

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, MAY 31, 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

- May 14, 2012 - Special Session
- May 15, 2012 - Special Session
- May 17, 2012 - Special Session
- May 17, 2012 - Regular Session

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Convene as Board of Canvassers
- Certification of Election Results - Discussion/Action
2. 10:00 a.m. Margaret Cogswell, Hospice of the Panhandle
- Bond Issue for Hospice of the Panhandle Building Project -
Discussion/Action
3. 10:15 a.m. Jennifer Myers, Director of Parks and Recreation
- Request to waive building permit fees - Discussion/Action
4. 10:30 a.m. **Break**
5. 10:45 a.m. Roger Goodwin, Chief County
- Bond reduction and/or release - Discussion/Action
6. 11:00 a.m. Lynn Fields, Probate Deputy Clerk
- Approval of Accountings - Discussion/Action
- Petition to Remove Executor of the Estate of Edwin Lee Demory -
Discussion/Action

- 7. 11:15 a.m. Angela Banks, Assessor
- Signing of the Personal Property and Land Books - Discussion/Action
- 8. 11:20 a.m. Discussion of County Commission priorities and projects - Discussion/Action

NEW BUSINESS:

- 9. Approval of Community Participation Grant Resolution for the Animal Welfare Society in the amount of \$15,000 - Discussion/Action
- 10. Approval of Community Participation Grant Resolution for the Webb-Blessing House Restoration in the amount of \$3,000 - Discussion/Action
- 11. Approval of Community Participation Grant Resolution for the Star Lodge #1/Locke House Restoration in the amount of \$2,000 - Discussion/Action
- 12. Approval of Community Participation Grant Resolution for the Jefferson County Parks and Recreation in the amount of \$20,000 - Discussion/Action
- 13. Approval of Community Participation Grant Resolution for the Jefferson County Parks and Recreation Street Improvements in the amount of \$4,000 - Discussion/Action
- 14. Approval of Community Participation Grant Resolution, Contract and Agreement for the FOCUS Coalition in the amount of \$7,000 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Placing IT under the Deputy County Administrator
- County Administrator Job Description & Ad
- Discuss Meeting Room Policy - Audio use

COUNTY COMMISSION REPORTS

- 15. Break for Lunch

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

- 16. 1:30 p.m. Discussion on Impact Fees - Discussion/Action

~~~~~**EVENING SESSION**~~~~~

17. 7:00 p.m. Public Hearing for public input for the following amendments/policy agreement - Discussion/Action

- To extend the validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 from July 1, 2012 until July 1, 2015. Any other plan or permit associated with the subdivision or land development plan or plat would also be extended for the same time period

-To extend until July 1, 2015 the requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010. This provision would apply to all special and conditional use permits or any other agreement or zoning action

- To determine whether the time extensions, if approved by the County Commission, should be adopted through an amendment, resolution, or agreement

18. **ADJOURN**

**CORRESPONDENCE:**

Letter of appreciation for use of the Commission Meeting Room received from Debbie Stafford of the Charles Town Library for the Summer Reading Program.

Weekly Settlement for Hollywood Casinos at Charles Town Races and Slot received for week ending May 5, 12 & 19, 2012 received from the West Virginia Lottery.

May and June issue of the Jefferson County 4-H Report received from the West Virginia University Extension Office.

Letter of Approval for Victims of Crime Act (VOCA) Victim Assistance Grant in the amount of \$59,381 received from Governor Earl Ray Tomblin.

Letter received from Earl L. Jackson concerning the Jefferson County Citizens for Economic Development.

Statement representing the Franchise Fee check received from Comcast.

Jefferson County Public Service District Board meeting minutes received from the April 2, 2012 meeting.

West Virginia Association of Counties 2012 Regional Wrap Up Agenda and RSVP received.

Letter received from Earl L. Jackson concerning the May 15, 2012 Emergency Services Agency meeting.

May 2012 issue of the West Virginia Ethics Reporter received.

Spring/Summer issue of the Comforter received from Hospice of the Panhandle.

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

**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State held at the Courthouse thereof on Monday, May 14, 2012 beginning at 9:30 o'clock a.m.

**PRESENT:** Commissioner Patricia Noland  
 Commissioner Lyn Widmyer  
 Commissioner Walter Pellish  
 Commissioner Frances Morgan  
 Commissioner Dale Manuel.

The County Commission of Jefferson County, sitting as a Board of Canvassers, met on the 14th day of May, 2012 at 9:30 a.m. for the purpose of canvassing ballots cast in the May 8, 2012 Primary Election.

Jennifer Maghan, County Clerk, and Nikki Painter, Chief Deputy Clerk of Elections, were present and assisted with the Canvass.

The Board proceeded with the Canvass by reviewing each precinct one at a time, checking to make sure the counts were accurate and to review the provisional ballots from the polls. Ballots from Precincts 26 and 32 were counted by hand.

Precinct 3:

| NAME OF VOTER   | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|-----------------|--------|--------|--------|--------|-----------------------------|----------------|
| Goff., Lorraine | Morgan | Manuel | ✓      |        | Poll Worker                 | Motion carried |

Precinct 4B:

| NAME OF VOTER    | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|------------------|--------|---------|--------|--------|----------------------------------|----------------|
| Campbell, Gerald | Manuel | Morgan  | ✓      |        | Absent - rec'd within guidelines | Motion carried |
| Heath, Joseph    | Manuel | Frances | ✓      |        | Absent - rec'd within guidelines | Motion carried |
| Kilroy, John     | Manuel | Morgan  | ✓      |        | Absent - rec'd within guidelines | Motion carried |

Precinct 7::

| NAME OF VOTER     | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|-------------------|--------|--------|--------|--------|----------------------------------|----------------|
| Lemnah, Timothy   | Morgan | Manuel | ✓      |        | Voting in new precinct           | Motion carried |
| Orlando, Kathleen | Morgan | Manuel | ✓      |        | Voting in new precinct           | Motion carried |
| Segraves, William | Morgan | Manuel | ✓      |        | Absent - rec'd within guidelines | Motion carried |

Precinct 12:

| NAME OF VOTER    | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|------------------|--------|--------|--------|--------|-----------------------------|----------------|
| Nicodemus, Peggy | Manuel | Morgan | ✓      |        | Poll Worker                 | Motion Carried |

Precinct 13:

| NAME OF VOTER   | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|-----------------|--------|--------|--------|--------|-----------------------------|----------------|
| Anderegg, Brian | Morgan | Manuel | ✓      |        | Voting in new precinct      | Motion carried |

Precinct 16:

| NAME OF VOTER  | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|----------------|--------|--------|--------|--------|-----------------------------|----------------|
| Royal, Timothy | Morgan | Manuel | ✓      |        | Voting in new precinct      | Motion carried |

Precinct 17:

| NAME OF VOTER  | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|----------------|--------|--------|--------|--------|----------------------------------|----------------|
| Crowe, Stephen | Manuel | Morgan | ✓      |        | Absent - rec'd within guidelines | Motion carried |
| Eaton, Zachary | Manuel | Morgan | ✓      |        | Absent - rec'd within guidelines | Motion carried |

Precinct 19:

| NAME OF VOTER  | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|----------------|--------|---------|--------|--------|----------------------------------|----------------|
| Wiles, Sherry  | Morgan | Pellish | ✓      |        | Absent - Rec'd within guidelines | Motion carried |
| Wiles, Zachary | Morgan | Pellish | ✓      |        | Absent - rec'd within guidelines | Motion carried |

Precinct 20:

| NAME OF VOTER  | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|----------------|--------|--------|--------|--------|-----------------------------|----------------|
| Matney, Ronnie | Morgan | Manuel |        | ✓      | Not registered              | Motion carried |

Precinct 21A:

| NAME OF VOTER          | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|------------------------|--------|--------|--------|--------|----------------------------------|----------------|
| Bethard, Heather       | Morgan | Manuel | ✓      |        | Absent - voting in new precinct  | Motion carried |
| Fitzwater, Darryl, Sr. | Manuel | Morgan |        | ✓      | Not registered                   | Motion carried |
| Casmat, Isabella       | Morgan | Manuel | ✓      |        | Absent - rec'd within guidelines | Motion carried |
| Casmat, Steven         | Morgan | Manuel | ✓      |        | Absent- rec'd within guidelines  | Motion carried |

Precinct 21B:

| NAME OF VOTER      | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|--------------------|--------|---------|--------|--------|-----------------------------|----------------|
| McAuliffe, Abigail | Morgan | Pellish | ✓      |        | Voting in new precinct      | Motion carried |
| Staubs, John, Jr.  | Morgan | Pellish | ✓      |        | Voting in new precinct      | Motion carried |

Precinct 22:

| NAME OF VOTER    | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|------------------|--------|---------|--------|--------|-----------------------------|----------------|
| Morrison, Cheryl | Manuel | Widmyer | ✓      |        | Voting in new precinct      | Motion carried |

Precinct 23A:

| NAME OF VOTER | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|---------------|--------|---------|--------|--------|-----------------------------|----------------|
| Jones, Judith | Manuel | Widmyer | ✓      |        | Voting in new precinct      | Motion carried |

Precinct23B:

| NAME OF VOTER         | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|-----------------------|--------|--------|--------|--------|----------------------------------|----------------|
| Moler, Lisa           | Morgan | Manuel | ✓      |        | Voting in new precinct           | Motion carried |
| Smith,, Leslie        | Manuel | Morgan | ✓      |        | Absent - Rec'd within guidelines | Motion carried |
| Schuman, Richard, III | Manuel | Morgan | ✓      |        | Absent - Rec'd within guidelines | Motion carried |

Precinct 24:

| NAME OF VOTER    | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|------------------|--------|---------|--------|--------|-----------------------------|----------------|
| Glymph, John     | Morgan | Pellish | ✓      |        | Voting in new precinct      | Motion carried |
| Hash, Mark       | Manuel | Morgan  | ✓      |        | Voting in new precinct      | Motion carried |
| Hash, Sally      | Manuel | Morgan  | ✓      |        | Voting in a new precinct    | Motion carried |
| Hughes, Ellen    | Manuel | Morgan  | ✓      |        | Voting in a new precinct    | Motion carried |
| Tatterson, Janet | Manuel | Morgan  | ✓      |        | Voting in a new precinct    | Motion carried |

Precinct 25A:

| NAME OF VOTER | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE             |
|---------------|--------|---------|--------|--------|-----------------------------|------------------|
| Henry, Naomi  | Morgan | Widmyer |        | ✓      | Cancelled due to inactivity | Carried<br>4 - 1 |

Precinct 25B:

| NAME OF VOTER | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|---------------|--------|--------|--------|--------|----------------------------------|----------------|
| Morgan, Sarah | Manuel | Noland | ✓      |        | Absent - Rec'd within guidelines | Motion carried |

The Board of Canvassers took a short break at 10:58 a.m.  
 The Board of Canvassers reconvened the canvassing at 11:08 a.m.

Precinct 26:

| NAME OF VOTER  | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED      | VOTE           |
|----------------|--------|---------|--------|--------|----------------------------------|----------------|
| Hocksema, Cory | Morgan | Pellish | ✓      |        | Absent - Rec'd within guidelines | Motion carried |
| Smith Maria    | Morgan | Pellish |        |        | Absent - Rec'd within guidelines | Motion carried |

Precinct 27:

| NAME OF VOTER    | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|------------------|--------|---------|--------|--------|-----------------------------|----------------|
| Black, Charletta | Noland | Widmyer |        | ✓      | Voted outside her party     | Motion carried |

Precinct 28:

| NAME OF VOTER   | Motion | Second | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|-----------------|--------|--------|--------|--------|-----------------------------|----------------|
| Trainor, Robert | Manuel | Morgan | ✓      |        | Poll Worker                 | Motion carried |

Precinct 29:

| NAME OF VOTER | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|---------------|--------|---------|--------|--------|-----------------------------|----------------|
| Nelson, Carol | Manuel | Morgan  | ✓      |        | Voting in new precinct      | Motion carried |
| Saenz, Juan   | Morgan | Widmyer | ✓      |        | Voter registration okay     | Motion carried |

Precinct 32:

| NAME OF VOTER    | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|------------------|--------|---------|--------|--------|-----------------------------|----------------|
| Beard, Robert    | Manuel | Noland  |        | ✓      | Not registered              | Motion carried |
| Harris, Wayne    | Manuel | Pellish | ✓      |        | Voting in new precinct      | Motion carried |
| Shubert, Eleanor | Morgan | Pellish |        | ✓      | Not registered              | Motion carried |

Precinct 34:

| NAME OF VOTER | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|---------------|--------|---------|--------|--------|-----------------------------|----------------|
| Eddy, Donald  | Morgan | Pellish | ✓      |        | Voting in new precinct      | Motion carried |

Precinct 35A:

| NAME OF VOTER         | Motion | Second  | Accept | Reject | REASON ACCEPTED OR REJECTED | VOTE           |
|-----------------------|--------|---------|--------|--------|-----------------------------|----------------|
| Burgess, Judy         | Manuel | Pellish | ✓      |        | Voting in new precinct      | Motion carried |
| Burgess, William, Jr. | Manuel | Pellish | ✓      |        | Voting in new precinct      | Motion carried |

Precinct 35B:

| <b>NAME OF VOTER</b> | <b>Motion</b> | <b>Second</b> | <b>Accept</b> | <b>Reject</b> | <b>REASON ACCEPTED OR REJECTED</b>      | <b>VOTE</b>    |
|----------------------|---------------|---------------|---------------|---------------|-----------------------------------------|----------------|
| Tabler, Agnes        | Morgan        | Manuel        | ✓             |               | <b>Absent - Rec'd within guidelines</b> | Motion carried |
| Tornari, Michelle    | Morgan        | Manuel        |               | ✓             | Not registered                          | Motion carried |

The Count Team was still hand-counting ballots from Precincts 26 and 32 and Nikki Painter advised the Board of Canvassers that it could take the rest of the day to complete.

By unanimous consent, Ms. Noland adjourned the day's canvassing at 11:30 a.m. to resume on Tuesday, May 15, 2012 beginning at 9:30 a.m. in the County Commission meeting room in the County Courthouse in Charles Town, West Virginia.

PATRICIA A. NOLAND, PRESIDENT  
JEFFERSON COUNTY COMMISSION



**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State held at the Courthouse thereof on Tuesday, May 15, 2012 at 9:30 a.m.

**PRESENT:** Commissioner Patricia Noland  
Commissioner Dale Manuel  
Commissioner Lyn Widmyer.  
Commissioner Frances Morgan  
Commissioner Walt Pellish

The County Commission of Jefferson County, sitting as a Board of Canvassers, was called to order at 9:30 a.m. on Tuesday, May 15, 2012 by Commissioner Noland for the purpose of continuing the canvass of ballots for Precincts 26 and 32 which had been hand-counted on Monday, May 14, 2012.

Upon completion of the canvass, Ms. Morgan made a motion to set a bond of Three Hundred Dollars (\$300.00) for a recount and to schedule the Certification of the Canvass for Thursday, May 17, 2012 at 10:00 a.m. during the County Commission Meeting. Mr. Manuel seconded the motion and it was unanimously approved.

There being no further business, motion by Ms. Morgan to adjourn the canvass. Motion seconded by Mr. Manuel and unanimously approved. The Board of Canvassers adjourned at 11:00 a.m.

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PATRICIA A. NOLAND, PRESIDENT  
JEFFERSON COUNTY COMMISSION



# Minutes

## Jefferson County Commission

Thursday, May 17, 2012

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A meeting of the Jefferson County Commission was held on Thursday, May 17, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, West Virginia. Present were Commissioners Patricia Noland, Dale Manuel, Lyn Widmyer and Walt Pellish (Commissioner Morgan was absent with notice.); Debbie Keyser, Interim County Administrator, Debbie Stellato, Administrative Assistant, Jimmy Eddie, Bailiff. (An audio tape of this May 17, 2012 meeting is available through the Jefferson County Commission Office.)

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

### PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

### APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the May 10, 2012 regular meeting as presented. Motion seconded by Mr. Pellish and unanimously approved.

### APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$12,816.44, being purchase order numbers: 53295, 53299, 49118, 49728, 51024, 51026, 51025, 49724, 49725, 49727, 49726, 50791 and 49723. 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 \$198,052.32 Motion seconded by Mr. Pellish and unanimously approved.

| CHCKNO | DEPT | VENDOR                   | PONUM | POAMT       | NOAMT     | CHECK AMOUNT |
|--------|------|--------------------------|-------|-------------|-----------|--------------|
| 067211 | 700  | AUTOZONE                 |       | \$ -        | \$ 96.94  | \$ 96.94     |
| 067212 | 700  | USA MOBILITY WIRELESS,IN |       | \$ -        | \$ 195.54 | \$ 195.54    |
| 067213 | 425  | ABH SERVICES, INC.       | 49717 | \$ 306.00   | \$ -      | \$ 306.00    |
| 067214 | 425  | ALLIANCE ELECTRIC LLC    | 49722 | \$ 45.00    | \$ -      | \$ 45.00     |
| 067215 | 440  | KIRBY F.AND LINDA R.ADAM |       | \$ -        | \$ 84.56  | \$ 84.56     |
| 067216 | 425  | BATTERY MART             | 51206 | \$ 77.70    | \$ -      | \$ 77.70     |
| 067217 | 405  | MYOSHIA BRIGHT           |       | \$ -        | \$ 127.00 | \$ 127.00    |
| 067218 | 424  | B-K OFFICE SUPPLY INC    | 49716 | \$ 1,022.50 | \$ -      | \$ 1,022.50  |
| 067219 | 424  | BOLAND SERVICES          | 52829 | \$ 270.00   | \$ -      | \$ 270.00    |
| 067219 | 425  | BOLAND SERVICES          | 51116 | \$ 991.01   | \$ -      | \$ 991.01    |

|        |     |                          |       |             |              |              |
|--------|-----|--------------------------|-------|-------------|--------------|--------------|
| 067220 | 413 | CASTO & HARRIS INC       | 49674 | \$ 520.43   | \$ -         | \$ 520.43    |
| 067220 | 413 | CASTO & HARRIS INC       | 51060 | \$ 3,398.59 | \$ -         | \$ 3,398.59  |
| 067221 | 405 | LAURENCE R CROFFORD      |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067222 | 424 | CHARLES TOWN UTILITY BRD |       | \$ -        | \$ 76.97     | \$ 76.97     |
| 067222 | 425 | CHARLES TOWN UTILITY BRD |       | \$ -        | \$ 790.95    | \$ 790.95    |
| 067223 | 440 | DAVID M. CARTER          |       | \$ -        | \$ 39.55     | \$ 39.55     |
| 067224 | 405 | JAMES CASIMIRO III       |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067225 | 405 | LAUREN CROWTHER          |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067226 | 403 | KONICA MINOLTA           | 50885 | \$ 605.23   | \$ -         | \$ 605.23    |
| 067227 | 424 | DAYCON                   | 49715 | \$ 783.33   | \$ -         | \$ 783.33    |
| 067228 | 425 | 84 LUMBER                | 49713 | \$ 21.63    | \$ -         | \$ 21.63     |
| 067229 | 712 | RENDELL FORD             |       | \$ -        | \$ 109.25    | \$ 109.25    |
| 067230 | 424 | FRONTIER                 |       | \$ -        | \$ 16,176.09 | \$ 16,176.09 |
| 067230 | 712 | FRONTIER                 |       | \$ -        | \$ 6,889.06  | \$ 6,889.06  |
| 067231 | 415 | GENERAL COUNTY FUND-J FE |       | \$ -        | \$ 17,561.85 | \$ 17,561.85 |
| 067232 | 424 | GUY'S BUICK-GMC TRUCK IN | 51209 | \$ 321.78   | \$ -         | \$ 321.78    |
| 067233 | 440 | ROGER GOODWIN            |       | \$ -        | \$ 23.32     | \$ 23.32     |
| 067234 | 405 | STEPHEN V GROH           |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067235 | 405 | STEPHANIE GROVE          |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067236 | 405 | CHARLES B HOWARD         |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067237 | 425 | JEFF CO PUBLIC SER DEPT  |       | \$ -        | \$ 211.00    | \$ 211.00    |
| 067238 | 402 | JEFFERSON PUBLISH CO INC | 49677 | \$ 348.16   | \$ -         | \$ 348.16    |
| 067239 | 425 | JEFFERSON COUNTY SOLID   | 53045 | \$ 16.59    | \$ -         | \$ 16.59     |
| 067240 | 425 | JEFFERSON UTILITIES INC  |       | \$ -        | \$ 499.76    | \$ 499.76    |
| 067241 | 405 | PATSY KIDWELL            |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067242 | 405 | RALPH A LORENZETTI JR    |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067243 | 712 | LANGUAGE LINE SERVICES   |       | \$ -        | \$ 112.51    | \$ 112.51    |
| 067244 | 425 | LONG FENCE               | 51082 | \$ 5,460.00 | \$ -         | \$ 5,460.00  |
| 067245 | 405 | GAIL MCMILLION           |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067246 | 405 | JENNIFER E. MAY-SANNER   |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067247 | 413 | MAXLOCK LOCKSMITH SERVIC | 51059 | \$ 115.00   | \$ -         | \$ 115.00    |
| 067248 | 405 | JONELLE MAY              |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067249 | 424 | MATCO TOOLS              | 49714 | \$ 51.95    | \$ -         | \$ 51.95     |
| 067250 | 413 | MONACO TECHNOLOGY        | 51061 | \$ 1,510.00 | \$ -         | \$ 1,510.00  |
| 067251 | 402 | PIFER OFFICE SUPPLY, INC | 49678 | \$ 25.95    | \$ -         | \$ 25.95     |
| 067251 | 402 | PIFER OFFICE SUPPLY, INC | 49679 | \$ 62.98    | \$ -         | \$ 62.98     |
| 067251 | 403 | PIFER OFFICE SUPPLY, INC | 50883 | \$ 174.81   | \$ -         | \$ 174.81    |
| 067251 | 404 | PIFER OFFICE SUPPLY, INC | 50789 | \$ 446.26   | \$ -         | \$ 446.26    |
| 067252 | 425 | POTOMAC EDISON           |       | \$ -        | \$ 2,441.01  | \$ 2,441.01  |
| 067253 | 405 | LECTOR DENISE RIDEOUTT   |       | \$ -        | \$ 127.00    | \$ 127.00    |
| 067254 | 405 | TRACY P. RICE, CCR       | 49614 | \$ 234.00   | \$ -         | \$ 234.00    |

|        |     |                         |       |               |             |               |
|--------|-----|-------------------------|-------|---------------|-------------|---------------|
| 067255 | 405 | HASSAN RASHEED          |       | \$ -          | \$ 127.00   | \$ 127.00     |
| 067256 | 401 | SOFTWARE SYSTEMS, INC   |       | \$ -          | \$ 3,872.29 | \$ 3,872.29   |
| 067256 | 402 | SOFTWARE SYSTEMS, INC   |       | \$ -          | \$ 57.50    | \$ 57.50      |
| 067256 | 403 | SOFTWARE SYSTEMS, INC   |       | \$ -          | \$ 989.00   | \$ 989.00     |
| 067256 | 404 | SOFTWARE SYSTEMS, INC   |       | \$ -          | \$ 744.00   | \$ 744.00     |
| 067256 | 406 | SOFTWARE SYSTEMS, INC   |       | \$ -          | \$ 73.00    | \$ 73.00      |
| 067257 | 405 | SPECIALTY BUS SUPPLIES  | 49615 | \$ 854.52     | \$ -        | \$ 854.52     |
| 067258 | 704 | ST/WV REGIONAL JAIL &   | 51010 | \$ 102,236.00 | \$ -        | \$ 102,236.00 |
| 067259 | 405 | BRANDON C.H. SIMS       |       | \$ -          | \$ 127.00   | \$ 127.00     |
| 067260 | 425 | SHENANDOAH VALLEY WATER |       | \$ -          | \$ 688.30   | \$ 688.30     |
| 067261 | 425 | CAPITAL TRISTATE        | 51132 | \$ 2,259.74   | \$ -        | \$ 2,259.74   |
| 067262 | 425 | THOMPSON GAS            |       | \$ -          | \$ 556.71   | \$ 556.71     |
| 067263 | 405 | TERESA TRITELLI         |       | \$ -          | \$ 127.00   | \$ 127.00     |
| 067264 | 401 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 66.97    | \$ 66.97      |
| 067264 | 402 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 90.99    | \$ 90.99      |
| 067264 | 402 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 598.00   | \$ 598.00     |
| 067264 | 402 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 34.95    | \$ 34.95      |
| 067264 | 403 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 203.15   | \$ 203.15     |
| 067264 | 424 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 1,077.44 | \$ 1,077.44   |
| 067264 | 424 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 111.62   | \$ 111.62     |
| 067264 | 424 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 20.00    | \$ 20.00      |
| 067264 | 424 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 126.38   | \$ 126.38     |
| 067264 | 425 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 35.04    | \$ 35.04      |
| 067264 | 425 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 108.07   | \$ 108.07     |
| 067264 | 425 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 62.93    | \$ 62.93      |
| 067264 | 428 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 149.95   | \$ 149.95     |
| 067264 | 439 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 2,271.94 | \$ 2,271.94   |
| 067264 | 439 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 854.70   | \$ 854.70     |
| 067264 | 440 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 675.00   | \$ 675.00     |
| 067264 | 451 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 15.00    | \$ 15.00      |
| 067264 | 700 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 938.24   | \$ 938.24     |
| 067264 | 700 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 74.74    | \$ 74.74      |
| 067264 | 700 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 477.24   | \$ 477.24     |
| 067264 | 700 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 350.49   | \$ 350.49     |
| 067264 | 711 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 77.00    | \$ 77.00      |
| 067264 | 711 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 643.70   | \$ 643.70     |
| 067264 | 711 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 68.85    | \$ 68.85      |
| 067264 | 712 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 780.80   | \$ 780.80     |
| 067264 | 712 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 2,205.15 | \$ 2,205.15   |
| 067264 | 712 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 85.00    | \$ 85.00      |
| 067264 | 712 | UNITED BANKCARD CENTER  |       | \$ -          | \$ 72.74    | \$ 72.74      |

|              |     |                          |       |                      |                     |                      |
|--------------|-----|--------------------------|-------|----------------------|---------------------|----------------------|
| 067264       | 712 | UNITED BANKCARD CENTER   |       | \$ -                 | \$ 663.60           | \$ 663.60            |
| 067264       | 712 | UNITED BANKCARD CENTER   |       | \$ -                 | \$ 884.80           | \$ 884.80            |
| 067264       | 716 | UNITED BANKCARD CENTER   |       | \$ -                 | \$ 288.20           | \$ 288.20            |
| 067265       | 425 | VALLEY HARDWARE COMPANY  | 51087 | \$ 14.11             | \$ -                | \$ 14.11             |
| 067266       | 424 | WILLIAMS MOTOR PARTS, IN | 50951 | \$ 221.75            | \$ -                | \$ 221.75            |
| 067266       | 700 | WILLIAMS MOTOR PARTS, IN | 50951 | \$ 139.58            | \$ -                | \$ 139.58            |
| 067267       | 425 | WINCHESTER EQUIPMENT CO  | 51201 | \$ 481.73            | \$ -                | \$ 481.73            |
| 067268       | 405 | WV PROS.ATTYS ASSOC/WVPA | 49616 | \$ 2,185.00          | \$ -                | \$ 2,185.00          |
| 067269       | 402 | XEROX CORPORATION        | 49326 | \$ 119.89            | \$ -                | \$ 119.89            |
| 067269       | 402 | XEROX CORPORATION        | 49676 | \$ 1,587.80          | \$ -                | \$ 1,587.80          |
| 067269       | 439 | XEROX CORPORATION        | 52941 | \$ 682.46            | \$ -                | \$ 682.46            |
| 067270       | 405 | DEBRA A. YOUNG           |       | \$ -                 | \$ 127.00           | \$ 127.00            |
| 067271       | 413 | BETHEL METHODIST CHURCH  |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067272       | 413 | CAMP HILL WESLEY UNITED  |       | \$ -                 | \$ 150.00           | \$ 150.00            |
| 067273       | 413 | CHARLES TOWN BAPTIST     |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067274       | 413 | COVENANT BAPTIST CHURCH  |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067275       | 413 | FIRST BAPTIST CHURCH     |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067276       | 413 | KABLETOWN METHODIST CHRC |       | \$ -                 | \$ 150.00           | \$ 150.00            |
| 067277       | 413 | LEETOWN METHODIST CHURCH |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067278       | 413 | SHEPHERDSTOWN FIRE DEPT  |       | \$ -                 | \$ 200.00           | \$ 200.00            |
| 067279       | 413 | BLUE RIDGE MTN VOL FIRE  |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067280       | 413 | OAKLAND METHODIST CHURCH |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067281       | 413 | JEFFERSON COUNTY COUNCIL |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067282       | 413 | COUNTRY DAY SCHOOL       |       | \$ -                 | \$ 200.00           | \$ 200.00            |
| 067283       | 413 | TRINITY EPISCOPAL CHURCH |       | \$ -                 | \$ 100.00           | \$ 100.00            |
| 067284       | 413 | FELLOWSHIP BIBLE CHURCH  |       | \$ -                 | \$ 200.00           | \$ 200.00            |
| 067285       | 413 | SUMMIT PT BAPTIST CHURCH |       | \$ -                 | \$ 100.00           | \$ 100.00            |
|              |     |                          |       |                      |                     |                      |
|              |     |                          |       |                      |                     |                      |
| <b>TOTAL</b> |     |                          |       |                      |                     | <b>\$ 198,052.32</b> |
| <b>TOTAL</b> |     |                          |       | <b>\$ 127,591.48</b> | <b>\$ 70,460.84</b> | <b>\$ 198,052.32</b> |

## PUBLIC COMMENT

**Maria Lorensen** submitted an Agenda Request for May 31, 2012. Ms. Lorensen stated that Margaret Cogswell would appear before the Commission on May 31, 2012 to speak about Hospice of the Panhandle and partnership on tax bonds. She invited the Commissioners to a groundbreaking for the new Hospice facility on Wednesday, June 13, 2012 at 5:15 p.m. on old Rt. 9 at the Berkeley/Jefferson County line.

**Kathy Knight** commented on Customs and Border Patrol option #4 for Koonce Road . She also commented on a letter from Earl L. Jackson, Jr. (copy included in the May 17, 2012 Agenda Packet) regarding fire and ambulance fees.

**David Tabb** commented on the WV State Transportation Department's STIP letter (copy included in Agenda Packet);

Earl Jackson letter; the Planning Commission meeting regarding the Rt. 340 Corridor and the timeline for public viewing of Commission correspondence.

**PRESENTATIONS:**

- 1. Pamela Jean Games-Neely, Berkeley County Prosecutor and President of the Community Elections Board, and Ralph Lorenzetti, Jefferson County Prosecutor,** introduced Jason Castillo, the new Director of the Berkeley/Jefferson Day Report Center.

Motion by Mr. Manuel to convene as a Board of Canvassers for the purpose of certifying the results of the canvassing of ballots held on Monday, May 14 and Tuesday, May 15, 2012. Motion seconded by Mr. Pellish and unanimously approved. The Board convened at 10:05 a.m.

Jennifer Maghan, County Clerk, submitted a Certification document to the Canvassers. Ms. Maghan advised the Canvassers that no candidate complaints had been received and all Canvassers signed the Certification except Ms. Morgan who was absent with notice.

Motion by Mr. Manuel to end the session as a Board of Canvassers and reconvene the regular meeting of the Jefferson County Commission. Motion seconded by Ms. Noland and unanimously approved. The Commissioners reconvened the regular Commission meeting at 10:15 a.m.

**Items no. 2 and no. 3 were stricken from the Agenda to be heard at a later date.**

- 2. Jennifer Maghan, County Clerk,** request to establish a break room for the Courthouse Staff.

The Commission has no problem with the break room as long as there is no stove. Motion by Mr. Pellish for the Clerk to establish a break room in the designated area and expend up to \$1,000.00 for the project. Motion seconded by Mr. Manuel and unanimously approved.

- 3. Debbie Keyser, Interim County Administrator,** in place of Paul Shroyer, Director of Financial Management, requested that the Commission approve Budget Revision No. 8 (line item adjustment).

**The Commission took a short break at 10:58 a.m.**

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

Paul Shroyer was present and explained in more detail Budget Revision No. 8.

Motion by Mr. Manuel to approve Budget Revision No. 8 as presented. Motion seconded by Mr. Pellish and unanimously approved.

- 4. Stephanie Grove, Assistant Prosecuting Attorney, and Roger Goodwin, Chief County Engineer,** appeared to request that the Commission set a date for a public hearing concerning the draft amendment to the Impact Fee Ordinance that addresses the affordable housing component required to be implemented by July 1, 2012 and to set a date for a County Commission full discussion work session as soon as possible.

Motion by Ms. Widmyer to schedule a work session on Thursday, May 31, 2012 in the afternoon to discuss the draft amendment followed by a public hearing two weeks later. Motion seconded by Mr. Manuel and unanimously approved. Ms. Widmyer suggested inviting representatives of the Board of Education to the work session and volunteered to send a letter to the Board stressing the importance of its input in this decision.

The Commission took a short break at 10:35 a.m.  
The Commission reconvened the meeting at 10:39 a.m.

Mr. Manuel reported that members of the Jefferson County Emergency Services Agency wanted to know if a Commissioner that has authority to appoint an individual to a Board be a voting member of that Board? The Commissioners directed Ms. Grove to research the question and send a letter containing her findings to the JCESA.

5. **Angela Banks, County Assessor**, introduced Victoria Myers and recognized her for receiving the 2012 Geospatial Professional of the Year Award.

## **COUNTY ADMINISTRATOR REPORTS**

### **Interim County Administrator Debbie Keyser:**

- Reported that the Jefferson County Parks & Recreation Commission voted to give Jefferson County employees a free membership and a 60% discount on park programs for the employees and their immediate families.
- Reported that Moulton Park will open on Friday, May 18, 2012 instead of Saturday, May 19, 2012.
- Reminded the Commissioners about the MARC train meeting on Saturday, May 19, 2012 in the Commission Meeting Room.
- Requested the Commission's thoughts on the fact that she has a component agency (JCESA) that is interested in putting in a drug and alcohol policy. The JCESA has an old policy that Doug Pittinger is updating with a 5-page draft policy. She'd like to include them in the County's EAP program as long as they pay their own fees. The Commission did not have a problem with this as long as the JCESA paid their own costs and fees.

**Note from Commissioner Widmyer:** She noted that the Commission had received a letter from John Allen, President of the Historic Landmarks Commission, stating that Historic Landmarks is not in favor of the landscaping plans submitted for the Courthouse and would prefer a new plan. (Copy of letter in Agenda Packet.)

### **Commissioner Pellish:**

- Attended a Jefferson County Development Authority meeting.
- Attended a Jefferson County Planning Commission meeting.
- Reported that he has heard some negative comments from employees regarding open enrollment.
- Participated in the 2012 Primary Election Canvass on both days.

### **Commissioner Widmyer:**

- Participated in the 2012 Primary Election Canvass on both days.
- Attended the MARC proposed schedule change meeting.
- Attended the Grand Opening of the Eastern Panhandle Consumer Protection Office in Martinsburg, WV.
- Attended a Jefferson County Planning Commission meeting.
- Attended a Parks & Recreation Commission meeting.

### **Commissioner Manuel:**

- Participated in the 2012 Primary Election Canvass on both days.
- Attended an Equal Housing Subcommittee meeting.
- Attended a Jefferson County Emergency Services Agency meeting.
- Attended a Jefferson Center meeting.
- Attended a Jefferson County Council on Aging meeting.

- Attended Attorney General McGraw's mortgage workshop in the new Eastern Panhandle Consumer Protection Office in Martinsburg, WV
- **Commissioner Noland:**
- Participated in the 2012 Primary Election Canvass on both days.
- Attended a Courthouse Committee meeting.
- Attended a Jefferson County Partnership for Affordable Housing meeting.

There being no further business, motion by Mr. Manuel to adjourn the meeting. Motion seconded by Ms. Noland and unanimously approved. Upon rising, the meeting was adjourned at 11:30 a.m. until Thursday, May 31, 2012 at 9:30 a.m. There is no Commission meeting next Thursday, May 24, 2012.

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PATRICIA A. NOLAND, PRESIDENT



# PURCHASE ORDERS TO BE APPROVED

May 31, 2012

| DEPARTMENT     | PURCHASE ORDER | AMOUNT     | VENDOR                             | DESCRIPTION                            |
|----------------|----------------|------------|------------------------------------|----------------------------------------|
| ADDRESSING     | 50846          | \$198.48   | BK Office Supply                   | Pens, highlighters, rubber bands, ect. |
| ANIMAL CONTROL | 51153          | \$1,583.26 | Tomahawk Live Trap                 | Dog traps / leashes                    |
|                | 51154          | \$210.62   | Valley Pet Cemetary                | Carcass Removal                        |
|                | 51156          | \$100.00   | Blue Ridge Vet Assoc.              | Vet Care                               |
| ASSESSOR       | 53300          | \$513.20   | Marshall & Swift                   | Valuation Book                         |
| COUNTY CLERK   | 49682          | \$1,938.27 | Shepherdstown Chronicle            | Legal ads Ballots                      |
|                | 49683          | \$438.90   | Charles Town Copy                  | Poll Books printing                    |
|                | 49684          | \$1,565.50 | Spirit of Jefferson                | Sample Ballots                         |
|                | 49685          | \$150.10   | Casto & Harris                     | Absentee Ballot envelopes              |
|                | 49686          | \$348.49   | Colt Systems                       | Plastic binders for deeds              |
| COMMISSION     | 51011          | \$1,295.00 | IPSWITCH                           | Imail premium 250 licenses             |
| COURTHOUSE     | 49733          | \$148.60   | Miller, Jeep, Chrysler, Dodge, Ram | Vehicle materials/supplies             |
|                | 49734          | \$137.29   | Jerry's Ford Lincoln               | Vehicles materials/supplies            |

|                      |       |            |                                |                                        |
|----------------------|-------|------------|--------------------------------|----------------------------------------|
|                      | 49736 | \$508.50   | BK Office Supply               | Copy paper                             |
| COMMUNICATIONS       | 51000 | \$922.90   | Mid-Atlantic Protel            | Pagers / air time                      |
|                      | 51002 | \$132.00   | Business Telecom Products, Inc | Quick disconnect cables                |
| ENGINEERING          | 50127 | \$1,956.00 | Print-O-Stat                   | Yearly Maint. Contract                 |
|                      | 51029 | \$561.50   | BK Office Supply               | Materials/supplies                     |
|                      | 51030 | \$776.00   | BK Office Supply               | Hutch w/ doors, task light             |
| HOMELAND SECURITY    | 53195 | \$8,900.00 | J.H. Consulting, LLC           | Hazard Risk Assessment/Mitigation Plan |
| OTHER BUILDINGS      | 49729 | \$107.70   | Battery Mart                   | 12 volt batteries (6)                  |
|                      | 49737 | \$463.98   | Granger                        | Records storage racks                  |
| PLANNING             | 50705 | \$308.61   | Manpower                       | Temp                                   |
|                      | 50706 | \$553.90   | Manpower                       | Temp                                   |
| PROSECUTING ATTORNEY | 49617 | \$531.50   | Strafford Publications         | Litigation Reporter                    |
| SHERIFF              | 50902 | \$167.00   | Law Enforcement Systems        | Printing/Evidence                      |
|                      | 50903 | \$246.30   | Specialty Business             | Printing                               |

|                    |       |                    |                                  |                             |
|--------------------|-------|--------------------|----------------------------------|-----------------------------|
|                    | 50904 | \$7,029.57         | PUP Communications               | Uniforms/Motorcycle Class A |
|                    | 50905 | \$600.00           | International Polygraph Services | Employment polygraph        |
|                    | 50906 | \$101.82           | Enhanced Printing & Promotions   | Uniforms                    |
|                    | 50907 | \$425.00           | Public Agency Training           | Training for Holz           |
|                    | 50909 | \$302.98           | WV Uniforms                      | Uniforms                    |
|                    | 50910 | \$161.47           | Battery Mart                     | Maint/Repair equipment      |
|                    | 50911 | \$409.42           | Ricoh USA, Inc                   | Maint/Repair equipment      |
|                    | 50912 | \$18,778.00        | Jerry's Sport Center, Inc        | Mat/supply/amo              |
|                    | 50913 | \$2,629.99         | Southern Police Equipment        | Uniform/Class A Motorcycle  |
|                    | 50914 | \$2,300.45         | Gall's LLC                       | Uniform                     |
|                    | 50915 | \$1,280.54         | Gall's LLC                       | Uniforms/accessories        |
|                    |       |                    |                                  |                             |
| TAX OFFICE         | 50792 | \$159.45           | Pifer Office Supply              | materials/supplies          |
|                    |       |                    |                                  |                             |
| WV EXTENSION       | 53144 | \$105.00           | Campbell Business                | Clear tabs                  |
|                    |       |                    |                                  |                             |
| <b>GRAND TOTAL</b> |       | <b>\$59,047.29</b> |                                  |                             |

Printed at 11:15 a.m. on 5/25/12



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

①

### AGENDA REQUEST FORM

Name: County Commission as the Board of Canvassers

Department or Entity: Commission

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

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Certification of the 2012 Primary Election Results

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> |
|--------------------------------------------------------------------------------------------|

May 31st Agenda Request -

**AGENDA REQUEST FORM**

Name: Margaret Cogswell

Department or Entity: Hospice of the Panhandle

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: May 17, 2012

Date Requested – 2<sup>nd</sup> Choice: May 31, 2012 or any earlier meeting

If a specific date is needed, please provide reason for specific date: Am seeking approval for the issuing of the bond at the earliest date possible

**Subject: Bond issue for Hospice of the Panhandle Building Project**

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

Hospice of the Panhandle has secured a commitment from a local bank to finance a portion of the costs of this project through the purchase of \$8,000,000 of bank qualified, tax-exempt commercial development revenue bonds. Since approximately 70% of the project will be located in Jefferson County and the remaining 30% in Berkeley County, this letter is to request that the Jefferson County Commission issue up to \$6 Million of the \$8 Million dollars. It is our intent that the remaining bonds will be issued by Berkeley County.

