANDY SLUSHER McDONALD, DEPUTY COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER
ENGINEERING DEPARTMENT

RLG

DATE: MAY 1, 2012

SUBJECT: DAIRY QUEEN – FILE #S06-02

Please find enclosed the construction bond(s) and security for the following project:

D&D LC - Dairy Queen/Maddex Square Shopping Center (File #S06-02), which is secured by Letter of Credit #7000061429 with Community Bank, Staunton, Virginia in the amount of \$233,846.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

Impact Fee Status Report

April 2012

Office of Impact Fees

Summary

Date Range: Sunday 1 through Monday 30 April 2012

Report Date: 1 May 2012

Process Number Range: 1200037 - 1200050

Total Applications: 14

Total Non-Exempt: 12

Of which:

Commercial: 1

Residential: 11

Of which:

County: 6

Municipal: 6

Total Exempt: 2

Of which:

Commercial: 1

Residential: 1

Of which:

County: 2

Municipal: 0

Tables 1 through 7 summarize impact fee processing for the month of April 2012:

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 30 April 2012	2	1	11	14
Fees collected		\$1,403.00	\$135,794.00	\$137,197.00
<i>Of which</i>				
School Impact Fee			\$119,342.00	\$119,342.00
Law Enforcement Fee		\$146.00	\$1,186.00	\$1,332.00
Parks & Recreation Fee			\$7,918.00	\$7,918.00
Fire & EMS Fee		\$1,257.00	\$7,348.00	\$8,605.00

Table 2. Financial Data – Office of Impact Fees General Account (3111776)

Description	Amount
Opening Statement Balance (1 April 2012)	\$33,562.25
April Deposits (1 – 30 April 2012)	\$137,197.00
Interest Earned (30 April 2012)	\$33.05
School March Transactions (withdraws via transfer on 17 April 2012)	(\$22,736.59)
Law March Transactions (withdraws via transfer on 17 April 2012)	(\$902.91)
Parks & Rec March Transactions (withdraws via transfer on 17 April 2012)	(\$1,505.21)
Fire & EMS March Transactions (withdraws via transfer on 17 April 2012)	(\$8,462.57)
Ending Statement Balance 30 April 2012	\$137,185.02
<i>Outstanding Credits (deposits through 1 April 2012) /1</i>	<i>\$45.03</i>

Notes:

/1 This Outstanding Credit represents a deduction for ordering deposit slips for Impact Fees General Account 3111776, which is to be reimbursed through materials and supplies through a P.O. from Department 404.

Table 3. Financial Data – School Impact Fee Account (3107582)

Description	Amount
Opening Balance (1 April 2012)	\$1,177,147.51
Interest Earned (30 April 2012)	\$488.12
March Transactions (deposits via transfer on 17 April 2012)	\$22,736.59
Ending Balance (30 April 2012)	\$1,200,372.22

Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)

Description	Amount
Opening Balance (1 April 2012)	\$62,340.60
Interest Earned (30 April 2012)	\$25.79
March Transactions (deposits via transfer on 17 April 2012)	\$902.91
Ending Balance (30 April 2012)	\$63,269.30

Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)

Description	Amount
Opening Balance (1 April 2012)	\$242,814.30
Interest Earned (30 April 2012)	\$100.07
March Transactions (deposits via transfer on 17 April 2012)	\$1,505.21
Ending Balance (30 April 2012)	\$244,419.58

Table 6. Financial Data – Fire & EMS Impact Fee Account (3122816)

Description	Amount
Opening Balance (1 April 2012)	\$83,238.71
Interest Earned (30 April 2012)	\$35.08
March Transactions (deposits via transfer on 17 April 2012)	\$8,462.57
Requisition 12R0080 CHK 117	(\$4,200.00)
Ending Balance (30 April 2012)	\$87,536.36

Table 7. Total Impact Fees as of 1 May 2012/1

Description	Amount
Office of Impact Fees General Account	\$137,185.02
School Impact Fee Account	\$1,200,372.22
Law Enforcement Fee Account	\$63,269.30
Parks & Recreation Impact Fee Account	\$244,419.58
Fire & EMS Impact Fee Account	\$87,536.36
Total	\$1,732,782.48

Notes:

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

Applications with IFC Signature Dates/Form 190 Processing Dates between Sunday, April 01, 2012 and Monday, April 30, 2012

Application ID	Date	Applicant	Address	City	Zip	Category	Count	Fee	Date	Form
1200041	04/12/2012	Jefferson Realty,	07 Middleway	1086	28 19A	14		\$0.00	04/12/2012	Form 200
1200042	04/13/2012	Mockingbirdhil,	02 Charles Town	481	624 4A	43		\$0.00	04/13/2012	Form 200
Category Count: 2							Category Total	\$0.00		
1200037	04/04/2012	Dan Ryan	03 Charles Town	1016	363 5A	22		\$12,808.00	04/04/2012	N/A
1200038	04/04/2012	Dan Ryan	03 Charles Town	.	11D	99		\$12,808.00	04/04/2012	N/A
1200039	04/10/2012	Pete Kubic	09 Shepherdstown	1104	484 8F	8		\$9,868.00	04/10/2012	N/A
1200040	04/10/2012	Pete Kubic	09 Shepherdstown	1104	484 8F	9		\$9,868.00	04/10/2012	N/A
1200043	04/17/2012	Dan Ryan	02 Charles Town	1018	71 6A	35		\$13,070.00	04/17/2012	N/A
1200044	04/17/2012	Dan Ryan	03 Charles Town	.	11D	54		\$12,808.00	04/17/2012	N/A
1200045	04/17/2012	Dan Ryan	03 Charles Town	.	11D	115		\$12,808.00	04/17/2012	N/A
1200046	04/19/2012	James and John	02 Charles Town	315	435 13	7		\$1,403.00	04/19/2012	N/A
1200047	04/20/2012	Third Day	07 Middleway	1029	82 20	11		\$13,070.00	04/20/2012	N/A
1200048	04/23/2012	Dan Ryan	08 Ranson Corp	.	8C	215		\$12,808.00	04/23/2012	N/A
1200049	04/23/2012	Dan Ryan	03 Charles Town	.	11D	56		\$12,808.00	04/23/2012	N/A
1200050	04/27/2012	Dan Ryan	02 Charles Town	1018	36 6A	36		\$13,070.00	04/27/2012	N/A
Category Count: 12							Category Total	\$137,197.00		
TOTAL APPLICATIONS: 14							Grand Total	\$137,197.00		

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: SANDY SLUSHER McDONALD, DEPUTY COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER
ENGINEERING DEPARTMENT

DATE: MAY 2, 2012

SUBJECT: COUNTRY ROADS MARKET – FILE #S11-08 *RLG*

Please find enclosed the construction bond(s) and security for the following project:

Jefferson Reality, LLC – Country Roads Market (File #S11-08), which is secured by Letter of Credit #318 with the Bank of Charles Town, Charles Town, West Virginia in the amount of \$96,067.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

RECEIVED

MAY 02 2012

Jefferson County Commission

The Jefferson County Parks & Recreation Commission

Cordially invites you to attend the

Grand Re-Opening & Ribbon Cutting of Moulton Park

Friday, May 18, 2012 ~ 10:00 a.m. ~ Moulton Park

Following several months of renovation, the Jefferson County Parks & Recreation Commission is proud to re-open Moulton Park to the public. Moulton Park has undergone a major renovation the past 6 months and is opening in May with new campsites, additional parking, a new boat ramp, and a new guardrail fence.