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

To Approve in concept the issuing of up to \$6,000,000 of bank qualified, tax-exempt commercial development revenue bonds for Hospice of the Panhandle to construct a 14 bed hospice inpatient facility and separate office building located on old Route 9 on the Berkeley/Jefferson County line in West Virginia, subject to the adoption by the Commission of a more definitive resolution to be prepared by Bond Counsel for the project.

Attachments: Letter from Hospice of the Panhandle

May 7, 2012

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

Dear President Noland and Commissioners,

As you know Hospice of the Panhandle will be constructing a 14 bed hospice inpatient facility and separate office building located on old Route 9 on the Berkeley/Jefferson County line in West Virginia.

Hospice of the Panhandle has secured a commitment from a local bank to finance a portion of the costs of this project through the purchase of \$8,000,000 of bank qualified, tax-exempt commercial development revenue bonds. Since approximately 70% of the project will be located in Jefferson County and the remaining 30% in Berkeley County, this letter is to request that the Jefferson County Commission issue up to \$6 Million of the \$8 Million dollars. It is our intent that the remaining bonds will be issued by Berkeley County.

We will receive bids for this project May 9 and expect to name our contractors by June 1 so they may begin construction as soon as June 15, 2012. Obviously, securing the bond issue is essential to moving this process forward.

Our community has long needed an inpatient facility to care for those with pain and other uncontrolled symptoms. We do not wish to delay this project.

Thank you in advance for your assistance in moving our project forward as soon as possible. You can reach me at 304-264-0406, [mcogswell@hospiceotp.org](mailto:mcogswell@hospiceotp.org) or at the address below.

Sincerely

Margaret Cogswell, CHPCA  
CEO

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

**AGENDA REQUEST FORM**

Name: Jennifer Myers

Department or Entity: Parks and Recreation Director

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

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Request to waive Building Permit Fees for two signs that will posted at Moulton Park

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  
ENGINEERING DEPARTMENT  
OFFICE OF PERMITS & INSPECTIONS  
116 EAST WASHINGTON STREET, Suite 100  
P.O. Box 716  
CHARLES TOWN, WEST VIRGINIA 25414  
(304) 725-2998

**DECK, GARAGE, STORAGE-BUILDING,  
REPLACEMENT WINDOWS, SIGN or CHIMNEY**  
Instructions for Building Permit Application & Inspections

**TO OBTAIN A PERMIT:**

1. Provide a Permit Application form with all the information completely filled-in.
2. Provide two (2) copies of construction drawings. Otherwise, cost for copies made by the Engineering Department will be charged per County Commission fee schedule.
3. If Trusses will be used for construction please submit truss details from manufacturer. (NOTE - Trusses shall be certified by a WV Licensed engineer prior to framing inspection).
4. Provide a sketch showing the distance from the structure to the property/lot line.

**FEE SCHEDULE**

|                               | DECK, GARAGE,<br>STORAGE<br>BUILDINGS             | REPLACEMENT<br>WINDOWS or<br>CHIMNEY | SIGNS    | ELECTRICAL<br>WORK<br>ONLY |
|-------------------------------|---------------------------------------------------|--------------------------------------|----------|----------------------------|
| Base Fee                      | \$50.00                                           | \$100.00                             |          | \$100.00                   |
| Plus sq-ft fee                | \$0.08/sq-ft unfinished<br>\$0.18/sq-ft. finished |                                      |          |                            |
| Signs valued<br>over \$2,500  |                                                   |                                      | \$250.00 |                            |
| Signs valued<br>under \$2,500 |                                                   |                                      | \$50.00  |                            |

**POSTING OF THE PERMIT PLACARD:**

The building permit placard shall be posted such that it is visible and accessible by the inspector during the duration of the project and until the final inspection is complete and approved. The inspection will be automatically failed if the placard is not accessible for the inspector to place the "approved" or "failed" sticker on it; and shall be subject to a \$50.00 re-inspection fee. If the placard is lost or destroyed, a new placard is required at a fee of \$10.00 plus \$1.00 per inspection sticker.

**INSPECTIONS REQUIRED:**

| Deck, Garage & Storage Building | Chimney Addition    | Signs                               | Replacement Windows        | Electrical         |
|---------------------------------|---------------------|-------------------------------------|----------------------------|--------------------|
| Footers before Pour             | Footers before Pour | Footers before Pour (if applicable) |                            |                    |
| Foundation                      |                     |                                     |                            |                    |
| UG Plumbing                     |                     |                                     |                            |                    |
| Slabs before pour               |                     |                                     |                            |                    |
| **Rough Electrical              |                     |                                     |                            | **Rough Electrical |
| ***Framing                      |                     |                                     | ***Framing (if applicable) |                    |
| Insulation                      |                     |                                     |                            |                    |
| **Final Electrical              |                     | **Final Electrical (if applicable)  |                            | **Final Electrical |
|                                 | Fire Place Throat   |                                     |                            |                    |
| Final                           | Final               | Final                               | Final                      | Final              |

\*\*See below for WV State Fire Marshal's Office approved Electrical Inspectors

\*\*\*Rough Plumbing and mechanical needs to be included, if applicable; and if using trusses or engineered beams or framing system, a WV Professional Engineer's Stamped Truss/Beam/Engineered Framing System approval & certification shall be submitted prior to scheduling this inspection.

The permit applicant is responsible for scheduling the required electrical inspections with a third-party electrical inspector approved by the State Fire Marshal's Office; and payment of the inspection fee to them. APPROVED ELECTRICAL INSPECTORS in this area:

| West Virginia Electrical Inspectors |                                            |                              |
|-------------------------------------|--------------------------------------------|------------------------------|
| Name                                | Organization                               | Phone                        |
| Wes Clark                           | Middle Dept. Inspection Agency, Inc.       | 800-248-6342                 |
| Doug Cloud                          | Commonwealth Electrical Inspection Service | 304-754-8305                 |
| Steven D. Cloud                     | Commonwealth Electrical Inspection Service | 304-671-0808                 |
| Richard Hill                        | D&D Inspection Service                     | 304-754-7146                 |
|                                     | Megco Inspections                          | 800-304-5942                 |
| Charles N. Smith, Jr.               | Tri-State Safety Inspection Services       | 304-261-0243<br>304-263-3971 |
|                                     |                                            |                              |
|                                     |                                            |                              |

**SCHEDULING AN INSPECTION:**

To schedule an Inspection call (304) 725-2998 from 9:00 am – 5:00 pm; Monday – Friday. Please have the following information listed below when calling:

- Permit Number. **INSPECTIONS WILL NOT BE SCHEDULED WITHOUT PERMIT #**
- Owner's Name and/or Subdivision & Lot Number.
- Type of Inspection requested (see above table of required inspections).
- Name & phone number of person scheduling the inspection.

Inspections scheduled by 3:00 p.m. of a county business day, will be performed within the next two business days (48 hours). NO APPOINTMENTS WILL BE MADE FOR INSPECTIONS.

**ALL WORK SCHEDULED FOR INSPECTION SHALL BE COMPLETED BY 8:00 A.M. ON THE SCHEDULED DATE OF THE INSPECTION. INCOMPLETE WORK IS SUBJECT TO FAILURE AND PAYMENT OF A \$50.00 REINSPECTION FEE PRIOR TO RESCHEDULING OF THE INSPECTION.**

Jefferson County building permit requirements are only applicable for property located within the unincorporated areas of Jefferson County and do not apply in the five incorporated jurisdictions: Charles Town, Ranson, Harpers Ferry, Bolivar and Shepherdstown.

I HAVE READ AND UNDERSTAND THESE INSTRUCTIONS.

Jennifer Myers  
Property Owner's (original/no copies) Signature

5,24,12  
Date

Jennifer Myers  
(Print Name)

JEFFERSON COUNTY  
ENGINEERING DEPARTMENT  
OFFICE OF PERMITS & INSPECTIONS  
116 EAST WASHINGTON STREET, Suite 100  
P.O. Box 716  
CHARLES TOWN, WEST VIRGINIA 25414  
(304) 725-2998

|                                                               |
|---------------------------------------------------------------|
| Permit Fee: \$ _____                                          |
| Please make checks payable to:<br>Jefferson County Commission |
| Date: ____/____/____                                          |
| Rec'd by: _____                                               |
| Permit no. _____                                              |

**Deck, Garage, Storage-Bldg.,  
Replacement Windows, Sign or Chimney  
BUILDING PERMIT APPLICATION**

**1. TYPE OF PERMIT**

Deck     Attached Garage     Detached Garage     Sign     Storage Building     Chimney

Other (Describe) \_\_\_\_\_

Size/Dimensions of Structure: 3' x 4' (42" high)

Replacement Windows:

Number of Windows being replaced: \_\_\_\_\_

Will any of the Existing Window Framing Be Altered or Changed?    **Yes** or **No** (circle one)  
If yes, framing plans/details will be required.

Will the Window's Clear Opening (egress opening) Be Changed?    **Yes** or **No** (circle one)

**2. PROPERTY OWNER(S) INFORMATION:**

(Note: All individuals on the deed shall be listed on application)

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_

Company Name (if applicable) Jefferson County Parks & Rec.

Mailing Address 235 Sam Michaels Lane

Apt/Ste # \_\_\_\_\_ City Shenandoah Junction State WV Zip 25442

Phone Number: 304-728-3207

**3. PROPERTY INFORMATION:**

Street Address 716 Bloomeay Rd Zip 25414

Subdivision \_\_\_\_\_ Lot No. \_\_\_\_\_ Section: \_\_\_\_\_

Tax District \_\_\_\_\_ Map \_\_\_\_\_ Parcel \_\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_ Parcel/Lot Size \_\_\_\_\_

List all existing structures & land uses on property: No structures / Camping & Fishing

**4. CONTRACTOR: (A copy of the current West Virginia Contractor's License must be submitted with application)**

Company Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Street Address \_\_\_\_\_

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

Phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Fax: \_\_\_\_\_

WV Contractor's License #: \_\_\_\_\_ Name of Individual License Issue to: \_\_\_\_\_

**5. ESTIMATED SELLING PRICE/VALUE OF BUILDING/ IMPROVEMENT:**

\$ 1500.00

**OWNER/APPLICANTS CERTIFICATION OF INTENT  
AND  
ACKNOWLEDGMENT OF RESPONSIBILITY**

I, (We), the Owner of the property on which the intended improvement is to be constructed or placed, hereby certify and ensure that this intended improvement/construction and the intended use complies with all restrictive covenants of this property/real estate. And, I, (We), agree, understand and acknowledge that I, (We), assume full responsibility for compliance with any such private land use covenants and restrictions, and that a violation thereof may result in legal sanctions by court injunction, fines and civil damages, irrespective of the issuance of this permit by Jefferson County.

I, (We), further acknowledge and understand that:

1. Any construction prior to the issuance of this permit is in violation of the Jefferson County Ordinances, and is subject to prosecution to the fullest extent of the law. (This includes site work, utilities construction, building construction, etc.)
2. Any new structure shall be located at the required/prescribed setback distances from property lines.
3. By signing this application it is understood that employees, representatives and/or agents of the Jefferson County Departments of Planning, Zoning, and Engineering are authorized to enter in and/or upon the property for the purposes of performing site plan and building code compliance inspections and to check for code violations related to the property, site work and/or building activities identified on this application.
4. The Property Owner is responsible for providing employees, representatives, and/or agents of the Jefferson County Department of Planning, Zoning and Engineering, safe and open access to the site and all building components when conducting inspections.
5. All work shall be performed in accordance with Jefferson County Ordinances and Building codes; and that I/we are responsible for ensuring that the person(s) and/or contractor performing the work is knowledgeable of the applicable ordinances and building codes; and that the contract should stipulate that all work be performed in accordance with the applicable building codes.
6. All roadways and properties shall be protected from damage and the deposit of mud, dirt, silt, trash and debris, etc., resulting from the work covered by this permit application. The property owner shall be responsible for any resulting damage and clean up costs.
7. A copy of the International Residential Building Code (IRC) and/or International Building Code (IBC) may be purchased from the International Code Council at <http://www.iccsafe.org>; or is available for review at the Jefferson County Engineering Department, Office of Permits & Inspections.
8. No structure shall be used and/or occupied until a "Use & Occupancy Certificate" is issued by the Jefferson County Office of Permits and Inspections; and that using or occupying such structure prior to issuance of the Use & Occupancy Certificate is a violation of the Jefferson County Building Code Enforcement Ordinance and is subject to prosecution under the law.

I, (We), state that this application is true and accurate to the best of my (our) knowledge.

Property Owner: Jefferson County Park & Rec.  
Jennifer Myers (Original Signature Required) Property Owner: \_\_\_\_\_  
(Original Signature Required)

Print Name: Jennifer Myers Print Name: \_\_\_\_\_

Title: Director Title: \_\_\_\_\_

Date: 5, 24, 12 Date: \_\_\_\_\_

**DO NOT WRITE ON THIS PAGE  
OFFICIAL USE ONLY**

Plans Review Completed and sent to P & Z: \_\_\_/\_\_\_/\_\_\_ By: \_\_\_\_\_

Date Permit Issued: \_\_\_/\_\_\_/\_\_\_ Permit Number: \_\_\_\_\_

Date Permit Expires: \_\_\_/\_\_\_/\_\_\_ Approved By: \_\_\_\_\_

**Compliance with Other Ordinances:**

Subdivision     Zoning     Flood Plain Management     Salvage Yard     ILP

In the Flood Plain? Y / N    In the Floodway? Y / N    Site Plan Required? Y / N

Potable Water Certification Required?    Yes / No

**If Yes, potable water test is due prior to issuance of the "Certificate of Occupancy."**

**DRIVEWAY ENTRANCE DRAINAGE REQUIREMENTS:**

The Owner shall be responsible for installing the correct size and type of driveway culvert in the roadway drainage swale/ditchline, as specified by the subdivision Preliminary Plat and/or Final Plat. Where not specified on the Preliminary Plat or Final Plat, the minimum shall be a 15 inch diameter corrugated metal culvert pipe or equivalent elliptical pipe size.

The Owner can note the required size here: \_\_\_\_\_ inch diameter

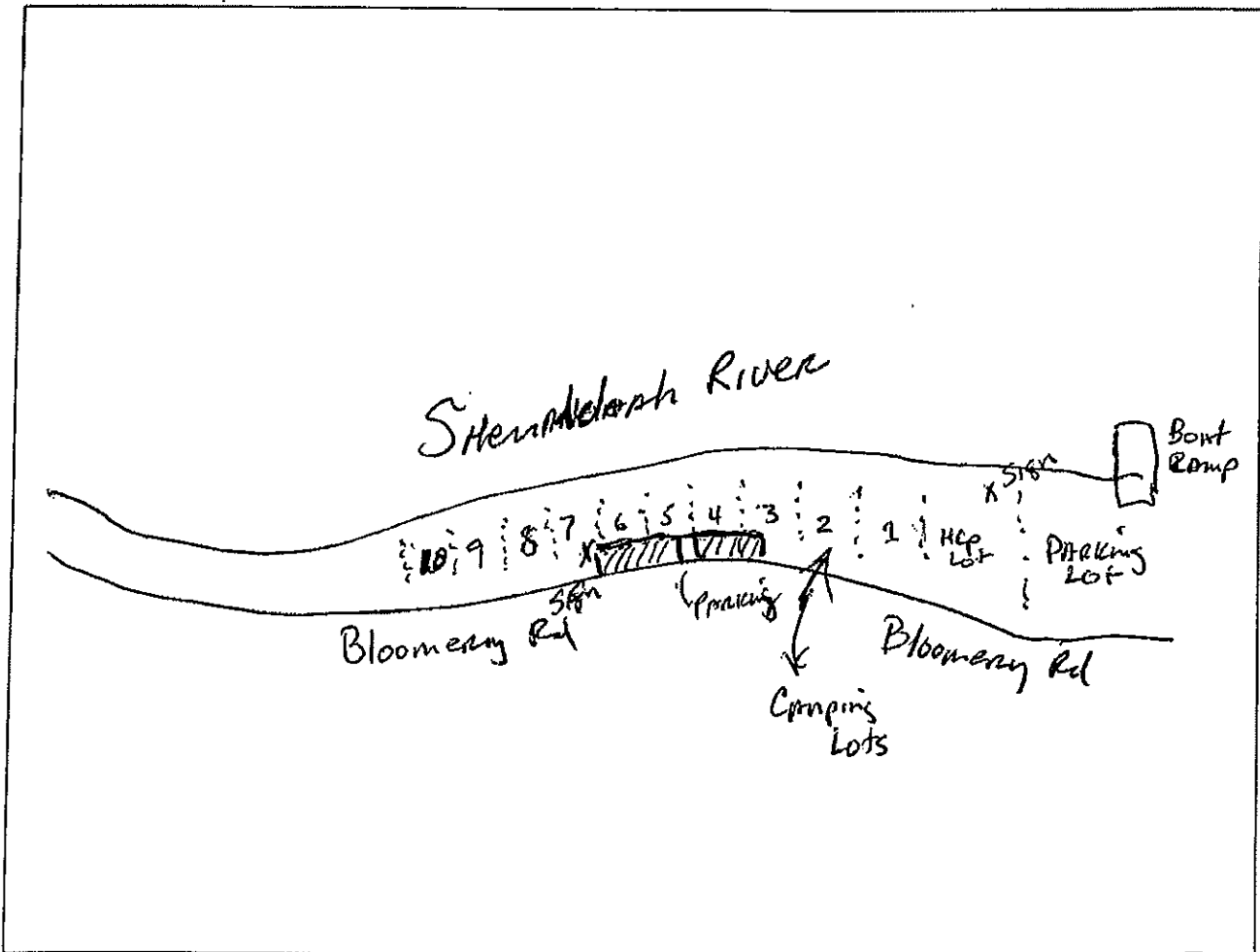
**SPECIAL CONDITIONS OF APPROVAL:**

PROPERTY SKETCH SHEET

Sketch the shape and location of the lot and show the following:

1. All existing roads with names and/or route numbers.
2. All rights-of-way and/or easements.
3. Septic reserve areas.
4. Location of the intended construction or land use; and show the building setback lines and the distances from the property line to the setback lines; and the distance from the property line to the structure.
5. Show the size and height of the structure.
6. Show all existing buildings/structures on the parcel/property.
7. On Renovation's and Addition; Please indicate number of bedrooms and if adding a kitchen

Note: The sketch may be on a separate sheet; however, it shall be signed and dated by the applicant.



Property Owner/Applicant's Signature Jennifer Myers Date: 5, 24, 12

TO BE FILLED IN COMPLETELY BEFORE PERMIT WILL BE ISSUED

**\*\*INSPECTORS CANNOT INSPECT WHAT THEY CANNOT FIND\*\***  
**PLEASE MAKE DIRECTIONS CLEAR**

Subdivision Name: Moulton Park Lot No. \_\_\_\_\_

Street Address/Name: 716 Blooming Rd

Give clear directions using road names/route numbers, landmarks, when to turn left and right and other descriptors necessary to find the location. If there is more than one entrance to a subdivision, please note which entrance to use.

Directions: Rt 9 to Blooming Rd turn Left 3/4 mile on Right

ADDITIONAL INFORMATION: \_\_\_\_\_

JEFFERSON COUNTY  
ENGINEERING DEPARTMENT  
OFFICE OF PERMITS & INSPECTIONS  
116 EAST WASHINGTON STREET, Suite 100  
P.O. Box 716  
CHARLES TOWN, WEST VIRGINIA 25414  
(304) 725-2998

**DECK, GARAGE, STORAGE-BUILDING,  
REPLACEMENT WINDOWS, SIGN or CHIMNEY**  
**Instructions for Building Permit Application & Inspections**

**TO OBTAIN A PERMIT:**

1. Provide a Permit Application form with all the information completely filled-in.
2. Provide two (2) copies of construction drawings. Otherwise, cost for copies made by the Engineering Department will be charged per County Commission fee schedule.
3. If Trusses will be used for construction please submit truss details from manufacturer. (NOTE - Trusses shall be certified by a WV Licensed engineer prior to framing inspection).
4. Provide a sketch showing the distance from the structure to the property/lot line.

**FEE SCHEDULE**

|                               | DECK, GARAGE,<br>STORAGE<br>BUILDINGS             | REPLACEMENT<br>WINDOWS or<br>CHIMNEY | SIGNS    | ELECTRICAL<br>WORK<br>ONLY |
|-------------------------------|---------------------------------------------------|--------------------------------------|----------|----------------------------|
| Base Fee                      | \$50.00                                           | \$100.00                             |          | \$100.00                   |
| Plus sq-ft fee                | \$0.08/sq-ft unfinished<br>\$0.18/sq-ft. finished |                                      |          |                            |
| Signs valued<br>over \$2,500  |                                                   |                                      | \$250.00 |                            |
| Signs valued<br>under \$2,500 |                                                   |                                      | \$50.00  |                            |

**POSTING OF THE PERMIT PLACARD:**

The building permit placard shall be posted such that it is visible and accessible by the inspector during the duration of the project and until the final inspection is complete and approved. The inspection will be automatically failed if the placard is not accessible for the inspector to place the "approved" or "failed" sticker on it; and shall be subject to a \$50.00 re-inspection fee. If the placard is lost or destroyed, a new placard is required at a fee of \$10.00 plus \$1.00 per inspection sticker.

**SCHEDULING AN INSPECTION:**

To schedule an Inspection call (304) 725-2998 from 9:00 am – 5:00 pm; Monday – Friday. Please have the following information listed below when calling:

- Permit Number. **INSPECTIONS WILL NOT BE SCHEDULED WITHOUT PERMIT #**
- Owner's Name and/or Subdivision & Lot Number.
- Type of Inspection requested (see above table of required inspections).
- Name & phone number of person scheduling the inspection.

Inspections scheduled by 3:00 p.m. of a county business day, will be performed within the next two business days (48 hours). **NO APPOINTMENTS WILL BE MADE FOR INSPECTIONS.**

**ALL WORK SCHEDULED FOR INSPECTION SHALL BE COMPLETED BY 8:00 A.M. ON THE SCHEDULED DATE OF THE INSPECTION. INCOMPLETE WORK IS SUBJECT TO FAILURE AND PAYMENT OF A \$50.00 REINSPECTION FEE PRIOR TO RESCHEDULING OF THE INSPECTION.**

Jefferson County building permit requirements are only applicable for property located within the unincorporated areas of Jefferson County and do not apply in the five incorporated jurisdictions: Charles Town, Ranson, Harpers Ferry, Bolivar and Shepherdstown.

I HAVE READ AND UNDERSTAND THESE INSTRUCTIONS.

Jennifer Myers  
Property Owner's (original/no copies) Signature

5, 24, 12  
Date

Jennifer Myers  
(Print Name)

**3. PROPERTY INFORMATION:**

Street Address 716 Bloomeray Rd Zip 25414

Subdivision \_\_\_\_\_ Lot No. \_\_\_\_\_ Section: \_\_\_\_\_

Tax District \_\_\_\_\_ Map \_\_\_\_\_ Parcel \_\_\_\_\_

Deed Book \_\_\_\_\_ Page \_\_\_\_\_ Parcel/Lot Size \_\_\_\_\_

List all existing structures & land uses on property: STRUCTURES N/A ← Camping  
And fishing

**4. CONTRACTOR:** (A copy of the current West Virginia Contractor's License must be submitted with application)

Company Name \_\_\_\_\_ Contact Person \_\_\_\_\_

Street Address \_\_\_\_\_

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

Phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Fax: \_\_\_\_\_

WV Contractor's License #: \_\_\_\_\_ Name of Individual License Issue to: \_\_\_\_\_

**5. ESTIMATED SELLING PRICE/VALUE OF BUILDING/ IMPROVEMENT:**

\$ 800.00

**DO NOT WRITE ON THIS PAGE  
OFFICIAL USE ONLY**

Plans Review Completed and sent to P & Z: \_\_\_/\_\_\_/\_\_\_ By: \_\_\_\_\_

Date Permit Issued: \_\_\_/\_\_\_/\_\_\_ Permit Number: \_\_\_\_\_

Date Permit Expires: \_\_\_/\_\_\_/\_\_\_ Approved By: \_\_\_\_\_

**Compliance with Other Ordinances:**

Subdivision     Zoning     Flood Plain Management     Salvage Yard     ILP

In the Flood Plain? Y / N    In the Floodway? Y / N    Site Plan Required? Y / N

Potable Water Certification Required?    Yes / No

**If Yes, potable water test is due prior to issuance of the "Certificate of Occupancy."**

**DRIVEWAY ENTRANCE DRAINAGE REQUIREMENTS:**

The Owner shall be responsible for installing the correct size and type of driveway culvert in the roadway drainage swale/ditchline, as specified by the subdivision Preliminary Plat and/or Final Plat. Where not specified on the Preliminary Plat or Final Plat, the minimum shall be a 15 inch diameter corrugated metal culvert pipe or equivalent elliptical pipe size.

The Owner can note the required size here: \_\_\_\_\_ inch diameter

**SPECIAL CONDITIONS OF APPROVAL:**

TO BE FILLED IN COMPLETELY BEFORE PERMIT WILL BE ISSUED

**\*\*INSPECTORS CANNOT INSPECT WHAT THEY CANNOT FIND\*\*  
PLEASE MAKE DIRECTIONS CLEAR**

Subdivision Name: Moulton Park Lot No. \_\_\_\_\_

Street Address/Name: 716 Bloomey Rd

Give clear directions using road names/route numbers, landmarks, when to turn left and right and other descriptors necessary to find the location. If there is more than one entrance to a subdivision, please note which entrance to use.

Directions: Rt 9 to Bloomey Rd turn Left 3/4 mi on Right  
Moulton Park

ADDITIONAL INFORMATION: \_\_\_\_\_



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

**AGENDA REQUEST FORM**

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: May 31, 2012

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

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for The National Humane Education Society – Briggs Animal Adoption Center Building Expansion (File #S10-10) – Letter of Credit #06-11 w/ The Bank of Clarke County, Winchester, Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$103,280.00 construction bond amount for The National Humane Education Society – Briggs Animal Adoption Center Building Expansion (File #S10-10) – Letter of Credit #06-11.

Attachments: Bond Release Letter  
Bond Release Request Report  
Site Map



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

May 31, 2012

Mr. Dale L. Fritts, SVP/SLO

Bank of Clarke County

Old Town Center

202 North Loudoun Street

Winchester, Virginia 22601

RE: Irrevocable Letter of Credit #06-11 dated October 27, 2011 Construction Bond Surety for The National Humane Education Society – Briggs Animal Adoption Center Building Expansion (PC File #S10-10).

Dear Mr. Fritts:

The Jefferson County Commission authorizes a complete release of the remaining \$103,280.00 from the construction bond for The National Humane Education Society – Briggs Animal Adoption Center Building Expansion (PC File #S10-10). This project is located on the west side of Route 340 Berryville Pike approximately 500 feet north of its intersection with Wheatland Road-Route 340/2. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Letter of Credit #06-11, originally issued in the amount of \$103,280.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. James D. Taylor, President  
The National Humane Education Society  
Briggs Animal Adoption Center  
P. O. Box 340  
Charles Town, West Virginia 25414  
Department of Engineering

COUNTY ADMINISTRATOR  
*Tim Boyd*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Stuster McDonald*

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 05 / 07 / 2012

J.C.P.C. File No. S10 - 10

Consultant/Engineer/Firm Name: GREENWAY ENGINEERING

Mailing Address: 151 WINDY HILL LANE

City: WINCHESTER State: VA Zip: 22062

Contact Person: RANDY KEPLER Phone: 540+662-4185

Project/Subdivision Name: BRIGGS ANIMAL ADOPTION CENTER

Section/Phase: PHASE I PARKING ADDITION Lots: \_\_\_\_\_

Review Comments:

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

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

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

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

Comments: RECOMMEND RELEASE OF BOND

Approved for:  
BOND RELEASE  
By ARL Date 05/16/12  
County Engineer

Original Bond Amt. \$ 88,280 + 15% Cont. \$ 15,000 = Total Original Bond Amt. \$ 103,280

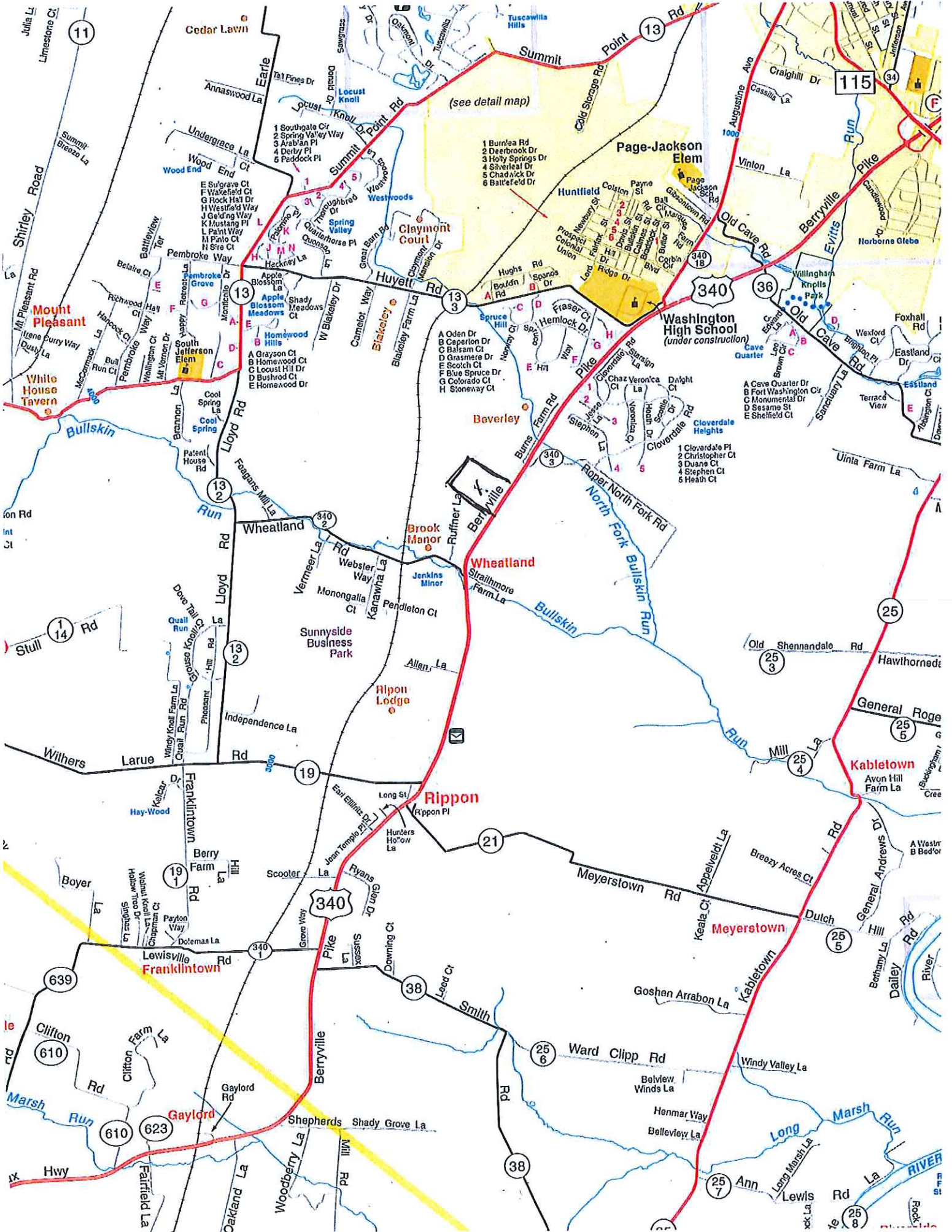
Total Current Bond Amount \$ 103,280.00

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

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: JOSEPH W. KENT Title: L.D.I.

Signature: [Signature] Date: 05 / 14 / 12



Julia La  
Limestone Ct  
11  
Summit  
Breasa La  
Shirley Road  
Mi Pleasant Rd  
White House  
Tavern  
Bullskin  
Run  
Stull Rd  
14  
1

Cedar Lawn  
Annaswood La  
Earle  
Undergrace La  
Wood End  
E Sulgrave Ct  
F Wakefield Ct  
G Rock Hall Dr  
H Westfield Way  
J Gering Way  
K Mustang Pl  
L Paint Way  
M Palo Ct  
N Sire Ct

Summit  
Point  
13  
1 Southgate Cir  
2 Spring Valley Way  
3 Arab'an Pl  
4 Derby Pl  
5 Peddock Pl  
Huntfield  
Claymont  
Court  
Huyatt Rd  
13  
3  
A Oden Dr  
B Caperton Dr  
C Balsam Ct  
D Grasmere Dr  
E Scotch Ct  
F Blue Spruce Dr  
G Colorado Ct  
H Stoneway Ct

Page-Jackson  
Elem  
Washington  
High School  
(under construction)  
340  
36  
1 Burn'ea Rd  
2 Deerbrook Dr  
3 Holy Springs Dr  
4 Silverleaf Dr  
5 Chadwick Dr  
6 Balfield Dr  
A Oden Dr  
B Caperton Dr  
C Balsam Ct  
D Grasmere Dr  
E Scotch Ct  
F Blue Spruce Dr  
G Colorado Ct  
H Stoneway Ct

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

Sandy

AGENDA REQUEST FORM

Name: Lynn Fields

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: 15 to 30 minutes

Date Requested – 1<sup>st</sup> Choice: May 24<sup>th</sup>, 2012

Date Requested – 2<sup>nd</sup> Choice: May 31<sup>st</sup>, 2012

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

Subject: **Approval of Accountings that did not make it into the April quarterly closings; Petition to Remove Executor of the Estate of Edwin Lee Demory**

Please provide the County Commission with a description of your request or presentation, including any background information: **We have three accountings that did not make the deadline for the April quarterly closing that need approved for tax reasons/disbursement release, etc. We also have a Petition to Remove an Executor on an estate that has been languishing for seven years.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The probate office would recommend approval/closure of the accountings, and we defer to the county commission for a decision regarding the petition to remove executor on the Demory estate. However, we do believe that some action needs to be taken regarding the Demory estate in order to bring the estate to a resolution/closure.**

Attachments: **Copy of the accountings; Petition to Remove Executor**

IN THE COUNTY COMMISSION  
OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF

GUY J. FRANK, DECEASED

SHORT FORM SETTLEMENT

STATE OF WEST VIRGINIA,  
COUNTY OF JEFFERSON, TO WIT:

Meredith Rose Frank, being first duly sworn, deposes and says that

1. I am the duly appointed and acting Personal Representative of the Estate of Guy J. Frank, deceased.

2. I understand that as a result of statutory changes which were effective March 8, 1996, a West Virginia Estate Tax Release is no longer required for decedent's dying AFTER June 30, 1985 UNLESS a Federal Estate Tax Return was required to be filed in behalf of the estate.

A Federal Estate Tax Return was required Yes \_\_\_\_\_ No X

If "Yes," a copy of an Estate Tax Release issued by the West Virginia State Tax Commissioner is attached to this report.

3. More than ninety (90) days have elapsed since the filing of any notice required by Article 2, Chapter 44 of the West Virginia Code, as amended.

4. The time for filing claims against this estate has expired.

5. No known and unpaid claims exist against this estate.

6. The allocation to which each distributee/beneficiary is entitled in the distribution of the estate is as follows:

Meredith Rose Frank, Trustee of the Amended and Restated Trust Agreement  
dated December 13, 2005 - all of the estate

7. All property to which each distributee/beneficiary is entitled has been or, upon approval of this settlement, will be delivered to said distributee/beneficiary in conformity with the aforementioned allocation.

8. The beneficiaries of the above-referenced estate hereby waive any and all rights we may have to approve, affirm or object to a complete and comprehensive statement of accounts of this estate.

Meredith Rose Frank  
Meredith Rose Frank

State of West Virginia,

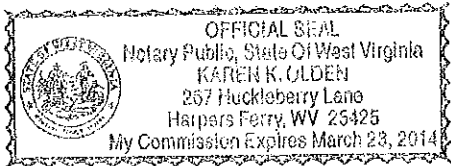
County of \_\_\_\_\_, to wit

Taken, subscribed and affirmed to before me, the undersigned authority, by the fiduciary, Meredith Rose Frank, in the State and County aforesaid this 27 day of April, 2011. <sup>MRS,</sup> 2012

(Affix Notary Seal)

Karen K. Olden  
Notary Public

My Commission Expires: March, 23, 2014



IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF ESTATE OF GUY J. FRANK, DECEASED

WAIVER AND APPLICATION FOR SHORT FORM SETTLEMENT

Pursuant to the requirements set forth in Section 29, Article 2, Chapter 44 of the West Virginia Code, as amended, we, the distributees and beneficiaries of the above-referenced estate hereby make application for the acceptance of the preceding short form settlement of this estate thereby waiving any and all rights we may have to approve, affirm or object to a complete and comprehensive statement of accounts of this estate as otherwise set forth in Article 2, Chapter 44 of the West Virginia Code as amended.

Meredith Rose Frank, Trustee  
Meredith Rose Frank, Trustee of the Amended  
and Restated Trust Agreement dated December  
13, 2005

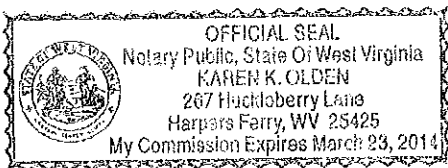
State of West Virginia,  
County of Jefferson, to wit:

The foregoing waiver and application for short form settlement was acknowledged before me, in my said county and state, this 27 day of April, <sup>MRS.</sup> ~~2011~~, <sup>2012</sup> by Meredith Rose Frank, Trustee of the Amended and Restated Trust Agreement dated December 13, 2005, beneficiary.

(Affix Seal)

Karen K. Olden  
Notary Public

My Commission Expires: March 23, 2014

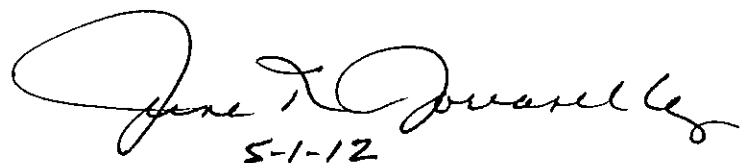


JUNE K. JOVANELLY  
Fiduciary Commissioner

TO THE HONORABLE THE COUNTY COURT OF JEFFERSON COUNTY, IN THE  
STATE OF WEST VIRGINIA:

The undersigned Fiduciary Commissioner respectfully reports that heretofore the estate of *DAWN E BEAUMONT* was by order referred to him for the determination of assets, proof of debts and claims, and for all other purposes in like case provided by law; that your Commissioner fixed upon the *9<sup>th</sup> DAY OF DECEMBER, 2011* as the time, and at his office in Charles Town, West Virginia, as the place, for the execution of the requirements of said order of reference, and published notice thereof in the manner and for the time required by law, in the *SPIRIT OF JEFFERSON* a newspaper of general circulation published in Jefferson County, West Virginia; that no debts were proved before your Commissioner, that on the *24* day of *APRIL, 2012* *JOHN C SKINNER JR, EXECUTOR* of said estate, laid *his* accounts before your Commissioner for final settlement, together with a statement of all assets coming into *him*, hands or properly chargeable to *him* and all disbursements, together with the cancelled checks, receipts and vouchers therefor; that said settlement was completed on said date and the parties were notified; that your Commissioner published notice thereof in the *SPIRIT OF JEFFERSON* in the manner and for the time required by law, and held said settlement in his office 10 days for objections and exceptions, and none having been taken thereto files the same for record.