A grant of \$45,000 from the Land & Water Conservation Fund with a match from Jefferson County Parks & Recreation Impact Fees funded the \$90,000 renovation of the park. A cooperative agreement with West Virginia Division of Natural Resources funded the new boat ramp and parking lot improvements.

We hope to see you there!

Light Refreshments will be served.
Please RSVP at 304-728-3207.



● VALLEY VIEWS

**Potomac
Valley
Audubon
Society**

Volume 30, Issue 3

May 2012

It's a Boy!

To everyone's surprise (including her own), PVAS Executive Director Kristin Alexander gave birth to a baby boy on March 25.

This was about five weeks earlier than originally expected but mother and son (and father Jeff) are doing fine. The baby's name is "J.J."

Needless to say, this has accelerated Kristin's maternity leave timetable. She'll now be on full-time maternity leave through June 30. She plans to come back on a half-time basis for the balance of the year and then resume a regular work schedule next January.

From now through June 30, please direct any questions or comments about PVAS's youth or adult education programs to our Director of Youth Programs, Ellen Murphy. For information or help with administrative matters, contact our President, Peter Smith.

● Invitations to June 23 Reception Will Be Sent Soon

Here's a reminder that Bob and Tia McMillan 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 event will be open to PVAS members and friends. However, space will be limited and tickets will be required.

Invitations will be sent soon to everyone on PVAS's fundraising-event list. If you want to attend but are not sure if you're on that list—or if you haven't received an invitation by June 1—please contact Jane Vanderhook at janehook@frontiernet.net or 304-876-6993.

The reception will be held from 4:00-7:00 p.m. It will be held mostly outside, on the lawn and patio.



Food and beverages will be served, and musical entertainment will provide background.

Dress will be casual.

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.

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.

Annual Appeal Raised a Record \$34,182

Our latest annual fundraising appeal, which began in December and concluded at the beginning of April, raised a total of \$34,182.

This is \$2,586, or 8 percent, more than we raised over the 2009-2010 winter and represents a new record high.

The number of donors was down somewhat: a total of 173 families and individuals contributed, seven fewer than the year before.

The average contribution to this year's appeal was \$194.21. This is a very high figure for small organizations like ours, and it's the highest average contribution figure we've ever recorded.

These figures do not include contributions that families and individuals made to PVAS through United Way or the Combined Federal Campaign—we typically don't get any information about those contributions until late May or so.

In any case, the return from this year's appeal was a great outcome given the continuing concerns about the economy in our region, and it will go a long way in helping us sustain our programming. It's gratifying to know we have such a loyal base of support in the community.

A full list of all those who contributed is included in this newsletter.

Thanks again to all of you who have been so generous to PVAS. We appreciate your help, and you can count on us to put your contributions to good use!

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

VALLEY VIEWS

President's
Perch

Hello everyone:

One of this column's functions is to ensure that people who've made special efforts to support PVAS get the recognition they deserve.

The contents of this month's newsletter prompt several such recognitions.

First, I want to thank all of the families and individuals who contributed to last winter's annual fundraising appeal. You've pushed our annual fundraising total to a new high, and the money you've contributed will be a big help. We're fortunate to have such a strong contributor base.

Second, I want to thank all of the businesses and organizations that sponsored this year's Race for the Birds. We had more sponsors than ever before this year, and we're pleased to see so many new sponsors come on board.

Third, in a different vein, I want to thank Sandy Sagalkin and his birding committee colleagues for all the steps they've taken to strengthen our birding programs. We're much more active in that area now than we used to be (e.g., look at the many birding events we've got planned for May), and we appreciate all the careful planning and hard work that have made this possible.

Finally, I want to thank everyone who's pitched in over the past few weeks to keep things running reasonably smoothly in the wake of the unexpectedly sudden arrival of Kristin Alexander's new baby.

As you might imagine, we were faced with some loose ends at the outset. However, thanks to the efforts of staff, Board members, volunteers—and Kristin herself—we seem to have things pretty much under control by now. It's a cliché for organizations to refer to themselves as families but PVAS is still small enough and close-knit enough to have a lot of the characteristics of a family. And in this case, we've been able to pull together like a family and do what's needed to be done.

—Peter Smith

PVAS Newsletter Still Needs Help

PVAS needs an editor/publisher for the Valley Views newsletter. The current editor/publisher will publish his last issue for June 2012.

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 not inclined to the technical side of things. Interested persons should contact Wayne Braunstein at wbraun@frontiernet.net to discuss this volunteer need.



Annual Meeting to be Held June 9

This year's PVAS annual meeting will be held the evening of Saturday, June 9 at the Yankauer Nature Preserve.

The evening will begin at 6:30 p.m. with a potluck supper.

Afterwards, we will recognize outstanding PVAS volunteers and the annual meeting will be called to order for the election of new directors. The slate of candidates for the election follows below.

All PVAS members are invited to attend, and children will be welcome.

For the potluck supper, please bring a dish to share. Those whose last names begin with the letters A-H are asked to bring vegetables or fruit; I-L, a dessert; M-R, a protein dish; and S-Z, a starch dish.

All are asked to bring their own dishes, flatware, and the like, so we can be environmentally conscientious. PVAS will provide water and lemonade.

For more information, contact Peter Smith at pvsmitth@frontiernet.net or 304-876-1139.

Election of Board Members

There are thirteen board positions called for in the PVAS bylaws. Four of the positions are officers with the remainder serving as at-large members. Election of board members is staggered so that approximately one-third of the seats are up for election each year. The term of office for all board members is three years with a maximum of two consecutive terms; however, a person that serves two consecutive terms and is elected as an officer may extend their board membership/officer position by one additional term by unanimous decision of the board.

This year four current board members—Peter Smith, Wayne Braunstein, Rob Hoxton, and Georgia Jeppesen—will be leaving due to expiration of term limits. Don Briggs, now completing his first term on the board, has agreed to continue for a second term.

Two officer positions on the board will also be up for election. Peter Smith served a third term as president under a special provision of the bylaws. With his departure, Bob Reynolds, the current vice president, will stand for the position of president. A new incoming board candidate, Gary Heichel, has agreed to stand for the position of vice president.

Slate of Candidates

Board Candidates

Don Briggs (second term), At-large: Don is the administrator of the Potomac Heritage National Scenic Trail program. Based in Harpers Ferry, the program is partnership between the National Park Service, the states of Maryland, Virginia, and Pennsylvania, and the District of Columbia to develop a system of trails between the mouth of the Potomac and the Allegheny Highlands. Previously, Don managed technical assistance, special studies and planning projects for the National Park Service in the Mid-Atlantic States. He holds a B.S. in Natural Resources from Ohio State University and two masters from the University of Wyoming, one in American Studies and

another in Community and Regional Planning. He has also held various volunteer positions, including chair of the Public Lands Committee of the Jackson Hole Alliance for Responsible Planning and President of the Shepherdstown Elementary Association.

Sandy Sagalkin (new), At-large: Sandy has been the Chairman of the PVAS Birding Committee since its inception two years ago. During that time, he has increased the numbers of bird walks to approximately four times a month during most months of the year, initiated the Ruth Ann Dean Annual Birdathon, now in its 3rd year, and, as Chairman, oversaw the creation of the PVAS Birding Trail Map for the four county PVAS coverage area. He writes a monthly column, "View from the Eagle's Nest" that appears in the PVAS newsletter. He has recognized the need to develop in younger people, especially children, an interest in birds and bird conservation, and is working through the Birding Committee to develop more for that age group.