Your Commissioner attaches hereto, as part of this report, an itemized statement of receipts and disbursements, as follows:

  
5-1-12

**FIRST INTERIM ACCOUNTING  
FOR THE  
ESTATE OF DAWN E. BEAUMONT  
JOHN C. SKINNER, JR., EXECUTOR**

**RECEIPTS:**

**2011:**

|         |                                                                |             |
|---------|----------------------------------------------------------------|-------------|
| 05-31 - | Gensis HealthCare, LLC – refund from                           | \$ 6,625.00 |
| 06-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.10     |
| 07-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.55     |
| 08-07 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.45     |
| 09-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.19     |
| 10-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.19     |
| 11-04 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.19     |
| 12-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950 | \$ 0.18     |

**2012:**

|         |                                                                                       |                 |
|---------|---------------------------------------------------------------------------------------|-----------------|
| 01-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950                        | \$ 0.17         |
| 01-16 - | Sale of Residence located at 314 (formerly 214)<br>Princess Street, Shepherdstown, WV | \$190,000.00    |
| 02-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950                        | \$ 0.17         |
| 02-13 - | Hash Auctions –sale of personal property located in<br>residence                      | \$ 3,307.00     |
| 03-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950                        | \$ 0.17         |
| 03-19 - | Bank of Charles Town Trust Department – transfer of<br>liquid assets of estate        | \$137,000.00    |
| 04-05 - | Bank of Charles Town – interest paid on Account No.<br>3193950                        | \$ <u>10.53</u> |

**TOTAL CASH RECEIPTS**

**\$336,944.89**

**ASSETS HELD BY BANK OF CHARLES TOWN**  
**TRUST DEPARTMENT AS OF MARCH 31, 2012:**

|                                                                   |                     |
|-------------------------------------------------------------------|---------------------|
| Northern Institutional Government Select                          | \$ 9.00             |
| Vanguard High-Yield Tax-Exempt Fund Adm                           | \$252,706.08        |
| Miscellaneous Assets                                              | \$ 2,432.00         |
| <b>Total Assets Held by Bank of Charles Town Trust Department</b> | <b>\$255,147.08</b> |

**DISBURSEMENTS:**

**2011:**

|         |                                                                                                   |             |
|---------|---------------------------------------------------------------------------------------------------|-------------|
| 06-15 - | Harland Clarke – printed checks                                                                   | \$ 12.40    |
| 07-22 - | Jack Nicewander (brother and next-of-kin of Dawn E. Beaumont) – reimbursement for lodging/mileage | \$ 3,904.64 |
| -       | Brown Funeral Home, Inc. – balance of funeral expense                                             | \$ 309.64   |
| 08-16 - | Clerk of the County Commission – filing Appraisalment                                             | \$ 11.00    |
| 09-14 - | June K. Jovanelly – Fiduciary Commissioner fee                                                    | \$ 150.00   |
| 12-06 - | Jackson Kelly, PLLC – legal fees                                                                  | \$ 255.20   |

**2012:**

|         |                                                                                                                                                                                                                      |              |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 01-16 - | Expenses on Sale of Residence per Settlement Statement HUD-1 hereto attached                                                                                                                                         | \$ 24,089.45 |
| 01-30 - | Bill's Junk & Trash Removal – clean out garage                                                                                                                                                                       | \$ 340.00    |
| 02-07 - | Bill's Junk & Trash Removal – balance on cleaning out garage                                                                                                                                                         | \$ 20.40     |
| 02-13 - | Hash Auctions, LLC – commissions and expenses in sale of personal property located in residence                                                                                                                      | \$ 1,251.55  |
| 02-27 - | Jackson Kelly, PLLC – legal fees                                                                                                                                                                                     | \$ 67.00     |
| 04-16 - | Skinner Law Firm – reimbursement for expenses:<br>The Bennett Agency – fiduciary bond premium \$1,820.00<br>Clerk, County Commission – qualification costs \$ 85.00<br>Facsimile costs for May and June 2011 \$ 8.00 | \$ 1,913.00  |

**TOTAL CASH DISBURSEMENTS** **\$32,324.28**

**DISTRIBUTIONS:**

|                                                                   |                                                                                                       |                     |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------------|
| 01-16-12                                                          | Shepherd University Foundation, Inc. – net proceeds of sale of residence                              | \$165,910.55        |
| 04-16-12                                                          | Shepherd University Foundation, Inc. – net proceeds of sale of personal property located in residence | \$ 2,055.45         |
| <b>Total Distribution to Shepherd University Foundation, Inc.</b> |                                                                                                       | <b>\$167,966.00</b> |

**PROPOSED DISTRIBUTIONS:**

**Specific Bequests:**

|                                         |                    |                     |
|-----------------------------------------|--------------------|---------------------|
| Charles Scott Beaumont                  | \$50,000.00        |                     |
| Kimberly Alexis Beaumont                | \$50,000.00        |                     |
| Brett Alexander Beaumont                | \$50,000.00        |                     |
| Margy Tarrant                           | <u>\$20,000.00</u> |                     |
| <b>Total Proposed Specific Bequests</b> |                    | <b>\$170,000.00</b> |

**Residuary Beneficiary:**

|                                                       |              |                     |
|-------------------------------------------------------|--------------|---------------------|
| Hospice of the Panhandle, Inc. – partial distribution | \$190,000.00 |                     |
| <b>Total Proposed Distributions</b>                   |              | <b>\$360,000.00</b> |

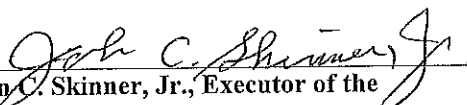
**PROPOSED EXECUTOR'S FEES:**

|                                    |                    |                     |
|------------------------------------|--------------------|---------------------|
| Value of Estate as of 3-31-12      | \$592,091.97       |                     |
| Total Commission as of 3-31-12     | \$22,762.76        |                     |
| Partial Commission paid 1-16-12    | <u>\$ 7,373.76</u> |                     |
| Balance as of 3-31-12              | \$15,389.00        |                     |
| <b>Proposed Partial Commission</b> |                    | <b>\$ 13,000.00</b> |

**RECAPITULATION:**


|                                                                                                   |                            |                            |
|---------------------------------------------------------------------------------------------------|----------------------------|----------------------------|
| Total Cash Receipts                                                                               | \$336,944.89               |                            |
| Total Assets Held by Bank of Charles<br>Town Trust Department as of 3-31-12                       | <u>\$255,147.08</u>        |                            |
| <b>Total Cash Receipts and Assets held by Bank of Charles Town</b>                                |                            | <b>\$592,091.97</b>        |
| <b>Total Cash Disbursements</b>                                                                   | <b>\$ 32,324.28</b>        |                            |
| <b>Total Paid Distributions</b>                                                                   | <b>\$167,966.00</b>        |                            |
| <b>Total Proposed Distributions</b>                                                               | <b>\$360,000.00</b>        |                            |
| <b>Total Proposed Executor Fees</b>                                                               | <b><u>\$ 13,000.00</u></b> |                            |
| <b>Total Cash Disbursements, Paid Distributions, Proposed Distributions<br/>and Executor Fees</b> |                            | <b><u>\$573,290.28</u></b> |

**BALANCE IN HANDS OF EXECUTOR AFTER PAYMENT OF  
PROPOSED DISTRIBUTIONS AND EXECUTOR FEES**      **\$ 18,801.69**

  
John C. Skinner, Jr., Executor of the  
Estate of Dawn E. Beaumont

**VERIFICATION OF REPORT**

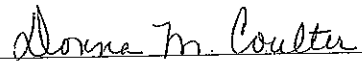
I, John C. Skinner, Jr., Executor of the Estate of Dawn E. Beaumont, deceased, do affirm that the foregoing is a true, correct and complete report of all receipts and disbursements made from the estate for the subject period; I further affirm that I have exercised due diligence in the investigation of any and all claims against this estate and to the best of my knowledge and belief I state there are no other claims due or owing against this estate at this time.

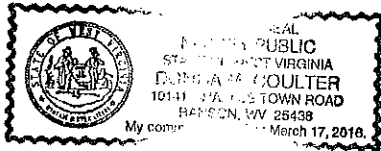
  
\_\_\_\_\_  
John C. Skinner, Jr., Executor of the  
Estate of Dawn E. Beaumont

Taken, subscribed and sworn to before me, the undersigned Notary Public, by  
John C. Skinner, Jr., Executor of the Estate of Dawn E. Beaumont, this 17<sup>th</sup>  
day of April, 2012.

My commission expires: March 17, 2016

**AFFIX NOTARIAL SEAL**

  
\_\_\_\_\_  
Notary Public





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

Sandy

AGENDA REQUEST FORM

Name: Lynn Fields

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: 15 to 30 minutes

Date Requested – 1<sup>st</sup> Choice: May 24<sup>th</sup>, 2012

Date Requested – 2<sup>nd</sup> Choice: May 31<sup>st</sup>, 2012

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

Subject: **Approval of Accountings that did not make it into the April quarterly closings; Petition to Remove Executor of the Estate of Edwin Lee Demory**

Please provide the County Commission with a description of your request or presentation, including any background information: **We have three accountings that did not make the deadline for the April quarterly closing that need approved for tax reasons/disbursement release, etc. We also have a Petition to Remove an Executor on an estate that has been languishing for seven years.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The probate office would recommend approval/closure of the accountings, and we defer to the county commission for a decision regarding the petition to remove executor on the Demory estate. However, we do believe that some action needs to be taken regarding the Demory estate in order to bring the estate to a resolution/closure.**

Attachments: **Copy of the accountings; Petition to Remove Executor**

STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON

IN THE CLERK'S OFFICE OF THE COUNTY:

IN RE ESTATE OF EDWIN LEE DEMORY

PETITION TO REMOVE EXECUTOR

WHEREAS, Edwin Lee Demory died a resident of Jefferson County, West Virginia on the 5<sup>th</sup> day of July, 2005 and

WHEREAS, Edwin Lee Demory died testate with a Will dated 7<sup>th</sup> day of May, 2002 and

WHEREAS, said Will has been fully probated and admitted to record and

WHEREAS, pursuant to Article III of said Will, Leland C Bradley and John A Karns qualified as Co-Executors on the 6<sup>th</sup> day of July, 2005 and

WHEREAS, due to declining health and the inability to obtain status of the estate from John Karns, Leland Bradley successfully petitioned for removal of himself as Co-Executor on August 3, 2011 and

WHEREAS John Karns is now the sole Executor of the Estate and


WHEREAS this estate has now been open for nearly seven years and the last formal contact the Probate office has had with Mr Karns is the initial accounting, filed in 2008, and Mr Karns has been very unresponsive to requests for action and information, and

WHEREAS during the time this estate as been open, the Property has deteriorated and the 2006 Ford Truck willed to a specific beneficiary has been stolen from the Property and

WHEREAS a Final Accounting has not been prepared or filed detailing the specific whereabouts or uses of the \$44,747.24 in cash (specifically bequeathed to other beneficiaries not including the Petitioner) detailed on the Appraisement filed July 16, 2008

NOW THEREFORE I hereby petition the County Commission to remove John Karns as Executor of the Estate of Edwin Lee Demory and appoint my son-in-law, Eric J Lewis CPA as Executor in his place.

Signed:

  
Larry W Osbourn

May 7, 2012

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

**AGENDA REQUEST FORM**

Name: Angela Banks

Department or Entity: Assessor

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: - Signing of the Personal Property and Land Books

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:



8

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <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 – 1<sup>st</sup> Choice: May 31, 2012

Date Requested – 2<sup>nd</sup> 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:

## Nichelle Hosby

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**From:** Debbie Keyser [dkeyser@jeffersoncountywv.org]  
**Sent:** Thursday, May 10, 2012 1:21 PM  
**To:** Nichelle Hosby  
**Subject:** next week's agenda  
**Attachments:** Project Listing.docx

Add workshop for Commission Priorities for 5/31/2012. Use attached document.

<<...>>

Need to add Jennifer's kitchen to next agenda.

Thanks,

Debbie

**\*\*\*DRAFT\*\*\***

**Commission Projects**

| <b>Project</b>                                                                                                                                                                                           | <b>Team Leader/Members</b>                                    | <b>Deadline</b> | <b>Comm Mtg</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|-----------------|-----------------|
| <b>GIS Content Management System:</b><br>--Presentation to Commission to present project, costs, and benefit analysis in preparation for next year's budget.                                             | Leader: Todd Fagan                                            | May 30, 2012    | June, 2012      |
| <b>Hire a County Administrator:</b>                                                                                                                                                                      | Leader: Patsy Noland<br>Member: Commission Members and Keyser | June 30, 2012   | On-going        |
| <b>IT Needs:</b><br>Determine IT needs within the County.<br>Provide recommendation for in-house or contract services, associated costs and plan of action.                                              | Leader:                                                       | June 30, 2012   | July, 2012      |
| <b>OPEB Actuarial Study:</b><br>RFP to be completed and bids returned for Commission consideration.                                                                                                      | Leader: Paul Shroyer                                          | July 30, 2012   | Aug., 2012      |
| <b>Impact Fees:</b><br>--Ensure a plan is in place to protect Impact Fees<br>--Determine how to collect<br>--How to charge<br>--Potential income<br>--Proposal due to Commission Oct, 2012               | Leader: Roger Goodwin<br>Member:                              | Sept. 30, 2012  | Oct., 2012      |
| <b>Develop Contract Policy:</b><br>Require all contracts for \$10k+ be reviewed and re-bid a minimum of once every 3 years.                                                                              | Leader: Stephanie Grove                                       | Sept. 30, 2012  | Oct., 2012      |
| <b>Income Replacement:</b><br>Review County's options to provide employees with short term disability and long term disability options, the costs, vendor comparison and date to implement, if approved. | Leader: Debbie Keyser<br>Team Members: Sally Gran             | Sept. 30, 2012  | Oct., 2012      |

| <b>Project</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Team Leader/Members</b>                                                           | <b>Deadline</b> | <b>Comm Mtg</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------|-----------------|
| <b>Move AS400:</b><br>Move AS400 from Hunter Building to Mason Building to protect equipment                                                                                                                                                                                                                                                                                                                                                                                                      | Team Leader: Bill Polk<br>Members: Charlotte Hernandez                               | Sept. 30, 2012  | Oct, 2012       |
| <b>CAD System:</b><br>Develop RFP for a Computer Aided Dispatch System to provide complete data to those responding to 911 calls. RFP should include estimated costs for budget planning.                                                                                                                                                                                                                                                                                                         | Leader: Jeff Polczynski<br>Members: Chris Cross, Craig Simpson                       | Oct. 30, 2012   | Nov., 2012      |
| <b>Space Needs Study:</b><br>Provide inventory of all square footage of office space owned/leased/occupied by County gov't and affiliated agencies; Include:<br>--Purchase of the Briel Building<br>--Renovation of Animal Control<br>--Cost Estimates for Judicial Center for Circuit Clerk<br>--Court House space needs<br>--Tax Office Work Stations & Storage<br>--Utilize other outside resources as needed<br>Ensure all space is being utilized, and if not, what steps needs to be taken. | Leader:<br>Team Members:                                                             | Oct. 30, 2012   | Nov., 2012      |
| <b>Grant Policy:</b><br>Develop a policy to establish a standard process to ensure each grant is documented, checks are applied to the appropriate fund, expenditures go to the proper fund, and the County is currently meeting or can meet the Grant requirements.                                                                                                                                                                                                                              | Team Leader: Vivian Fields<br>Members: Teresa Hendricks, Sandy McDonald, Barb Miller |                 |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                      |                 |                 |

Preparation for the workshop:

- Determine team leaders for each project.
- Who assigns team members? Commissioners or Team Leaders?
- Develop an appropriate description of the project to ensure it is successful and meets the Commissioner's needs/expectations.
- Develop an appropriate timeline for the Team Leader to make a presentation to the Commissioners for implementation.

**\*\*\*DRAFT\*\*\***

## 2nd Quarter Priorities

| Patsy                                                                                                                                            | Comments | Priorities Numbered |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------------|
| Resolve IT issues.                                                                                                                               |          |                     |
| Purchase CAD System.                                                                                                                             |          |                     |
| Resolve county space issues (Assessor, Tax & Commission.                                                                                         |          |                     |
| Build Judicial Center to house Circuit Clerk.                                                                                                    |          |                     |
| Lyn                                                                                                                                              |          |                     |
| Public Hearing and adoption of CIP priorities.                                                                                                   |          |                     |
| Meeting with Development Authority Board.                                                                                                        |          |                     |
| Completion of space needs study for County Offices.                                                                                              |          |                     |
| Advertising RFP and OPEB actuarial study.                                                                                                        |          |                     |
| Approval of time line to make decision on whether IT is in-house or contracted.                                                                  | ✎        |                     |
| Impact Fee discussion: approval of changes related to affordable housing and changing structure to fees for housing types.                       |          |                     |
| Publish public friendly version of budget with explanations of key services being provided.                                                      |          |                     |
| Frances                                                                                                                                          |          |                     |
| Hire a County Administrator.                                                                                                                     |          |                     |
| Ensure that a plan is in place to protect Impact Fees, their collection, administration, ect.                                                    |          |                     |
| Run various scenarios to deal with the budget, should TG/MT revenues fall, say, two years from now, by 20-25% with the advent of the MD. Casino. |          |                     |
| Plan the complete restoration of the Courthouse from the top down with input from Historic Landmarks; and how to fund it.                        | ✓        |                     |
| Plan scenarios to place fire/amb. On a sustainable footing with adequate funding.                                                                |          |                     |
| St. Margaret's railing needs attention again.                                                                                                    |          |                     |

Color Codes

Red - CAD system

Yellow - IT related

Green - space needs

Orange - Co. Admin

Blue - Budget

Grey - Maintenance

|                                                                                                                                                                                                                                                                                                 |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Inventory of all square footage of office space owned/leased/occupied by county government and affiliated agencies; ensure that plan is made for the next several years as to who occupies what; ensure that all space is being utilized fully and efficiently and if not, take steps to do so. |  |  |
| Date                                                                                                                                                                                                                                                                                            |  |  |
| Completion of Judicial Center/Purchase Briel Building                                                                                                                                                                                                                                           |  |  |
| CAD                                                                                                                                                                                                                                                                                             |  |  |
| Renovate Animal Control Building.                                                                                                                                                                                                                                                               |  |  |
| Walt                                                                                                                                                                                                                                                                                            |  |  |
| Resolve IT issues                                                                                                                                                                                                                                                                               |  |  |
| Impact Fee Analysis                                                                                                                                                                                                                                                                             |  |  |
| Resolve Judicial Center needs                                                                                                                                                                                                                                                                   |  |  |
| Hire a County Administrator                                                                                                                                                                                                                                                                     |  |  |
| Purchase of the Briel Buildings                                                                                                                                                                                                                                                                 |  |  |

Color Codes

- Red - CAD system
- Yellow - IT related
- Green - space needs
- Orange - Co. Admin
- Blue - Budget
- Grey - Maintenance



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

**AGENDA REQUEST FORM**

Name: Sandy Slusher McDonald

Department or Entity: Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Approval of Community Participation Grant Resolution for the Animal Welfare Society in the amount of \$15,000

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):

Attachments:

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

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## **RESOLUTION**

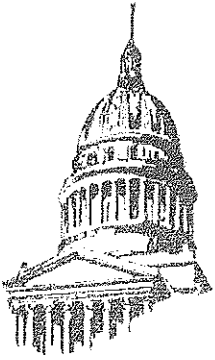
The Jefferson County Commission met on the 31<sup>st</sup> day of May, 2012 with a quorum present and passed the following Resolution:

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 provisions of the Community Participation Grant Program in the amount of \$15,000. The funds from this project is for new construction space for dog and cat isolation and newborns spaces as well as storage and new dog run space for the Jefferson County Animal Welfare Society.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. NOLAND  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk



The Senate of West Virginia  
Charleston

COMMITTEES:  
GOVERNMENT ORGANIZATION  
(CHAIR)  
AGRICULTURE  
CONFIRMATIONS  
ECONOMIC DEVELOPMENT  
JUDICIARY  
LABOR  
RULES

HERB SNYDER  
P.O. Box 400  
SHENANDOAH JUNCTION 25442

May 2, 2012

Ms. Kay Bresee  
614 Strider Road  
Kearneysville, WV 25430

Dear Ms. Bresee:

*KAY*

I am pleased to inform you that funding (2011-2012 money) has become available from this year's Community Participation Project Funding and I was able to reallocate part of this funding to the Jefferson County Animal Welfare Society in the amount of \$15,000.

Please keep in mind that the funding is for this year and all paperwork etc. must be completed in the very near future and returned immediately or the funds may be lost. This is for the fiscal year that began July 1, 2011. The same rules for previous Participation Project Grants will apply for this even though the time frame is shortened i.e., competitive bids, and please do not spend any funds before the contracts are completed.

The Jefferson County Commission has been informed of this and will likely be in touch with you with additional information.

If you need anything additional, please do not hesitate to contact me.

Sincerely,

Herb Snyder  
Senator - 16<sup>th</sup> District

12CPGP

**SECTION 1. GRANTEE**

Animal Welfare Society

Local Governing Agency (Grantee): Jefferson County Commission Project Title: AWS Renovation

Street Address: 124 E. Washington St City: Charles Town Zip: 25414

Chief Elected Official: Patricia Island, President Email: Sarah@jeffersoncountypa.org

Phone: (304) 728-3284 Fax: (304) 725-7914 Form Completed By: \_\_\_\_\_

Brief Description of Project: Continuation of new construction - iso/walk runs - cat & dog isolation, storage room, built-in dog & cat cages, 880 sq. ft.

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

**SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)**

POB 147 Charles Town WV 25414 (mailing)

Are funds requested for a nonprofit organization?  Yes  No

Nonprofit Organization: AWS - Jefferson County Executive Director: Annie Poina

Street Address: 23 Poor House Farm Road City: Ranson State/Zip: WV

Phone: (304) 725-0589 Fax: (304) \_\_\_\_\_ Email: \_\_\_\_\_

Website: www. IRS Cert. (Ex. 501(c)3, etc.): \_\_\_\_\_ Yr. Cert: 55-6023497

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: AWS Jefferson County Vicinity/site plan attached?  Yes  No

Location and address where grant funds will be used (sufficient to drive to site): 23 Poor House Farm Road, Kearneysville WV 25430

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<br>Grant Program, Bank Loan,<br>Fundraising, Fees, etc. | Status<br>Pending, Approved,<br>Ongoing, etc. | Documentation<br>Letter, Resolution,<br>etc. |
|----------------------------------------------|-----------|----------------------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| a. Grant Funds Requested                     | \$ 15,000 |                                                                |                                               |                                              |
| b. Local Funds<br>(10% local match required) | \$        |                                                                |                                               |                                              |
| c. Other Funds                               | \$        |                                                                |                                               |                                              |
| d. Other Funds                               | \$        |                                                                |                                               |                                              |
| e. Other Funds                               | \$        |                                                                |                                               |                                              |
| Total Project Cost                           | \$        |                                                                |                                               |                                              |

**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](http://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. ELIGIBLE PROJECTS**

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

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

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

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

**PROJECT DESCRIPTION**

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

As a continuation of planning started earlier, this project is for new construction in area of former pavilion of approximately 800 ASF of space for dog and cat isolation and newborns spaces as well as storage and new dog run space. Project to include conversion of small storage room at end of shelter to storage space and dog run space. Provision of built in dog runs and cat cages. Project to include MEP work as appropriate. Scope of this project has increased due to opportunity to economically address storage space and dog run space problems as part of dog and cat isolation areas project.

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

*attached*

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# 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: Patsy Nolanct  
 Project Title: AWS Renovation ISO/Runs Amount of Grant: \$ 15,000  
 Form Completed By: Jeff Bresee - past AWS Board Phone: (304) 728-8247 Fax: (304)
2. Nonprofit Organization: Animal Welfare Society Executive Director: Annie Roina - President  
 Street Address, City, Zip: 23 Poor House Farm Road Phone: (304) 725-0589 Fax: (304)  
Charles town 25414
- 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: \_\_\_\_\_

**Executive Director, Nonprofit Organization**  
**ORIGINAL SIGNATURE REQUIRED**

Date: 5/16/12

## **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](http://www.wvcommerce.org)



# COMMUNITY PARTICIPATION GRANT PROGRAM

## LIST OF ATTACHMENTS

- |              |                                                            |
|--------------|------------------------------------------------------------|
| Attachment 1 | Federal Nonprofit Certification                            |
| Attachment 2 | State Regulation Checklist for Nonprofit Organizations     |
| Attachment 3 | Property Deed                                              |
| Attachment 4 | Location Map, Site Plan showing Existing Building and Site |
| Attachment 5 | Mission Statement from AWS Website                         |

ATTACHMENT

T. H. PEOLE-GAW

Animal Welfare Society of Jefferson  
County  
Flowing Spring Road  
Charles Town, West Virginia

FEB 4 1956

Gentlemen:

It is the opinion of this office, based upon the evidence presented, that you are exempt from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954, as it is shown that you are organized and operated exclusively for **the prevention of cruelty to animals.**

Accordingly, you are not required to file income tax returns unless you change the character of your organization, the purposes for which you were organized, or your method of operation. Any such changes should be reported immediately to the District Director of Internal Revenue for your district in order that their effect upon your exempt status may be determined.

You are required, however, to file an information return, Form 990A, annually, with the District Director of Internal Revenue for your district so long as this exemption remains in effect. This form may be obtained from the District Director and is required to be filed on or before the fifteenth day of the fifth month following the close of your annual accounting period.

Contributions made to you are deductible by the donors in computing their taxable income in the manner and to the extent provided by section 170 of the 1954 Code.

Bequests, legacies, devises or transfers to or for your use are deductible in computing the value of the taxable estate of a decedent for Federal estate tax purposes in the manner and to the extent provided by sections 2055 and 2106 of the 1954 Code. Gifts of property to or for your use are deductible in computing taxable gifts for Federal gift tax purposes in the manner and to the extent provided by section 2522 of the 1954 Code.

ATT B

Internal Revenue Service  
District Director

DATE: JUN 21 1996

Animal Welfare Society of Jefferson  
Peggy A. Lagray  
P. O. Box 147  
Charles Town, WV 25414-0417

Department of the Treasury

P. O. Box 2501  
Cincinnati, OH 45201

Person to Contact:  
Dee Anna Jarmon  
Telephone Number:  
513-684-3957  
Refer Reply To:  
EP/EO  
Federal Identification Number:  
55-6023497

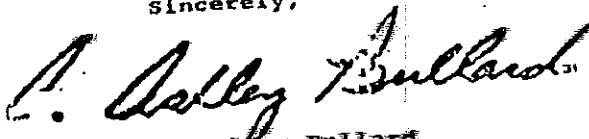
Dear Sir or Madam:

Thank you for submitting the information shown below. The changes indicated do not adversely affect the exempt status of your organization. The exemption letter previously issued continues in effect.

Please advise us of any future change in the character, purpose, method of operation, name, or address of your organization. Such notification is a requirement for retaining exempt status.

Thank you for your cooperation.

Sincerely,



C. Ashley Bellard  
District Director

Item: Certificate of Amendment to the Articles of Incorporation  
filed December 8, 1993

UWAY-ATT#B  
IRS TAX EXEMPT LETTER

2 - Animal Welfare Society of Jefferson County -

No liability is incurred by you for the taxes imposed under the Federal Insurance Contributions Act (social security taxes) unless you have filed a waiver of exemption certificate in accordance with the applicable provisions of such Act. In the event you desire social security coverage for your employees or have any questions relating to the filing of a waiver of exemption certificate you should take the matter up with your District Director of Internal Revenue.

Your attention is called to the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 under which your exemption will be revoked if any substantial part of your activities consists of carrying on propaganda, or otherwise attempting, to influence legislation, or if you participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

For the purpose of applying this ruling to any period with respect to which the Internal Revenue Code of 1954 is not applicable, any reference herein to a provision of the 1954 Code shall be deemed a reference to the corresponding provision of the 1939 Code.

The District Director of Internal Revenue, Parkersburg, West Virginia, is being advised of this action.

Very truly yours,

W. A. F. [Signature]

Chief, Exempt Organizations Branch

ATT B

THIS DEED OF GIFT made this 9<sup>th</sup> day of May, 1985, by and between THE COUNTY COMMISSION OF JEFFERSON COUNTY, a public corporation, party of the first part, hereinafter referred to as the Grantor and ANIMAL WELFARE SOCIETY OF JEFFERSON COUNTY, a non-profit corporation, party of the second part, hereinafter referred to as Grantee.

WHEREAS, this conveyance of an one (1) acre parcel was authorized by House Bill 1098, which bill passed the West Virginia House of Delegates on February 22, 1985; and

WHEREAS, said legislation passed the West Virginia Senate on March 6, 1985; and

WHEREAS, said legislation was to be effective upon passage and was signed into law by the Governor on March 15, 1985; and

WHEREAS, this conveyance is made to said Grantee only for the purpose of permitting said Grantee to erect and operate an animal shelter and related facilities.

WITNESSETH: that the Grantor does hereby grant and convey unto said Grantee, so long as all of the parcel herein conveyed is used as an animal shelter, that certain one (1) acre parcel of real estate, situate lying and being along the northern line of State Route 15, Middleway District, Jefferson County, West Virginia, as said parcel is more particularly shown and described on the plat entitled "Plat of Survey Showing 1.00 Acre Parcel," dated September 5, 1984, prepared by R. Michael Shepp, L.L.S., which plat is attached hereto and is incorporated by reference herein, and to which plat reference is expressly made and had for a metes and bounds description of the parcel herein conveyed. Provided however if the Grantee shall be dissolved or the parcel herein conveyed shall cease to be used for a shelter for animals, then the estate herein conveyed shall automatically terminate and the real estate herein conveyed

5/16/85 To Nancy Beethyford

WHEREAS, this conveyance of one (1) acre parcel authorized by House Bill 1098, which bill passed the West Virginia House of Delegates on February 22, 1985; and

WHEREAS, said legislation passed the West Virginia Senate on March 6, 1985; and

WHEREAS, said legislation was to be effective upon passage and was signed into law by the Governor on March 15, 1985; and

WHEREAS, this conveyance is made to said Grantee only for the purpose of permitting said Grantee to erect and operate an animal shelter and related facilities.

WITNESSETH: that the Grantor does hereby grant and convey unto said Grantee, so long as all of the parcel herein conveyed is used as an animal shelter, that certain one (1) acre parcel of real estate, situate lying and being along the northern line of State Route 15, Middleway District, Jefferson County, West Virginia, as said parcel is more particularly shown and described on the plat entitled "Plat of Survey Showing 1.00 Acre Parcel," dated September 5, 1984, prepared by R. Michael Shepp, L.L.S., which plat is attached hereto and is incorporated by reference herein, and to which plat reference is expressly made and had for a metes and bounds description of the parcel herein conveyed. Provided however if the Grantee shall be dissolved or the parcel herein conveyed shall cease to be used for a shelter for animals, then the estate herein conveyed shall automatically terminate and the real estate herein conveyed shall revert to the Grantor.

*Shelby J. Nancy Ritzkeford*

*222/1724*

AND BEING a part of the same real estate that was conveyed by Minor Hurst and Sarah S. Hurst to the Overseers of the Poor for the County of Jefferson by deed dated December 26, 1857, which deed is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 38 at page 24.

DECLARATION OF CONSIDERATION

Under penalty of fine and or imprisonment the undersigned does hereby declare that this conveyance is a gift to a voluntary charitable non-profit corporation and is exempt from the West Virginia Excise Tax on Real Property.

IN WITNESS whereof The County Commission of Jefferson County has caused these presents to be signed by its President with its corporate seal affixed, as the act and deed of The County Commission of Jefferson County, with authority of The County Commission of Jefferson County duly given as evidenced by the minutes of said public body, this 9th day of May, 1985.

The County Commission of  
Jefferson County

By: [Signature]  
Its President

Attest: John E. Ott  
Clerk of the County Commission

STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON, to-wit:

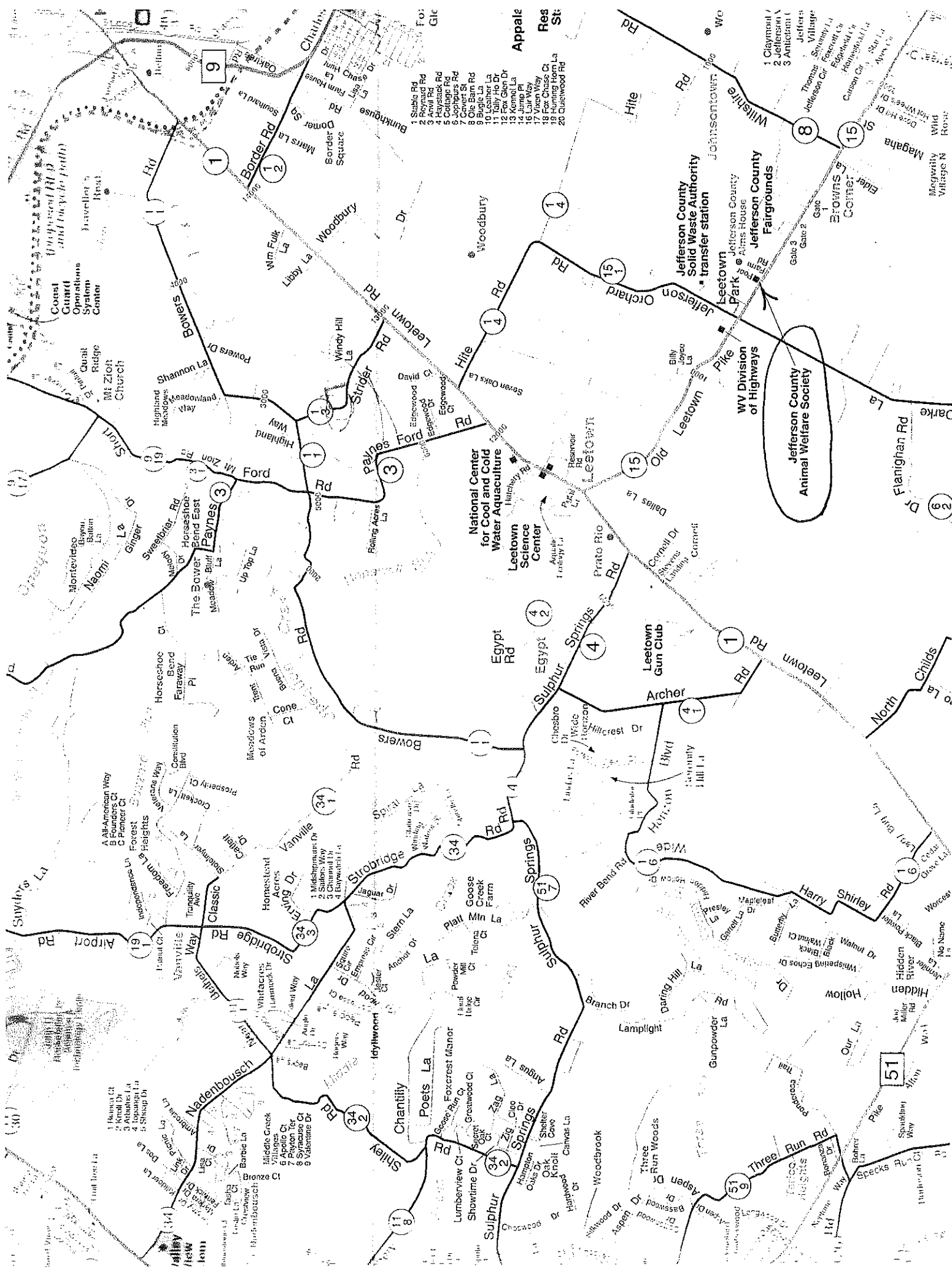
The foregoing instrument was acknowledged before me this  
9th day of May, 1985, by Garland H. Moore, President of  
The County Commission of Jefferson County, a public corporation  
on behalf of the corporation.

  
Notary Public

My Commission Expires: October 6, 1990

Official Seal  
Paula C. O'Dell  
Notary Public  
State of West Virginia  
My Commission Expires Oct. 6, 1990  
Rt. 2 Box 7710, Charles Town, WV 25414

*Jefferson County*



- 1 Stable Rd
- 2 Apple Rd
- 3 Haystack Rd
- 4 Collaps Rd
- 5 Poplars Rd
- 6 Corner St
- 7 Oak Hill Rd
- 8 Leetown La
- 9 Holly Ho Dr
- 10 Fox Glen Dr
- 11 Kennel La
- 12 Fox Chase Cr
- 13 Leetown Way
- 14 Leetown Way
- 15 Leetown Way
- 16 Leetown Way
- 17 Vision Way
- 18 Fox Chase Cr
- 19 Hunting Horn La
- 20 Quietwood Rd

National Center  
for Cool and Cold  
Water Aquaculture

Leetown  
Science  
Center

Jefferson County  
Solid Waste Authority  
transfer station

Jefferson County  
Arms House

Jefferson County  
Fairgrounds

Jefferson County  
Animal Welfare Society

WV Division  
of Highways

- 1 Hickory Ct
- 2 Elm Dr
- 3 Apple Ln
- 4 Poplar Ln
- 5 Shesup Dr

- 1 Middle Creek
- 2 Apple Ct
- 3 Peyton Ter
- 4 Syracuse Ct
- 5 Valentine Dr

- 1 Middle Creek
- 2 Apple Ct
- 3 Peyton Ter
- 4 Syracuse Ct
- 5 Valentine Dr

- 1 Middle Creek
- 2 Apple Ct
- 3 Peyton Ter
- 4 Syracuse Ct
- 5 Valentine Dr

- 1 Middle Creek
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- 1 Middle Creek
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- 3 Peyton Ter
- 4 Syracuse Ct
- 5 Valentine Dr

- 1 Middle Creek
- 2 Apple Ct
- 3 Peyton Ter
- 4 Syracuse Ct
- 5 Valentine Dr

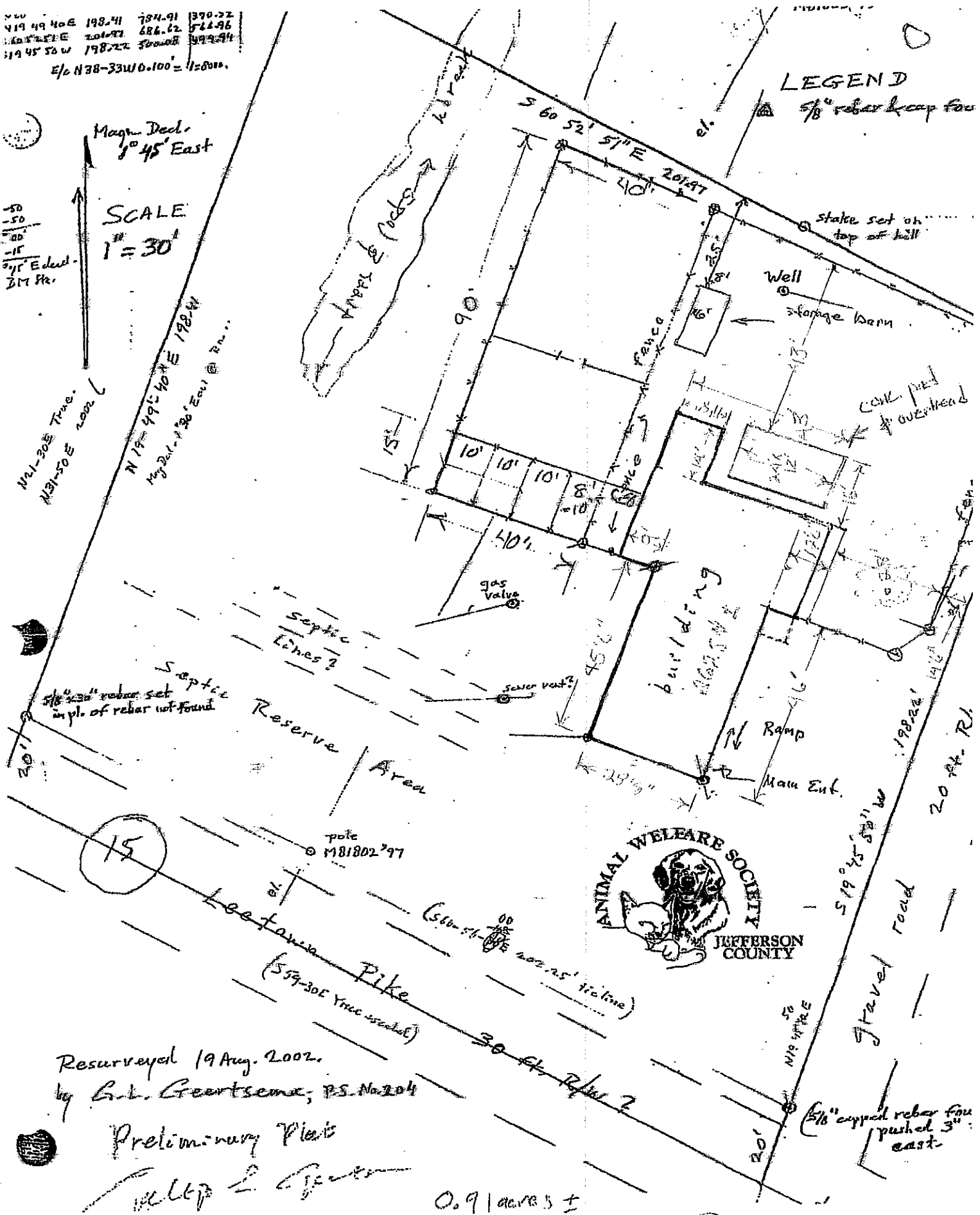
- 1 Middle Creek
- 2 Apple Ct
- 3 Peyton Ter
- 4 Syracuse Ct
- 5 Valentine Dr

|     |            |        |        |        |
|-----|------------|--------|--------|--------|
| 220 | 419 49 40E | 198.71 | 784.91 | 370.22 |
| 200 | 1945 50W   | 201.92 | 686.62 | 511.96 |
| 190 | 1945 50W   | 198.22 | 300.08 | 499.81 |

E/c N38-33W0.100' = 1=800'

Magn. Decl. 8° 45' East  
 SCALE 1" = 30'  
 1/4" Eas. 2M Pr.