Sandy has been retired for four years. He practiced law for the federal government, for the State of Alaska, and in private practice, in Alaska and Washington, DC. He has served on boards of directors of Alaska environmental organizations as well as at the national level. He is married to Monda, and has two grown children, Nick and Amy.

Lou Scavnicky (new), At-large: Lou retired in 2009 from a recent six-year position as a construction project manager in the healthcare field. Previously he retired from a 25-year career with AT&T. In 1996 Lou and his wife, Jackie, bought their retirement property along the Opequon, built a home there in 2006, and moved from Maryland to Berkeley County in 2007. Lou has had conservation in his blood since he was a young adult growing up in rural, western Pennsylvania. At 21 he bought a 100-acre farm in northwestern Pennsylvania and with help planted about 5,000 trees; that started it all. He and Jackie are both Berkeley/Jefferson County Master Gardeners. Lou is a PVAS Master Naturalist, successfully completing the program in 2011 and is currently in his second term as President of the Eastern Panhandle based Opequon Creek Project Team. Lou completed his undergraduate degree in Business at the University of Pittsburgh and secured a Masters in Project Management from George Washington University in Washington. Lou is a finish carpenter building many one-of-a-kind pieces of furniture. He and Jackie are now enjoying their retirement along the Opequon with activities which include canoeing and kayaking, fishing, bicycling and gardening.

Open Position (new), At-large: TBA

Officer Candidates

Bob Reynolds, President: Bob Reynolds earned his Masters Degree from the University of California, Berkeley, and retired in 2006 after a career in Public Health specializing in community alcohol problems both in the United States and internationally. In 2003 Bob and Linda purchased riverfront property in Shepherdstown, and signed a conservation easement with the Potomac Conservancy to permanently protect the property. Since moving to Shepherdstown on a full-time basis in 2005 Bob has served as a Jefferson County Planning Commissioner and on the Board of the Shepherdstown Men's

Club, and is currently serving on the Board of the Friends of the Shepherdstown Riverfront. Bob is a long term member of several national advocacy organizations, and a Life Member of the Sierra Club. Today Bob favors a pop-up trailer when camping, is an active kayaker, and cherishes the log book he wrote as a Junior Audubon Society member in the fourth grade.

Gary Heichel (new), Vice President: Gary Heichel is retired from the faculty of the University of Illinois at Urbana-Champaign, where he was Professor of Plant Physiology and Department Head of Crop Sciences for 14 years. Earlier in his career, he was a research scientist for the U. S. Department of Agriculture - Agricultural Research Service at St. Paul, Minnesota, an Adjunct Professor at the University of Minnesota, and a research scientist at the Connecticut Agricultural Experiment Station, New Haven. A native of Wisconsin, Gary was raised on a farm in Iowa, received his B. S. degree from Iowa State University, and received his graduate degrees from Cornell University.

Gary and his wife, Iris, moved to Berkeley County, WV, after his retirement in 2004 and reside in Whiting's Neck Farm Estates, which is located about 1 mile N and E of Yankauer Nature Preserve. Gary served as President of the Board of Whiting's Neck Farm Estates HOA (2005-2007), served as Secretary (2008-2010) and Chair (2010-current) of the Board of the Potomac Headwaters Resource Conservation & Development Region, Inc., and served on the Board of the Shepherdstown Rotary Club (2008-2012). He serves on the Signature Events & Legacy Committee of Shepherdstown's 250th Anniversary and Celebration (2010-current).

RECYCLING NEWS

Berkeley County Solid Waste Authority
304-267-9370 Office
304-671-2925 Recycling Hotline
berkeleycountyswa@msn.com
www.berkeleycountyrecycling.com



Paint Collection Event Returns to Berkeley! The Berkeley County Solid Waste Authority (BCSWA) is pleased to announce that a rare opportunity exists for Berkeley County residents to dispose of used paint. The collection event will be held, rain or shine, at the Grapevine Road Recycling Center from 9am to 4pm on Saturday, April 28, 2012. There is no cost to participate. Acceptable: Latex paint, oil based paint, stains and polyurethanes of any age, manufacture, condition or quantity are acceptable. The paint can be accepted in aerosol cans, metal or plastic paint cans. Not Acceptable: Paint brushes, drywall compound, automotive products, pesticides, bug sprays, cleaning products and similar household hazardous wastes are NOT acceptable at this event. Paint products will not be accepted from commercial businesses or waste haulers.

This event is funded by a grant from the West Virginia Solid Waste Management Board. Should you have any additional questions or comments, please contact the BCSWA at 304-267-9370 or by email at berkeleycountyswa@msn.com?

View from the Eagle's Nest

By Sandy Sagalkin

About a month ago, I got a call from Jim Jenkins, a high school science teacher who lives in Harpers Ferry, West Virginia, but who now works for the Loudoun county school system. I had met Jim in a PVAS Master Naturalist program 3 or 4 years back. Jim impressed me at the time with his great enthusiasm for bringing children to nature. We had lost touch until he called. "I have a group of boy scouts who are excited about earning a 'Bird Study' merit badge, and I thought you would be perfect for the job. Are you interested," he said. Jim didn't know it at the time, but I had been thinking about how to get more young people, children, excited about birds, so when they became adults, they might become "advocates" for birds.

Most of the birders in PVAS that I know are bird advocates as well as being "birders." Migratory birds have a hard enough time with natural obstacles, such as thunder storms, predators, and other uncertainties related to lengthy migrations or migrations over large bodies of water. Some birds migrate a thousand miles or more. What they do not need are more man-made obstacles to make their journeys more difficult, such as environmental pollution poisoning their food or water supply or the displacement of important habitats by development or unthinking placement of wind turbines.

Migratory birds need advocates to add balance to discussions about the use of our natural resources, which is why I jumped at Jim's offer. Jim is the Assistant Scoutmaster of Troop number 421 from Summit Point. The Scoutmaster is Mike Costello and the other Assistant Scoutmasters are Jeff Henry and Mike Williams. Jim invited me to their meeting at the Summit Point Methodist Church. As I was being introduced to the troop, I played the song of an American Robin on my iPhone and asked the kids what bird they thought this was. A hand shot up and one of the scouts said "robin." Right on. Then they told me about a Red-headed Woodpecker they saw at scout camp. I asked them how they knew it was a Red-headed Woodpecker instead of a Red-bellied Woodpecker, a common mistake, and again they had the answer. We talked more about birds, then took a stroll around the area in front of the church looking at the local birds. I am looking forward to working with these eager scouts and learning the subject together with them.

The scouts want Bird Study merit badges. They appear to be ready and eager to earn them. What do I want out of it? I want to see more young people come on our bird trips, especially with their parents. I want them to become bird advocates when they are adults. I can't say the Birding Committee has cornered the market of ideas on how to make this happen. If you have any ideas out there in PVAS-land, I would love to hear them. Any other scouts out there want to earn a Bird Study merit badge?