LEGEND  
 5/8" rebar & cap for



Resurveyed 19 Aug. 2002.  
 by Gert Geertsema, P.S. No. 204

Preliminary Plat  
 [Signature]

0.91 acres ±

[Signature]

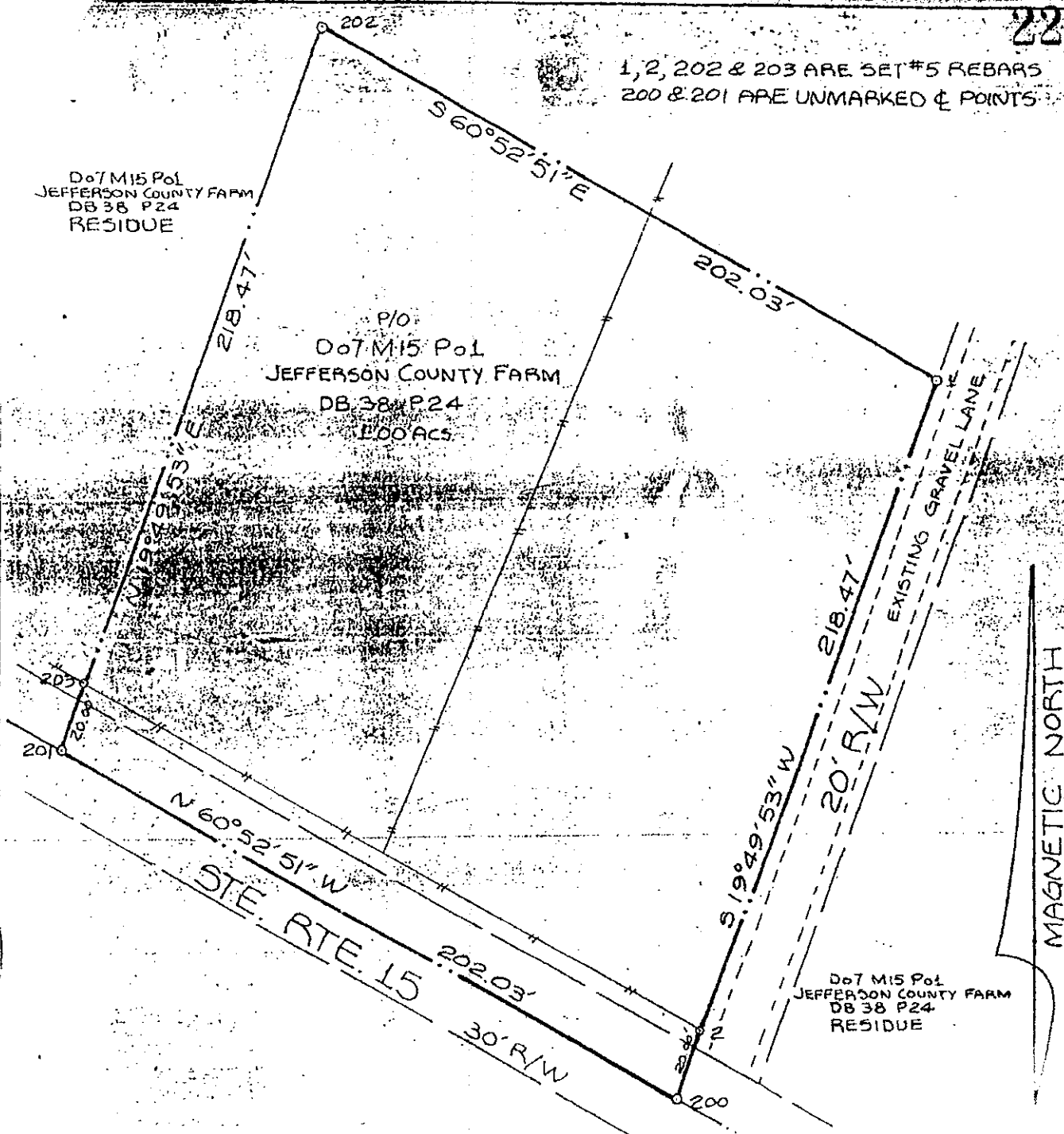


1, 2, 202 & 203 ARE SET #5 REBARS  
200 & 201 ARE UNMARKED & POINTS

Do7 M15 Pol  
JEFFERSON COUNTY FARM  
DB 38 P24  
RESIDUE

P10  
Do7 M15 Pol  
JEFFERSON COUNTY FARM  
DB 38 P24  
1.00 ACS.

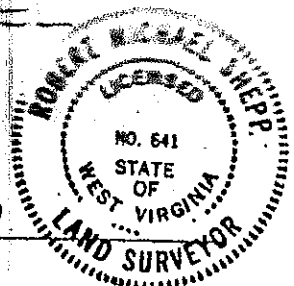
Do7 M15 Pol  
JEFFERSON COUNTY FARM  
DB 38 P24  
RESIDUE



PLAT OF SURVEY SHOWING  
1.00 Acre PARCE


MIDDLEBURY DISTRICT  
JEFFERSON COUNTY, W.V.  
SCALE: 1 Inch = 40 Feet  
SURVEYED: 05 Sept 1984

*R. Michael Shepp*  
R. MICHAEL SHEPP, LLS  
APPALACHIAN SURVEYS INC.  
P.O. BOX 35 CHARLES TOWN, W.V.




Job No. 1151

State of West Virginia, County of Jefferson, Sct.  
IN THE CLERK'S OFFICE OF THE COUNTY COMMISSION:



# Animal Welfare Society Of Jefferson County, WV

A no-kill animal shelter and adoption center



- [Home](#)
- [Adopt](#)
- [Support](#)
- [Events](#)
- [Volunteer](#)
- [Resources](#)
- [About us](#)
- [News](#)
- [Renovations](#)
- [Contact us](#)



## Welcome



The Animal Welfare Society of Jefferson County, WV provides housing and adoption services for abandoned, surrendered and abandoned, neglected abused and unwanted dogs, puppies, cats and kittens. You'll find animals for adoption, resources, volunteer opportunities and much more in our site.



### Support AWS



## Announcements & News

- The AWS 2010 Annual Report is now online.
- 2010 IS 990 Tax Return no online
- Fall 2011 AWS Newsletter now available in the NEWS tab.



**May 19th - Ranson Festival**

**June 2nd - Bark in the Park**  
Join other local businesses and individuals - be a sponsor or a vendor [<more>](#)



**Events Scheduled - Please see Events tab or [click here for additional events details](#)**

## Notices

**AWS is in critical need of donations of cat litter. Please consider donating whenever you are able.**

**Dog Food Recalls** are growing in number everyday. To obtain free e-mail alerts of dog food recalls and other important information, please visit Dog Food Advisor

**Don't forget! The First Thursday of every month is Dining to Donate at Applebee's in Charles Town. 20% of your check is donated to AWS. [<More details>](#)**

**The AWS Board of Directors announces the appointment of 3 new Board members:**

- Dr. Jan Kletter
- Ms. Kara Day
- Mr. Scott Gordon

We appreciate their willingness to serve on the all volunteer AWS Board and look forward to their ideas and expertise as we continue servicing the homeless pets in Jefferson County.



**Seniors wishing to adopt should be sure to ask about this program.**



For a Map to the shelter, [click here](#)



The Animal Welfare Society is recognized by the IRS as a 501c3 charitable organization. Your donations are tax deductible to the full extent of the law. We are registered with the State of West Virginia. Registration does not infer endorsement by the state.



AWS is an agency of the United Way of the Eastern Panhandle  
**United Way CFC# 43359**



## Serving domestic pets since 1952

**Our Heritage** - Serving our community continuously since 1952, the Animal Welfare Society of Jefferson County, WV was incorporated in West Virginia on February 7, 1952 as a non-profit corporation. Founding members included Isabel B. Venable, William C. Venable, W.P.C. Perry, Cora I. Chambers and Forrest A. Brown. <Read more>



The mission of the Animal Welfare Society is to provide services that benefit both animals and people through a variety of programs. We provide Compassion & Care to animals providing a second chance.

- The AWS provides pet adoption services. All animals available for adoption are microchipped, licensed, tested, and spayed or neutered prior to adoption.
- The AWS sponsors low cost rabies clinics throughout the county.
- The AWS provides education to the public on pet care, the importance of spaying and neutering, and health risks affecting animals and people (e.g. rabies, injured wildlife).
- The AWS promotes kindness and respect for animals through special events, public service announcements, humane education programs, and dissemination of informational materials such as our annual newsletter.
- The AWS provides financial assistance to the public for spaying/neutering their pets in an effort to reduce the homeless animal population.



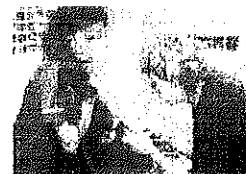
### Donate to AWS

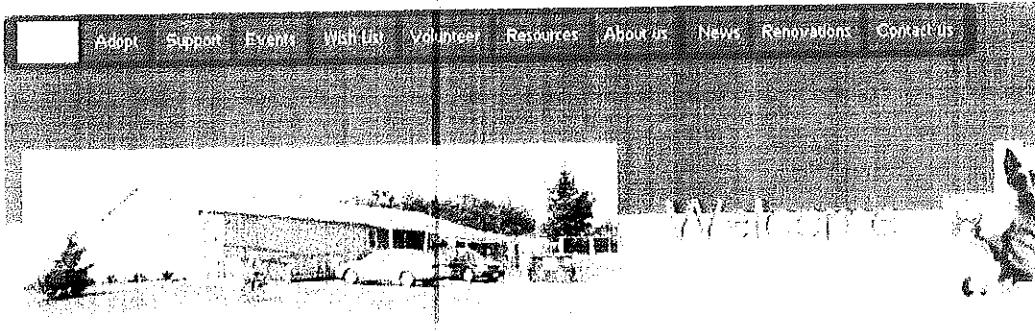
Donate



To donate by mail, please send your check to:

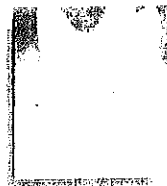
AWS  
PO Box 167  
Clayton, WV 26041



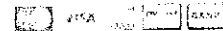


The Animal Welfare Society of Jefferson County, WV provides housing and adoption services for abandoned, surrendered and abandoned, neglected abused and unwanted dogs, puppies, cats and kittens. You'll find animals for adoption, resources, volunteer opportunities and much more in our site.

Latest News and Announcements from the Animal Welfare Society. Details on scheduled events below may be obtained by selecting the "Events" menu above.



Donate



**Please don't forget! The First Thursday of every month is Dining to Donate at Applebee's in Charles Town. 20% of your check is donated to AWS. <More details>**

**Events Scheduled - Please see Events for details**

- April 22 & 23, Friday & Saturday - Easter Flower Sale
- May 6 & 7, Friday & Saturday - Mother's Day Flower Sale
- May 21, Saturday - Low-cost Rabies Vaccination Clinic
- June 4, Saturday - Bark in the Park - Jefferson Memorial Park

The Animal Welfare Society is recognized by the IRS as a 501c3 charitable organization. Your donations are tax deductible to the full extent of the law. We are registered with the State of West Virginia. Registration does not infer endorsement by the state.

AWS is an agency of the United Way of the Eastern Panhandle



**Our United Way CFC# 43359**

© 2010 Animal Welfare Society of Jefferson County, WV. All rights reserved. Website design by [unreadable]



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

**AGENDA REQUEST FORM**

Name: Sandy Slusher McDonald

Department or Entity: Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Approval of Community Participation Grant Resolution for the Webb-Blessing House Restoration 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):

Attachments:

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

---

## **RESOLUTION**

The Jefferson County Commission met on the 31<sup>st</sup> 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 provisions of the Community Participation Program in the amount of \$3,000. This project is to assist in the emergency measures of preserving and stabilizing the historic Webb/Blessing's House for the Jefferson County Black History Preservation Society.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. NOLAND  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk

# COMMUNITY PARTICIPATION GRANT PROGRAM

## FISCAL YEAR 2012

Deadline for Return:  
JUNE 30, 2012

GRANTEE: Jefferson County Commission PROJECT NUMBER: 12LEDA0391  
 PROJECT TITLE: Black History Preservation—Webb-Blessing House Restoration AMOUNT: \$3,000.00

### SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Black History Preservation  
 Street Address: 124 E. Washington St City: Charles Town Zip: 25414  
 Chief Elected Official: Patricia Noland, President Email: Sandy@jeffersoncountycwv.org  
 Phone: (304) 728-3284 Fax: (304) 725-7116 Form Completed By: George Rutherford  
 Brief Description of Project: Rehab of the Webb-Blessing House

### SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization?  Yes  No  
 Nonprofit Organization: Jeff Co Black History Pres. Society Executive Director: George Rutherford  
 Street Address: P.O. Box City: RANSON State/Zip: WV 25438  
 Phone: (304) 725-9616 Fax: (304) \_\_\_\_\_ Email: gruthen1@msn.com  
 Website: www.JCBlackHistory.org IRS Cert. (Ex: 501(c) 3, etc.): 501(c)3 Yr. Cert: 2000  
 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: Jeff. Co Black Hist. Pres Soc Vicinity/site plan attached?  Yes  No  
 Location and address where grant funds will be used (sufficient to drive to site):  
303 East North St 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<br>Grant Program, Bank Loan,<br>Fundraising, Fees, etc. | Status<br>Pending, Approved,<br>Ongoing, etc. | Documentation<br>Letter, Resolution,<br>etc. |
|----------------------------------------------|------------|----------------------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| a. Grant Funds Requested                     | \$3,000.00 |                                                                |                                               |                                              |
| b. Local Funds<br>(10% local match required) | \$ 500     |                                                                | Approved                                      | Letter                                       |
| c. Other Funds                               | \$         |                                                                |                                               |                                              |
| d. Other Funds                               | \$         |                                                                |                                               |                                              |
| e. Other Funds                               | \$         |                                                                |                                               |                                              |
| Total Project Cost                           | \$ 3500    |                                                                |                                               |                                              |

## 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](http://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     |
| ▪ Remodelling    | ▪ 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                       |
| <input checked="" type="checkbox"/> ▪ 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 funds will be used to renovate the 1st + 2nd floor of the Webb Blossing house and the exterior smoke house*

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

The purpose of the "Society" are to promote, collect, preserve and disseminate Black history and other information, much of which is uncollected and documented and which is of significant historic interest to the whole community; to foster awareness of Black History in Jefferson County; to make citizens aware of Black citizens in the development of industry, education and commerce.

## **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: Jackson County Administration Chief Elected Official: Patricia Noland, President  
 Project Title: Black History Preservation Amount of Grant: \$ 3,000  
 Form Completed By: George Ruthford Phone: (304) 725-9610 Fax: (304) \_\_\_\_\_
2. Nonprofit Organization: Black History Preservation Executive Director: James Taylor  
 Street Address, City, Zip: PO Box 569 Kanawha 26038 Phone: (304) 725-9242 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: \_\_\_\_\_

George Ruthford

Date: \_\_\_\_\_

Executive Director, Nonprofit Organization

**ORIGINAL SIGNATURE REQUIRED**

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

DEPARTMENT OF THE TREASURY

Date: MAR 24 2005

Employer Identification Number:  
55-0778648

DLN:

17053057793075

Contact Person:

TERRY W BREWER

ID# 511111

Contact Telephone Number:

(877) 829-5500

Public Charity Status:

170 (b) (1) (A) (vi)

JEFFERSON COUNTY BLACK HISTORY  
PRESERVATION SOCIETY INC  
PO BOX 569  
RANSON, WV 25438-0000

Dear Applicant:

Our letter dated MAY 8, 2001, 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) 829-3676. Information is also available on our Internet Web Site at [www.irs.gov](http://www.irs.gov).

If you have general questions about exempt organizations, please call our toll-free number shown in the heading between 8:30 a.m. - 5:30 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)

**Juante Gebape, Inc**  
P.O. Box 43  
Ranson, WV 25438

**May 15, 2012**

**Juante Gebape Inc will commit up to \$500 toward the restoration project at the Webb Blessing house located at 303 East North Street in Charles Town.**

  
**Julie Thomas**  
**President**

**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](http://www.wvcommerce.org)



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

**AGENDA REQUEST FORM**

Name: Sandy Slusher McDonald

Department or Entity: Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Approval of Community Participation Grant Resolution for the Star Lodge #1/Locke House Restoration 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):

Attachments:

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

---

## **RESOLUTION**

The Jefferson County Commission met on the 31<sup>st</sup> 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 Star Lodge #1 - Historic Locke House Restoration. The funds from this project will be used to restore and preserve the historic Locke House.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. NOLAND  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk

12LEDA0394

# COMMUNITY PARTICIPATION GRANT PROGRAM

## FISCAL YEAR 2012

Deadline for Return:  
JUNE 30, 2012

GRANTEE: Jefferson County Commission PROJECT NUMBER: 12LEDA0394  
PROJECT TITLE: Star Lodge #1 F&AM Historic Locke House Restoration AMOUNT: \$2,000.00

### SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Star Lodge #1 F&AM  
Street Address: 124 E. Washington St City: Charles Town Zip: 25414  
Chief Elected Official: Patricia Roland, President Email: sandy@jeffersoncountywv.gov  
Phone: (304) 728-3284 Fax: (304) 725-7916 Form Completed By: George Rotherford  
Brief Description of Project: Historic Locke House Restoration

### SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization?  Yes  No  
Nonprofit Organization: Star Lodge #1 Executive Director: George Rotherford  
Street Address: P.O. Box 411 City: RANSON State/Zip: WV 25438  
Phone: (304) 725-9616 Fax: (304) \_\_\_\_\_ Email: \_\_\_\_\_  
Website: www. IRS Cert. (Ex: 501(c) 3, etc.): \_\_\_\_\_ Yr. Cert: \_\_\_\_\_  
 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: Star Lodge #1 Vicinity/site plan attached?  Yes  No

Location and address where grant funds will be used (sufficient to drive to site):  
230 South Lawrence St 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<br>Grant Program, Bank Loan,<br>Fundraising, Fees, etc. | Status<br>Pending, Approved,<br>Ongoing, etc. | Documentation<br>Letter, Resolution,<br>etc. |
|----------------------------------------------|------------|----------------------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| a. Grant Funds Requested                     | \$2,000.00 |                                                                |                                               |                                              |
| b. Local Funds<br>(10% local match required) | \$ 306     |                                                                | Approved                                      | X                                            |
| c. Other Funds                               | \$         |                                                                |                                               |                                              |
| d. Other Funds                               | \$         |                                                                |                                               |                                              |
| e. Other Funds                               | \$         |                                                                |                                               |                                              |
| Total Project Cost                           | \$ 2300    |                                                                |                                               |                                              |

## 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](http://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                              |
| ▪ <u>Construction and Renovation</u>  | ▪ Parks and Recreation                   |
| ▪ Demolition                          | ▪ Parking Facilities                     |
| ▪ Economic Development                | ▪ <u>Preservation and Beautification</u> |
| ▪ 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.

*These funds will be used to renovate the attic and the 1st floor*

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

Promote community unity via the availability of a meeting place for non-profit organizations free of charge who promote equality & justice or all. Tourism attraction in the Historical District of Charles Town. The Black History Preservation Society uses it for Historical Exhibits and community forums.

# 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: Histark Locke House Restoration Amount of Grant: \$ 2,000  
 Form Completed By: George Rutherford Phone: (304) 725-9010 Fax: (304) \_\_\_\_\_
2. Nonprofit Organization: Star Lodge #1 Executive Director: George Rutherford  
 Street Address, City, Zip: PO Box 411 Ranson W 25438 Phone: (304) 725-9010 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: George Rutherford

Date: 5/10/12

Executive Director, Nonprofit Organization

**ORIGINAL SIGNATURE REQUIRED**

**Star Lodge #1 F&A M  
230 South Lawrence St.  
Charles Town, WV 25424**

**May 15, 2012**

**Star Lodge #1 F&A M pledge \$300 toward the restoration and  
preservation project at the historic Locke House located at 230 South  
Lawrence St. in Charles Town, WV**

**Raphael Eastman  
WM**

Internal Revenue Service

Department of the Treasury

District  
Director

P.O. Box 99187, Cleveland, OH 44189

M.W. Prince Hall Grand Lodge  
of West Virginia, F & A.M., Inc.  
c/o Mr. George Rutherford  
P.O. Box 411  
Ranson, West Virginia 25438

Person to Contact:  
C. Schnabel  
Telephone Number:  
(216) 522-4885 Not Toll Free  
Refer Reply to:  
GLE:BO:80:8549 895

Date:

~~NOV 17 1980~~ Dec 5, 1980

Internal Revenue Code: Section 501(c) (10)  
Form 990 Required: (x) Yes ( ) No  
Accounting Period Ending: May 31

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under the provisions of the Internal Revenue Code section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, employment or other Federal taxes, please address them to this office.

If your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status. Also, you should inform us of all changes in your name or address.

The block checked at the top of this letter shows whether you must file Form 990, Return of Organization Exempt from Income Tax. If the Yes box is checked, you are only required to file Form 990 if your gross receipts each year are normally more than \$10,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. The law provides for a penalty of \$10 a day, up to a maximum of \$5,000, when a return is filed late, unless there is reasonable cause for the delay. This penalty may also be charged if a return is not complete. So please make sure your return is complete before you file it.

## **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](http://www.wvcommerce.org)



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

**AGENDA REQUEST FORM**

Name: Sandy Slusher McDonald

Department or Entity: Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Approval of Community Participation Grant Resolution for the Jefferson County Parks and Recreation in the amount of \$20,000

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):

Attachments:

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

---

## **RESOLUTION**

The Jefferson County Commission met on the 31<sup>st</sup> 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 \$20,000. This project is to assist the Jefferson County Parks and Recreation. The funds from this project will be used to add an addition onto the back of the Jefferson County Community Center.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. NOLAND  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk



# Community Participation Grant Program

Fiscal Year 2012 Application  
July 1, 2011 through June 30, 2012

For Office Use Only

Return to Kelly Workman, WVDO

**12CPGP**

## SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Expansion of Jefferson County Community Center

Street Address: PO Box 250 City: Charles Town Zip: 25414

Chief Elected Official: Patsy Noland, President Email: pnoland@jeffersoncountywv.org

Phone: (304) 728-3284 Fax: (304) 725-7916 Form Completed By: Jennifer Myers

Brief Description of Project: Add an addition on to the back of the Jefferson county community center for storage.

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: Jefferson County Parks and Recreation Executive Director: Jennifer Myers

Street Address: 235 Sam Michael's Lane City: Shenandoah Jct State/Zip: WV 25425

Phone: (304)728-3207 Fax: (304)728-9746 Email: jmyers@jcprc.org

Website: www.jcprc.org IRS Cert. (Ex: 501(c) 3, etc.): \_\_\_\_\_ Yr. Cert: \_\_\_\_\_

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): 235 Sam Michael's Lane, Shenandoah Junction, WV 25442

Upon completion, what government agency will own, operate, or be responsible for the project? Jefferson County Parks and Recreation

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<br>Grant Program, Bank Loan,<br>Fundraising, Fees, etc. | Status<br>Pending, Approved,<br>Ongoing, etc. | Documentation<br>Letter, Resolution,<br>etc. |
|----------------------------------------------|-------------|----------------------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| a. Grant Funds Requested                     | \$20,000.00 |                                                                |                                               |                                              |
| b. Local Funds<br>(10% local match required) | \$2,000.00  | JCPRC Capital<br>Improvement Account                           | Approved                                      |                                              |
| c. Other Funds                               | \$15,000.00 | JCPRC Impact Fee<br>Account                                    | Pending                                       |                                              |
| d. Other Funds                               | \$          |                                                                |                                               |                                              |

|                    |             |  |  |  |
|--------------------|-------------|--|--|--|
| e. Other Funds     | \$          |  |  |  |
| Total Project Cost | \$37,000.00 |  |  |  |

**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](http://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.~~



## 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, President  
 Project Title: Leetown Park Road Improvements Amount of Grant: \$  
 Form Completed By: Jennifer Myers Phone: (304)728-3284 Fax: (304)725-7916
2. Nonprofit Organization: Jefferson County Parks and Recreation Executive Director: Jennifer Myers  
 Street Address, City, Zip: 235 Sam Michael's Lane Shenandoah Jct, WV 25425 Phone: (304)728-3207 Fax: (304)728-9746
- 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: \_\_\_\_\_

*Jennifer L Myers*  
 Executive Director, Nonprofit Organization  
**ORIGINAL SIGNATURE REQUIRED**

Date: 5/24/12

## **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.

Internal Revenue Service

Date: January 22, 2004

Jefferson County Parks & Recreation Commission  
116 E Washington Street  
Charles Town, WV 25414-1004

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

Person to Contact:  
Kathy Masters ID# 31-04015  
Customer Service Representative  
Toll Free Telephone Number:  
8:00 a.m. to 6:30 p.m. EST  
877-829-5500  
Fax Number:  
513-263-3756  
Federal Identification Number:  
55-0676727

Dear Sir or Madam:

This is in response to your request of January 22, 2004, regarding your organization's federal tax status.

Our records indicate that your organization may be a governmental instrumentality or a political subdivision of a state.

No provision of the Internal Revenue Code imposes a tax on the income of governmental units (such as states and their political subdivisions). Therefore, it has been the position of the Service that income of governmental units is not generally subject to federal income taxation. If, however, an entity is not itself a governmental unit (or an "integral part" thereof), its income will be subject to tax unless an exclusion or exemption applies.

One exclusion is provided by section 115(1) of the Code, which excludes from gross income:  
"income derived from ... the exercise of any essential governmental function and accruing to a State or any political subdivision thereof ..."

Your organization's income may not be subject to tax, either because the organization is a governmental unit (or an "integral part" thereof), or because the income is excluded under section 115. In addition, your organization may also be eligible to receive charitable contributions, which are deductible for federal income, estate, and gift tax purposes. Also, your organization is probably exempt from many federal excise taxes.

Your organization may obtain a letter ruling on its status under section 115 by following the procedures specified in Rev. Proc. 2002-1 or its successor.

Your organization may also qualify for exemption from federal income tax as an organization described in section 501(c)(3) of the Code. If the organization is an entity separate from the state, county, or municipal government, and if it does not have powers or purposes inconsistent with exemption (such as the power to tax or to exercise enforcement of regulatory powers), your organization would qualify under section 501(c)(3). To apply for exemption, complete Form 1023 and pay the required user fee.

Jefferson County Parks & Recreation Commission  
55-0676727

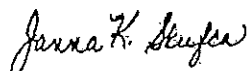
Sometimes governmental units are asked to provide proof of their status as part of a grant application. If your organization is applying for a grant from a private foundation, the foundation may be requesting certain information from your organization because of the restrictions imposed by the Code on such foundations. One such restriction imposes a tax on private foundations that make any "taxable expenditures." Under section 4945(d) and (h) of the Code, "taxable expenditures" include (1) any grant to an organization (unless excepted), unless the foundation exercises "expenditure responsibility" with respect to the grant; and (2) any expenditure for non-charitable purposes. Under section 4942 of the Code, private foundations must also distribute certain amounts for charitable purposes each year--"qualifying distributions"--or incur a tax on the undistributed amount. "Qualifying distributions" include certain amounts paid to accomplish charitable purposes.

Private foundation grants to governmental units for public or charitable purposes are not taxable expenditures under these provisions, regardless of whether the foundation exercises "expenditure responsibility." Under section 53.4945-5(a)(4)(ii) of the Foundation and Similar Excise Tax Regulations, expenditure responsibility is not required for grants for charitable purposes to governmental units (as defined in section 170(c)(1) of the code). Similarly, grants to governmental units for public purposes are "qualifying distributions", under section 53.4942(a)-3(a) of the regulations; and, if they are for charitable purposes, will not be taxable expenditures, under section 53.4945-6(a) of the regulations. Most grants to governmental units will qualify as being for charitable (as well as public) purposes.

Because of these restrictions, some private foundations require grant applicants to submit a letter from the Service determining them to be exempt under section 501(c)(3) and classified as a non-private foundation. Such a letter, or an underlying requirement that a grantee be a public charity, is not legally required to be relieved from the restrictions described above, when the prospective grantee is a governmental unit and the grant is for qualifying (public or charitable) purposes.

We believe this general information will be of assistance to your organization. This letter, however, is not a ruling and may not be relied on as such. If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Acting Director, TE/GE  
Customer Account Services

**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](http://www.wvcommerce.org)





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

**AGENDA REQUEST FORM**

Name: Sandy Slusher McDonald

Department or Entity: Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Approval of Community Participation Grant Resolution for the Jefferson County Parks and Recreation Street Improvements in the amount of \$4,000

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):

Attachments:

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

---

## **RESOLUTION**

The Jefferson County Commission met on the 31<sup>st</sup> 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 \$4,000. This project is to assist the Jefferson County Parks and Recreation. The funds from this project will be used to repair the entrance road into Leetown Park.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PATRICIA A. NOLAND  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk

12LEDA0392



# Community Participation Grant Program

Fiscal Year 2012 Application  
July 1, 2011 through June 30, 2012

For Office Use Only

Return to Kelly Workman, WVDO

**12CPGP**

## SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: Leetown Park Road Improvements  
 Street Address: PO Box 250 City: Charles Town Zip: 25414  
 Chief Elected Official: Patsy Noland, President Email: pnoland@jeffersoncountywv.org  
 Phone: (304) 728-3284 Fax: (304) 725-7916 Form Completed By: Jennifer Myers  
 Brief Description of Project: Grade, level and gravel entrance road at Leetown Park

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: Jefferson County Parks and Recreation Executive Director: Jennifer Myers  
 Street Address: 235 Sam Michael's Lane City: Shenandoah Jct State/Zip: WV 25425  
 Phone: (304)728-3207 Fax: (304)728-9746 Email: jmyers@jcrpc.org  
 Website: www.jcrpc.org IRS Cert. (Ex: 501(c) 3, etc.): \_\_\_\_\_ Yr. Cert: \_\_\_\_\_

- 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): 56 Jefferson Orchard Road, Leetown WV 25446

Upon completion, what government agency will own, operate, or be responsible for the project? Jefferson County Parks and Recreation  
 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<br>Grant Program, Bank Loan,<br>Fundraising, Fees, etc. | Status<br>Pending, Approved,<br>Ongoing, etc. | Documentation<br>Letter, Resolution,<br>etc. |
|----------------------------------------------|-------------------|----------------------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| a. Grant Funds Requested                     | \$4,000.00        |                                                                |                                               |                                              |
| b. Local Funds<br>(10% local match required) | \$400.00          | Maintenance line item, Bank Acct                               | Approved                                      |                                              |
| c. Other Funds                               | \$                |                                                                |                                               |                                              |
| d. Other Funds                               | \$                |                                                                |                                               |                                              |
| e. Other Funds                               | \$                |                                                                |                                               |                                              |
| <b>Total Project Cost</b>                    | <b>\$4,400.00</b> |                                                                |                                               |                                              |

**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](http://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. 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.

Project money will be used to repair the entrance road into Leetown Park. Project will be done by JCPRC maintenance staff.

Project will include: regarding the road and spreading gravel to lay a new entrance road at the park.

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

The JCPRC mission is to offer safe public parks and recreational programs for citizens of Jefferson County.

## 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, President  
 Project Title: Leetown Park Road Improvements Amount of Grant: \$ 4,000  
 Form Completed By: Jennifer Myers Phone: (304)728-3284 Fax: (304)725-7916
2. Nonprofit Organization: Jefferson County Parks and Recreation Executive Director: Jennifer Myers  
 Street Address, City, Zip: 235 Sam Michael's Lane Shenandoah Jct, WV 25425 Phone: (304)728-3207 Fax: (304)728-9746
- 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:**
- |                                                                                                                                                                    |                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ \$2,500 or less</li> <li>▪ \$2,500.01 to \$5,000</li> <li>▪ \$5,000.01 to \$25,000</li> <li>▪ \$25,000 or more</li> </ul> | <ul style="list-style-type: none"> <li>▪ No bids required; however, competition is encouraged</li> <li>▪ Three verbal bids documented on a verbal bid summary</li> <li>▪ Three written bids required</li> <li>▪ Class II Legal Ads required</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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.**
- |                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ Copies of bids, quotes or verbal bid summary</li> <li>▪ Copy of legal ad, which must require prevailing wages for construction</li> <li>▪ Copies of certified payroll records for construction</li> <li>▪ Copies of invoices.</li> </ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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: \_\_\_\_\_

*Jennifer L Myers*  
 Executive Director, Nonprofit Organization  
**ORIGINAL SIGNATURE REQUIRED**

Date: \_\_\_\_\_

*5/21/12*

## **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.

Internal Revenue Service

Date: January 22, 2004

Jefferson County Parks & Recreation Commission  
116 E Washington Street  
Charles Town, WV 25414-1004

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

Person to Contact:  
Kathy Masters ID# 31-04015  
Customer Service Representative  
Toll Free Telephone Number:  
8:00 a.m. to 6:30 p.m. EST  
877-829-5500  
Fax Number:  
513-263-3756  
Federal Identification Number:  
55-0676727

Dear Sir or Madam:

This is in response to your request of January 22, 2004, regarding your organization's federal tax status.

Our records indicate that your organization may be a governmental instrumentality or a political subdivision of a state.

No provision of the Internal Revenue Code imposes a tax on the income of governmental units (such as states and their political subdivisions). Therefore, it has been the position of the Service that income of governmental units is not generally subject to federal income taxation. If, however, an entity is not itself a governmental unit (or an "integral part" thereof), its income will be subject to tax unless an exclusion or exemption applies.

One exclusion is provided by section 115(1) of the Code, which excludes from gross income:  
"income derived from ... the exercise of any essential governmental function and accruing to a State or any political subdivision thereof ..."

Your organization's income may not be subject to tax, either because the organization is a governmental unit (or an "integral part" thereof), or because the income is excluded under section 115. In addition, your organization may also be eligible to receive charitable contributions, which are deductible for federal income, estate, and gift tax purposes. Also, your organization is probably exempt from many federal excise taxes.

Your organization may obtain a letter ruling on its status under section 115 by following the procedures specified in Rev. Proc. 2002-1 or its successor.

Your organization may also qualify for exemption from federal income tax as an organization described in section 501(c)(3) of the Code. If the organization is an entity separate from the state, county, or municipal government, and if it does not have powers or purposes inconsistent with exemption (such as the power to tax or to exercise enforcement of regulatory powers), your organization would qualify under section 501(c)(3). To apply for exemption, complete Form 1023 and pay the required user fee.

Jefferson County Parks & Recreation Commission  
55-0676727

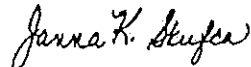
Sometimes governmental units are asked to provide proof of their status as part of a grant application. If your organization is applying for a grant from a private foundation, the foundation may be requesting certain information from your organization because of the restrictions imposed by the Code on such foundations. One such restriction imposes a tax on private foundations that make any "taxable expenditures." Under section 4945(d) and (h) of the Code, "taxable expenditures" include (1) any grant to an organization (unless excepted), unless the foundation exercises "expenditure responsibility" with respect to the grant; and (2) any expenditure for non-charitable purposes. Under section 4942 of the Code, private foundations must also distribute certain amounts for charitable purposes each year--"qualifying distributions"--or incur a tax on the undistributed amount. "Qualifying distributions" include certain amounts paid to accomplish charitable purposes.

Private foundation grants to governmental units for public or charitable purposes are not taxable expenditures under these provisions, regardless of whether the foundation exercises "expenditure responsibility." Under section 53.4945-5(a)(4)(ii) of the Foundation and Similar Excise Tax Regulations, expenditure responsibility is not required for grants for charitable purposes to governmental units (as defined in section 170(c)(1) of the code). Similarly, grants to governmental units for public purposes are "qualifying distributions", under section 53.4942(a)-3(a) of the regulations; and, if they are for charitable purposes, will not be taxable expenditures, under section 53.4945-6(a) of the regulations. Most grants to governmental units will qualify as being for charitable (as well as public) purposes.

Because of these restrictions, some private foundations require grant applicants to submit a letter from the Service determining them to be exempt under section 501(c)(3) and classified as a non-private foundation. Such a letter, or an underlying requirement that a grantee be a public charity, is not legally required to be relieved from the restrictions described above, when the prospective grantee is a governmental unit and the grant is for qualifying (public or charitable) purposes.

We believe this general information will be of assistance to your organization. This letter, however, is not a ruling and may not be relied on as such. If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Acting Director, TE/GE  
Customer Account Services

**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](http://www.wvcommerce.org)



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

**AGENDA REQUEST FORM**

Name: Sandy Slusher McDonald

Department or Entity: Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 5/31/12

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

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

Subject: Approval of Community Participation Grant Resolution, Contract and Agreement for the FOCUS Coalition in the amount of \$7,000

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):

Attachments:

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

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## ***RESOLUTION***

The County Commission of Jefferson County, met on May 31, 2012 with a quorum present and passed the following Resolution:

**WHEREAS**, The Jefferson County Commission has agreed to assist the FOCUS Coalition to purchase computers, printers and related technology equipment with funds made available through the Governor's Community Participation Grant program in the amount of \$7,000.

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

Signed: \_\_\_\_\_  
COUNTY CLERK

11LEDA0509



# JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
*Patsy Noland*

VICE PRESIDENT  
*Dale Manuel*

COMMISSIONER  
*Frances Morgan*

COMMISSIONER  
*Walt Pellish*

COMMISSIONER  
*Lyn Widmyer*

Letter of Agreement  
Community Participation Grant  
between the  
Jefferson County Commission  
and  
FOCUS Coalition

THIS AGREEMENT, entered into this 31<sup>st</sup> day of May, 2012, by the Jefferson County Commission and FOCUS Coalition, its officers, agents, and representatives.

WITNESS THAT:

WHEREAS, the Jefferson County Commission has promised and agreed to act as funding agency to assist FOCUS Coalition to perform specific tasks through funding from the Governor's Community Participation Grant Program.

NOW, THEREFORE, the parties hereby mutually agree as follows:

1. The Jefferson County Commission will serve as funding agency for FOCUS Coalition.
2. FOCUS Coalition agrees to abide by the terms and conditions of the Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Jefferson County Commission.
3. This agreement shall be signed by the authorized officers, agents or representatives of FOCUS Coalition and the President of the Jefferson County Commission.

JEFFERSON COUNTY COMMISSION

\_\_\_\_\_  
President

FOCUS Coalition

By: \_\_\_\_\_  
Title: \_\_\_\_\_

ACTING COUNTY ADMINISTRATOR  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

**GOVERNOR'S COMMUNITY PARTICIPATION  
GRANT PROGRAM CONTRACT**

**between the**

**WEST VIRGINIA DEVELOPMENT OFFICE**

**and the**

**JEFFERSON COUNTY COMMISSION**

**THIS AGREEMENT**, entered into this 1st day of July, 2010, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

**WITNESS THAT:**

**WHEREAS**, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

**NOW, THEREFORE**, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to purchase computers, printers and related technology equipment for the Jefferson County Focus Coalition substance abuse prevention and recovery programs.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2010, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2012. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2012.
5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$7,000. This amount constitutes complete compensation for all services rendered. In

no instance shall the agreed upon compensation exceed \$7,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division 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.

**The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$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 of this agreement under the provisions of Paragraph 28.** These 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 preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** 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.**

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

**Further, 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.**

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These 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 preceding the final bid date.

Any contracts under this agreement 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 Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

**In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:**

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering.** The Grantee shall procure architectural or engineering services in accordance with of the West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

**IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.**

**STATE OF WEST VIRGINIA  
WEST VIRGINIA DEVELOPMENT OFFICE**

\_\_\_\_\_  
**J. Keith Burdette, Executive Director**

**JEFFERSON COUNTY COMMISSION**

By: \_\_\_\_\_  
**Patricia Noland, President**

Federal Employee Identification Number

55-6000333

\_\_\_\_\_  
F.E.I.N.