Next month we are going to celebrate International Migratory Bird Day or IMBD. IMBD is a way to educate the public on migratory birds and, hopefully, turn them into bird advocates. Our kickoff activity will be a talk by the noted author and migratory bird specialist, Scott Weidensaul. If you want to hear about the incredible journeys of these amazing animals – some weighing in at a half ounce or less – as well as the dangers they face during migration, come to the talk. It is May 2nd at NCTC at 7 pm and is open to the public.

A few additional quick items: This month we had great bird walks at NCTC (the eagles performing) and the C&O Canal near Harper's Ferry. The group had a great time watching a Louisiana Waterthrush, which for many, was a life bird. These experiences turn "birdwatchers" into "birders." We accept birder watchers of all levels of competence on our walks. Please join us.

International Migratory Bird Day Schedule Set

As has been noted previously in this newsletter, International Migratory Bird Day is celebrating its 20th anniversary this spring and this year's national theme is how each of us can help conserve birds and their habitat.

To mark the occasion, PVAS has teamed up with the National Conservation Training Center and the Washington County Bird Club (WCBC) to put together a special series of birding events during the first half of May.

The schedule of these events follows below.

All the events will be free, and anyone with an interest is invited to participate. Some events require pre-registration.

Fuller details are available on the PVAS website, and online registration is available there for events that require pre-registration.

Those who don't have Internet access can get more information or pre-register by contacting Sandy Sagalkin at monsansagalkin@myactv.net or 240-291-6465 for the PVAS events or Judith Lilga at jslilga@wildblue.net or 301-432-2276 for the WCBC events.

May 2: Special evening program at NCTC. Noted migratory bird expert and author Scott Weidensaul will discuss bird migration trends and issues. 7:00 p.m. in the Byrd Auditorium. Cosponsored by NCTC and PVAS. No pre-registration is required.

May 5: "Introduction to Birding" program at NCTC. 8:00-10:30 a.m. A brief, PVAS-sponsored overview of the subject for non-birders, people who would like to become birders, or for those who simply don't have the time to commit to PVAS's full "Birding 101" course. Space will be limited and pre-registration will be required.

May 5: "Birding Through History" at the Antietam National Battlefield. 8:00-11:00 a.m. Sponsored by the WCBC and the National Parks Conservation Association (NPCA) in cooperation with PVAS. The NPCA's Nick Lund will provide ornithological and historical commentary as participants move by both car and foot to different areas throughout the battlefield. Space is limited and pre-registration is required. Contact Judith Lilga.

May 5: Bald Eagle Watch at NCTC. 11:00 a.m.-12 noon. For parents and children ages 6 and up. Space will be limited and pre-registration will be required.

May 6: Bird walk on the C&O Canal in the Sharpsburg/Shepherdstown area. Will involve about 3 miles of level walking along the towpath. Meet at 7:00 a.m. at the large National Park Service parking lot on Canal Road, on the Maryland side of the Shepherdstown bridge, just east of the railroad trestle (not the first, small parking lot at the base of the hill). No pre-registration is required.

May 8: Bird walk at Stauffer's Marsh in Berkeley County. The Preserve is located in Back Creek Valley in Berkeley County, one-half mile south of Shanghai, on the east side of Back Creek Valley Road (County Route 7). Participants should meet in the parking area at the north end of the marsh at about 7:00 a.m. No pre-registration is required.

May 9: PVAS monthly evening program at NCTC. West Virginia Department of Natural Resources ornithologist Rich Bailey will discuss wind-power hazards to migratory birds. 7:00 p.m. in Room 151 of the Instructional West Building. No pre-registration is required.

May 10: Bird walk at Flowing Springs Park in Jefferson County. Walk will follow the headwaters of Flowing Springs Run and adjacent meadow areas. It will be approximately 2 miles in length over relatively level terrain. Meet at the park 7:00 a.m. Directions are on the birding trail map on the PVAS website or contact Sandy Sagalkin. No pre-registration is required.

May 12: May Bird Count in Washington County, MD. Sponsored by the WCBC and the Maryland Ornithological Society. Contact Judith Lilga for more information.

May 12-13: PVAS's Ruth Ann Dean Memorial Birdathon. (See separate article)

Birdathon Coming Up Soon

Here's a reminder that time is running out to register for PVAS's annual "Ruth Ann Dean Memorial Birdathon," which will be held the weekend of May 12-13.

The event is named in honor of Ruth Ann Dean, who was a founding member and ardent supporter of PVAS, a Board member in the early years, and an avid birder.

The Birdathon is open to anyone with an interest, regardless of their level of expertise or experience.

It can be a team event or a family activity. Either way, you aim to identify the highest numbers of bird species you can find anywhere within Jefferson, Berkeley, Morgan or Washington counties within any 24-consecutive-hour-period during the May 12-13 weekend.

Participants form their own teams, decide their team names and select their own leaders. If you don't have a team, and want to participate, PVAS will help you find one.

Another option is to participate individually or as a group in a "Big Sit." For the Big Sit, individuals identify, or a team identifies all birds they can see from within a 50-foot diameter circle of their choosing within the 24-consecutive-hour-period. They could choose their back porch, a circle within their backyard, or a 50 foot circle within a place they like to bird. They can invite friends and family to join them within the circle and make it a special event.

Winners of the Birdathon and Big Sit will be announced in the PVAS newsletter and on the PVAS website.

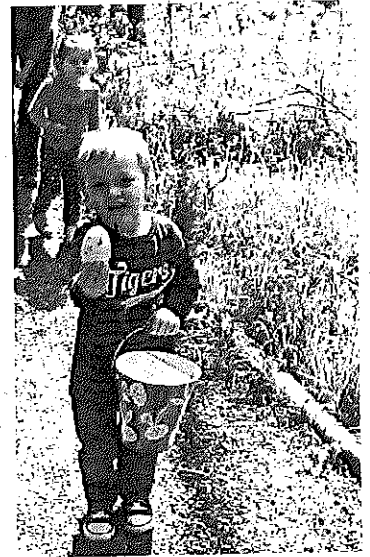
There is no entry fee, and registration is easy. Teams may consist of 2-5 participants (unless an individual registers for the Big Sit). All you have to do is get together with friends and form a team. Or you could make this a family event and enter as a family team.

1 To register, go to the PVAS website at www.potomacaudubon.org or contact the event coordinator, Sandy Sagalkin, at monsansagalkin@myactv.net or 240-291-6465.

Registration must be completed by May 11.

Spring Egg Hunt

Thirty preschoolers and their families descended on Yankauer Preserve, Sunday April 1st, to scramble for eggs hidden along the Cedar Loop. These eggs were painted to resemble wild bird eggs, rather than more traditional pastel colors, but it didn't seem to stop anyone from finding them. Of the approximately 400 eggs hidden, only 7 were found on "clean up!" Additional activities at the preserve pavilion included egg and spoon races, a penguin egg challenge (using huge plastic eggs between the knees), a real ostrich egg and a prehistoric "elephant bird" egg replica, a camouflage egg challenge, books about eggs to read together, and egg cookie decorating. Each child also received a special decorated egg cookie to take home.



Susan Fluharty, Wanda Miller, Mary Lynn Robinson, and Diana

Mullis provided the cookies for decorating and snacks, the Braithwaite and Crouse families helped hide the eggs, and 6th grade students from Faith Christian Academy painted many of the eggs that were hidden. Thanks to all these special folks who helped make the day a wonderful success.