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

**AGENDA REQUEST FORM**

Name: Stephanie Grove, Assistant Prosecutor

Department or Entity: Prosecutor's Office

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

Date Requested – 1<sup>st</sup> Choice: 5/17/12

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

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

Subject: Set a date for a Public Hearing concerning draft amendment to the Impact Fee Ordinance that addresses the affordable house component required to be implemented by July 1, 2012 and to set a date for a County Commission full discussion Work Session ASAP

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:

AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A PUBLIC SCHOOL IMPACT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF NOVEMBER 24, 2003. AMENDED June \_\_\_\_\_ 2012 with an Effective Date of July 1<sup>st</sup>, 2012

WHEREAS, pursuant to the Local Powers Act, W.Va. Code 7-20-1 et seq., counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including public primary and secondary school facilities, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code § 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Jefferson County Commission (the County Commission) retained Tischler & Associates, Inc. (the Consultants) to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for public schools and Board of Education support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for public schools and education related support buildings and equipment; the existing public school system available to meet that demand; and the method of financing the existing public school system; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the school impact fee; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the County has reviewed the existing level of service standards; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the County has relied upon the actual costs of recent school projects for a determination of the costs of public schools and education related support buildings; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the public school impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan which was revised in March of 2004, and the County's six-year Capital Improvements Program; and [Amended

by Act of the County Commission, effective October 20, 2005] [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,367 persons in the year 2002 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 18,558 in the year 2002 to approximately 27,837 in the year 2022; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition for school buildings and education related support buildings; construction of schools and other buildings; construction of relocatable classrooms; and construction of certain indoor and outdoor equipment; and

WHEREAS the public school impact fee calculation methodology is an incremental expansion methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, and subsequently updated by the County in January of 2006) with all costs attributable 100% to residential development, and excluding non-residential development; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future ~~and that the cost of the construction of new public elementary and secondary schools to serve the demand imposed by new growth would be paid for entirely by the public school impact fees; and [amended by an Act of the County Commission, March 16th, 2006] and calculated a general credit for future property tax payments which will be used to retire the principal portion of General Obligation bonds issued in 2004 for school construction and which will be retired in the year 2020; and~~

WHEREAS the County has determined that residents are entitled to a credit of \$237 per single family home 0-1,500 square feet and under, \$337 per single family home 1,501- 2,500 square feet, \$466 per single family home 2,501-3,500 square feet, \$590 per single family home 3,501 square feet or larger, \$367 per townhouse, \$156per multi-family unit, and \$135 per mobile home for future real payments of that portion of real property taxes which pays for principal payments on public school bonds; and [amended by an Act of the County Commission, June 2, 2012]

WHEREAS the replacement cost for Board of Education ~~support buildings~~building contents is \$~~2,226.00~~465 per student, and the replacement cost of Board of Education ~~equipment~~outdoor equipment is \$~~298.00~~933 per student; and [amended June 2, 2012]

WHEREAS the net capital cost per student for new schools, including land, ~~and facilities,~~ and equipment is \$~~19,640~~30,232 per student for elementary schools, \$~~19,424~~39,274 per student for middle schools, and \$~~46,477~~21,946 per student for high schools; and [amended by an Act of the County Commission, March 16th, 2006]

~~WHEREAS the County has determined that residents are entitled to a credit of \$214 per single family home, \$162 per townhouse, and \$120 per multi-family unit for future real payments of that portion of real property taxes which pays for principal payments on public school bonds; and [amended by an Act of the County Commission, March 16th, 2006]~~

WHEREAS the County has prepared an Impact Fees Report (~~February 7, 2006~~January 21, 2011) including the public school impact fee assumptions, population and residential development projections, capital improvements and impact fee calculations, which Report has been reviewed by County staff and officials; and [amended by an Act of the County Commission, ~~March 16th, 2006~~June 2, 2012]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the public school impact fee is necessary to offset the costs associated with meeting the demand for future public schools and education related support buildings, pursuant to the development projections; (2) that the public school impact fee bears a reasonable relationship to the burden imposed upon the County to provide new public schools and education related support buildings to new residents, and provides a benefit to such new residents reasonably related to the public school impact fee, per dwelling unit, by type; (3) that an essential nexus exists between the projected new residential development and the need for additional public schools and education related support buildings to be funded via the public school impact fee; and (4) that the amount of the public school impact fee is roughly proportional to the pro rata share of the additional public schools and education related support buildings needed to provide adequate public schools to new residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS, pursuant to W.Va. Code § 7-20-7a, a County imposing impact fees must enact an affordable housing component to the County's impact fee ordinance on or before July1, 2012, taking into account the most recent annual single dwelling residential housing index created pursuant to W.Va. Code § 11-1-2b; and

WHEREAS, pursuant to the Impact Fees Report, the average market value of a single family home 1,500 square feet or less, a townhouse, a multi-family unit, and a mobile home is less than the average market value of a single residential dwelling unit as determined by the Impact Fees Report and the Single Dwelling Residential Housing Index prepared by the West Virginia State Tax Commissioner; and

WHEREAS, the Impact Fees Report also concludes that smaller homes, townhomes, multi-family units, and mobile homes generate less students than other types of single family housing and as a result generate less demand for additional infrastructure capacity; and

WHEREAS, the County has determined that implementing of a fee schedule based upon square footage and housing type would result in a reduced or discounted fee for those housing types which fall below the average market value of all residential homes in Jefferson County and as a result comprise the supply of affordable housing in Jefferson County; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed public school impact fee; and

WHEREAS the public school impact fee adopted pursuant to this Ordinance shall be effective on November 24, 2003.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

#### SECTION 1. ADOPTION OF PUBLIC SCHOOL IMPACT FEE.

(1) The applicable development/service area (the Service Area \_\_\_\_\_) for imposition of a Public School Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new dwelling units in the Service Area shall be subject to the payment of a Public School Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

| <b>RESIDENTIAL DEVELOPMENT</b>   | <b>IMPACT FEE PER DWELLING UNIT</b> |
|----------------------------------|-------------------------------------|
| <u>Single Family Detached</u>    |                                     |
| <u>0-1,500 Square Feet</u>       | <u>\$12,168.00</u>                  |
| <u>1,501-2,500 Square Feet</u>   | <u>\$16,176.00</u>                  |
| <u>2,501-3,500 Square Feet</u>   | <u>\$18,752.00</u>                  |
| <u>3,501 or more Square Feet</u> | <u>\$20,650.00</u>                  |
| <u>Duplex/Townhome</u>           | <u>\$6,854.00</u>                   |
| <u>Multi-Family</u>              | <u>\$4,442.00</u>                   |
| <u>Mobile Home</u>               | <u>\$10,940.00</u>                  |

[Amended by an Act of the County Commission on October 20th, 2005 and with an effective date of December 1st, 2005; Amended by an Act of the County Commission on March 16th, 2006 and with an effective date of April 1st, 2006; Amended June 2, 2012 with an effective date of July 1, 2012]

(3) On April 1, 2004, and on April 1st of each year thereafter in which the Public School Impact Fee is in effect, the amount of the development impact fee, per dwelling unit, shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Public School Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

#### SECTION 2. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

#### SECTION 3. SEPARABILITY.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

#### SECTION 4. EFFECTIVE DATE; ELECTION.

(1) This Ordinance shall be effective on November 24, 2003; however, no Public School Impact Fee shall be collected by the County until the sixty-first (61st) day after the date of the adoption of this Ordinance.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 24th day of November, 2003. This ordinance was subsequently amended by an Act of the County Commission on October 20th, 2005 and again on March 16th, 2006, and again on June 2, 2012.

---

# SCHOOL IMPACT FEES - DRAFT

*Prepared for:*

*Jefferson County, West Virginia*

*January 21, 2011*

**TischlerBise**  
Fiscal, Economic & Planning Consultants

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## EXECUTIVE SUMMARY

TischlerBlise is under contract with Jefferson County to update its School Impact Fees. TischlerBlise was the author of the County's 2003/2005 impact fees and has worked with the County's on impact fees since 1991. The County desires an update of its School Impact Fees to reflect the following:

1. Recent completion of Washington High School.
2. Determination of the need and calculation of credits for the bond issued to fund Washington High School.
3. Analysis of the feasibility of calculating a progressive school impact fee schedule based on housing unit size versus one fee by type of housing unit.

TischlerBlise has included the new high school in the calculation of the current level-of-service (LOS). The general credit methodology has also been updated to reflect the outstanding debt service payments on the 2004 bond issue and associated bond levies.

### ***TWO IMPACT FEE OPTIONS***

---

The County's current School Impact Fees are assessed as a flat fee by type of housing unit. For example, a 1,500 square foot single family house pays the same School Impact Fee as a 3,500 square foot house. An emerging concept among impact fee academics and practitioners is a progressive impact fee schedule which varies by size of housing unit. Smaller housing units often have smaller household sizes and other demographics compared to larger homes. These differences have a direct relationship on the need for additional infrastructure capacity resulting in differences in impact fee amounts.

TischlerBlise has designed two School Impact Fee options for the County Commission's consideration:

Option 1 – a flat fee schedule by type of housing unit similar to the County's current impact fee schedule (see Figure 1.A).

Option 2 - a progressive impact fee schedule under which the School Impact Fee for single family units vary by size (see Figure 1.B).

Note: impact fees for residential development are assessed per housing unit and collected when building permits are issued.

### ***OPTION 1***

---

Under this option, all single family housing units would be assessed the same impact fee amount regardless of size.

Figure 1.A: School Impact Fees – Option 1

| Housing Type           | Elementary | Middle  | High    | All Grades | Credit  | TOTAL    |
|------------------------|------------|---------|---------|------------|---------|----------|
| Single Family Detached | \$5,554    | \$3,210 | \$5,040 | \$13,805   | (\$354) | \$13,451 |
| Duplex/Townhome        | \$3,326    | \$1,571 | \$2,324 | \$7,220    | (\$367) | \$6,854  |
| Multi-family           | \$2,419    | \$785   | \$1,394 | \$4,598    | (\$156) | \$4,442  |
| Mobile Home            | \$4,535    | \$2,356 | \$4,183 | \$11,074   | (\$135) | \$10,940 |

Pros:

- From an administrative perspective, this option is straightforward as new housing units are classified by type.
- The data, methodology, and calculations are the most clear-cut.
- Reduces opportunities to “game” the system as units are determined by type.

Cons:

- There is no variation in the fee amount to account for the different impacts of different sizes of single family units.
- No vertical equity which distributes burdens proportionately across homebuyers with different abilities to pay.

**OPTION TWO**

Under this option, single family detached housing units would be assessed based on the size of unit.

Figure 1.B: School Impact Fees – Option 2

| Housing Type              | Elementary | Middle  | High    | All Grades | Credit  | TOTAL    |
|---------------------------|------------|---------|---------|------------|---------|----------|
| Single Family Detached    |            |         |         |            |         |          |
| 0-1,500 Square Feet       | \$5,102    | \$2,875 | \$4,427 | \$12,405   | (\$237) | \$12,168 |
| 1,501-2,500 Square Feet   | \$6,762    | \$3,728 | \$6,022 | \$16,513   | (\$337) | \$16,176 |
| 2,501-3,500 Square Feet   | \$7,856    | \$4,290 | \$7,073 | \$19,219   | (\$466) | \$18,752 |
| 3,501 or more Square Feet | \$8,673    | \$4,709 | \$7,858 | \$21,240   | (\$590) | \$20,650 |
| Duplex/Townhome           | \$3,326    | \$1,571 | \$2,324 | \$7,220    | (\$367) | \$6,854  |
| Multi-family              | \$2,419    | \$785   | \$1,394 | \$4,598    | (\$156) | \$4,442  |
| Mobile Home               | \$4,535    | \$2,356 | \$4,183 | \$11,074   | (\$135) | \$10,940 |

Pros:

- A progressive fee structure as smaller units pay less and larger units pay more.
- More precise assessment of infrastructure demand using local data.
- Enhanced vertical equity which distributes burdens proportionately across homebuyers with different abilities to pay.

Cons:

- From an administrative perspective, this option is more complex as the number of square feet must be determined and verified.
- The data, methodology, and calculations are more complex.

- Increases opportunities to “game” the system by manipulating the definition and number of square feet.

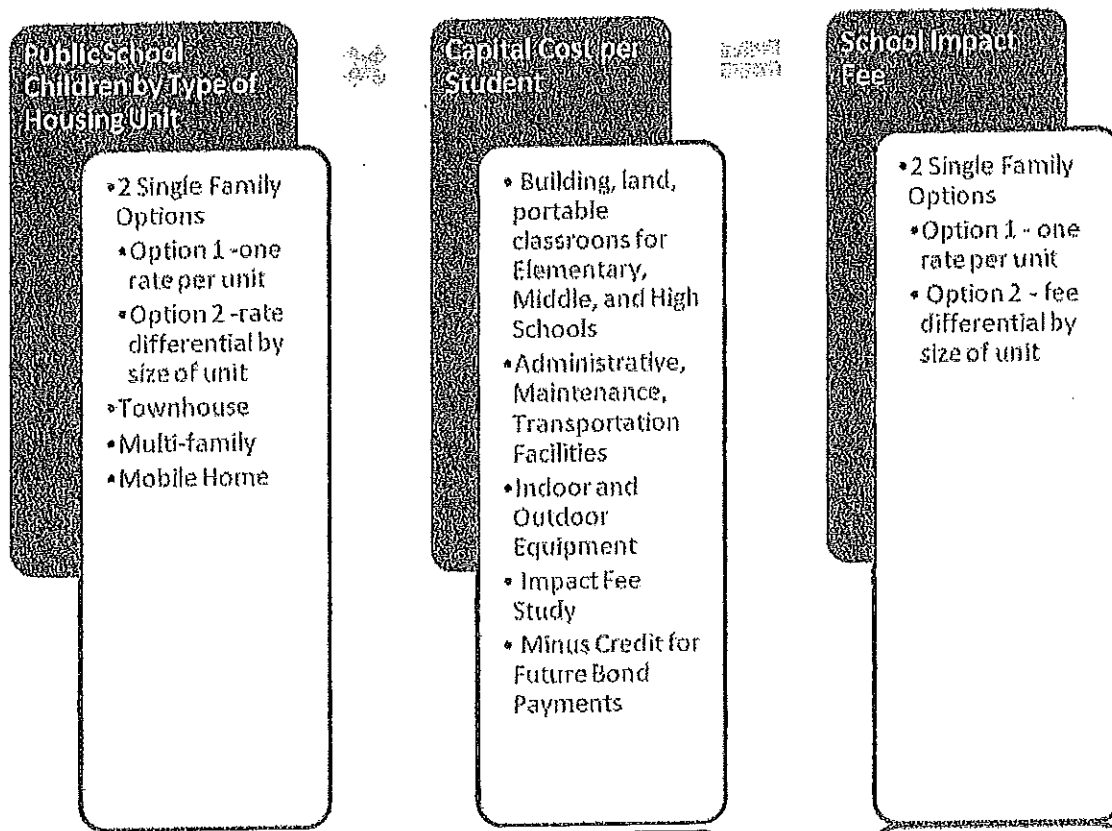
## METHODOLOGY

The incremental expansion methodology is used for the calculation of the impact fee for Schools. This method documents the current levels-of-service (LOS) for each type of school facility being provided to existing development. This methodology will allow the County to provide new development the same LOS being provided to existing development. The impact fee is calculated using data from the current school year (2010-2011).

Figure 2 illustrates the formula used to derive the School Impact Fee. The impact fee includes costs for buildings, land, and portable classrooms, for elementary, middle, and high schools. In addition, costs for administrative, maintenance, and transportation buildings, indoor and outdoor equipment, and the impact fee study are also included.

To avoid potential double payment for school facilities, a credit for future bond payments on existing debt is subtracted from the capital cost per student and is reflected in the impact fees.

Figure 2 – School Impact Fee Methodology Chart



## **PUBLIC SCHOOL PUPIL GENERATION RATES**

One of the fundamental requirements of impact fees is the concept of proportionate share. Proportionate share is the principle that impact fee amounts must correspond with the demand and cost for additional infrastructure capacity. This relationship is the critical difference which distinguishes impact fees from taxes. The County's current School Impact Fee is assessed as a flat fee by type of housing unit. Since the County's residential impact fee schedule differentiates the demand by different types of housing units (single family vs. townhouse vs. multi-family), this approach is defensible as it demonstrates the proportionate differences in demand created by these different types of residential development.

Smaller homes typically have smaller household sizes and fewer students compared to larger homes. These differences have a direct relationship on the need for additional infrastructure capacity resulting in differences in impact fee amounts. A flat impact fee schedule can have the adverse effect of smaller homes pay disproportionately larger share of costs, while larger homes disproportionately smaller shares. The result is that flat fees tend to have a regressive effect as those with lower incomes bear a larger percentage of these costs.

Progressive impact fees are designed to more accurately reflect the proportionate demand of different sizes of housing units. Under a progressive impact fee schedule, smaller houses which do not generate as much demand for additional infrastructure capacity pay a lower impact fee as larger houses which generate more demand for additional infrastructure capacity. This approach can reduce any potential regressive effects of impact fees.

### ***STUDENT AND HOUSING DATA***

---

A key variable in calculating School Impact Fees is the number of students generated by different types and sizes of housing unit. Data from the Schools, Assessor's Office, and GIS/Addressing were merged to form a database which contains information on number of students by grade by address, type of residential development, and square footage per unit. The creation of the database resulted in viable data for 21,613 housing units and 7,534 students. The summary of this data is shown in Figure 3.

**Figure 3: Students by Grade Level by Type of Housing Unit**

| Type of Housing Unit | Size Thresholds (sq ft) | Number of Units* | Average Size of Unit (sf)* | Elem. School Students** | Middle School Students** | High School Students** | Total Students |
|----------------------|-------------------------|------------------|----------------------------|-------------------------|--------------------------|------------------------|----------------|
| Single Family        | 0-1,000                 | 1,688            | 816                        | 192                     | 77                       | 94                     | 363            |
|                      | 1,001-2,000             | 8,582            | 1,469                      | 1,292                   | 607                      | 788                    | 2,687          |
|                      | 2,001-3,000             | 5,020            | 2,419                      | 1,048                   | 456                      | 628                    | 2,132          |
|                      | 3,001-4,000             | 1,900            | 3,409                      | 535                     | 241                      | 299                    | 1,075          |
|                      | 4,001+                  | 903              | 4,730                      | 257                     | 98                       | 153                    | 508            |
|                      | All Single Family       | 18,093           | 2,039                      | 3,324                   | 1,479                    | 1,962                  | 6,765          |
| Townhouse            |                         | 368              | N/A                        | 39                      | 13                       | 17                     | 69             |
| Multi-family         |                         | 1,492            | N/A                        | 121                     | 36                       | 46                     | 203            |
| Mobile Home          |                         | 1,660            | N/A                        | 245                     | 105                      | 147                    | 497            |
| <b>TOTAL</b>         |                         | <b>21,613</b>    |                            | <b>3,729</b>            | <b>1,633</b>             | <b>2,172</b>           | <b>7,534</b>   |

\* Jefferson County Assessor's Office  
 \*\* Jefferson County Schools.

For each grade level, TischlerBise calculated two sets of student generation rates for single family housing units: one for all single family units regardless of size (used for Option 1) and a second by size of single family unit (used for Option 2). TischlerBise also included logarithmic trend lines and r squared values for student generation rates by size of housing unit to measure the strength of the relationship between size of housing unit and number of students. As shown in the figures below, there is a strong correlation between size of housing unit and number of students generated in Jefferson County.

Note that the analysis of students by size of housing unit is only for single family housing units. Single family housing units are the predominant type of housing unit in the County and come in a variety of sizes and forms. Townhouse, multi-family units, and mobile homes typically do not have the variety of characteristics as single family housing units. The data for townhouse, multi-family units, and mobile is used to calculate student generation rates for these types of housing units. As illustrated in the next section of the report, these types of housing units have lower student generation rates than single family housing units, thus their School Impact Fees will be lower.

### ***ELEMENTARY STUDENT GENERATION RATES***

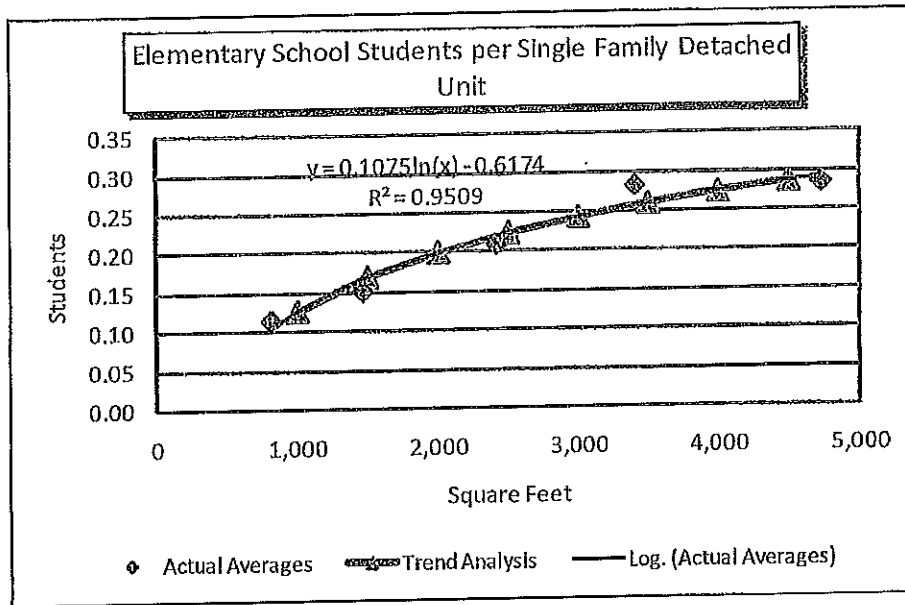
Data from Figure 3 is used to calculate elementary student generation rates for single family housing units. Generation rates by size of unit are calculated using 1,000 square foot intervals. A maximum threshold of 4,000 square feet is used given the small number of units of this size or larger in the County. Student generation rates by size of housing unit are shown at the top of Figure 4. The elementary student generation rate for all single family units is shown in the middle of Figure 4. The table at the bottom of Figure 4 illustrates the relationship of the number of elementary school students by size of single family housing unit including the formula for the logarithmic trend line and  $r^2$  value. The  $r^2$  value measures how well the trend line approximates actual data. The closer the  $r^2$  value is to 1, the better the predictive value of the trend analysis. The  $r^2$  value from Figure 4 is 0.9509.

Figure 4: Elementary School Student Generation Rates Trend Analysis by Size of Single Family Unit

| Actual Averages |              |              |
|-----------------|--------------|--------------|
| Size Range      | Square Feet* | Pupls/Unit** |
| 0-1,000         | 816          | 0.11         |
| 1,001-2,000     | 1,469        | 0.15         |
| 2,001-3,000     | 2,419        | 0.21         |
| 3,001-4,000     | 3,409        | 0.28         |
| 4,001+          | 4,730        | 0.28         |

All Single Family Units

0.18



\* Source: Jefferson County Assessor's Office.

\*\* Source: Jefferson County Schools.

Data from Figure 3 is used to calculate elementary student generation rates for townhouse, multi-family, and mobile homes.

Figure 5: Elementary School Student Generation Rates for Townhouse, Multi-family, and Mobile Homes

| Type of Housing Unit | Elem. School Rate |
|----------------------|-------------------|
| Townhouse            | 0.11              |
| Multi-family         | 0.08              |
| Mobile Home          | 0.15              |

### MIDDLE SCHOOL STUDENT GENERATION RATES

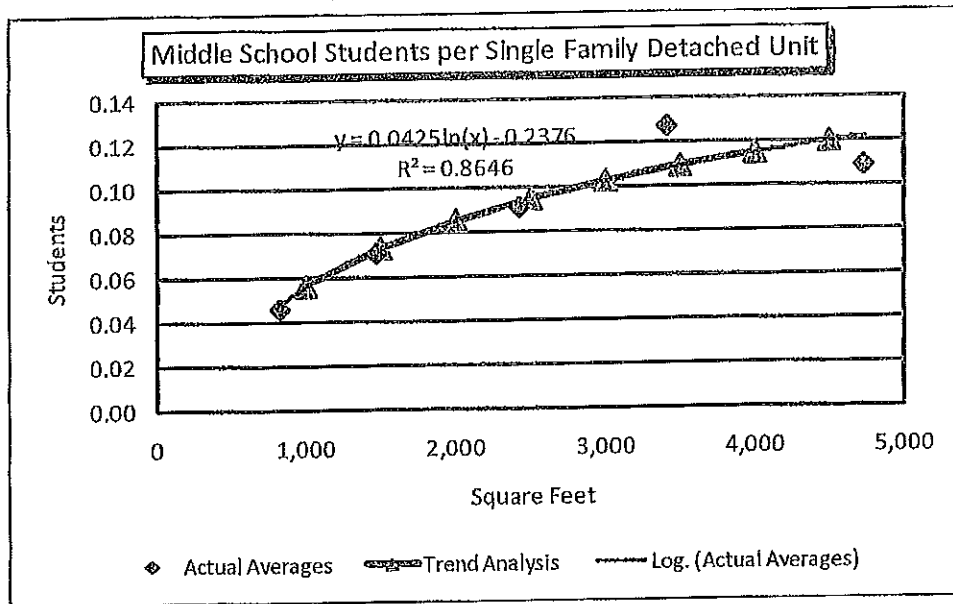
Data from Figure 3 is used to calculate middle school student generation rates for single family housing units. Student generation rates by size of housing unit are shown at the top of Figure 6. The middle school student generation rate for all single family units is shown in the middle of Figure 6. The table at the bottom of Figure 6 illustrates the relationship of the number of middle school students by size of

single family housing unit including the formula for the logarithmic trend line and  $r^2$  value. The  $r^2$  value from Figure 6 is 0.8646.

Figure 6: Middle School Student Generation Rates Trend Analysis by Size of Single Family Unit

| Actual Averages |              |               |
|-----------------|--------------|---------------|
| Size Range      | Square Feet* | Pupils/Unit** |
| 0-1,000         | 816          | 0.05          |
| 1,001-2,000     | 1,469        | 0.07          |
| 2,001-3,000     | 2,419        | 0.09          |
| 3,001-4,000     | 3,409        | 0.13          |
| 4,001+          | 4,730        | 0.11          |

All Single Family Units 0.08



\* Source: Jefferson County Assessor's Office.

\*\* Source: Jefferson County Schools.

Data from Figure 3 is used to calculate middle school student generation rates for townhouse, multi-family, and mobile homes.

Figure 7: Middle School Student Generation Rates for Townhouse, Multi-family, and Mobile Homes

| Type of Housing Unit | Middle School Rate |
|----------------------|--------------------|
| Townhouse            | 0.04               |
| Multi-family         | 0.02               |
| Mobile Home          | 0.06               |

## HIGH SCHOOL STUDENT GENERATION RATES

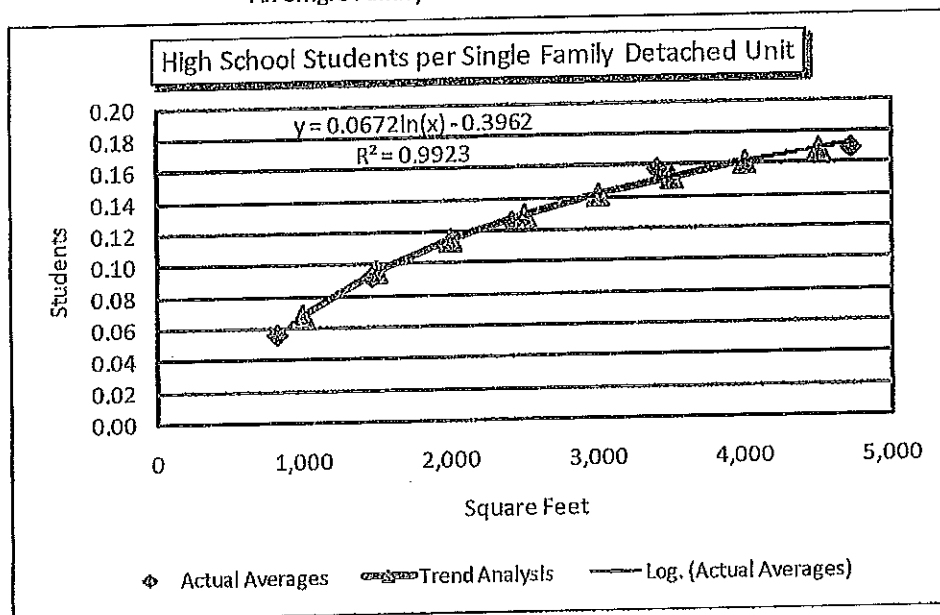
Data from Figure 3 is used to calculate high school student generation rates for single family housing units. Student generation rates by size of housing unit are shown at the top of Figure 8. The high school student generation rate for all single family units is shown in the middle of Figure 8. The table at the bottom of Figure 8 illustrates the relationship of the number of high school students by size of single family housing unit including the formula for the logarithmic trend line and  $r^2$  value. The  $r^2$  value from Figure 6 is 0.9923.

Figure 8: High School Student Generation Rates Trend Analysis by Size of Single Family Unit

| Actual Averages |              |               |
|-----------------|--------------|---------------|
| Size Range      | Square Feet* | Pupils/Unit** |
| 0-1,000         | 816          | 0.06          |
| 1,001-2,000     | 1,469        | 0.09          |
| 2,001-3,000     | 2,419        | 0.13          |
| 3,001-4,000     | 3,409        | 0.16          |
| 4,001+          | 4,730        | 0.17          |

All Single Family Units

0.11



\* Source: Jefferson County Assessor's Office.

\*\* Source: Jefferson County Schools.

Data from Figure 3 is used to calculate high school student generation rates for townhouse, multi-family, and mobile homes.

Figure 9: High School Student Generation Rates for Townhouse, Multi-family, and Mobile Homes

| Type of Housing Unit | High School Rate |
|----------------------|------------------|
| Townhouse            | 0.05             |
| Multi-family         | 0.03             |
| Mobile Home          | 0.09             |

### ***TWO OPTIONS FOR SINGLE FAMILY UNITS***

TischlerBise has prepared two options for student generation rates for single family units. Option 1 includes a single student generation rate for single family units in addition to rates for townhouse, multi-family, and mobile homes. This option is similar to the structure of the County's current School Impact Fees.

Figure 10.A: Option 1 – Single Rate per Single Family Housing Unit

| Type of Housing Unit      | Elem. School Rate | Middle School Rate | High School Rate | Total Rate |
|---------------------------|-------------------|--------------------|------------------|------------|
| Single Family             | 0.18              | 0.08               | 0.11             | 0.37       |
| Townhouse <sup>1</sup>    | 0.11              | 0.04               | 0.05             | 0.19       |
| Multi-family <sup>2</sup> | 0.08              | 0.02               | 0.03             | 0.14       |
| Mobile Home               | 0.15              | 0.06               | 0.09             | 0.30       |

1. Includes single family attached and duplexes.
2. Includes 3 units or more.

Option 2 includes progressive student generation rates by size of single family housing units. Note the rates for townhouse, multi-family, and mobile homes are the same under both options. Based on analysis of the age of single family units and distribution of units among size categories, TischlerBise recommends the following size thresholds:

- 0 – 1,500 square feet
- 1,501 – 2,500 square feet
- 2,501 – 3,500 square feet
- 3,501 + square feet

Using the trend line formulas for each grade level from the above figures, student generation rates are calculated for these size categories. These rates are shown in the figure below.

Figure 10.B: Option 2 – Progressive Rate by Size of Single Family Housing Unit

| Type of Housing Unit      | Size Thresholds (sq ft) | Elem. School Rate | Middle School Rate | High School Rate | Total Rate |
|---------------------------|-------------------------|-------------------|--------------------|------------------|------------|
| Single Family             | 0 -1,500                | 0.17              | 0.07               | 0.10             | 0.34       |
|                           | 1,501 - 2,500           | 0.22              | 0.09               | 0.13             | 0.45       |
|                           | 2,501-3,500             | 0.26              | 0.11               | 0.15             | 0.52       |
|                           | 3,501 +                 | 0.29              | 0.12               | 0.17             | 0.58       |
| Townhouse <sup>1</sup>    |                         | 0.11              | 0.04               | 0.05             | 0.19       |
| Multi-family <sup>2</sup> |                         | 0.08              | 0.02               | 0.03             | 0.14       |
| Mobile Home               |                         | 0.15              | 0.06               | 0.09             | 0.30       |

1. Includes single family attached and duplexes.
2. Includes 3 units or more.

## CAPITAL COSTS PER STUDENT

The School Impact Fee includes components for buildings, land, and portable classrooms for elementary, middle, and high schools. The fee also includes components for central facilities, indoor and outdoor equipment, and impact fee study consultant costs. This section of the report details the current LOS and cost factors which are used in the impact fee calculations.

### ELEMENTARY SCHOOL

The current inventory of elementary schools in Jefferson County is shown in the figure below. The elementary schools encompass 490,843 square feet and an enrollment of 4,495 students which yields a building LOS of 109.2 square feet per student (490,843 square feet/4,495 students = 109.2 square feet per student). There are 12,000 square feet of portable classrooms at the elementary schools, or 2.7 square feet per student (12,000 square feet/4,495 students = 2.7 square feet per student). These schools occupy 179.07 acres which results in an LOS of 0.04 acres per student (179.07 acres/4,495 students = 0.04 acres per student).

Figure 11: Elementary School LOS Standards

| <i>Elementary Schools</i> | Building Square Footage | Portable Square Footage | Acreage       | SY10-11 Enrollment | Building SF Per Student | Portable SF Per Student | Acres Per Student |
|---------------------------|-------------------------|-------------------------|---------------|--------------------|-------------------------|-------------------------|-------------------|
| Blue Ridge                | 49,155                  | 4,480                   | 41.25         | 433                |                         |                         |                   |
| C W Shipley               | 42,674                  | 1,440                   | 15.00         | 385                |                         |                         |                   |
| Driswood                  | 58,800                  | 0                       | 15.00         | 504                |                         |                         |                   |
| North Jefferson           | 44,891                  | 1,440                   | 12.00         | 273                |                         |                         |                   |
| Page Jackson              | 58,699                  | 800                     | 12.38         | 474                |                         |                         |                   |
| Ranson                    | 35,401                  | 3,840                   | 4.46          | 388                |                         |                         |                   |
| Shepherdstown             | 40,179                  | 0                       | 7.98          | 482                |                         |                         |                   |
| South Jefferson           | 44,573                  | 0                       | 15.00         | 528                |                         |                         |                   |
| T A Lowery                | 65,594                  | 0                       | 52.00         | 582                |                         |                         |                   |
| Wright Denny              | 50,877                  | 0                       | 4.00          | 446                |                         |                         |                   |
| <b>Totals</b>             | <b>490,843</b>          | <b>12,000</b>           | <b>179.07</b> | <b>4,495</b>       | <b>109.2</b>            | <b>2.7</b>              | <b>0.04</b>       |

The costs for buildings, portable classrooms, and land for elementary schools are shown in the figure below. These costs will be multiplied by the above LOS standards to determine the elementary school cost component of the impact fee. The cost per square foot for an elementary school is from the School Building Authority of West Virginia (SBA) and does not include land, furniture, fixtures, or equipment. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 12: Elementary School Capital Costs

|                                           |          |
|-------------------------------------------|----------|
| Construction Cost per Square Foot*        | \$230    |
| Land Cost per Acre**                      | \$41,000 |
| Portable Classroom Cost per Square Foot** | \$60     |

\* School Building Authority of West Virginia. Does not include land, furniture, fixtures, or equipment.  
 \*\* Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

### MIDDLE SCHOOLS

Figure 13 lists the current inventory middle schools in Jefferson County. The schools total 273,576 square feet and an enrollment of 1,827 students which yields a building LOS of 146.1 square feet per student (273,576 square feet/1,827 students = 146.1 square feet per student). There are 10,240 square feet of portable classrooms at the middle schools, or 5.5 square feet per student (10,240 square feet/1,827 students = 5.5 square feet per student). These schools occupy 61.63 acres which results in an LOS of 0.03 acres per student (61.63 acres/1,827 students = 0.03 acres per student).

Figure 13: Middle School LOS Standards

| <i>Middle Schools</i> | Building Square Footage | Portable Square Footage | Acreage      | SY10-11 Enrollment | Building SF Per Student | Portable SF Per Student | Acres Per Student |
|-----------------------|-------------------------|-------------------------|--------------|--------------------|-------------------------|-------------------------|-------------------|
| Charles Town          | 82,231                  | 0                       | 13.53        | 592                |                         |                         |                   |
| Harpers Ferry         | 48,970                  | 7,360                   | 10.00        | 395                |                         |                         |                   |
| Shepherdstown         | 53,375                  | 2,880                   | 8.80         | 308                |                         |                         |                   |
| Wildwood              | 89,000                  | 0                       | 29.30        | 577                |                         |                         |                   |
| <b>Totals</b>         | <b>273,576</b>          | <b>10,240</b>           | <b>61.63</b> | <b>1,872</b>       | <b>146.1</b>            | <b>5.5</b>              | <b>0.03</b>       |

The costs for buildings, portable classrooms, and land for elementary schools are shown in the figure below. These costs will be multiplied by the above LOS standards to determine the middle school cost component of the impact fee. The cost per square foot for a middle school is from the School Building Authority of West Virginia (SBA) and does not include land, furniture, fixtures, or equipment. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 14: Middle School Capital Costs

|                                           |          |
|-------------------------------------------|----------|
| Construction Cost per Square Foot*        | \$237    |
| Land Cost per Acre**                      | \$30,000 |
| Portable Classroom Cost per Square Foot** | \$60     |

\* School Building Authority of West Virginia. Does not include land, furniture, fixtures, or equipment.  
 \*\* Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

## ***HIGH SCHOOLS***

The current inventory of high schools in Jefferson County is shown in the figure below. The high schools encompass 424,116 square feet and an enrollment of 2,477 students which yields a building LOS of 171.2 square feet per student (424,116 square feet/2,477 students = 171.2 square feet per student). There are 2,880 square feet of portable classrooms at the high schools, or 1.2 square feet per student (2,880 square feet/2,477 students = 1.2 square feet per student). These schools occupy 122.00 acres which results in an LOS of 0.05 acres per student (122.00 acres/2,477 students = 0.05 acres per student).

Figure 15: High School LOS Standards

| <i>High Schools</i>         | Building Square Footage | Portable Square Footage | Acreage       | SY10-11 Enrollment | Building SF Per Student | Portable SF Per Student | Acres Per Student |
|-----------------------------|-------------------------|-------------------------|---------------|--------------------|-------------------------|-------------------------|-------------------|
| Jefferson                   | 211,000                 | 2,880                   | 64.00         | 1,367              |                         |                         |                   |
| Washington                  | 209,000                 | 0                       | 57.00         | 1,110              |                         |                         |                   |
| Alternative Learning Center | 4,116                   | 0                       | 1.00          | 0                  |                         |                         |                   |
| <b>Totals</b>               | <b>424,116</b>          | <b>2,880</b>            | <b>122.00</b> | <b>2,477</b>       | <b>171.2</b>            | <b>1.2</b>              | <b>0.05</b>       |

The costs for buildings, portable classrooms, and land for high schools are shown in the figure below. These costs will be multiplied by the above LOS standards to determine the high school cost component of the impact fee. The cost per square foot for a high school is from the School Building Authority of West Virginia (SBA) and does not include land, furniture, fixtures, or equipment. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 16: High School Capital Costs

|                                           |          |
|-------------------------------------------|----------|
| Construction Cost per Square Foot*        | \$243    |
| Land Cost per Acre**                      | \$30,000 |
| Portable Classroom Cost per Square Foot** | \$60     |

\* School Building Authority of West Virginia. Does not include land, furniture, fixtures, or equipment.

\*\* Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

## ***ADMINISTRATION, MAINTENANCE, TRANSPORTATION FACILITIES***

Figure 17 lists the inventory of existing facilities for administration, maintenance, and transportation. Jefferson County has 17,870 square feet of office facilities and a total enrollment of 8,844 students which yields a building LOS of 2.02 square feet per student (17,870 square feet/8,844 students = 2.02 per student).

Figure 17: Administration, Maintenance, Transportation Office LOS Standards

|                                           | Building<br>Square<br>Footage | SY10-11<br>Enrollment | Building SF<br>Per<br>Student |
|-------------------------------------------|-------------------------------|-----------------------|-------------------------------|
| Board of Education Building               | 16,620                        |                       |                               |
| Maintenance/Transportation Depts - Office | 1,250                         |                       |                               |
| <b>Total</b>                              | <b>17,870</b>                 | <b>8,844</b>          | <b>2.02</b>                   |

Figure 18 lists the inventory of existing shop facilities for maintenance, and transportation. Jefferson County has 10,300 square feet of shop facilities and a total enrollment of 8,844 students which yields a building LOS of 1.16 square feet per student (10,300 square feet/8,844 students = 1.16 per student).

Figure 18: Maintenance, Transportation Shop LOS Standards

|                                         | Building<br>Square<br>Footage | SY10-11<br>Enrollment | Building SF<br>Per<br>Student |
|-----------------------------------------|-------------------------------|-----------------------|-------------------------------|
| Maintenance/Transportation Depts - Shop | 10,300                        | 8,844                 | 1.16                          |

The costs for these facilities are shown in Figure 19. These costs will be multiplied by the above LOS standards to determine the administration, maintenance, and transportation facilities component of the impact fee. The cost per square foot for office space is \$226 per square foot while the cost per square foot for shop space is \$217 per square foot. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 19: Administration, Maintenance, Transportation Facility Capital Costs

|                                           |       |
|-------------------------------------------|-------|
| Office Construction Cost per Square Foot* | \$226 |
| Shop Construction Cost per Square Foot*   | \$217 |

\* Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

## ***INDOOR AND OUTDOOR EQUIPMENT***

Based on the School's Insurance records, Jefferson County Public Schools currently have \$19,684,102 of building contents and \$2,634,500 of outdoor equipment for the total enrollment of 8,844 students. This results in a capital cost of \$2,226 per student for indoor equipment and \$298 per student for outdoor equipment.

Figure 20: Indoor and Outdoor Equipment Capital Costs

| <i>Equipment</i>  | Insurance*<br>Value | SY10-11<br>Enrollment | Cost per<br>Student |
|-------------------|---------------------|-----------------------|---------------------|
| Building Contents | \$19,684,102        | 8,844                 | \$2,226             |
| Outdoor Equipment | \$2,634,500         | 8,844                 | \$298               |

\* Jefferson County Schools Insurance records.