School Program Update

It's been a super-charged year for our school programs, with field trips to Yankauer Preserve for some classes and visits to the classroom from PVAS staff for others. Our 4th grade Watershed Program was offered at 12 schools this year, reaching 1063 students. 663 students visited Yankauer Preserve and about 650 students participated in classroom visits. A grant from WV Division of Natural Resources funded a new program for Kindergarten, 1st, 4th, and 5th grades, reaching another 883 students. Currently, we are presenting a new Pre-kindergarten program in day care centers, funded by the 2 Rivers Giving Circle. That totals over 3250 students this year... and there are still some programs left in May!

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 Ellen@PotomacAudubon.org

Wildflower Festival

This year's Wildflower Festival, held at the Yankauer Preserve for the eighth year, was graced with a beautiful day. An estimated 75 people attended the festival to enjoy wildflower walks and children's activities led by volunteers. Again this year, the trail was lined with poetry about wildflowers, spring, and nature which was written by local poets. The poetry aspect of the festival is proving to be a very popular addition. Many thanks to the many volunteers who made the festival possible, and to those who submitted poetry for the festival.

A special thanks goes out to all of the volunteers involved. Kathy Bilton led her annual "wildflower review" for walk leaders on Friday evening. Walk leaders included Sandy Bloom, Mary Duke, Bruni Haydl, Joe Metzger, Kathryn Henry and Joy Pardue. Mary Beth Ross was prepared with children's activities which included wildflower bingo sheets, a wildflower matching game and domino game, and the opportunity to make a watercolored flower using a coffee filter. Diana Mullis provided homemade chocolate chip cookies for volunteers and festival participants. We are so fortunate to have generous, knowledgeable, dedicated, and hardy volunteers who are willing to lead walks and activities!



Camp Sessions Are Filling Up

If you are thinking about enrolling your child in a session at Audubon Discovery Camp, don't wait! Camp sessions are filling up and several sessions are already at capacity. 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!

Sessions at Yankauer Preserve include something in nature for every age! Our preschool sessions, "Out of the Nest" and "Just For Fledglings" are scheduled for the weeks of May 29 and June 4. "Out of the Nest" is designed to introduce nature to 3 and 4 year olds and a parent or other adult. "Just For Fledglings" is perfect for children who will be entering kindergarten this fall and are ready for a shorter camp without a parent attending. Both sessions are held at Yankauer Nature Preserve.

Traditional camp sessions begin on June 11, with a different theme each week. Activities at Yankauer Preserve include hands-on explorations in small groups, crafts, games, hiking, nature activities, and building forts in the woods! Two weeks of camp are also being held at the Peter Burr Farm in Bardane WV. Special weeks for older campers include adventure programs or field trips.

Online registrations for sessions is easy! A link at the www.PotomacAudubon.org mainpage 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.

If you have questions about camp or the registration process, send Ellen Murphy an email at Ellen@PotomacAudubon.org or call 304-676-8739.

Writers Group Promises Active Spring!

The Potomac Valley Nature Writing Group promotes the art and appreciation of nature writing. Members meet monthly for book discussions. Upcoming selections include *Beatrix Potter: A Life in Nature* by Linda Lear, *Tinkering with Eden* by Kim Todd, and *My Summer in the Sierra* by John Muir. PVNWG welcomes new members who love reading, writing, and nature. For more information, check out the PVNWG blog at potomacvalleynaturewritinggroup.blogspot.com/ or email pvnaturewriters@gmail.com

Thanks to Race for the Birds Sponsors!

By the time you get this newsletter, this year's April 21 Race for the Birds will be over. A full account will appear in the June issue of *Valley Views*.

Here, as we put this newsletter together in mid-April, we want to note that this year's race has attracted a record number of sponsors (49) and give special thanks to all of them.

This year's leading "Platinum" Level sponsor (contributing \$1,000 or more) is Hoxton Financial, Inc., the Shepherdstown-based wealth management firm. The accompanying photo shows, from left to right, Potomac Valley Audubon Executive Director Kristin Alexander and Hoxton Financial team members Stacy Lindberg, Jessie Gleason, Leota Trainor, and Rob Hoxton.



This year's other sponsors are as follows:

Gold Level (\$500 or more)

Martinsburg Journal, *The Observer* newspaper; Shepherd University Wellness Center, *Shepherdstown Chronicle*, *Spirit of Jefferson* and *Farmer's Advocate*, Two Rivers Treads, U.S. Fish & Wildlife Service National Conservation Training Center.

Silver Level (\$250 or more)

Chick-fil-A of Martinsburg; Friends of Mark Benedict; Hypno-Coffee, Coffee Roaster-Coffee Bar; Jay Boyd, DDS and C. Greg Stephen-Hussard, DDS; Jefferson Security Bank; Progressive Printing; Tom Maiden Insurance Outfitters.

Bronze Level (\$100 or more)

AC&T Co., Inc.; Associated Oral & Maxillofacial Surgeons; Bistro 112; Brown's Tire, Towing and Auto Care Center; Budget Blinds of Martinsburg; Caribbean Islands Travel Service; Clissy Funkhouser-FunkyCPA.com; D'Accord Boutique; David Miljour, DC; Davitt McAteer & Associates; Depot Florist; Dickinson & Wait Craft Gallery; Dr. Cathy Funk; Edward Jones Investments, Shepherdstown; Grapes and Grains Gourmet; Healthway of Martinsburg; Jean Neely; Jefferson Chiropractic Center; John A. Draper, MD; Joseph W. Brookreson; Lynne Wiseman@ERA.com, Realtor; Mellow Moods Café; Millers Electric Company, Inc.; Mountain View Solar; Nestle-Juicy Juice; Patthoff General Dentistry; Pedal and Paddle, 876-3000; Professional Sports Care and Rehab; Ray P. Vanderhook, DDS, MS; Roach Energy/ROCS; Ryan McCarthy, MD; Shepherdstown Pharmacy; Shepherdstown Sweet Shop; Ted Leslie, DDS; William F. Queen, DDS and Whitney Queen Spry, DDS.

As always, PVAS appreciates the strong community support for this event. You can express your appreciation as well by giving these businesses, organizations, and individuals a "thank you" of your own the next time you see them.

2011 PVAS Annual Appeal Donors

(December 2011-April 2012)

Advocates (\$1,000 and up)

Duane and Marianne Alexander, Ellicott City, MD
Neal and Alice Barkus, Shepherdstown
Mina Goodrich and Larry Dean, Shepherdstown
Mona L. Hayford, Inwood
James E. Horner, Berkeley Springs (in memory of Martha Horner)
Jean Neely, Shepherdstown
Bob and Linda Reynolds, Shepherdstown
Peter and Vicki Smith, Shepherdstown
Diane and Gary Sylvester, Martinsburg
Jane and Ray Vanderhook, Shepherdstown

Supporters (\$500-\$999)

John Allen, Shepherdstown
Roland and Barbara Bergman, Shepherdstown
Rich Parker and Joette Borzik, Shenandoah Junction
Tony and Sue Frank, Charles Town
Alexander and Pam Miller, Shepherdstown
Wayne Braunstein and Dannie Wall, Kearneysville
Henry K. Willard II, Shepherdstown

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Bonnie Sitman and Don Briggs, Shepherdstown
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Michael and Carol Del-Colle, Summit Point
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Margaret M. Drennen, Shepherdstown
Jan Fischbach, Martinsburg (in memory of Bill Fischbach)
Virginia S. and Joseph Hankins, Shepherdstown.
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Ellen and Kevin Murphy, Harpers Ferry
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Potomac-Mecklenburg Garden Club

Sandy Sagalkin, Sharpsburg, MD
Mary Stanley and Bob Smith, Shepherdstown
Bonnie and Bill Stubblefield, Martinsburg

Sponsors (\$100 to \$249)

Janet and Piers Ady, Myersville, MD (in honor of Laurel Howard)
Patty Bird, Charles Town
Nick and Joanie Blanton, Shepherdstown
John Brooks, Hedgesville (in honor of Pileated Woodpeckers)
Marika and Barry Cutler, Bethesda, MD
Sara Denby, Annandale, VA
Clark and Ora Dixon, Ranson (in honor of Peter Smith's dedicated service as President of PVAS)
Sandra and Thomas D'Onofrio, Shepherdstown
Joan and Erdem Ergin, Shepherdstown
Eleanor Finn, Shepherdstown (in memory of Ivy Butler)
Scott and Susan Fluharty, Martinsburg (in memory of Dare Fluharty and Betty Lilly)
Karen Stoyko Fuegi, Gerrardstown
Donna Bertazzoni and Wayne Goodrich, Shepherdstown
Deborah Hale, Harpers Ferry (in memory of Patrick Curtin)
Peter S. Hartmann, Martinsburg
Vivian and Verle Headings, Harpers Ferry
Gary and Iris Heichel, Martinsburg
Lily Hill, Shepherdstown
Martin and Lucetta Jenkins, Shepherdstown
Skylar Benedict and Georgia Jeppesen, Martinsburg
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Ed and Kitty Kelly, Newville, PA
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Mike and Becky Lacome, Harpers Ferry
L. Hardy Mason, Shenandoah Junction
Heather McSharry, Shepherdstown
Edward and Helen Moore, Shepherdstown
Diana Lee Mullis, Shepherdstown
Tim and Esther Murphy, Shepherdstown
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John and Nancy Streeter, Shepherdstown
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Paul and Lisa Welch, Shepherdstown
James and Francis Yankauer, Sacramento, CA
Lynn and Chess Yellott, Shepherdstown

Donors (up to \$100)

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Elaine Alexander, St. Louis, MO (in honor of Kristin Alexander)
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W. Joseph Coleman Jr., Round Hill, VA
Jane Cook, Shepherdstown
Frances and Philip Cox, Shepherdstown
Christopher Craig, Harpers Ferry
Jill Craig, Keedysville, MD
Cliff and Urve Crowder, Winchester
Bernard DeMartini, Shepherdstown
Jack Ebersole, Hagerstown, MD
Cynthia Ellis, Red House, WV
Edward Enamait, Falling Waters
Bob Cukla and Julie Flaherty, Boonsboro, MD (in honor of all
your good educational work)
Gale and Gareth Foulds, Berkeley Springs
John C. Frye, Hagerstown
Cheryl and John Gates II, Hagerstown
Joe Gentile, Berkeley Springs
Robin Good, Harpers Ferry
John R. Haram, Martinsburg
Barbara Herrman, Berkeley Springs (in memory of Sylvia Rubin
Herrman)
Delores and John Hines, Shepherdstown
Norleen and James Hoadley, Shepherdstown
Clint Hogbin, Hedgesville
Jesse and Karen Jalazo, Martinsburg
Keith and Tari Janssen, Shepherdstown
Leigh Jenkins, Berkeley Springs
Marty and Carol Kable, Charles Town
Karen Kelley, Martinsburg
Mary H. Kinnie, Inwood

Karen and Doug Kinnett, Shepherdstown
Carolyn Holcomb and John Lacey, Shepherdstown
Lisa LaCivita, Stephens City, VA
Elizabeth Lasley, Winston-Salem, NC (in honor of Ellen Murphy)
Richard L. Latterell, Shepherdstown
Al and Jane Levitan, Shepherdstown
Winifred H. Lewis, Martinsburg
John and Judith Lilga, Sharpsburg, MD
Heidi Arneo and Mark Madison, Martinsburg
Joanne L. Mantha, Martinsburg
Jane McCloud, Berkeley Springs
Amy DuBrueler and John McGrath, Shepherdstown
Robert and Dorothea McMillan, Shepherdstown
C. David and Barbara Miller, Williamsport, MD
Marcyanna Millet, Berkeley Springs
Ella Mose, Sharpsburg
Ruth Myers, Martinsburg
Brittany and Woodrow Nackley, Shepherdstown (in honor of and
with thanks to Kristin and Ellen)
Jill Nelson, Chevy Chase, MD
John Norelli, Martinsburg
Dave and Kris O'Brien, Hedgesville
Thomas Panebianco, Great Cacapon
Jeffrey and Carol Plautz, Ranson
Babulal Pragani, MD, Martinsburg
Major Dieter H.B. Protsch, Hagerstown, MD
Lauren and David Reus, Charles Town
Sherman and Elinor Ross, Shepherdstown
Elias R. Shilling, Sharpsburg, MD
David and Carrie Singer, Shepherdstown
Alex and Patricia Short, Baltimore, MD (in honor of Peter Smith)
Anne and Dennis Small, Shepherdstown
Mary Helen Staley, Cascade, MD
Kathy and Wil Stolzenburg, Shepherdstown
Susan Hirsch and Michael Sullivan, Shepherdstown
Allen and Cheryl Swope, Williamsport, MD
Jean B. Taylor, Martinsburg
Judith Treesberg, Bakerton
Lynn B. Truslow, Shepherdstown
Joan and Karl Van Brunt, Shepherdstown
Frank and Annette van Hilst, Kearneysville (in memory of Dan
and Anne Fisher)
Meredith Wait, Shepherdstown
Dale and Hank Walter, Shepherdstown
Steven Warrick, Martinsburg
Byron Webb, Martinsburg (in memory of Helen S. Webb)
Patricia Witt, Berkeley Springs
Mary E. Woodward, Bridgeport, WV
Ed Zahniser, Shepherdstown

Thanks to all of you for your generous support of PVAS!

Note: If any of the information above is inaccurate or incomplete, please let us know so we can correct our records!

Canaan Valley Birding Trip May 26

Join veteran birder Matt Orsie for a May 26 birding trip to Canaan Valley.

The trip will involve a wonderful 10-mile drive through elevations ranging between 2,500 and 4,000 feet and focus on birds breeding at these different ranges. Likely sightings include 15-18 species of warblers, as well as other species. Some hiking on hilly terrain may be attempted but the distances will be short.

Participants should plan to travel on their own to the area on Friday, May 25, and meet the other members of the trip group at 6:00 a.m. on Saturday, May 26, in the lobby of the Canaan Valley State Park Resort lodge. The group will spend the rest of the day birding and then return home Saturday evening.

The trip will be free and open to anyone with an interest, regardless of their birding skills. But participation will be limited to just eight people and pre-registration is essential. Register online at the PVAS website or contact Matt at 304-261-5602 or wvbirdner@comcast.net. The registration deadline is May 15.

Once registered, participants will be expected to make and pay for their own room reservations the night of May 25 at the Resort or some other area location (Blackwater Falls State Park and the town of Davis are nearby).

The trip will be held rain or shine. Participants should wear sturdy footwear, dress appropriately for the prevailing weather conditions, and bring along water and insect repellent.