### ***IMPACT FEE CONSULTANT STUDY COST***

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The cost of preparing the School Impact Fee is also included in the fee calculations. The County's current School Impact Fee also includes this component. This cost (\$26,200) is allocated to the projected increase in students over the next five years. On average, the County updates its Impact fee methodologies and components every five years. This results in a consultant fee cost per demand unit of \$90.23 per student ( $\$26,200/290 \text{ students} = \$90.23 \text{ per student}$ ).

## GENERAL CREDITS

Credits must be evaluated to avoid potential double payment situations arising from the payment of a one-time impact fee plus payment of other taxes that may also fund growth-related capital improvements. The School Impact Fee methodology includes general credits for future property tax payments which will be used to retire the principal portion of General Obligation bonds issued in 2004 for school construction. These bonds will be retired in 2020.

The Jefferson County Assessor's Office provided the average market values and assessment rates shown in Figure 21. Due to the difficulty of projecting future market values and assessment and tax rates, TischlerBise recommends against including an inflation factor. For property tax purposes, West Virginia has several classes of property, each with a different levy. In the calculation of impact fee credits, single family, townhouses, and mobile homes are treated as Class II property. Multi-family units are assumed to be rental and thus Class III property. The FY2010-11 tax rates for retiring the principal portion of the 2004 bond issue are shown below.

Figure 21: General Credits Factors

| Type of Housing Unit               | Average Market Value* |
|------------------------------------|-----------------------|
| Single Family Detached             |                       |
| 0-1,500 Square Feet                | \$144,568.33          |
| 1,501-2,500 Square Feet            | \$205,686.70          |
| 2,501-3,500 Square Feet            | \$284,899.68          |
| 3,501 or more Square Feet          | \$360,547.71          |
| Single Family Detached (all units) | \$216,197.54          |
| Duplex/Townhome                    | \$224,049.21          |
| Multi-family                       | \$46,294.13           |
| Mobile Home                        | \$82,155.20           |
| <b>Bond Levy</b>                   |                       |
| Assessment Rate*                   | 60%                   |
| Levy rate for bond purposes**      |                       |
| Class II                           | 0.000334              |
| Class III                          | 0.000688              |
| Class IV                           | 0.000688              |

\* Jefferson County Assessor's Office.

\*\* Jefferson County Schools.

The future stream of property tax revenues is projected over the remaining years of the 2004 bond and then discounted at a rate of 3.85% which is the weighted annual interest rate of the remaining bond payments. Figures 22.A and 22.B detail the calculation of the credits under the two pupil generation rate options.

Figure 22.A: General Credits under Option 1

| <i>School Year</i>       | <i>All Single Family</i> | <i>Duplex/Townhouse</i> | <i>Multi-family</i> | <i>Mobile Home</i> |
|--------------------------|--------------------------|-------------------------|---------------------|--------------------|
| 2010-2011                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2011-2012                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2012-2013                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2013-2014                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2014-2015                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2015-2016                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2016-2017                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2017-2018                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2018-2019                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| 2019-2020                | \$43.33                  | \$44.90                 | \$19.11             | \$16.46            |
| <b>Total</b>             | <b>\$433.26</b>          | <b>\$448.99</b>         | <b>\$191.10</b>     | <b>\$164.64</b>    |
| <b>Discount Rate*</b>    | <b>3.85%</b>             | <b>3.85%</b>            | <b>3.85%</b>        | <b>3.85%</b>       |
| <b>Net Present Value</b> | <b>\$353.98</b>          | <b>\$366.84</b>         | <b>\$156.13</b>     | <b>\$134.51</b>    |

\* TischlerBise analysis of weighted average annual interest rates on remaining debt service.

Figure 22.B: General Credits under Option 2

| <i>School Year</i>       | <i>Single Family</i> |                       |                       |                   | <i>Duplex/Townhouse</i> | <i>Multi-family</i> | <i>Mobile Home</i> |
|--------------------------|----------------------|-----------------------|-----------------------|-------------------|-------------------------|---------------------|--------------------|
|                          | <i>0-1,500 sf</i>    | <i>1,501-2,500 sf</i> | <i>2,501-3,500 sf</i> | <i>3,501 + sf</i> |                         |                     |                    |
| 2010-2011                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2011-2012                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2012-2013                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2013-2014                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2014-2015                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2015-2016                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2016-2017                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2017-2018                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2018-2019                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| 2019-2020                | \$28.97              | \$41.22               | \$57.09               | \$72.25           | \$44.90                 | \$19.11             | \$16.46            |
| <b>Total</b>             | <b>\$289.71</b>      | <b>\$412.20</b>       | <b>\$570.94</b>       | <b>\$722.54</b>   | <b>\$448.99</b>         | <b>\$191.10</b>     | <b>\$164.64</b>    |
| <b>Discount Rate*</b>    | <b>3.85%</b>         | <b>3.85%</b>          | <b>3.85%</b>          | <b>3.85%</b>      | <b>3.85%</b>            | <b>3.85%</b>        | <b>3.85%</b>       |
| <b>Net Present Value</b> | <b>\$236.70</b>      | <b>\$336.77</b>       | <b>\$466.47</b>       | <b>\$590.33</b>   | <b>\$366.84</b>         | <b>\$156.13</b>     | <b>\$134.51</b>    |

\* TischlerBise analysis of weighted average annual interest rates on remaining debt service.

## IMPACT FEES

Figures 23.A and 23.B summarize the variables for Option 1 and 2 that are used to calculate the School Impact Fee.

Figure 23.A: Option 1 School Impact Fee Variables

### Students per Housing Unit

| Type                   | Elementary | Middle | High |
|------------------------|------------|--------|------|
| Single Family Detached | 0.18       | 0.08   | 0.11 |
| Duplex/Townhome        | 0.11       | 0.04   | 0.05 |
| Multi-family           | 0.08       | 0.02   | 0.03 |
| Mobile Home            | 0.15       | 0.06   | 0.09 |

### Level of Service Standards

| Component                                    | Elementary         | Middle             | High               |
|----------------------------------------------|--------------------|--------------------|--------------------|
| School square footage per student            | 109.2              | 146.1              | 171.2              |
| Capital Cost per Square Foot                 | \$230.00           | \$237.00           | \$243.00           |
| Cost per Student                             | \$25,115.44        | \$34,635.42        | \$41,606.86        |
| Acreage per Student                          | 0.04               | 0.03               | 0.05               |
| Capital Cost per Acre                        | \$41,000.00        | \$30,000.00        | \$30,000.00        |
| Cost per Student                             | \$1,633.34         | \$987.66           | \$1,477.59         |
| Portable room square footage per student     | 2.7                | 5.5                | 1.2                |
| Capital cost per square foot                 | \$60.00            | \$60.00            | \$60.00            |
| Cost per Student                             | \$160.18           | \$328.21           | \$69.76            |
| Admin Office Cost square footage per student | 2.0                | 2.0                | 2.0                |
| Capital cost per square foot                 | \$226.00           | \$226.00           | \$226.00           |
| Cost per Student                             | \$456.65           | \$456.65           | \$456.65           |
| Admin Shop Cost square footage per student   | 1.2                | 1.2                | 1.2                |
| Capital cost per square foot                 | \$217.00           | \$217.00           | \$217.00           |
| Cost per Student                             | \$252.73           | \$252.73           | \$252.73           |
| Indoor Equipment cost per student            | \$2,225.70         | \$2,225.70         | \$2,225.70         |
| Outdoor Equipment cost per student           | \$297.89           | \$297.89           | \$297.89           |
| Cost per Student                             | \$2,523.59         | \$2,523.59         | \$2,523.59         |
| Consultant Fee Cost per Student              | \$90.23            | \$90.23            | \$90.23            |
| <b>Total Capital Cost per Student</b>        | <b>\$30,232.15</b> | <b>\$39,274.48</b> | <b>\$46,477.41</b> |

Figure 23.B: Option 2 School Impact Fee Variables

**Students per Housing Unit**

| Type                      | Elementary | Middle | High |
|---------------------------|------------|--------|------|
| Single Family Detached    |            |        |      |
| 0-1,500 Square Feet       | 0.17       | 0.07   | 0.10 |
| 1,501-2,500 Square Feet   | 0.22       | 0.09   | 0.13 |
| 2,501-3,500 Square Feet   | 0.26       | 0.11   | 0.15 |
| 3,501 or more Square Feet | 0.29       | 0.12   | 0.17 |
| Duplex/Townhome           | 0.11       | 0.04   | 0.05 |
| Multi-family              | 0.08       | 0.02   | 0.03 |
| Mobile Home               | 0.15       | 0.06   | 0.09 |

**Level of Service Standards**

| Component                                    | Elementary         | Middle             | High               |
|----------------------------------------------|--------------------|--------------------|--------------------|
| School square footage per student            | 109.2              | 146.1              | 171.2              |
| Capital Cost per Square Foot                 | \$230.00           | \$237.00           | \$243.00           |
| <b>Cost per Student</b>                      | <b>\$25,115.44</b> | <b>\$34,635.42</b> | <b>\$41,606.86</b> |
| Acreage per Student                          | 0.04               | 0.03               | 0.05               |
| Capital Cost per Acre                        | \$41,000.00        | \$30,000.00        | \$30,000.00        |
| <b>Cost per Student</b>                      | <b>\$1,633.34</b>  | <b>\$987.66</b>    | <b>\$1,477.59</b>  |
| Portable room square footage per student     | 2.7                | 5.5                | 1.2                |
| Capital cost per square foot                 | \$60.00            | \$60.00            | \$60.00            |
| <b>Cost per Student</b>                      | <b>\$160.18</b>    | <b>\$328.21</b>    | <b>\$69.76</b>     |
| Admin Office Cost square footage per student | 2.0                | 2.0                | 2.0                |
| Capital cost per square foot                 | \$226.00           | \$226.00           | \$226.00           |
| <b>Cost per Student</b>                      | <b>\$456.65</b>    | <b>\$456.65</b>    | <b>\$456.65</b>    |
| Admin Shop Cost square footage per student   | 1.2                | 1.2                | 1.2                |
| Capital cost per square foot                 | \$217.00           | \$217.00           | \$217.00           |
| <b>Cost per Student</b>                      | <b>\$252.73</b>    | <b>\$252.73</b>    | <b>\$252.73</b>    |
| Indoor Equipment cost per student            | \$2,225.70         | \$2,225.70         | \$2,225.70         |
| Outdoor Equipment cost per student           | \$297.89           | \$297.89           | \$297.89           |
| <b>Cost per Student</b>                      | <b>\$2,523.59</b>  | <b>\$2,523.59</b>  | <b>\$2,523.59</b>  |
| Consultant Fee Cost per Student              | \$90.23            | \$90.23            | \$90.23            |
| <b>Total Capital Cost per Student</b>        | <b>\$30,232.15</b> | <b>\$39,274.48</b> | <b>\$46,477.41</b> |

The number of students per housing unit for each grade level is multiplied by the corresponding cost per student for that grade level. This is repeated for all three grade levels. The three cost factors are then added together. The general credit is then deducted from this amount, resulting in the School Impact Fee. This calculation is performed for each type of housing unit.

Figure 24 illustrates this calculation using single family detached under Option 1 as an example.

Figure 24: Example Impact Fee Calculation

|                      | <i>Students per<br/>Housing Unit</i> | <i>Total Capital<br/>Cost per Student</i> | = |          |
|----------------------|--------------------------------------|-------------------------------------------|---|----------|
| Elementary           | 0.18 x                               | \$30,232.15                               | = | \$5,554  |
| Middle               | 0.08 x                               | \$39,274.48                               | = | \$3,210  |
| High                 | 0.11 x                               | \$46,477.41                               | = | \$5,040  |
| Subtotal             |                                      |                                           |   | \$13,805 |
| Minus General Credit |                                      |                                           |   | (\$354)  |
| IMPACT FEE           |                                      |                                           |   | \$13,451 |

Figures 25.A and 25.B list the School Impact Fee amounts for Options 1 and 2.

Figure 25.A: Option 1 School Impact Fees

| <i>Housing Type</i>    | <i>Elementary</i> | <i>Middle</i> | <i>High</i> | <i>All Grades</i> | <i>Credit</i> | <i>TOTAL</i> |
|------------------------|-------------------|---------------|-------------|-------------------|---------------|--------------|
| Single Family Detached | \$5,554           | \$3,210       | \$5,040     | \$13,805          | (\$354)       | \$13,451     |
| Duplex/Townhome        | \$3,326           | \$1,571       | \$2,324     | \$7,220           | (\$367)       | \$6,854      |
| Multi-family           | \$2,419           | \$785         | \$1,394     | \$4,598           | (\$156)       | \$4,442      |
| Mobile Home            | \$4,535           | \$2,356       | \$4,183     | \$11,074          | (\$135)       | \$10,940     |

Figure 25.B: Option 2 School Impact Fees

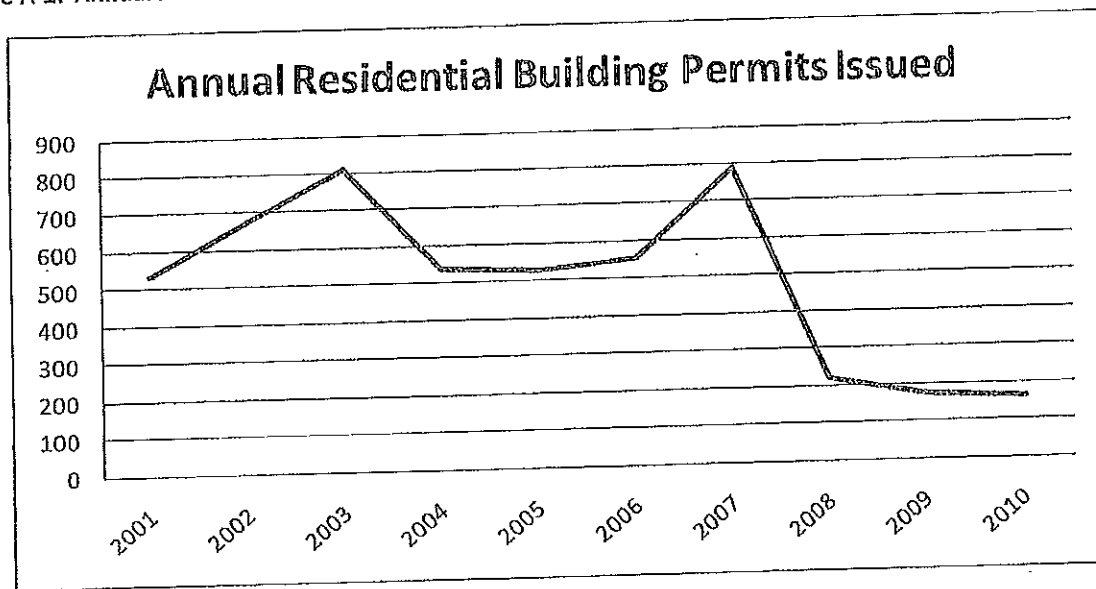
| <i>Housing Type</i>       | <i>Elementary</i> | <i>Middle</i> | <i>High</i> | <i>All Grades</i> | <i>Credit</i> | <i>TOTAL</i> |
|---------------------------|-------------------|---------------|-------------|-------------------|---------------|--------------|
| Single Family Detached    |                   |               |             |                   |               |              |
| 0-1,500 Square Feet       | \$5,102           | \$2,875       | \$4,427     | \$12,405          | (\$237)       | \$12,168     |
| 1,501-2,500 Square Feet   | \$6,762           | \$3,728       | \$6,022     | \$16,513          | (\$337)       | \$16,176     |
| 2,501-3,500 Square Feet   | \$7,856           | \$4,290       | \$7,073     | \$19,219          | (\$466)       | \$18,752     |
| 3,501 or more Square Feet | \$8,673           | \$4,709       | \$7,858     | \$21,240          | (\$590)       | \$20,650     |
| Duplex/Townhome           | \$3,326           | \$1,571       | \$2,324     | \$7,220           | (\$367)       | \$6,854      |
| Multi-family              | \$2,419           | \$785         | \$1,394     | \$4,598           | (\$156)       | \$4,442      |
| Mobile Home               | \$4,535           | \$2,356       | \$4,183     | \$11,074          | (\$135)       | \$10,940     |

## APPENDIX A – DEVELOPMENT PROJECTIONS

TischlerBise has prepared development projections for the purpose of having an understanding of the possible future pace of capacity need, capital expenditures, and impact fee revenues.

Based on data from the U.S. Census Bureau's *Manufacturing, Mining, and Construction Statistics*, Jefferson County has issued 4,988 residential building permits over the last ten years. However, the pace at which these permits have been issued has fluctuated dramatically from year to year. This is especially the case during the economic recession of the last several years. Figure A-1 illustrates these recent trends.

Figure A-1: Annual Residential Building Permits Issued 2001-2010



Given the depths of the recent economic recession and uncertain recovery period, TischlerBise recommends using a conservative growth projection. The County has averaged 186 residential building permits the last three years, of which 75% were for single family housing units with the remaining 25% being for multi-family units. TischlerBise recommends using these figures for short-term residential development projections.

Figure A-2: Residential Development Projection Assumptions

|                                       |            |
|---------------------------------------|------------|
| Average Annual Permits, Last 3 Years* | 186        |
| Single Family *                       | 75.0%      |
| Multi-family*                         | 25.0%      |
| Single Family                         | 139        |
| Multi-family                          | 46         |
| <b>TOTAL</b>                          | <b>186</b> |

\* U.S. Census Bureau, *Manufacturing, Mining, and Construction Statistics*.

Applying the student generation rates to these assumption, results in an additional 58 students per year from new residential development. Figure A-3 projects an additional 928 housing units and 290 students over the next five years.

Figure A-3: Residential Development and Student Projections 2011-2016

|                                   |                        | 2011      | 2012      | 2013      | 2014      | 2015      | TOTAL      |
|-----------------------------------|------------------------|-----------|-----------|-----------|-----------|-----------|------------|
| Projected Housing Units           |                        | 186       | 186       | 186       | 186       | 186       | 928        |
|                                   | <u>Distribution</u>    |           |           |           |           |           |            |
| Single Family                     | 75%                    | 139       | 139       | 139       | 139       | 139       | 696        |
| Multi-family                      | 25%                    | 46        | 46        | 46        | 46        | 46        | 232        |
| <i>Elementary School Students</i> | <u>Pupil Gen. Rate</u> |           |           |           |           |           |            |
| Single Family                     | 0.18                   | 26        | 26        | 26        | 26        | 26        | 128        |
| Multi-family                      | 0.08                   | 4         | 4         | 4         | 4         | 4         | 19         |
| Subtotal                          |                        | 29        | 29        | 29        | 29        | 29        | 146        |
| <i>Middle School Students</i>     | <u>Pupil Gen. Rate</u> |           |           |           |           |           |            |
| Single Family                     | 0.08                   | 11        | 11        | 11        | 11        | 11        | 57         |
| Multi-family                      | 0.02                   | 1         | 1         | 1         | 1         | 1         | 5          |
| Subtotal                          |                        | 12        | 12        | 12        | 12        | 12        | 62         |
| <i>High School Students</i>       | <u>Pupil Gen. Rate</u> |           |           |           |           |           |            |
| Single Family                     | 0.11                   | 15        | 15        | 15        | 15        | 15        | 75         |
| Multi-family                      | 0.03                   | 1         | 1         | 1         | 1         | 1         | 7          |
| Subtotal                          |                        | 16        | 16        | 16        | 16        | 16        | 82         |
| <b>TOTAL STUDENTS</b>             |                        | <b>58</b> | <b>58</b> | <b>58</b> | <b>58</b> | <b>58</b> | <b>290</b> |

## APPENDIX B - CASH FLOW ANALYSIS

Based on the development projections, LOS, and cost factors, the County could collect a total of \$10.4 million of School Impact Fee over the next five years. Over the same time period, new development will require \$10.7 million of capital expenditures in order to maintain the current LOS being provided to existing development. The small annual and cumulative deficits shown at the bottom of Figure B-1 are the result of the general credit for future debt service payments.

Figure B-1: Projected Five Year Cash Flow Analysis for School Impact Fees

|                                       |                         | 2011               | 2012               | 2013               | 2014               | 2015               | TOTAL               |
|---------------------------------------|-------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| <i>Projected Housing Units</i>        |                         |                    |                    |                    |                    |                    |                     |
| Single Family                         |                         | 139                | 139                | 139                | 139                | 139                | 696                 |
| Multi-family                          |                         | 46                 | 46                 | 46                 | 46                 | 46                 | 232                 |
| <i>Impact Fee Revenues</i>            |                         |                    |                    |                    |                    |                    |                     |
|                                       | <u>Impact Fee</u>       |                    |                    |                    |                    |                    |                     |
| Single Family                         | \$13,451                | \$1,872,087        | \$1,872,087        | \$1,872,087        | \$1,872,087        | \$1,872,087        | \$9,360,433         |
| Multi-family                          | \$4,442                 | \$206,093          | \$206,093          | \$206,093          | \$206,093          | \$206,093          | \$1,030,467         |
| <b>TOTAL</b>                          |                         | <b>\$2,078,180</b> | <b>\$2,078,180</b> | <b>\$2,078,180</b> | <b>\$2,078,180</b> | <b>\$2,078,180</b> | <b>\$10,390,900</b> |
| <i>Projected Students</i>             |                         |                    |                    |                    |                    |                    |                     |
| Elementary                            |                         | 29                 | 29                 | 29                 | 29                 | 29                 | 146                 |
| Middle                                |                         | 12                 | 12                 | 12                 | 12                 | 12                 | 62                  |
| High                                  |                         | 16                 | 16                 | 16                 | 16                 | 16                 | 82                  |
| <i>Projected Capital Expenditures</i> |                         |                    |                    |                    |                    |                    |                     |
|                                       | <u>Cost per Student</u> |                    |                    |                    |                    |                    |                     |
| Elementary                            | \$30,232.15             | \$885,247          | \$885,247          | \$885,247          | \$885,247          | \$885,247          | \$4,426,236         |
| Middle                                | \$39,274.48             | \$483,280          | \$483,280          | \$483,280          | \$483,280          | \$483,280          | \$2,416,402         |
| High                                  | \$46,477.41             | \$766,164          | \$766,164          | \$766,164          | \$766,164          | \$766,164          | \$3,830,821         |
| <b>TOTAL</b>                          |                         | <b>\$2,134,692</b> | <b>\$2,134,692</b> | <b>\$2,134,692</b> | <b>\$2,134,692</b> | <b>\$2,134,692</b> | <b>\$10,673,459</b> |
| <b>Annual Surplus/(Deficit)</b>       |                         | <b>(\$56,512)</b>  | <b>(\$56,512)</b>  | <b>(\$56,512)</b>  | <b>(\$56,512)</b>  | <b>(\$56,512)</b>  |                     |
| <b>Cumulative Surplus/(Deficit)</b>   |                         | <b>(\$56,512)</b>  | <b>(\$113,024)</b> | <b>(\$169,535)</b> | <b>(\$226,047)</b> | <b>(\$282,559)</b> |                     |

Note: because the School Impact Fees are calculated using the incremental expansion methodology based on the current inventory of facilities and enrollment, there will be no effect on the amount of the impact fees should these projections change. To the extent these projections change, the amount of impact fee revenues collected and resulting capital needs will change in a corresponding manner. For example, if development occurs at a more rapid pace than projected, additional impact fee revenues will be collected but additional capital expenditures will be needed to meet the demand of new development.

West's Annotated Code of West Virginia  
Chapter 7. County Commissions and Officers  
Article 20. Fees and Expenditures for County Development

W. Va. Code, § 7-20-7a

§ 7-20-7a. Impact fees for affordable housing

Currentness

(a) The Legislature finds that:

- (1) There is a lack of affordable housing in counties that impose impact fees because the cost of the fees along with the economic conditions in those counties has resulted in low and moderate income persons, persons on fixed incomes, the elderly and persons with special needs, not being able to obtain safe, decent and affordable housing;
- (2) A lack of affordable housing affects the ability of a community to develop and maintain strong and stable economies, and impairs the health, stability and self-esteem of individuals and families; and
- (3) Financing affordable housing particularly in high growth counties is becoming increasingly difficult.

For these reasons, it is in the public interest to encourage counties that have imposed impact fees and those considering the imposition of impact fees to fairly assess and discount impact fees so as not to limit safe, decent and affordable housing.

(b) On or before July 1, 2012, a county imposing impact fees shall enact an affordable housing component with a discount impact fees schedule, based upon the new homes value compared to the most recent annual single dwelling residential housing index created in section two-b, article one, chapter eleven of this code, to the county's impact fees ordinance. The impact fees schedule shall be updated annually to reflect the changes to the single dwelling residential housing index.

(c) The affordable housing component shall:

- (1) Take into account all the different types of housing, including single family detached, single family attached, duplex, town house, apartment, condominium and manufactured home; and
- (2) Include a discount for mobile homes, as defined in section one, article one, chapter seventeen-a of this code, based upon the value set out in the National Automobile Dealers Association book.

(d) The county commission shall annually approve, by a majority vote, any increase or decrease in the impact fees schedule.

**Credits**

Acts 2011, c. 33, eff. June 10, 2011.

Current with laws of the 2012 Regular Session and the 2012 First Extraordinary Session effective through March 16, 2012

End of Document

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NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON.COUNTY

The County Commission of Jefferson County will hold a Public Hearing on, at 7:00 p.m. on Thursday, May 31, 2012 in the County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor, 200 East Washington Street, Charles Town, WV25414. The Commission will address a request by developers to extend subdivision approval from 2012 to 2015.

**The purpose of the hearing is for public input for the following amendments/ policy agreement:**

- To extend the validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 from July 1, 2012 until July 1, 2015. Any other plan or permit associated with the subdivision or land development plan or plat would also be extended for the same time period.

-To extend until July 1, 2015 the requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010. This provision would apply to all special and conditional use permits or any other agreement or zoning action.

- To determine whether the time extensions, if approved by the County Commission, should be adopted through an amendment, resolution, or agreement.

A copy of the request being considered can be found on the Jefferson County Commission's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

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

A decision will be made at a later date.

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

## Sandy McDonald

---

**From:** Debbie Keyser [dkeyser@jeffersoncountywv.org]  
**Sent:** Thursday, May 24, 2012 11:48 AM  
**To:** 'Sandy McDonald'; 'Lyn Widmyer'  
**Subject:** May 31st Public Hearing

Lyn, I understand the wording for the Public Hearing Notice was provided to Nichelle by the Planning Department. Sandy will post the following to our website:

The public hearing will ***“address a request by developers to extend subdivision approval from 2012 to 2015”***.

Debbie

## NOTICE OF PUBLIC HEARING

### COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a Public Hearing on, at 7:00 p. m. on Thursday, May 31, 2012 in the County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor, 200 East Washington Street, Charles Town, WV 25414.

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- To extend until July 1, 2015 the requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010. This provision would apply to all special and conditional use permits or any other agreement or zoning action.

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

A decision will be made at a later date.

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

Class 2 legal

jefferson county citizens for economic preservation  
J C C E P  
JCCEP, 301 North Mildred Street, Suite 1, Charles Town, WV 25414

---

April 12, 2012

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

Dear President Noland:

On behalf of Jefferson County Citizens for Economic Preservation (JCCEP), we are writing to request the Jefferson County Commission's consideration and passage of an amendment to the Jefferson County *Subdivision Regulations*.

For your information, JCCEP's Mission Statement is:

*"Established August 3, 1992, Jefferson County Citizens for Economic Preservation (JCCEP) is a forward-thinking, nonprofit corporation comprised of residential and commercial land developers, builders, and related service providers to the industry. JCCEP exists to improve the quality of life in Jefferson County through the promotion of our core values consisting of:*

- 1. Economic growth;*
- 2. Responsible and quality land development and construction; and*
- 3. Reasonable regulations.*

*JCCEP represents its members in achieving these basic core values by upholding the following business practices:*

- To inform the public to understand and appreciate the importance of residential, office and commercial land development and construction, its positive benefit on the local economy, and those who provide these services;*
- To advocate professional, ethical, and best business practices of our membership when interacting with the public and regulatory agencies;*
- To strive for a balance between local legislative, regulatory, and judicial public policy and our membership's needs by fostering reasonable and just regulations;*
- To establish and maintain a harmonious relationship and understanding among our membership, the general public, regulatory agencies, and consumers of our members' services, while aiming to mutually resolve problems affecting the general welfare of our industry.*

(emphasis added).

Several of JCCEP's members are land developers and builders of quality developments within Jefferson County. However, given the continued severe economic downturn in the Country which continues to adversely affect many of our members in the development and building industry, we are continually faced with hardships in our businesses that we must overcome to

stay financially sound, so that we may continue to provide quality products and services to the good citizens of Jefferson County. One of the most prevalent issues several of our members face is the expiration of land development entitlement approvals, primarily related to Preliminary Plans, Site Plans, etc. The expiration of plan approvals will cause dramatic financial hardship in the event of their expiration, due to the need to re-process plans, possibly causing increased costs, time, and efforts to achieve new plan approvals that will likely require significant design changes to comply with changed regulations enacted since the date of prior approvals under previous regulations. These changes can range from total development character design and layout changes caused by the adoption of the current *Subdivision Regulations* that have significantly and detrimentally changed since the time of many prior approvals, advanced environmental permitting requirements, and other State and Federal regulatory requirements. This is not to say the prior approvals are "more lax" than current regulations; one must understand current approvals fully meet the approval and permitting requirements at the time of their approval, and should be allowed to continue under prior approvals. This is a basic tenet of obtaining an entitlement for land development, and should not be minimized.

It is important to understand that although land developers, like any other businesses, strive for a profit from their efforts; however, they also routinely incur significant financial risks in their business. Therefore, an assurance for maintenance of approvals is monumentally important to assure the financial viability and success of the business, as well as provide a needed public service: that of business development and growth through land development and construction opportunities. Some comments reinforcing this importance from our members concerned about the expiration of approvals include the following anecdotes:

*"...the economic conditions which gave rise to this legislation in 2010 have persisted, if not worsened, especially in Jefferson County. For example, we only sold 3 new homes in the last 5 years in our project there.*

*Extending the sunset date helps those who have expended thousands (if not millions in our case) of dollars to obtain entitlements, especially for all activities leading up to and including obtaining approvals for Preliminary Plans, to assure their efforts won't be "extinguished" if the date expires in 2012. The consequences of not changing the date would be to start the entitlement process all over again at great time and expense, to only achieve the same result, or worse, be subjected to more stringent and costly regulations."*

And also:

*"...we have been involved in real estate development for 23 years. Personally, I have been involved in development for 40 years. During that period, I have not experienced a period with such financially devastating effects on the value of real estate, nor have I seen demand for real estate fall so far for such a lengthy period. We are not yet starting a healthy real estate recovery, especially in the West Virginia panhandle!*

*We need assistance to extend our project approvals, and the State needs to encourage investments in real estate by professionals. Our project (in Jefferson County) has required us to invest millions of dollars to get to our current point. If we do not vest our approvals, much of this will be at risk. Whatever the State of West Virginia can do to assist will be helpful."*

To assist the County Commission's consideration of this request, we note the following:

- The enabling legislation for the County Commission's authority to deliberate and approve amendments to the Subdivision Regulations is within West Virginia State Code §8A-4-3:

**§8A-4-3. Enactment of subdivision and land development ordinance.**  
*(a) Before a governing body enacts a subdivision and land development ordinance, the governing body shall hold at least one public hearing and give public notice.*

*(b) The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least thirty days prior to the public hearing. The public notice must contain a brief summary of the principal provisions of the proposed subdivision and land development ordinance and a reference to the place or places where copies of the proposed subdivision and land development ordinance may be examined.*

*(c) After the public hearing, if the governing body makes other than technical amendments to the proposed subdivision and land development ordinance prior to voting on it, the governing body shall hold another public hearing and give public notice. The public notice shall be as provided in subsection (b) of this section, and must contain a brief summary of the amendments.*

(emphasis added).

- The current provisions for plan approval expirations appear in two codified locations:

1. West Virginia State Code §8A-5-12 (f):

*(f) Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the planning commission or county commission's local ordinance or for a longer period as agreed to by the planning commission or county commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period: Provided, That the land development plan or plat has received at least preliminary approval by the planning commission or county commission by March 1, 2010.*

and also in:

2. The *Subdivision Regulations*, Article 20, Section 20.105 D.1 & 2:

*1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to*

*a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.*

*2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the Planning Commission or County Commission's local ordinance or for a longer period as agreed to by the Planning Commission or County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. Provided, that the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.*

(emphasis added).

Note that although both codes contain a provision "...or for a longer period as agreed to by the Planning Commission or County Commission...", under §8A-4-3, the enabling legislation clearly directs the County Commissioners as the County's "governing body" and therefore the decision-makers in this process.

Recently, several members of JCCEP were actively engaged in the attempts for passage of Senate Bill 540, which would have extended the approvals in §8A-5-12 (f) to July 1, 2015. Because the legislative session ran out of time, we now must seek relief of the current "sunset" expiration date of July 1, 2012, via the County Commissioners through a simple amendment to the current *Subdivision Regulations*, Article 20, Section 20.105 D.1 & 2 as highlighted below:

*1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 201215, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.*

*2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 201215, or such later date provided for by the terms of the Planning Commission or County Commission's local ordinance or for a longer period as agreed to by the Planning Commission or County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. Provided, that the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.*

President Patsy Noland  
April 12, 2012  
Page 5 of 5

Based on the preceding, we respectfully request the County Commission approve JCCEP's request to amend the *Subdivision Regulations* as identified above, in an expeditious fashion prior to the July 1, 2012 sunset expiration. Please feel free to call me at (301) 695-6614 x204 or email [mike.wiley@wormald.com](mailto:mike.wiley@wormald.com) anytime if you have any questions or concerns, and we look forward to your support.

Sincerely,  
JCCEP



Michael T. Wiley  
President

*MTW/mtw/W:\EMPLOYEESMike\JCCEP\LTR - Noland Subdiv Reg Amendment 04-10-2012.docx*

cc: Jefferson County Commissioners:  
Dale Manuel, Vice President  
Walt Pellish, Commissioner  
Frances Morgan, Commissioner  
Lyn Widmyer, Commissioner  
Stephanie Grove, Esq.  
JCCEP Board of Directors  
EPHBA Board of Directors

May 14, 2012

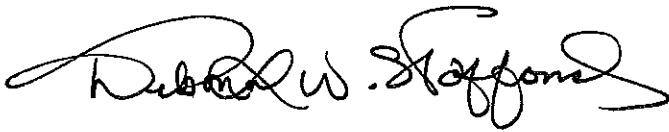
Debbie Stellato  
Administrative Assistant  
Jefferson County Commissioners  
P.O. Box 250  
124 E. Washington Street  
Charles Town, WV 25414

Dear Debbie,

Thank you so much for your help in reserving the auditorium for my Summer Reading Program. Just to confirm, I have these dates reserved on my calendar: June 13, 20, & 27, July 11, 18, & 25, August 1 & 8. My program is from 2 to 3, so I believe I reserved the room from 1-4 to allow for set-up and clean-up on these days. If this is not correct, please call me as soon as possible (304-725-2208).

I appreciate the help that you have given me with this. I look forward to working with you for many years to come.

Sincerely,



Debbie Stafford  
Children's Library Assistant  
Charles Town Library  
[octlchildrenservices@frontier.com](mailto:octlchildrenservices@frontier.com)  
304-725-2208

RECEIVED

MAY 17 2012

Jefferson County Commission

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

| Week Ending Date                                         | Week Ending<br>May 5, 2012 |
|----------------------------------------------------------|----------------------------|
| <b>To be Deposited on:</b>                               | May 14, 2012               |
| <b>Amount Played</b>                                     | <b>83,728,042.91</b>       |
| <b>Amount Won</b>                                        | <b>75,149,525.80</b>       |
| <b>Amount Promo</b>                                      | <b>287,364.00</b>          |
| <b>MWAP Contribution</b>                                 | <b><u>6,164.54</u></b>     |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>8,284,988.57</u></b> |
| <b>Administrative Costs @ 4%</b>                         | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 4%</b>                          | <b>331,399.54</b>          |
| <b>Net Terminal Revenue</b>                              | <b><u>7,953,589.03</u></b> |
| <b>Surcharge @ 10%</b>                                   | <b>795,358.90</b>          |
| <b>State Share Excess @ 58%</b>                          | <b>461,308.16</b>          |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>334,050.74</b>          |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i>   | \$ 320,688.71              |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | \$ 13,362.03               |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>7,158,230.13</u></b> |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>3,006,456.65</b>        |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>2,934,874.37</b>        |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>572,658.41</b>          |
| <b>Workers' Compensation Debt Reduction @ 7% / 0%</b>    | <b>0.00</b>                |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>35,791.15</b>           |
| <b>Greyhound Development @ .75%</b>                      | <b>53,686.73</b>           |
| <b>Thoroughbred Development @ .75%</b>                   | <b>53,686.73</b>           |
| <b>Racing Commission @ 1%</b>                            | <b>71,582.30</b>           |
| <b>County/Municipality @ 2%</b>                          | <b>143,164.60</b>          |
| <b>3% Funds:</b>                                         |                            |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>98,425.66</b>           |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>26,843.36</b>           |
| <b>Research Challenge Fund @ .5%</b>                     | <b>35,791.15</b>           |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | <b>49,212.83</b>           |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>4,473.89</b>            |
| <b>1% Funds:</b>                                         |                            |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>0.00</b>                |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>0.00</b>                |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>71,582.30</u></b>    |
|                                                          | <b><u>7,158,230.13</u></b> |

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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RANSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|---------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>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                 |
| 05/05/12                              | \$ 143,164.60                | \$ 71,582.30              | \$ 71,582.30         | \$ 5,862.59      | \$ 29,491.91              | \$ 1,603.44               | \$ 24,896.32     | \$ 9,728.04                 |
| Subtotal                              | \$ 6,290,054.88              | \$ 3,601,059.16           | \$ 2,688,995.72      | \$ 220,228.74    | \$ 1,107,866.20           | \$ 60,233.52              | \$ 935,232.73    | \$ 365,434.53               |

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 | 5/5/2012          | 71,582.30 |
| 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 |                   |           |
| <b>TOTALS 4403564.04</b> |           | <b>4041141.56</b> |           | <b>4016541.01</b> |           | <b>3601059.38</b> |           |

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       |
| <b>Total 2010-2011</b> | <b>1297391.7</b> |

| 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        |
| April, 2012            | 127,862.26        |
| <b>Total 2011-2012</b> | <b>1335760.33</b> |

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

| Week Ending Date                                         | Week Ending<br>May 12, 2012 |
|----------------------------------------------------------|-----------------------------|
| <b>To be Deposited on:</b>                               | May 18, 2012                |
| <b>Amount Played</b>                                     | 76,142,525.33               |
| <b>Amount Won</b>                                        | 68,587,287.27               |
| <b>Amount Promo</b>                                      | 216,279.00                  |
| <b>MWAP Contribution</b>                                 | <u>5,867.62</u>             |
| <b>Adjusted Gross Terminal Revenue</b>                   | <u>7,333,091.44</u>         |
| <b>Administrative Costs @ 4%</b>                         | 0.00                        |
| <b>Excess Lottery Fund @ 4%</b>                          | 293,323.65                  |
| <b>Net Terminal Revenue</b>                              | <u>7,039,767.79</u>         |
| <b>Surcharge @ 10%</b>                                   | 703,976.78                  |
| <b>State Share Excess @ 58%</b>                          | 408,306.53                  |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | 295,670.25                  |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i>   | \$ 283,843.44               |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | \$ 11,826.81                |
| <b>Adjusted Net Terminal Revenue</b>                     | <u>6,335,791.01</u>         |
| <b>Racetrack @ 46.50% / 42%</b>                          | 2,661,032.22                |
| <b>Lottery Fund @ 30% / 0%</b>                           | 0.00                        |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | 2,597,674.27                |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | 506,863.28                  |
| <b>Workers' Compensation Debt Reduction @ 7% / 0%</b>    | 0.00                        |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | 31,678.96                   |
| <b>Greyhound Development @ .75%</b>                      | 47,518.43                   |
| <b>Thoroughbred Development @ .75%</b>                   | 47,518.43                   |
| <b>Racing Commission @ 1%</b>                            | 63,357.92                   |
| <b>County/Municipality @ 2%</b>                          | 126,715.84                  |
| <b>3% Funds:</b>                                         |                             |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | 87,117.13                   |
| <b>Development Office Promotion Fund @ .375%</b>         | 23,759.22                   |
| <b>Research Challenge Fund @ .5%</b>                     | 31,678.96                   |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | 43,558.56                   |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | 3,959.87                    |
| <b>1% Funds:</b>                                         |                             |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | 0.00                        |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | 0.00                        |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <u>63,357.92</u>            |
|                                                          | <u>6,335,791.01</u>         |

WEST VIRGINIA LOTTERY

First Benchmark

Charles Town

County / City Split

Fiscal Year 2012

Charles Town  
 1999 Net Terminal Revenue \$ 45,603,174  
 Benchmark Goal @ 2% \$ 912,083.48

| DATE                                  | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RANSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|---------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>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                 |
| 05/05/12                              | \$ 143,164.60                | \$ 71,582.30              | \$ 71,582.30         | \$ 5,862.59      | \$ 29,491.91              | \$ 1,603.44               | \$ 24,896.32     | \$ 9,728.04                 |
| 05/12/12                              | \$ 126,715.84                | \$ 63,357.92              | \$ 63,357.92         | \$ 5,189.01      | \$ 26,103.46              | \$ 1,419.22               | \$ 22,035.89     | \$ 8,610.34                 |
| Subtotal                              | \$ 6,416,770.72              | \$ 3,664,417.08           | \$ 2,752,353.64      | \$ 225,417.75    | \$ 1,133,969.66           | \$ 61,652.74              | \$ 957,268.62    | \$ 374,044.87               |

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         | 74,244.22 |
| 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 | 5/5/2012          | 71,582.30 |
| 5/16/2009                | 71,925.70 | 5/15/2010         | 70,186.32 | 5/14/2011         | 66,699.76 | 5/12/2012         | 63,357.92 |
| 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 |                   |           |
| <b>TOTALS 4403564.04</b> |           | <b>4041141.56</b> |           | <b>4016541.01</b> |           | <b>3664417.08</b> |           |

Table Game Revenue

| <b>Date</b>            | <b>Amount</b>    |
|------------------------|------------------|
| 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       |
| <b>Total 2010-2011</b> | <b>1297391.7</b> |

| <b>Date</b>            | <b>Amount</b>     |
|------------------------|-------------------|
| 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        |
| April, 2012            | 127,862.26        |
| <b>Total 2011-2012</b> | <b>1335760.33</b> |

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

| Week Ending Date                                  | Week Ending<br>May 19, 2012 |
|---------------------------------------------------|-----------------------------|
| <b>To be Deposited on:</b>                        | May 25, 2012                |
| Amount Played                                     | 89,535,813.34               |
| Amount Won                                        | 80,099,254.51               |
| Amount Promo                                      | 289,363.00                  |
| MWAP Contribution                                 | <u>5,488.30</u>             |
| <b>Adjusted Gross Terminal Revenue</b>            | <b><u>9,141,707.53</u></b>  |
| Administrative Costs @ 4%                         | 0.00                        |
| Excess Lottery Fund @ 4%                          | 365,668.29                  |
| <b>Net Terminal Revenue</b>                       | <b><u>8,776,039.24</u></b>  |
| Surcharge @ 10%                                   | 877,603.93                  |
| State Share Excess @ 58%                          | 509,010.28                  |
| Track Share of Capital Reinvestment @ 42%         | 368,593.65                  |
| Track Share of Capital Reinvestment @ 42% - 96%   | \$ 353,849.90               |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ 14,743.75                |
| <b>Adjusted Net Terminal Revenue</b>              | <b><u>7,898,435.31</u></b>  |
| Racetrack @ 46.50% / 42%                          | 3,317,342.83                |
| Lottery Fund @ 30% / 0%                           | 0.00                        |
| Excess Lottery Fund @ 0% / 41%                    | 3,238,358.46                |
| Race Track Purses @ 7% / 14% / 8%                 | 631,874.82                  |
| Workers' Compensation Debt Reduction @ 7% / 0%    | 0.00                        |
| Employee Pension Fund @ 1% / .5%                  | 39,492.18                   |
| Greyhound Development @ .75%                      | 59,238.26                   |
| Thoroughbred Development @ .75%                   | 59,238.26                   |
| Racing Commission @ 1%                            | 78,984.36                   |
| County/Municipality @ 2%                          | 157,968.72                  |
| <b>3% Funds:</b>                                  |                             |
| Tourism Promotion Fund @ 1.375%                   | 108,603.49                  |
| Development Office Promotion Fund @ .375%         | 29,619.13                   |
| Research Challenge Fund @ .5%                     | 39,492.18                   |
| Capitol Renovation and Improvement Fund @ .6875%  | 54,301.74                   |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 4,936.52                    |
| <b>1% Funds:</b>                                  |                             |
| State Capitol Complex Parking Garage @ 1%         | 0.00                        |
| Cultural Facilities and Capitol Resources @ .5%   | 0.00                        |
| Capitol Dome and Capitol Improvements @ .5% / 1%  | <u>78,984.36</u>            |
|                                                   | <b><u>7,898,435.31</u></b>  |

**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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RAMSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|-------------------------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>7/1/2011 - 7/2/2011<br>Week Ending: | \$ 69,824.12                 | \$ 69,824.12              | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 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                 |
| 05/05/12                                              | \$ 143,164.60                | \$ 71,582.30              | \$ 71,582.30         | \$ 5,862.59      | \$ 29,491.91              | \$ 1,603.44               | \$ 24,896.32     | \$ 9,728.04                 |
| 05/12/12                                              | \$ 126,715.84                | \$ 63,357.92              | \$ 63,357.92         | \$ 5,189.01      | \$ 26,103.46              | \$ 1,419.22               | \$ 22,035.89     | \$ 8,610.34                 |
| 05/19/12                                              | \$ 157,968.72                | \$ 78,984.36              | \$ 78,984.36         | \$ 6,468.82      | \$ 32,541.56              | \$ 1,769.25               | \$ 27,470.76     | \$ 10,733.97                |
| Subtotal                                              | \$ 6,574,739.44              | \$ 3,743,401.44           | \$ 2,831,338.00      | \$ 231,886.57    | \$ 1,166,511.22           | \$ 63,421.99              | \$ 984,739.38    | \$ 384,778.84               |

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     | 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 | 74,244.22 |
| 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 | 5/5/2012  | 71,582.30 |
| 5/16/2009     | 71,925.70 | 5/15/2010 | 70,186.32 | 5/14/2011 | 66,699.76 | 5/12/2012 | 63,357.92 |
| 5/23/2009     | 81,395.43 | 5/22/2010 | 64,695.71 | 5/21/2011 | 63,210.44 | 5/19/2012 | 78,984.36 |
| 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

3743401.44

Table Game Revenue

| <b>Date</b>            | <b>Amount</b>    |
|------------------------|------------------|
| 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       |
| <b>Total 2010-2011</b> | <b>1297391.7</b> |

| <b>Date</b>            | <b>Amount</b>     |
|------------------------|-------------------|
| 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        |
| April, 2012            | 127,862.26        |
| <b>Total 2011-2012</b> | <b>1335760.33</b> |



Shay McNeil  
Extension Agent 4-H Youth Development  
Jefferson County

May & June 2012

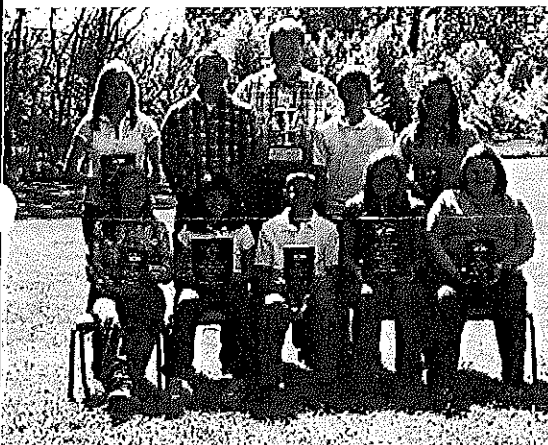
# Jefferson County 4-H Report

**CONTACT US:**

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FAX: 304.728.4101  
[jefferson.ext.wvu.edu/](http://jefferson.ext.wvu.edu/)

## Jefferson County Livestock Judging Teams Excel at West Virginia 2012 Beef Expo!

The results of the 2012 West Virginia Beef Expo Stockman's Contest which was held on April 13<sup>th</sup> at WVU Jackson's Mill saw the Jefferson County Senior Livestock Judging Team take first place among all 68 teams from across West Virginia. Our Junior Livestock Judging Team placed third out of 28 teams. **Amanda Smith** placed 1<sup>st</sup> individually, **Miranda Dodson** placed 6<sup>th</sup>, out of 235 in the Senior Division ages. **Molly Ott** placed 6<sup>th</sup>, **McKayla Dodson** 8<sup>th</sup> out of 102 participants in the Junior Division ages 9-13. *Thank you to Mark Hostuttler for devoting his time and passing on his expertise to the teams.*



Front row: (L/R) Shelby Silveous, Emily Hott, Blake Cogle, McKayla Dodson and Molly Ott  
Back row (L/R) Amanda Smith, Austin Cogle, Mark Hostuttler (coach), Matt Hott and Miranda Dodson.



Senior Team  
Front row: (L/R) Amanda Smith, Austin Cogle, Miranda Dodson with Coach Mark Hostuttler



Junior Team  
Front row: (L/R) Molly Ott, Emily Hott, McKayla Dodson, Shelby Silveous  
Back row: (L/R) Blake Cogle and Matt Hott



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Extension Service



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@Jefferson\_WV\_4H

### What's Inside:

|                      |                               |                         |
|----------------------|-------------------------------|-------------------------|
| 2 Calendar of Events | 3 Project Books               | 3 It's Showtime!        |
| 2 Leaders' Picnic    | 3 Outspoken for 4-H Bike Ride | 4 Tri-County Older Camp |
| 2 Farm Day           | 3 Spring Arts & Crafts        | Insert Club News        |
| 2 State Camp         | 3 Easter Egg Hunt             |                         |

| May   |                                                              |
|-------|--------------------------------------------------------------|
| 15-20 | Extension Camping Instructor (ECI) Training, Jackson's Mill  |
| 15    | Bud Day Teen Counselor applications due to Extension Office. |
| 19    | Tri-County Camp Counselors Training, Camp Frame              |
| 19    | Tri-County Camper orientation, 2-3 p.m., Camp Frame          |
| 19    | Camp Frame Chicken BBQ, 3-7 p.m.                             |
| 22    | Camp Frame Board Meeting, 7 p.m., Camp Frame                 |
| 23    | Alpha I & Alpha II registrations due to Extension Office     |
| 25    | Charting Books due to Extension Office                       |

| June<br>Projects due to Club Leader |                                                                   |
|-------------------------------------|-------------------------------------------------------------------|
| 2                                   | Bud Day, 1 to 5 p.m., Camp Frame                                  |
| 5                                   | 4-H Leaders' Picnic, 6 p.m., Jefferson County Fairgrounds         |
| 7                                   | Energy Express first day for Site Team, Ranson Elementary         |
| 8-10                                | Arts & Crafts Festival                                            |
| 11-13                               | Energy Express Site team training, West Virginia Wesleyan         |
| 11-15                               | Tri-County Younger Camp, Camp Frame                               |
| 11-16                               | Conservation Camp, Camp Ceasar, Webster Co.                       |
| 16                                  | Farm Day                                                          |
| 14-17                               | Outspoken for 4-H Bike Ride                                       |
| 17-23                               | OMC (Older Members Conference), Jackson's Mill                    |
| 18-22                               | Tri-County Intermediate Camp, Camp Frame                          |
| 18                                  | Energy Express Program begins, Ranson Elementary (Readers needed) |
| 25-29                               | Tri-County Older Camp, Camp Frame                                 |

| July  |                                                                        |
|-------|------------------------------------------------------------------------|
| 2     | State 4-H Days registrations due to Extension Office                   |
| 1-7   | Citizens Washington Focus                                              |
| 10    | State Fair Livestock entries due                                       |
| 10-15 | Alpha I, Jackson's Mill                                                |
| 11-15 | Science, Technology, Engineering, and Math Forum, Jackson's Mill       |
| 17-22 | Alpha II, Jackson's Mill                                               |
| 20    | VLW (Volunteer Leaders Weekend) registrations due to Extension Office  |
| 19    | State 4-H Livestock Judging Contest, Land Judging, Homesite Evaluation |
| 25    | State Poultry Judging Contest                                          |
| 26-28 | State 4-H Judging Days, Morgantown                                     |
| 26    | State 4-H Horticulture Judging Contest & Dog Skillathon, WVU           |

## June 4-H Leaders Picnic

This year's picnic will be held on June 5th at the Jefferson County Fairgrounds. The picnic will proceed rain or shine and starts at 6:00 p.m., eat at 6:15 p.m. Families welcomed! Meat, drinks and utensils will be provided. Those attending with their last name starting with a letter A thru I should bring a salad, those who are J thru Q should bring a dessert and R thru Z should bring a vegetable.



Questions call  
Clara Carroll 304-725-7368

## Farm Day



June 16th - 10 a.m - 5 p.m  
Bloomery Plantation Distillery  
Charles Town Farmers Market  
Ridgefield Farm & Orchard  
Coleswood Farm

Brochures available at Jefferson County Extension Office, banks, libraries, also at [Jeffersonfarms.org](http://Jeffersonfarms.org)

## Jackson's Mill State Camp

ALPHA I - July 8-13  
ALPHA II - July 15-20  
Jackson's Mill

**Deadline to Extension Office  
Extended: May 23**

*Additional tracks:*

- ▶ Operation Military Kids Speak Out
- ▶ Babysitting Certification
- ▶ Science, Technology, Engineering, & Math

Special state & county scholarships offered.  
Call the Extension Office for details:  
304/728-7413

## Jefferson County Fair August 21-27



# Club News

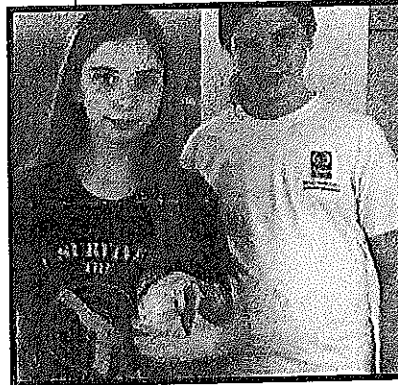
The **Kabletown Mountaineers 4-H Club** met on March 11th at the Kabletown Methodist Church. There were 9 members and 5 guests present. **Julia Lopez** took roll call and gave the Secretary's Report. **Olivia Ware** gave the Treasurer's report. A health and safety report was given by **Sophie Runion**. A demonstration on *Honeybees & Hives* was given by **Matt Ware**. Other items discussed were project books, clean up day at the Church for community service, and 4-H camp forms. The Clover Buds decorated flower pots and planted seeds. Reported by **Isabella Goins** Club Leaders are **Wes & Jessica Ware**

The April meeting of the **Dolly Madison 4-H Club** was held at the Extension Office. Club members worked on their health books and learned about healthy drinks for healthy teeth. We learned how to read labels on different drink bottles to make sure we were making healthy choices. We also worked on our project books and we talked about "It's Showtime." There were several different acts which were enjoyed by all. I reported that it was a fun evening for all present. The clover buds learned about botany and the history of flowers. Each bud received a print out about plants and painted rocks and bricks for their gardens. They also decorated a flower pot and planted a flower bulb to take home. Reported by **Eleanor Puster**  
Club Leader is **Harry Puster** Cloverbud Leader is **Linda Puster**

Several members of the **Shenandoah Shamrocks 4-H Club** have excelled in 4-H events and competitions during March and April. In March, several members participated in the County Round-up and took honors. Most recently, several members also participated in the 2012 Beef Expo. A contest was held to design the Club's advertisement for the 2012 Jefferson County Fair program. The Club voted the ad designed by **Ksusha Lowry-Neufeld** as the winning entry. As part of the Club's community involvement, members collected personal hygiene items for the guests of the Hospitality Center. In April club members participated in a fundraiser at the Media Farm Barrel Racing Competition Proceeds from the sales of refreshments will support the Club's community outreach activities. Finally in April, 2 members



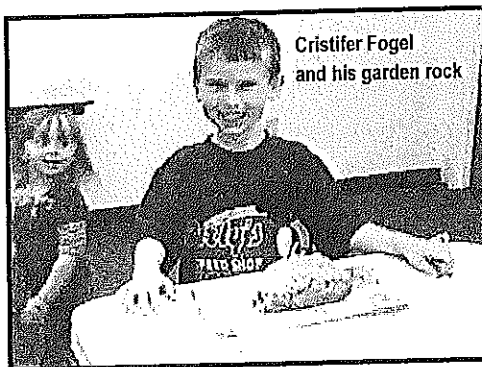
Hailey Owens  
decorating her  
flower pot



Samantha & Tamarra Legowik gave their presentation on *Chickens*

participated in the "It's Showtime" county wide talent show. Members who gave their visual presentations in March and April were: **Sean Corum**, *Different Types of Goats*, **Mary DeWees**, *Tattooing a Rabbit*, **Benjamin Foster**, *Puerto Rico*, **Madeline Foster**, *Good Aquarium Starter Fish*, **Matt Hott**, *Trapping*.

Reported by **Ksusha Lowry-Neufeld** Club Leader is **Barbara Dodson**



Cristifer Fogel  
and his garden rock

The **Evergreen 4-H Club** celebrated Arbor Day by planting two azalea bushes at Grace Church in Kearneysville where they hold their meetings. Prior to the planting they held a demonstration day and then they made their own ice cream Sundae's. At their May meeting the club members strutted their stuff with a fashion parade made from recycled materials. There was an array of ideas, a dress worn by **Kayla Welsh** made from trash bags, shoes from English muffin boxes, a hat from milk jug and others. It was a lot of fun. Reported by **Kayla Welsh** Club Leaders are **Pam Smith & Toni Milbourne**

The regular meeting of the **Summit Point Busy Bees 4-H Club** was held on February 15th at South Jefferson Elementary School. The meeting was called to order by **Ben Harrison**, president, at approximately 7 p.m.. Roll call was answered by members. Minutes from the previous meeting were read and approved. Treasurer's report was given. **Joshua Shupe**, **Keith Daily**, and **Spencer Daily** gave a report on the Christmas Parade. **Ben Harrison**, **Spencer Daily**, and **Keith Daily** gave a report on the Senior Dinner. **Keith Daily**, **Spencer Daily**, and **Franco Posa** gave a report on the Club Visual/County Round Up. Leader's Report was given by **Ms. Loretta Shade**. **Jeff Brandenburg** gave a report on the CASA River Century Bike Ride. **Jonathan Wall** moved to make a motion to help with the bike ride, and **Joshua Shupe** seconded the motion. **Franco Posa** moved to make a motion to adjourn the meeting, **Elizabeth Stover** seconded the motion. Reported by **Jessica Wall** Club Leader is **Loretta Shade**

# Project Books



- ① Finish your project book(s). If you are not going to complete a project, let your club leader know as soon as possible.
- ② Your Clover Guide lists in detail what is expected for each project.
- ③ Turn your **COMPLETED** project book and animal record guide (if applicable) into your leader in June. **Keep your required exhibit until August 20th and enter it in the fair with your exhibitor number at the 4-H building.**
- ④ If you are completing an animal project (beef, dairy, sheep, goat, rabbit, poultry, cat, dog or pet) without an animal exhibit (never had or animal died), please contact the Extension Office as soon as possible. Scoring points need to be adjusted and graders informed.
- ⑤ Leaders, turn your club's project books and record guides (if applicable) into the Extension Office before July 22nd.

# It's Showtime

Participating clubs: \_\_\_\_\_

Country Clovers, Yahoo Buckaroos,  
Shenandoah Shamrocks, Evergreen,  
Black Bears, Cohongoruton, Happy H'ers,  
Summit Point Busy Bees

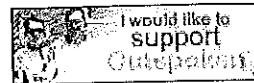
Special thanks go to **Jeremy Creamer** and **Austin Cogle** for filling in as curtain techs, **Paige Conrad** our Emcee, and **Deanna Thorsell** for taking photographs of this entertaining event.

## Outspoken for 4-H Bike Ride



The Ninth Annual 250-mile Bicycle Ride for 4-H will be held **June 14 - 17, 2012.**

This year there is an opportunity to *Sponsor-a-Rider* by completing a donation form that can be located at [development.ext.wvu.edu/](http://development.ext.wvu.edu/) All inquiries can be directed to James Grantham via email at: [outspokenfor4h@gmail.com](mailto:outspokenfor4h@gmail.com)



## Spring Arts & Crafts Festival June 8, 9, 10

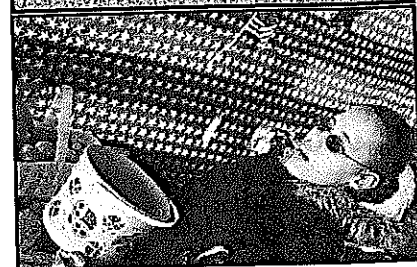
Jefferson County

4-H Leaders will again be handling the entry gates. 2 shifts a day: 9:30 a.m. - 1 p.m. & 1 p.m. - 4:30 p.m. A percentage of the funds at the gate will go to financing youth development opportunities for Jefferson County 4-H members. Your help is needed.

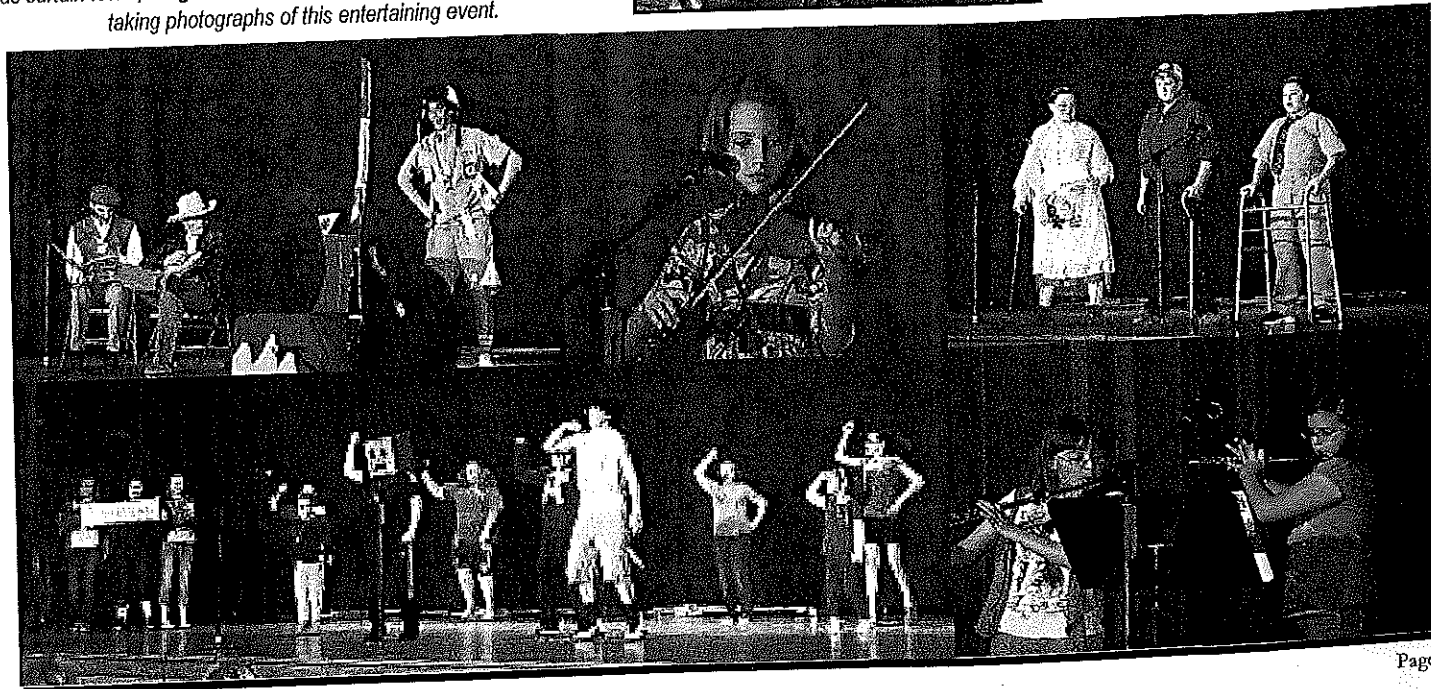
Contact **Denver Hipp** to volunteer at 304/260-9435 or [denver.hipp@afsb.com](mailto:denver.hipp@afsb.com)

## Easter Egg Hunt

Saddles & Smiles 4-H Club once again hosted an Easter Egg Hunt at the Jefferson County Fairgrounds. They would like to extend a big "Thank you" to everyone who helped make the Egg Hunt a huge success. *Special thanks go to Sal Barahona and to Alex Owens.*

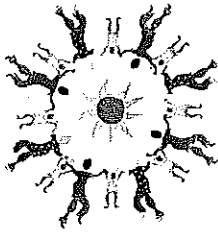


Pictures: Top: Sal Barahona hiding eggs  
Bottom: Jordan Liskey hunting eggs



**"It only takes a spark..."**

*Still thinking about whether or not to come to 4-H camp?*



It won't be the same without your spark. Slots are still available for Tri-County Older 4-H Camp, June 25th through the 29th at Camp Frame. **Get your registrations in today!** Member scholarship deadline has been extended to May 31st. Other scholarships available.

Call the Extension Office for details. 304/728-7413 ext. 1

### Come Join us for a Seuss-i-camp at Tri County Older!

We'll have the usual stuff like Council Circle, Capture the Flag, Camp Classes, lots of singing, and those other 4-H traditions you've grown to love. Come check out the new stuff too and see what we do with our Dr. Seuss theme. The well known author put it well when he wrote, "A person's a person no matter how small..." and that especially goes for your participation at camp.

**Calling all Clover Buds**

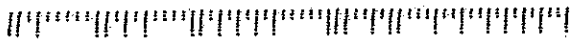
### Bud Day

**June 2nd, Camp Frame  
12:30 - 4:30 p.m.**

This year the theme will have clover buds going **"DOWN UNDER"**



Applications can be found at [jefferson.ext.wvu.edu/](http://jefferson.ext.wvu.edu/) or the Extension Office



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# 4-H Newsletter May & June

County Administrator  
P.O. Box 250  
Charles Town, WV 25414

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May 15, 2012

The Honorable Patsy Noland  
President  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

Dear Commissioner Noland:

I am pleased to inform you that I have approved a Victims of Crime Act (VOCA) Victim Assistance grant award to the Jefferson County Commission, in the amount of \$59,381. These funds will provide for the salaries of two full-time Victim Advocates in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County.

Please let me know if our Division of Justice and Community Services' staff or I can be of further assistance.

Sincerely,

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

Earl Ray Tomblin  
Governor

ERT/amw

**RECEIVED**

MAY 21 2012

**Jefferson County Commission**

RECEIVED

MAY 22 2012

402 South Mildred Street  
Charles Town, WV 25414  
22 May 2012

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

I am concerned that the Jefferson County commissioners are split on a request by a developer's group, Jefferson County Citizens for Economic Development. That group was started by attorneys, bankers, builders, and developers with interest in home construction in the County. It is asking for a three year extension of their plans for as yet unbuilt subdivisions and exemption from newer building code regulations.

I doubt that any of the attorneys in the above group include the ACLU or ACLU affiliated groups that support the OCCUPY movement; or that any of the banks have non-executive public interest director positions, as do the twelve Federal Home Loan Banks; to bring civic mindedness to their BODs; or that the builders include Habitat for Humanity of the Eastern Panhandle; or that the developers include advocates for the use of public land trusts (CLTs) or limited equity cooperatives (LECs) to make home ownership more affordable to lower-income households.

Apparently, this special interest group is aptly named, in the main, it's primary interest is to enhance the development of the economic well being of its selfish members!

A few years ago the building/developer lobbyist pressured the Legislature to be one of only five states not to adopt the International Energy Conservation Code (IECC). West Virginia does not have any prescribed energy conservation and efficiency standards for residential or commercial structures. If the Legislature, which apparently has seen the light, can resist the influence of such groups, it is supposed to correct that error by adopting the IECC in 2013. However, few have missed the lack of IECC standards in West Virginia. Because the IECC contains only the barest minimum of energy conservation measures. Hopefully, when and if the Legislature adopts the IECC, they will also resist the lure of campaign contributions from the builders and developers lobbyists and it will allow the counties and municipalities the option to incorporate more comprehensive energy conservation and other measures in their building codes.

For typical house, according to the Department of Energy, 50 to 70 percent of the total energy expense goes to heating and cooling. Floor insulation is especially effective over an unconditioned basement or crawl space. The costs of energy efficient features translates into a small bump in the mortgage when amortized over the term of a 30-year loan; however, the upgrades result in dramatically lower "life cycle costs", a net gain for the owner.

However, each and every time that any state legislature or local jurisdiction dares to propose that all residential and/or commercial structures be constructed to meet the highest energy efficiency standards practicable that are also fiscally realistic, the public hearings are replete with lobbyists and/or developers and builders pleading, falsely, that such Draconian requirements will so increase the construction or rehab cost

prohibitive. Structures are currently built to meet numerous safety standards, but energy efficiency is rarely considered and first cost is usually the overriding concern. Actually, the "life cycle" costs would be dramatically reduced for the owners of energy efficient commercial, public, or residential structures.

West Virginia is one of the few states which offers almost no energy conservation incentives to home owners or buyers.

Its program to help residents to replace older, inefficient appliances with ENERGY STAR qualified appliances ended August 24, 2011.

The West Virginia solar energy tax credit for residential installations ends July 31, 2013. The tax credit, which is 30% of the cost to purchase and install the system, is capped at \$2,000. Eligible technologies include systems that use solar energy to generate electricity, heat or cool a residence, or provide hot water or solar process heat for use in the residence. Solar systems for heating a pool or hot tub are not eligible. The solar energy systems installed to provide hot water must derive 50% or more of its energy to heat or cool from the sun. If the credit exceeds the taxpayer's liability, the unused portion of the credit may be carried forward to "each of the next taxable years" until it is used (but may not be carried forward past July 1, 2014).

NOTE: In sharp contrast, California, after conducting extensive feasibility studies, determined that the economic, technical, cost-effectiveness benefits mandates pump motor selection, pipe design, and filter size selection. California encourages the use of solar swimming pool heating systems. Energy savings are obtained by reducing the pool system total dynamic head, or TDH, through recommended pipe design and filter specifications, and by using a correctly sized pump and motor. It does not aim to regulate optional components such as a pool heaters, sweeps, or cleaners.

However, Appalachian Power, Wheeling Power Company, and AEP offer residential electric customers in West Virginia rebates on energy efficient weatherization and HVAC equipment. Measures can be installed by a license contractor participating in the network of self installed and inspected afterwards. Once work is a completed by the contractor and the paperwork has been submitted, a rebate check will be sent in under 45 days. The Low Income Home Energy Audit/Retrofit Program provides a free in-home energy audit. A GoodCents technician energy specialist will be sent to examine the home, generate a custom audit report and install simple low-cost energy efficiency improvements with your permission.

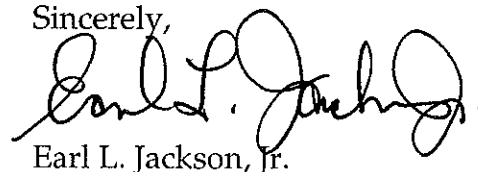
Some measures that may be included in addition to the Home Energy Improvements report are compact fluorescent light bulbs, up to six faucet aerators for kitchen and bathroom, up to three low-flow shower heads, LED night lights, two water heater temperature adjustments, water heater pipe insulation, refrigerator thermometer, refrigerator coil cleaning brush, and basic air sealing.

Although the Jefferson County Emergency Services Agency (JCESA) was established on November 13, 2008, thus far it has been unable to establish a system that accurately reports whether or not the JESCA and the seven Voltaire fire companies are meeting the response time requirements of National Fire Protection Association (NFPA) 1710

(Career Fire Department Deployment) or 1720 (Volunteer Fire Department Deployment). I suspect, if the truth were known, the NFPA required response times are seldom, if ever, met. Therefore, the Commission to reduce the loss of life and fire damage to structures in the County should require fire suppression systems in all commercial, public and residential structures which use, as applicable, fire sprinkler systems, gaseous agents, or wet and dry chemical agents which meet National Fire Protection Association (NFPA) 17A standards.

Instead of participating in yet another example of "crony capitalism", ~~The~~ Commission should become an advocate for the lowest possible energy costs and water consumption in all commercial, public and residential structures constructed or rehabilitated in the County. And now that we are experiencing the dramatic effects of global climate change, the Commission should also require that all structures should be able to shelter occupants safely during severe storms or other disasters and to keep them comfortable during the aftermath.

Sincerely,

A handwritten signature in black ink, appearing to read "Earl L. Jackson, Jr.", written in a cursive style.

Earl L. Jackson, Jr.



System Name:

Email: Lindsay\_Dwyer@cable.comcast.com

Phone: 610-650-1058

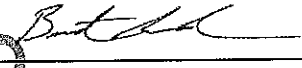
|                   |                                   |
|-------------------|-----------------------------------|
| Vendor ID:        | 258321                            |
| Contract Name:    | County of Jefferson WV<br>1626/19 |
| Statement Period: | Jan - Mar, 2012                   |
| Payment Amount:   | \$87,692.24                       |
| Statement Number: | 33436                             |
| CUID:             | WV0665                            |
| System ID:        | 01626-019                         |

JEFFERSON COUNTY OF WV  
PO BOX 250  
  
CHARLESTOWN, WV, 25414

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

| Revenue Category                | Amount                |
|---------------------------------|-----------------------|
| Expanded Basic Video Service    | \$612,452.15          |
| Limited Basic Video Service     | \$378,760.50          |
| Digital Video Service           | \$264,844.11          |
| Pay                             | \$123,025.17          |
| PPV / VOD                       | \$68,297.20           |
| Video Equipment                 | \$6,071.42            |
| Digital Video Equipment         | \$172,791.30          |
| Video Installation / Activation | \$32,565.09           |
| Franchise Fees                  | \$95,454.59           |
| Allocated Adjustments           | (\$1,777.17)          |
| Billing and Collection          | \$118.67              |
| Convenience Fees                | \$2,111.99            |
| Early Termination Fee           | \$877.15              |
| NSF Fees                        | \$1,105.85            |
| Late Fees                       | \$3,913.17            |
| Write-offs / Recoveries         | (\$11,448.82)         |
| Whole House Maintenance         | \$4,638.04            |
| IRU Rental                      | \$42.48               |
| <b>Total</b>                    | <b>\$1,753,844.89</b> |
| Franchise Fee %                 | 5.00 %                |
| Franchise Fee                   | \$87,692.24           |

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

**RECEIVED**  
  
 Brent Reed  
 Senior Analyst

MAY 07 2012

Jefferson County Commission



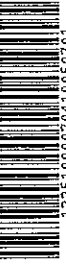
COMCAST FINANCIAL AGENCY CORPORATION  
 A Comcast Cable Communications Group Company  
 1701 JFK Boulevard  
 Philadelphia, PA 19103-2838

9262798

PAGE: 1 of 1

DATE: May 1, 2012  
 CHECK NUMBER: 510093809  
 AMOUNT PAID: \$87,692.24

00506 CKS 6A 12122 - 0510093809 NNNNNNNNNNNN 1225100006013 X193A1 C  
 JEFFERSON COUNTY OF WV  
 PO BOX 250  
 CHARLESTOWN WV 25414



VENDOR NUMBER: 258321

VENDOR: JEFFERSON COUNTY OF WV

| INVOICE NO.   | INVOICE DATE | ACCOUNT NUMBER | DESCRIPTION                    | DISCOUNT AMOUNT | NET AMOUNT         |
|---------------|--------------|----------------|--------------------------------|-----------------|--------------------|
| 33436         | 03/31/12     |                | County of Jefferson WV 1626/19 | \$0.00          | \$87,692.24        |
| <b>TOTALS</b> |              |                |                                | <b>\$0.00</b>   | <b>\$87,692.24</b> |

**RECEIVED**

MAY 07 2012

Jefferson County Commission

PLEASE DETACH BEFORE DEPOSITING CHECK



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

CHECK NUMBER 510093809

56-1544  
441

May 1, 2012

\*\*\* VOID AFTER 180 DAYS \*\*\*

PAY TO THE ORDER OF: JEFFERSON COUNTY OF WV  
 PO BOX 250  
 CHARLESTOWN, WV 25414

CHECK AMOUNT

**\$87,692.24**

EXACTLY \*\*\*\*\*87,692 DOLLARS AND 24 CENTS

rgan Chase Bank, N.A.  
 .mbus, OH



*David A. Scott*

Authorized Signature

⑈ 510093809 ⑈ ⑆044115443⑆ ⑆75528343⑈

# Jefferson County Public Service District

RECEIVED

MAY 11 2012

Jefferson County Public Service District **Jefferson County Commission**  
Regular Board Meeting  
April 2, 2012

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, April 2, 2012 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottleyer; Operations Manager, Joe Freeze; and liaison for the County Commission, Commissioner Lyn Widmyer.

## CALL TO ORDER

Chairman Cummins called the meeting to order at 7:00PM.

## PUBLIC COMMENTS

None.

## OLD BUSINESS

### Review Minutes of March 5 Regular Board Meeting

The minutes of the March 5, 2012 regular Board meeting were approved as presented.

**Action:** **Motion made by Mr. Appignani and seconded by Mr. Strider to accept the March 5, 2012 minutes as presented. Unanimously approved.**

### Update on Status of Acceptance of Land for "Test Well A" from Westridge Hills Homeowners Association

Ms. Lawton updated the Board. Last month the Board approved the acceptance of the test well A property. The District is still waiting for the revised deed of transfer for execution.

**Action:** **No action.**

### Update on the Water Systems Improvement Project for Glen Haven and Cavaland

District staff as well as Mr. Chuck Young from Cox Hollida Price and Mr. Matt Harper from Gwin, Dobson & Foreman have submitted their portions of the application for the West Virginia Infrastructure and Jobs Development Council. The District is now waiting to hear back from them.

**Action:** **No action.**

The Board decided to move the update from Jennifer Brockman on the Route 340 plan up on the agenda since she is waiting in the audience.

**Motion made by Mr. Appignani and seconded by Mr. Strider to move the Route 340 discussion. Unanimously approved.**

## NEW BUSINESS

### Update from Jennifer Brockman, Director of Planning and Zoning, on the Route 340 Corridor East Gateway Plan

Ms. Jennifer Brockman from the Planning and Zoning department gave a presentation on the proposed Route 340 Corridor East Gateway plan. The plan includes an area within the boundary of a one mile wide stretch on both sides of the Route 340 highway. The Route 340 planning group has held five public meetings and plans on finishing up the public comments by April 10<sup>th</sup>. Ms. Brockman has proposed a public hearing in June to get the plan adopted as an amendment of the County's comprehensive plan. Ms. Widmyer suggested the District work with Ms. Brockman to ensure the Route 340 plan coincides with

the Districts plans for future growth. Ms. Brockman will keep the District updated on the progress of the plan.

**Action:** No action taken by the Board.

### OLD BUSINESS

#### Discuss MVB Loan Request

Ms. Lawton has been working with MVB Bank for a couple of months trying to get approval for a loan to cover the District's "needs list". The District had initially requested a loan in the amount of \$650,000, but this has been reduced to \$413,000 since MVB is unable to fund \$650,000 without two companion banks. They have found one, The Bank of Charles Town, but they have been unable to find a third bank to join them in this loan. As a result, the District's Board reprioritized the needs list to include the following; the relining of the wet well at pump station 1-12a costing \$10,500, replace pump station 5-3 costing \$300,000, purchase a new truck to not exceed \$50,000, and the remainder of \$52,000 will be for the strategic plan for a total loan of \$413,000.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to adjust the needs list to include the relining of pump station 1-12a, replacement of pump station 5-3, purchasing a new truck, and the remaining money to fund a strategic plan. Unanimously approved.

### NEW BUSINESS

#### Discussion of any Expenses over Budget

There were no items over budget this month.

**Action:** No action taken by the Board.

#### Disbursements

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for water expenses in the amount of \$21,991.08. Unanimously approved.

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for the Public Service District expenses in the amount of \$133,051.08. Unanimously approved.

#### Approve Transfer of \$2,815.02 from Sewer Security Deposit Account to Sewer Operating Account for Security Deposit Refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$2,815.02 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

#### Approve Transfer of \$63.94 from Water Security Deposit Account to Water Operating Account for Security Deposit Refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$63.94 from Water Security Deposit Account into Water Operating Account for Security Deposit Refunds. Unanimously approved.

#### General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

**Action:** No action taken by the Board.

#### Public Comment

None.

Correspondence

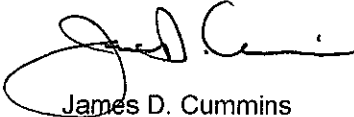
None.

**Action:**        **Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn.  
Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 8:17PM

The next regular meeting is scheduled for Monday, May 7, 2012 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

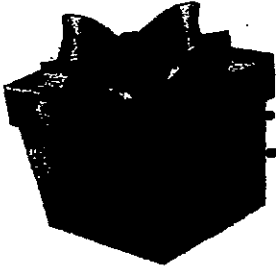
Respectfully Submitted,



James D. Cummins  
Chairman



Peter L. Appignani  
Secretary



# 2012 REGIONAL WRAP UP

## PLEASE JOIN US

**TUESDAY, JUNE 5th \***

**"ISSUES & EGGS"**

**TWIN FALLS STATE PARK**

**WYOMING COUNTY**

**9:00 A.M. - 11:00 A.M.**

**WV COURTHOUSE FACILITIES AUTHORITY UPDATE ON GRANT & NEEDS ASSESSMENT**  
**11:00 - 11:45**

**WEDNESDAY, JUNE 6th \***

**"LUNCH & LEGISLATION"**

**JACKSON COUNTY, McCoy's Inn & Conference Center**

**NOON - 2:00 P.M.**

**WV COURTHOUSE FACILITIES UPDATE**  
**2:00 - 2:45 P.M.**

**THURSDAY, JUNE 7th \***

**"LUNCH & LEGISLATION"**

**MARION COUNTY COURTHOUSE**

**NOON - 2:00 P.M.**

**WV COURTHOUSE FACILITIES UPDATE**  
**2:00 - 2:45 P.M.**

**FRIDAY, JUNE 8th**

**"BRUNCH & BILLS"**

**RANDOLPH COUNTY COURTHOUSE (Weese Annex)**

**WV COURTHOUSE FACILITIES UPDATE**

**11:00 - 11:45**

*(Randolph County will sponsor the refreshments)*  
**11:45 A.M. - 1:30 P.M.**

**THESE WRAP-UPS ARE ACCOMPANIED BY UPDATES FROM  
THE WV COURTHOUSE FACILITIES  
IMPROVEMENT AUTHORITY - COME FOR ONE OR BOTH!**



Please RSVP for Regional Wrap-Up so we will have enough food and chairs!