Canaan Valley is the highest valley of its size east of the Rocky Mountains. Its climate and habitats are typical of areas much further north, and its plants and animals are unusual for the latitude, with many of them at or near the southernmost edge of their ranges. The Valley includes the Canaan Valley National Wildlife Refuge, which was established in 1994 to preserve the area's unique wetlands and uplands. Currently, the refuge consists of 15,245 acres.

More Local Birding Trips Set for Late May

PVAS has scheduled two local birding trips for late May.

Both trips will be free and anyone with an interest is welcome to come along, regardless of their birding skills. Binoculars will be available for anyone who needs them. No pre-registration is required.

For both trips, participants should wear sturdy footwear, dress appropriately for prevailing weather conditions, and bring along water and bug spray.

The first trip will be a bird walk at the Harpers Ferry National Historical Park's Murphy's Farm on Wednesday, May 23.

This trip will involve about 2 miles of moderate hiking, mostly through fields. Species likely to be sighted include various flycatchers, vireos and warblers; Yellow-billed Cuckoo, Scarlet Tanager, Eastern Meadowlark, Cedar Waxwing, Northern Mockingbird; and perhaps such raptors as Bald Eagles, Red-tailed, Red-Shouldered or Broad-winged Hawks.

Participants should plan to meet at 7:30 a.m. at the Harpers

Ferry National Historical Park main Visitor Center off Route 340. Please note that the Park Service will charge a fee of \$6 per vehicle to enter the Park unless you have an annual Park passes or a NPS Golden Eagle pass.

For more info contact trip leader Deb Hale at debhale72@gmail.com or 304-535-1528.

The second trip is birding trip to the Shannondale Springs Wildlife Management Area in Jefferson County on Wednesday, May 30

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.

This trip will involve walking about two miles over mostly level ground, although some hilly, uneven terrain will be encountered.

Possible species to be sighted include Bald Eagles, Red-tailed and Red-shouldered Hawks, vultures, Great Blue Herons, migrating waterfowl, woodpeckers, Yellow-rumped Warblers, and some early spring migrants such as Blue-gray Gnatcatchers, swallows, House Wrens and Brown Thrashers.

Participants will meet at 7:00 a.m. in the parking area by the WMA's boat launch site. Directions to the meeting place can be found on the Birding Trail Map on the PVAS website. Or contact Sandy Sagalkin at 240-291-6465 or monsansagalkin@myactv.net.

May Program Will Look At Wind Power Hazards

As is noted in the article on the International Migratory Bird Day anniversary events, our May program at the National Conservation Training Center will focus on the hazards that wind-power turbines pose for migratory birds.

The program will be held at 7:00 p.m. Wednesday, May 9 in Room 151 of the Instructional West Building.

Admission is free and everyone is welcome to attend.

The speaker will be Rich Bailey, State Ornithologist with the West Virginia Department of Natural Resources.

In that position, his work is focused on the advancement of the science and public awareness of birds and their conservation in WV. Prior to his position with WVDNR, he worked for 7 years as a naturalist and park manager in Northern Virginia. In his spare time he is an avid birder, musician and climber.

He holds a master's degree in environmental science and a bachelor's in environmental anthropology.

The growth of wind-power development and its impact on birds and other wildlife has been a topic of continuing controversy in the U.S. and elsewhere.

Most recently, the March 23 release of new U.S. Department of the Interior onshore wind-power guidelines has pitted the National Audubon Society and the American Bird Conservancy against each



other.

National Audubon has hailed the new guidelines, which are voluntary, as "an important step toward bird-friendly wind development."

The Bird Conservancy says the guidelines are "unenforceable" and "will do little to protect millions of birds from the negative impacts of wind energy."

The U.S. Fish and Wildlife Service estimated in 2009 that 440,000 birds are being killed each year by wind turbines.

Yankauer Preserve Gets Invasive Plant Grant

The Potomac Headwaters Resource Conservation and Development Council has approved a \$3,000 grant to PVAS for invasive plant removal at the Yankauer Nature Preserve.

The Yankauer Preserve includes old farmlands that are being allowed to return to their natural forested state, and the property has many invasive-plant issues.

This particular grant will be used to combat the spread of *Ailanthus* trees ("Tree of Heaven") at the Preserve.

The work to be funded by the grant will be done this year.

The PHRC&D is a nonprofit organization that focuses on natural resource conservation and economic development related to natural resources. Headquartered in Martinsburg, it operates in the eight counties of West Virginia's greater Eastern Panhandle. It is supported by a combination of federal, state and local funds.



Ailanthus tree photo by: Great Smoky Mountains National Park Resource Management Archive, USDI National Park Service,

Bugwood.org

Exhibitors will include firms that specialize in such areas as renewable energy systems, as well as PVAS and other conservation-minded organizations.

There will also be special children's activities and food concessions, and entertainment and speakers throughout the day.

See the festival website at www.boonsborogreenfest.com for full details.

Ecotips on House Painting

ASK A UDUBON
May 24, 2007

Spring is a great time to freshen up your home with a new coat of paint. The warmer weather makes it easier to keep the windows open while working, which minimizes noxious paint smells. These odors are often caused by volatile organic compounds (VOCs), which can be dangerous to your health. Even outside the house, these VOCs are a danger as they contribute to ground level ozone. To protect yourself, observe one of the cardinal rules of the eco-conscious consumer - read the label.



Paint ingredients to avoid include benzene, formaldehyde, toluene and xylene, which are known carcinogens or neurotoxins. Some assume that water based paints are less toxic than oil-based paints, but these, too, can contain VOCs. Water-based paints can contain the suspected carcinogen acrylonitrile as well as ethylene glycol ethers, associated with lowering sperm count. Paints to look for are those labeled as no-VOC or low-VOC in compliance with limits set by California's South Coast Air Quality Management District (SCAQMD). A list of manufacturers that comply with these standards can be found at http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.

Home decorators no longer have to worry about lead in paint - that ingredient has been excluded for more than 25 years. It is a concern if you are remodeling a home built before 1978, as older layers of paint can contain lead. If this old paint chips or flakes, you and your family can be exposed to a health hazard. It is recommended that older homes be tested for lead paint and, if any is discovered, contract a professional to properly remove and dispose of it. For more information see <http://www.epa.gov/lead/>.

Left over paint needs to be disposed of properly, not poured down the drain, where it can enter the groundwater system. The site <http://www.earth911.org> helps you locate disposal facilities in your area. Another option is to share or donate excess supplies to neighbors or non-profits that might make use of them. The site <http://www.freecycle.org> lets you post information about items you want to give away (not just paint), so that your leftover materials can help others.

Look for PVAS Booth at May 12 Boonsboro Green Fest

The town of Boonsboro, Maryland, will hold its Fourth Annual Boonsboro Green Fest on Saturday, May 5. The festival will be held rain or shine in Shafer Park, which is right next to the downtown, from 10:00 a.m. to 5:00 p.m. Admission will be free.

Hosted by the Boonsboro Recycling Task Force, the festival is aimed at promoting conservation efforts and recycling and will feature a wide variety of vendors and exhibitors.

Items for sale will include earth-friendly products and services, vegetable and flower plants, rain barrels, compost kits, and crafts made from recycled and repurposed materials. There will be a multitude of recycling opportunities and a large clothing swap and sale.

DNR Grant

PVAS has received a grant from WV Division of Natural Resources to pilot an exciting new program called "Junior Naturalists" which will allow children ages 6-9 to explore nature on one Saturday a month throughout the year. The program will allow the participants to experience unstructured, but supervised nature exploration and play in a variety of setting and habitats around the Eastern Panhandle. Each month's program will focus on a different theme that is appropriate to the time of year and habitat of the specific location. Themes may include "Habitat Hikers," "Wetland Romp," "Sky Rangers Perseids Party," "Give Chase," "Where the Wild Birds Are," and others. Each theme will be held in a different place, such as the C&O Canal, Yankauer Nature Preserve, Shannondale Springs, Eidolon Nature Preserve, or Flowing Springs Park.

Each program will be supervised by an adult and require pre-registration. Parents will drop off their kids for the three-hour program, but will be encouraged to come back at a later date to do more exploring as a family. The first program is tentatively set for August. Complete details, date, and registration information will be posted on the www.PotomacAudubon.org site as they become available.

Potomac Valley Nature Photographers

The May meeting of the Potomac Valley Nature Photographers will feature a photo review and critique session led by Tom Tsakeris.

The meeting will be held at 7:00 p.m. Friday, May 25 at the National Conservation Training Center. It will be held in Room 151 of the Instructional West Building.

Calendar of Events

For details go to www.potomacaudubon.org

- 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, 7 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 23, 7:30 am: Bird walk, Harpers Ferry National Park's Murphy's Farm
- May 25, 7 pm: Potomac Valley Nature Photographers mtg., NCTC
- May 26: Canaan Valley birding trip led by Matt Orsie
- May 30, 7 am: Bird walk, Shannondale Springs WMA
- June 9: Mountain Laurel walk at the Eidolon Preserve
- June 9, 6:30 pm: PVAS annual meeting, Yankauer Preserve

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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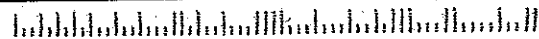
A proud partner of the United Way of
 the Eastern Panhandle and the Combined
 Federal Campaign.

MAIL TO:

Jefferson County Commission
 100 E Washington Street
 Charles Town, WV 25414



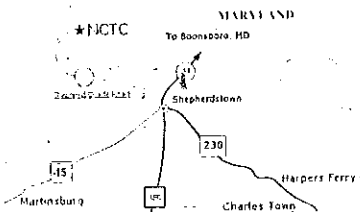
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May 2012

Printed on 100% post-consumer waste recycled paper

Volume 30, Issue 8



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 pvsmitth@frontiernet.net
- Vice President: Bob Reynolds robert.reynolds40@gmail.com
- Secretary: Mina Goodrich larrymina@peoplepc.com
- Treasurer: Lex Miller pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 wbraun@frontiernet.net
- Board Members-at-Large: Don Briggs 1donaldbriggs@gmail.com
- Rob Hoxton rhoxtan@hoxtanfinancial.com
- Leigh Jenkins jenkinsleigh@hotmail.com
- Georgia Jeppesen georgia_jeppesen@comcast.net
- Heather McSharry heather_mcsharry@yahoo.com
- Jesse Morgan jmorgan@a-zoneenvironmental.com
- Kathy Stolzenburg kstolzenburg@gmail.com
- Jane Vanderhook janehook@frontiernet.net

Ex Officio Board Members

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

Emeritus Board Members

- Jean Neely jeaneely@comcast.net

Special Contacts

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

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

Week Ending Date	Week Ending April 28, 2012
To be Deposited on:	May 4, 2012
Amount Played	86,123,795.33
Amount Won	77,389,755.41
Amount Promo	292,975.00
MWAP Contribution	<u>5,802.84</u>
Adjusted Gross Terminal Revenue	<u>8,435,262.08</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	337,410.48
Net Terminal Revenue	<u>8,097,851.60</u>
Surcharge @ 10%	809,785.16
State Share Excess @ 58%	469,675.39
Track Share of Capital Reinvestment @ 42%	340,109.77
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	\$ 326,505.38
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	\$ 13,604.39
Adjusted Net Terminal Revenue	<u>7,288,066.44</u>
Racetrack @ 46.50% / 42%	3,060,987.90
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,988,107.26
Race Track Purses @ 7% / 14% / 8%	583,045.32
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	36,440.33
Greyhound Development @ .75%	54,660.50
Thoroughbred Development @ .75%	54,660.50
Racing Commission @ 1%	72,880.66
County/Municipality @ 2%	145,761.32
3% Funds:	
Tourism Promotion Fund @ 1.375%	100,210.91
Development Office Promotion Fund @ .375%	27,330.25
Research Challenge Fund @ .5%	36,440.33
Capitol Renovation and Improvement Fund @ .6875%	50,105.46
2004 Capitol Complex Parking Garage Fund @ .0625%	4,555.04
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>72,880.66</u>
	<u>7,288,066.44</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%	TRANSON 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	\$ 135,254.20	\$ 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	\$ 77,611.78	\$ 77,611.78	\$ 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
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
04/07/12	\$ 150,765.96	\$ 75,382.98	\$ 75,382.98	\$ 6,173.86	\$ 31,057.79	\$ 1,688.58	\$ 26,218.20	\$ 10,244.55
04/14/12	\$ 142,130.68	\$ 71,065.34	\$ 71,065.34	\$ 5,820.25	\$ 29,278.92	\$ 1,591.86	\$ 24,716.53	\$ 9,657.78
04/21/12	\$ 136,110.16	\$ 68,055.08	\$ 68,055.08	\$ 5,573.71	\$ 28,038.69	\$ 1,524.43	\$ 23,669.56	\$ 9,248.69
04/28/12	\$ 145,761.32	\$ 72,880.66	\$ 72,880.66	\$ 5,968.93	\$ 30,026.83	\$ 1,632.53	\$ 25,347.89	\$ 9,904.48
Subtotal	\$ 6,146,890.28	\$ 3,529,476.86	\$ 2,617,413.42	\$ 214,366.15	\$ 1,078,374.29	\$ 58,630.08	\$ 910,336.41	\$ 355,706.49

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	3/31/2012	74,244.44
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78	4/7/2012	75,382.98
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56	4/14/2012	71,065.34
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14	4/21/2012	68,055.08
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50	4/28/2012	72,880.66
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		3529477.08	

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
Total 2010-2011	1297391.7

Date	Amount
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
January, 2012	137,812.68
February, 2012	142,770.01
March, 2012	151,845.46
Total 2011-2012	1207898.07

SALUTE

to Our

Armed Forces

Veterans

& Families

Saturday, May 19, 2012

1 to 4 PM

at

Bloomery Plantation

Distillery

16357 Charles Town Rd. (Rt. 9)

Charles Town, WV

**Jackson-Perks Post 71
American Legion Family**

Cordially Invites you

To join us on

Saturday, May 19, 2012

1 to 4 PM

at Bloomery Plantation Distillery

16357 Charles Town Rd. (Rt. 9), Charles Town, WV

As we Honor

Our local Men & Women

Serving or have Served in

Our Armed Forces

& Their Families

RSVP by May 15:

Call Anne Quinn at 304-596-4126

Or Email: AmerLegAux71@gmail.com

NOTICE

Primary Election Canvass

The County Commission of Jefferson County will convene as a Board of Canvassers on Monday, May 14, 2012, at 9:30 a.m. for the purpose of canvassing the ballots from the May 8, 2012 Primary Election.

The Canvass will be held in the Jefferson County Courthouse meeting room located at 100 East Washington Street, Charles Town, West Virginia 25414.

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