Fax to 304-346-0592 or email [wvaco@wvaco.org](mailto:wvaco@wvaco.org).

Name \_\_\_\_\_ County \_\_\_\_\_ Title \_\_\_\_\_

Attending: \_\_\_\_\_ June 5<sup>th</sup> \_\_\_\_\_ June 6<sup>th</sup> \_\_\_\_\_ June 7<sup>th</sup> \_\_\_\_\_ June 8<sup>th</sup>



402 South Mildred Street  
Charles Town, WV 25414  
jackgin@frontiernet.net  
14 May 2012

**RECEIVED**

Jefferson County Planning Commission  
P.O. Box 338  
Charles Town, WV 25414

**MAY 14 2012**

Re: US 340 Corridor East Gateway Plan

**Jefferson County Commission**

Gentlemen,

As I will be attending the emergency Services Agency meeting which is also scheduled at 7 p.m. on tuesday 15 May 2012, I hereby submit the following comments and recommendations for your consideration:

**Transportation in General.**

BACKGROUND. Excepting the so called "Charles Town Bypass," if you overlay a nineteenth century Howell map of Jefferson County with today's map, there are very few changes. How they got from A to B on horseback or in a wagon is very similar to how we do it in an automobile. Therefore, I bravely predict that even 150 years in the future they will be getting from A to B along the almost same routes.

1. Develop a Transportation Plan. Evaluate and classify the future traffic requirement of each wagon track. Based on those evaluations and classifications, make predictions of the needs in the future. For example, will the Flowing Springs Road of the future become a four lane limited access divided highway? How will it be routed? If so, where will cloverleaf be located?
2. Jefferson Memorial is building a new hospital south of Charles Town, but it is cleverly located just beyond where Route 340 narrows to two lanes. If I am in an ambulance and being rushed to the hospital, is it just my bad luck that there is a 30 car pile up on the two lane portion of old Route 340? Is improved emergency access to the new hospital being planned? Particularly, from the North where I live. You people to the South can worry about your own access!
3. The Routes 340/9 Charles Town Bypass was build as a "large economy size" divided highway. There are almost no acceleration or deceleration lanes and most of those that exist are too short for the posted speed limits. Additionally, to save money, the WV DOT granted future access rights to every Tom, Dick, and Harry who owned land along the so-called "By-Pass." Once those individuals start to exercise those rights, the so-called "Bypass" will be transformed into a major parking lot decorated with traffic lights. When are we going to purchase those access rights? Why don't we build overpasses and eliminate all the traffic lights on the so-called "Bypass" and along Route

340N.? Why are we required to waste time and gas waiting for the lights to change so that we can make a right turn onto the so-called "By-Pass?" In the interim, why can't we have acceleration lanes that would seamlessly allow us to enter the flow of traffic? Those acceleration lanes could be designed to become a part of the future narrow footprint overpass.

4. How are we going to pay for all this? Of course we will beg for state and federal funds. Oh, if only Robert Bird were back in the Senate! However, Rockefeller is pretty senior. But, why bother? Our junior Senator, who is totally owned by Corporate and the 1%, would probably join the Republicans to stage a filibuster. Just on the off chance that we get some federal money, where are we and the state going to get the matching funds? From a Transportation Impact Fee. Of course! The County would deposit the Transportation Impact Fees into a joint Jefferson County/WV DOT Trust Fund. When Jefferson County wants the DOT to build or improve one of our roads, we'll whisper in their ear "Here, have some free money." Bet it will work!

5. Are there any landowners out there who would be willing to donate additional public use rights to facilitate bike paths alongside the major transportation arteries? Also are the the public utilities willing to allow the County to build bike paths on their right of ways? If either is not willing to voluntarily promote bike paths. Do we have the commitment and political will to require our delegation to the WV Legislature to enable the construction of those bike paths?

6. Make Route 340N from the stop light in Bolivar to the WV state line into a four lane divided highway. We could build a second bridge over the Shenandoah; construct a beautiful native limestone faced "sea wall" along the high water mark of the Shenandoah river with easy access to the river; back fill between the "sea wall" and Loudon Heights to provide the required land to upgrade that section of Route 340 to a four land divided highway; atop the "sea wall" construct a four foot high limestone wall with jagged limestone rocks on top to prevent people from sitting on that wall (someone will inevitably lose their balance can incur serious injuries or death at the end of their long fall onto the rocks below), but with gates that could be locked during those periods when the flood of the river presents a hazard; plant a green way about 50 feet wide with tall trees to preserve the view from Jefferson' Rock. Do not coordinate this project with the states of Maryland and Virginia (That would add years to and possibly doom the project. Just shift the blame for the multi-mile traffic backup onto the states of Maryland and Virginia.

7. Extend the so-called Route 340/9 "by-Pass" to join up with Route 51. As it is Route 51/Washington Street, during busy traffic hours, is grossly overcrowded.

8. Establish a Park and Ride sharing Program that supports transit usage, carpooling, takes vehicles off local streets and roads and the highway system, and reduces our consumption of foreign oil? The Federal Transportation Act includes a federal grant program provides funding for such to each State annually. The Community Development Block Grant (CDBG) program provides communities has been used to fund park and ride lots. The Regional Surface Transportation Program (RSTP) funds

eligible Federal-aid projects includes carpools. Federal earmarks can be used to fund park and ride projects. Perish the thought!

9. Coordinate with the National Park Service so as to provide parking at the NPS lot on Allstadts Hill to those who board the MARC trains at Harpers Ferry. The County would provide FREE bus service to and from those facilities to those who chose to commute by rail to the Washington Metropolitan Area.

10. Coordinate the organization of an on-call Emergency Traffic Control Response Team. Last week Route 340S, at least the southbound lane, was backed up for more than a mile behind a WVDOT mowing crew between Rippon and John's Diner. Last Monday in the early afternoon I-81S, which is down to two lanes from the Potomac almost to Martinsburg, was during construction, was essentially at a standstill from Marlowe for at least 5 miles because ONE semi was immobilized and sitting there with its hood open.

That's enough for this tirade.

Sincerely,

Earl L. Jackson, Jr.

cc:

Jefferson County Commission

# Ethics Reporter

## Since the Last Reporter

Since the March edition of the **REPORTER**, the West Virginia Ethics Commission published three Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its April 12 meeting, the West Virginia Ethics Commission approved opinions relating to the permissibility of a part-time health officer accepting patient referrals from the health department where they serve, the permissibility of a member of a board of education contracting with a university to supervise university students who are placed in his school system and the permissibility of a sheriff endorsing a candidate for his office

and paying for advertising to announce the endorsement.

### ADVISORY OPINION REPORT

**Advisory Opinion 2012-12** concerned the permissibility of a part-time health officer accepting patient referrals from the health department where he serves.

A local health department, in a rural area of the state, engages a part-time health officer (a physician) for a relatively nominal sum to perform necessary duties and to conduct family planning clinics. The health officer

conducts basic women's health exams at the clinics and, if follow up is needed, the health department provides the patients with a list of medical providers who are willing to take referrals from the health department.

There are only two physicians interested in

serving as the part-time health officer—one of whom is an active OB-GYN who takes referrals from the department.

The health department is requesting guidance on the propriety of the prospective health officer continuing to receive these referrals.

The Ethics Commission examined the provisions of 6B-2-5(b) prohibiting a public official from using their position to produce a private gain for themselves or for another, of 6B-2-5(d)(1) prohibiting public officials from having interests in contracts over which they have authority or control, of 6B-2-5(d)(3) prohibiting public officials with limited interests in contracts under their control or authority from participating in any decision-making regarding that contract, and the provisions of Chapter 61-10-15 prohibiting county officers from having direct or indirect pecuniary interests in

May, 2012  
Page Two

matters over which they exercise voice, influence or control.

The Commission ruled in this instance that the position of "health officer" rises to the level of being a public official covered by the Ethics Act. As a result, the Commission ruled that the part-time health officer may have an interest in a contract with the health

department but that the health officer may not use their influence for their own gain. Further, the health department must conduct an outreach effort to gain the participation of every possible physician in their referral system in order to ensure fairness in the referral process. The health officer's name may be on the referral list but it can only be listed alphabetically and cannot identify his public position.

The Ethics Commission also determined that the restrictions found in 61-10-15 do not apply to the health department and the health officer in this instance because

the department is not a county office, but rather a joint city-county entity.

**Advisory Opinion 2012-13** concerned the permissibility of a member of a board of education contracting with a public university to supervise the university's students during their placement in the public schools where he serves on the board.

In this instance, the board has had a relationship with a public university for the purpose of placing student teachers but no money has exchanged hands because of the agreement in place.

However, now the public university is proposing that a member of the board of education, who is retired from education, be retained for a relatively small sum to supervise the students who are placed in the county's schools. The university states that it could not find anyone else with the qualifications for the position and if the arrangement was deemed impermissible, it would move the student teachers into another county.

The Ethics Commission analyzed the provisions of 6B-2-5(b)(1) prohibiting a public official from using their office to produce a private gain for themselves or another, those of 6B-2-5(d) prohibiting a public official from having an interest in a contract over which they have control or authority and the language of Chapter 61-10-15 making it unlawful for a member of a board of education from having direct or indirect pecuniary interests in matters over which they exercise voice, influence or control.

In this case, the Ethics Commission ruled that since the university approached the board member after the agreement was concluded, there was no evidence that the board member used his position to generate the part-time employment opportunity. The Commission further ruled that since the board and the university did not exchange any compensation as a result of the agreement, the matter was not a "public contract" as interpreted in light of the

Ethics Act. However, the Commission determined that should any matters arise requiring the renegotiation of the agreement, the board member must recuse himself from the decision-making and voting processes related to the issue.

Similarly, the Commission ruled that the 61-10-15 provisions were not applicable to this situation either since the agreement does not rise to the level of a public contract.

**Advisory Opinion 2012-15** addressed the permissibility of a sheriff endorsing a candidate to fill his position and paying for advertising to announce the endorsement.

The incumbent elected sheriff would like to endorse his chief deputy or another candidate as his replacement. Additionally, the sheriff would like to use his official title in advertising that announces his support for a candidate.

The Ethics Commission reviewed the Act generally in light of this request for guidance, as well as a long line of previous Advisory Opinions pertaining to the topic at hand.

In this case, the Commission ruled that is no general prohibition in the Ethics Act against the sheriff making a political endorsement or using his title to do so as long as no public resources are involved in advancing the political interests of the sheriff or those he supports. The sheriff may also expend his personal funds to publicly support his political efforts as long as election laws are followed.

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Issued On April 12, 2012 By The

## WEST VIRGINIA ETHICS COMMISSION

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2012 MAY -2 AM 10: 06

COPY  
RIGHTOPINION SOUGHT

A local Board of Health asks whether a part-time Health Officer may accept patient referrals from the Health Department, and, if so, what limitations apply.

FACTS RELIED UPON BY THE COMMISSION

In accordance with the West Virginia Code, two or more counties, or any county and one or more municipalities located within any county or counties may form a local board of health, W.Va. Code § 16-2-5. The Requester is a local Board of Health which has been formed by a county and a municipality situated within the county. The Requester/Health Department is located in a rural part of the State.

The Board of Health oversees the operation of the local health department. It has various statutory responsibilities which include providing basic health care services and programs to the citizens it serves, W.Va. Code § 16-2-11. Boards of Health are generally overseen by the West Virginia Bureau of Public Health which is an agency housed within the West Virginia Department of Health and Human Resources. See generally W.Va. Code §§ 16-1-1 *et seq.*

The local board of health is statutorily required to appoint a full-time or part-time health officer to serve at the will and pleasure of the board, W.Va. Code § 16-2-12. He or she must be a licensed physician. The health officer serves for a one year term and is eligible for reappointment at the end of the term. The board may remove the health officer if he or she "fails or refuses to carry out the lawful orders or rules of the secretary...." *Id.*

The Requester currently has a part-time health officer who is seeking to transition out of this position. The Requester seeks to hire a new part-time health officer. It has advertised for the position. Based upon information and belief, only two applications were received. One applicant being considered is board certified in Obstetric and Gynecology (hereinafter Ob-Gyn). The other is a retired physician.

The Health Department provides basic health care services. One service offered is that once a month it holds a family planning clinic. Citizens may visit the clinic for prenatal screening or birth control. The part-time health officer oversees the family planning clinic and performs gynecological exams. As part of the examinations, patients may have their blood pressure checked or undergo various tests such as a Pap smear or thyroid test.

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The health officer/medical doctor does not read the results of the tests. Instead, they are sent to laboratories and reviewed by other medical professionals. If the tests come back positive, then normally a nurse or assistant at the Health Department, not the health officer, contacts the patients and tells them that they should see their primary physician and/or a specialist for follow-up care. For example, if a patient has an abnormal pap smear, then she is directed to follow-up with an OB-Gyn.

Many of the patients seen at the family planning clinic do not have health insurance. Some qualify for Medicaid, others do not. When patients are contacted by the nurse or assistant from the Health Department, they are given the names of medical doctors who take referrals from the Health Department. There is a printed list which includes the names of obstetric providers. Based upon information and belief, the nurse or health assistant relates to the client during the follow-up telephone conversation the names of doctors who accept referrals. It is unclear if the Health Department staff provides them with the names from the list and/or mails them a copy of the list.

The Ob-Gyn being considered for hire is one of the doctors in the county who accepts referrals. If this Ob-Gyn is prohibited from taking referrals, then, according to the Requester, there will only be one other Ob-Gyn in the county who accepts referrals. Patients may also be referred to an Ob-Gyn for certain birth control procedures. The current health officer states that a good faith estimate is that the Ob-Gyn who is being considered, of her total patient load, 1% are from referrals from the Department.

If a patient who receives follow-up care with a medical provider qualifies for Medicaid, the doctor who sees the patient submits the bills to the West Virginia Department of Health and Human Resources (DHHR) and/or the Bureau for Public Health for processing and payment. The local Board of Health has no control over the payment of these bills.

The current health officer is paid \$300.00 per month and an additional \$150.00 for each family planning clinic he conducts. It is anticipated that the salary of the new health officer will be at or near the salary of the present health officer.

At present, there is one family planning clinic per month. The current health officer states that he and others in the medical community consider serving as the health officer a form of service to the community. The current health officer states that on several occasions he has seen patients on a follow-up basis and has received no money from the patient or any insurance company or Medicaid; instead, he has done it as a form of volunteer service to the community.

CODE PROVISIONS AND LEGISLATIVE RULE RELIED UPON BY THE COMMISSION

W. Va. Code § 65-2-5(b) reads in relevant part:

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A public official ... may not knowingly and intentionally use his ... office or the prestige of his ... office for his ... own private gain or that of another person.

W. Va. Code § 6B-2-5(d)(1) provides in part that ... no elected or appointed public official ... or business with which he or she is associated may be a party to or have an interest in ... a contract which such official or employee may have direct authority to enter into, or over which he or she may have control...*Provided, however,* That nothing herein shall be construed to prohibit... a part-time appointed public official from entering into a contract which the part-time appointed public official may have direct authority to enter into or over which he or she may have control when the official has not participated in the review or evaluation thereof, has been recused from deciding or evaluating and has been excused from voting on the contract and has fully disclosed the extent of his or her interest in the contract.

W. Va. Code § 6B-2-5(d)(3) provides ... If a public official or employee has an interest in the profits or benefits of a contract, then he or she may not make, participate in making, or in any way attempt to use his office or employment to influence a government decision affecting his or her financial or limited financial interest. Public officials shall also comply with the voting rules prescribed in subsection (j) of this section.

W. Va. Code § 61-10-15(a) states in part that ... It is unlawful for any county or district officer to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal or teacher, he or she may have any voice, influence or control...

**ADVISORY OPINION**

Both the Ethics Act, W. Va. Code § 6B-2-5(d)(1), and a separate criminal misdemeanor statute, W. Va. Code § 61-10-15, prohibit county officials from having an interest in public contracts. These prohibitions were designed by the Legislature to steer public servants away from inherently questionable situations. These prohibitions are intended to prevent not only actual impropriety, but also situations which give the appearance of impropriety.

**The Ethics Act**

Pursuant to W. Va. Code § 6B-2-5(d)(1) a public official may not have more than a limited interest in the profits or benefits of a public contract over which he or she has direct authority or control; however, this restriction in the Ethics Act also includes a proviso which exempts **part-time appointed** (emphasis supplied) public officials from the prohibition against having an interest in the profits or benefits of a public contract

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over which they have authority or control, provided the official, in his or her public position, is excluded from matters relating to the contract.

To determine whether the part-time appointed public official exception applies, the Commission must first determine if a local health officer is a public official, as opposed to being a public employee. The position of Health Officer is statutorily created. Pursuant to the code, they are appointed by the Board of Health, serve at its will and pleasure, have a set term of office, and may be removed for cause. W. Va. Code § 16-2-12. Based upon these factors, the Commission finds that a Health Officer is an appointed public official for purposes of the Ethics Act. See A.O. 2010-22. See also School Board Advisory Opinion 2010-01 wherein the Commission ruled that Board of Health Members are public officials under W. Va. Code § 18-5-1(a). As such, a part-time health officer may have an interest in a public contract over which her position at the health department gives her control.<sup>1</sup>

While part-time appointed officials may have interests in public contracts over which they exercise control, limitations apply. Specifically, if a public official or employee has an interest in the profits or benefits of a contract, then he or she may not make, participate in making, or in any way attempt to use his or her office or employment to influence a government decision affecting his or her financial or limited financial interest. W. Va. Code § 6B-2-5(d)(3).

In accordance with this code provision, and the prohibition against use of public office for private gain, the part-time health officer may not use his or her public position to attempt to persuade health department clients to choose her for follow-up care, or to urge Health Department employees to give her referrals. To ensure impartiality in the referral process, the Health Department shall create a written alphabetical list, by specialty, of medical doctors who accept referrals. The Health Department must make a good faith effort to inform all qualified physicians in the county that they may be placed on this list. Once the list is compiled, when the Health Department makes a referral, it must provide the list to the patients and allow them to choose their provider. The health officer's name may be on the list but the list may not reference her employment by the Health Department. This method ensures that referrals are made in a fair and impartial manner. It is also consistent with past opinions of the Commission relating to referrals.

For example, in A.O. 90-146, a State Department was responsible for facilitating public adoptions. On its staff, it had employees who were involved in providing private adoption services on their own time. The State Department allowed this outside activity

<sup>1</sup> Arguably, the contract in question may not be one contemplated by the Ethics Act as it involves a public contract between the WV DHR and the medical doctor, not the Health Department; however, the Commission declines to reach a conclusion on this matter as it would be academic in light of the part-time appointed exception in the Ethics Act. See generally A.O.s 99-26 and 99-28.

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by its employees as facilitating private adoptions were not part of their public job duties, nor was it a service provided by the State Department.

The State Department asked what procedure it should employ when private citizens called the Department to ask for the names of individuals who provided private adoption services. In the past, the Department had, at times, provided the names of its own employees but realized that this tradition may constitute a conflict of interest; hence, it sought guidance from the Ethics Commission. The Commission ruled that the State Department could comply with the Ethics Act by compiling a listing of approved adoptive agencies and all available licensed social workers, including Department employees. This list would then be mailed to all prospective private adoption clients who requested such services. The Commission ruled that employees of the State Department could be included on this list so long as there was no indication that they were employed by the State Department. See also A.O. 95-13 wherein the Commission authorized businesses which employed school psychologists to be included on referral lists given to parents so long as there was no attempt to steer the parents to a particular provider.<sup>2</sup>

This opinion analyzes the application of the Ethics Act to the question presented. The Commission has no authority to interpret other rules which may limit or restrict the part-time health officer from receiving referrals. In this regard, the Requester should consult with the WV DHHR to ensure that there are no rules or regulations, including those governing Medicaid disbursements, which prohibit the referrals in question. Additionally, governmental entities, including the DHHR, Bureau for Public Health and Health Departments, are free to impose stricter standards on appointed public officials and employees than those contained in the Ethics Act. As such, if the local Board of Health or the State agencies which exercise control over the Board believe that a part-time health officer should not be on the referral list, then they are free to impose this limitation; provided that they are encouraged to consult with their attorney in drafting such a restriction. Moreover, these agencies may want to consult with the West Virginia Board of Medical Examiners to ensure that including the part-time health officer on the referral list does not violate any laws or conflict of interest provisions governing the medical profession.

The Commission also cautions that the part-time appointed exception in the Ethics Act does not apply to full-time health officers. As such, full-time health officers may not contract with the Board of Health for which they serve as a Health Officer unless the Board of Health seeks and receives advice or a contract exemption from the Ethics Commission.

<sup>2</sup> In contrast, in A.O. 2011-0-1, the Commission ruled that a County Council Member's business could not be included on a list of local businesses willing and qualified to appraise property in probate matters as the County Council exercises control over the probate process; hence, there was a concern that a member of the public may believe that they may receive favorable treatment if the County Council Member's business was included on the list.

West Virginia Code § 61-10-15

Additionally, health officers appointed by county health departments are subject to the limitations in W.Va. Code § 61-10-15 which imposes strict limitations upon county officials having an interest in public contracts over which they exercise voice, influence or control. W.Va. Code § 61-10-15, a separate criminal statute, contains a stricter standard than the Ethics Act, and imposes criminal penalties against any "member of a county commission, district school officer, secretary of a board of education, supervisor or superintendent, principal or teacher of public schools or any member of any other county or district board or any county or district officer" who are pecuniarily interested, either directly or indirectly, in the proceeds from a public contract over which the public official may exercise voice, influence or control. Any person who violates this provision is guilty of a misdemeanor and may be removed from public office. See generally Alexander v. Ritchie, 53 S.E.2d 735 (W.Va. 1949).

Here, the Commission finds that this code provision does not apply as the Health Department is not a County agency but a joint County/City Health Department. See A.O.s 99-03 and 2002-06 wherein the Commission ruled that W.Va. Code § 61-10-15 does not apply to regional, as opposed to county, entities. While local boards of health are compromised of two or more counties or cities, or a combination of both, the West Virginia code also provides for county health departments. W.Va. Code § 16-2-7. The Commission finds that County Board of Health Members and their Health Officers are subject to the stricter limitations in W.Va. Code § 61-10-15. As such, county health officers may not receive patient referrals from their health departments unless they seek and receive a formal advisory opinion and/or a contract exemption.

This advisory opinion is limited to questions arising under the Ethics Act, W.Va. Code § 6B-1-1, et seq. and W.Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W.Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

  
R. Kemp Morley, III Chairperson

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OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA  
OPINION SOUGHT

ADVISORY OPINION NO. 2012-13

Issued On April 12, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

COPY

A Member of a County Board of Education (BOE) asks whether he may contract with a Public University to supervise University students during their placement in public schools in the county where he serves.

**FACTS RELIED UPON BY THE COMMISSION**

Last year the BOE and a Public University signed a "Contractual Arrangement for the Placement of Teacher Candidates and Other School Professionals" (Agreement). The document, however, uses the term "Agreement" throughout, and there is no evidence that either party pays the other pursuant thereto.

The Requester formerly worked for the BOE and, among other assignments, monitored and supervised language arts programs in grades K-12. More than six months after the BOE and the University signed the Agreement, the University's Director of Clinical Experiences contacted the Requester and proposed employing him part-time to supervise seven students who were placed in an elementary classroom for 75 hours of classroom experience, three of whom were placed in a school in the Requester's county. According to the terms of the part-time employment contract, the Requester would receive \$175 per student, or a total of \$1,225.

According to the Requester, the Director stated that if she could not find anyone else with the required background and expertise, seven to twelve students would have to be re-assigned to another county. Additionally, the Director has contacted the Requester about supervising some of the student teachers in the fall.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b)(1) reads, in relevant part:

A public official or public employee may not knowingly or intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person....

W. Va. Code § 6B-2-5(d) states, in relevant part:

(1) In addition to the provisions of section fifteen, article ten, chapter sixty-one of this code, no elected ... public official ... or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control....

Further, W. Va. Code § 6B-2-5(f) reads, in relevant part:

(1) Public officials ... may not vote on a matter:

(A) in which they ... or a business with which they ... [are] associated have a financial interest....

(3) For a public official's refusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

Finally, W. Va. Code § 61-10-15(a) makes it unlawful for any member of a county board to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract if as a member she may have any voice, influence or control.

**ADVISORY OPINION**

In establishing the Ethics Act, the Legislature sought to maintain the public's confidence in the impartiality and independence of decisions and actions by public officials and employees, and to ensure that all such decisions be made free of undue influence, favoritism or threat at all levels of government. W. Va. Code § 6B-1-2(a).

In creating these ethical standards for public officials, the Legislature additionally recognized that "many part-time public officials and public employees serve[] in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service...." W. Va. Code § 6B-1-2(c).

The Ethics Act's prohibition against use of office for private gain was designed to steer public servants away from inherently questionable situations. This prohibition is intended to prevent not only actual impropriety, but also situations that give the appearance of impropriety.

Under the terms of the Agreement, the BOE and University are jointly responsible for the supervision of the clinical students. Additionally, the Agreement requires the University to "select the specific placements of clinical students with the advice and consent of a representative of the" BOE.

The Ethics Act prohibits public servants from using their public positions for their own financial benefit. Here, the Requester is qualified for the position he seeks to fill. Further, the University's Director approached him over six months after the Agreement was signed. Finally, if the Requester is unable to supervise the students, those students will have to be transferred to another county.

There is no evidence that the Requester used his public position to secure a part-time employment contract with the University.

Both the Ethics Act and W. Va. Code § 61-10-15, a criminal misdemeanor statute, prohibit public servants from being a party to, or having a financial interest in the profits or benefits, or proceeds of a contract over which their public positions give them control. Thus, if the Agreement constitutes a public contract subject to the Ethics Act and W. Va. Code § 61-10-15, then the Requester's proposed part-time employment contract with the University could be construed as a sub-contract thereof. Sub-contracts are subject to the same prohibitions contained in the Ethics Act and in W. Va. Code § 61-10-15.<sup>1</sup> See Advisory Opinions 94-22 and 95-44.

A review of the Commission's previous advisory opinions will assist in determining whether the Agreement constitutes a public contract as contemplated by the Ethics Act and W. Va. Code § 61-10-15.

In Advisory Opinion 96-44, the Commission ruled that neither the Ethics Act nor W. Va. Code § 61-10-15 prohibited a BOE Member's business from selling a shell building to the local athletic booster organization, even though the BOE would have to approve the placement of the building on school property. Noting that the transaction constituted a contract between the BOE member's private business and the booster organization, the Commission concluded that the BOE's limited action was more akin to accepting a gift than monitoring the execution of a contract. In reaching its decision, the Commission reasoned:

First, the decision to make the purchase is solely within the discretion of the boosters organization. Second, there is no evidence of any attempt by the school board member to inflame the decision to purchase the building. Finally, the payment for the purchase will be made by the athletic boosters organization with its own funds which are not provided by, or subject to the control of, the board or any member of the central administrative office.

In Advisory Opinion 99-34, a County Commissioner asked whether he was permitted to accept a job with a non-profit corporation for which the County Commission provided \$15,000 annually. The Ethics Commission distinguished this situation from one where a County Commissioner's employer sells goods or services to the County Commission, and concluded, "[T]he Ethics Commission finds that a County Commissioner's financial support of a nonprofit organization dedicated to activities advancing general public welfare is not the type of transaction governed by WV Code 61-10-15 or the Ethics Act's prohibition against private interests in public contracts."

Similarly, in Advisory Opinion 2001-28, a BOE Member asked whether his private company was permitted to bid on projects proposed by a behavioral health center to which the County Commission annually contributed \$15,000 to its \$10,000,000 budget. Acknowledging that the BOE had no supervision or oversight of the behavioral health center, the Commission concluded that it would not violate either the Ethics Act or W. Va. Code § 61-10-15 for the BOE Member's to contract with the center.

<sup>1</sup> W. Va. Code § 6B-2-5(d)(1) expressly states that the prohibition does not apply to "the employment of any person with any governmental body". Thus, even if the Commission had found that the Agreement constitutes a public contract, the Ethics Act does not prohibit the Requester's part-time employment by the University. Further, W. Va. Code § 61-10-15(e) also exempts employees, under certain conditions. A.O. 2012-13 (Page 3 of 4)

In two opinions concerning potential BOE Members, the candidates were employed respectively as Principal of a private school within the county and as Director of a private day care center within the county. The Commission held that even though the BOE provided support to their respective employers, these were not the type of transactions governed by W. Va. Code § 61-10-15 or the Ethics Act's prohibition against private interests in public contracts. See Advisory Opinions 2001-30 and 2004-02.

Here, although the legal document that binds the BOE and the University is named "Contractual Arrangement for the Placement of Teacher Candidates and Other School Professionals", it operates as an Agreement or a Memorandum of Understanding. Indeed there are no "profits or benefits" or "proceeds" in which the Requester could have a financial interest since the University is not paying the BOE or vice versa. Instead, each public agency is entering into the Agreement due to the overriding benefit to each: the University has a place to provide its students practical classroom experience, and the BOE has college students who assist in the provision of quality education to students in the secondary school system.

As a result, the Commission finds that the Agreement between the BOE and the University does not constitute a public contract subject to the prohibitions of the Ethics Act and/or W. Va. Code § 61-10-15. Therefore, the Requester's proposed part-time employment by the University is permissible so long as the Requester does not use any public resources, including BOE staff, to perform his private contractual duties. Further, to avoid any conflict of interest or the appearance of impropriety, the BOE shall select someone other than the Requester to fulfill the role of the BOE's representative as outlined in the Agreement.

Finally, although his part-time employment by the University is permissible, any issues that may arise concerning the Agreement will require the Requester to recuse himself from deliberation and voting on the matter. For recusal to be effective, he must excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the period, fully disclosing his interests, and recusing himself from voting on the issue. W. Va. Code § 6B-2-5(j)(3). Additionally, the minutes/record of the meeting must reflect the basis for the recusal and that the BOE member left the room during all consideration, discussion and vote on the item under consideration.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, et seq., and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

  
R. Kemp Moffitt, Chairperson

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE  
OPINION SOUGHT

## WEST VIRGINIA ETHICS COMMISSION

ADVISORY OPINION NO. 2012-15

Issued On April 12, 2012 By The

COPY

A Sheriff asks whether he may endorse his Chief Deputy or another candidate for public office, and whether he may pay for a campaign advertisement to run in local media in support of his Chief Deputy or another candidate for public office during his own term of office.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected county sheriff who would like to support his Chief Deputy and/or other candidates for public office while still serving as Sheriff. Specifically, he would like to use his public title to endorse candidates. Additionally, he wants to run ads, either in the local newspaper, or on the local radio stations, or both, supporting or endorsing his Chief Deputy and/or other candidates for public office.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1) reads:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

In establishing the Ethics Act, the Legislature sought to maintain the public's confidence in the impartiality and independence of decisions and actions by public officials and employees, and to ensure that all such decisions be made free of undue influence, favoritism or threat at all levels of government. W. Va. Code § 6B-1-2(a).

The Ethics Act's prohibition against use of office for private gain was designed to steer public servants away from inherently questionable situations. This prohibition is

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intended to prevent not only actual impropriety, but also situations that give the appearance of impropriety.

Over the years, the Ethics Commission has had limited opportunities to address whether use of public resources for political purposes violates the Ethics Act. Most recently, in Advisory Opinion 2000-04, a county school board member asked if the Board may provide a direct link between the Board's Internet website and the Member's own, educationally oriented, private website. The Ethics Commission stated:

The Commission finds that the link from the Board Site to the Member's Personal Site, which existed before his current reelection campaign, is not a violation of the Ethics Act and the offer of a direct link from Personal Site to the Campaign Site is merely an option which a visitor to the site may choose to accept or ignore. Assuming a similar opportunity is offered all candidates, any advantage the link from the Board Site to the Personal Site provides the Member would be *de minimis* and not a violation of the Ethics Act.

In companion opinions in 1998, the Ethics Commission ruled that a sheriff who was a candidate for public office would not violate the Ethics Act by engaging in limited campaign activities while using the official cruiser in the course of carrying out his normal daily duties. He was prohibited, however, from:

- transporting campaign signs/banners;
- transporting campaign supporters;
- transporting other candidates for public office, including his wife; or
- canvassing streets or neighborhoods for support.

See Advisory Opinions 98-09 and 98-11.

In Advisory Opinion 95-37, the Ethics Commission ruled that an Assistant Prosecuting Attorney could serve as campaign treasurer for a candidate for public office on his own time without using public resources; directly solicit campaign contributions, and host fundraising events for a candidate, without violating the Ethics Act. The Commission wrote:

The donation of, accounting for, and spending of campaign contributions, as well as the political activities of public servants are all regulated by the Legislature in detail elsewhere in the WV Code. (See WV Code 3-8-1 et seq. and WV Code 29-6-20) This fact, along with the exclusion of political contributions from the Ethics Act definition of a "thing of value", leads the Commission to conclude that it was not the intent of the Legislature to regulate or limit the solicitation of political campaign contributions in WV Code 6B-2-5(c)(1).

Earlier, in Advisory Opinion 95-34, the Ethics Commission answered a number of questions regarding what constitutes permissible use of public resources in political campaigns. There, the Commission ruled that it does not violate the Ethics Act's

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prohibition against use of office for private gain for a public official to: use a *de minimis* amount of public resources, including his public title, to publicly endorse or support a candidate for public office; sponsor receptions to meet the candidate; and advocate publicly the candidate's views.

In reaching this conclusion, the Commission noted:

Incumbent public officials have a legitimate interest in attempting to safeguard and perpetuate public policies and programs they have worked to establish or maintain. Endorsing candidates for office who share that goal can be considered a part of the First Amendment Rights of an officeholder. In addition, although the official endorsement of an incumbent public official may have substantial "political" value, such an endorsement does not create the type of private gain contemplated by the Act's prohibition against the use of office for private gain.

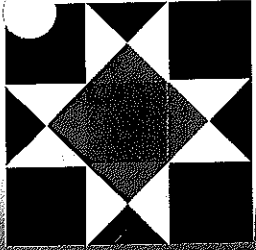
Here, it is unclear whether the Requester is an incumbent. Nonetheless, the same analysis applies. Thus, the Commission hereby finds that nothing in the Ethics Act prohibits the Requester from using his public title generally to endorse his Chief Deputy or any other candidate for public office. Specifically, the Commission finds that the Ethics Act does not prohibit the Requester from using his public title to endorse his Chief Deputy or any other candidate for public office through newspaper advertisements or radio announcements. He may not, however, spend public funds for these purposes.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. This opinion is based upon the facts provided. If all material facts have not been provided, or if new facts arise, it may alter the analysis and render this opinion invalid. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public servants unless and until it is amended or revoked, or the law is changed.



R. Kemp Morton, Chairperson

HOSPICE  
OF THE PANHANDLE, INC.

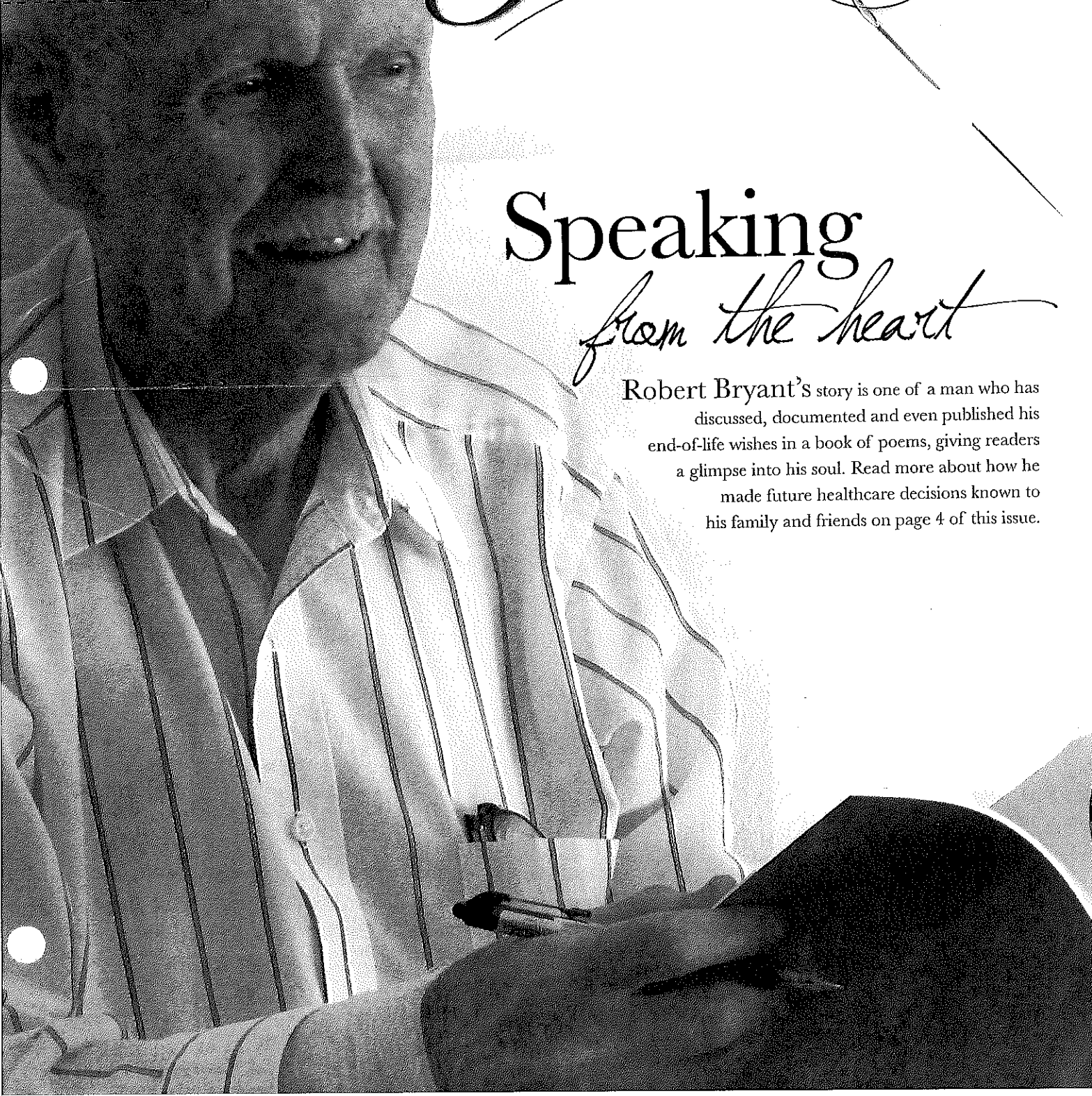


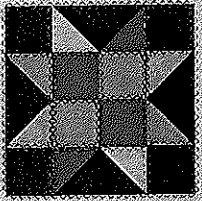
Spring/Summer 2012

# *The Comforter*

## Speaking *from the heart*

Robert Bryant's story is one of a man who has discussed, documented and even published his end-of-life wishes in a book of poems, giving readers a glimpse into his soul. Read more about how he made future healthcare decisions known to his family and friends on page 4 of this issue.





# A message from Margaret

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Margaret Cogswell  
CEO

Karla Troppman  
Editor  
Marketing Coordinator

www.hospiceotp.org

When I entered the field of nursing more than 30 years ago, one of the many things I enjoyed about my job was the ability to see the positive impact my actions had on the people for whom I cared. Often, I was able to relieve their pain and reduce their anxiety before the end of my shift.

When I accepted the role of executive director of Hospice of the Panhandle in 1987, I no longer saw patients' immediate relief from suffering, but I came to understand how my work had a strong impact on the lives of others – volunteers and then staff members – who directly cared for patients and their families.

In mid-June we will experience a long-awaited event – the groundbreaking for Hospice of the Panhandle's "Building the Dream." For decades, Hospice's Board of Directors, led by longtime Board President GT Schramm, has wanted to offer the next level of care for our patients – short term inpatient care in a 14-bed facility. And that will become a reality in approximately 18 months. What remarkable progress we have made! In April, thanks to a second \$100,000 gift from Farmers and Mechanics Insurance, we reached a milestone in our fundraising efforts – hitting the \$3 million groundbreaking goal. To say that we are excited is quite an understatement!

We are excited because we will be able to have a remarkable impact on the way end-of-life care is offered. We will be able to provide hospital-like care in a home-like setting. The care delivered here will reduce pain and suffering and provide respite for weary family members. We will provide and witness the immediate relief that comes with good palliative (comfort-oriented) care.

I am so pleased and proud of this community's efforts to help make this dream come true. Without our outstanding community – both individuals and businesses – we would not be at this milestone. Our 400+ donors join me in celebrating the opportunity to allay patients' suffering, to calm family members' fears.

Look for your invitation to join those early donors to improve the care of those with pain and other symptoms in the advanced stages of illness.

Know that what we all do impacts how others live at the end of life.

Margaret Cogswell, RN, CHPA, Chief Executive Officer

## Contributing Writers



Margaret Cogswell, CEO, has been at the helm of Hospice of the Panhandle for 24 years. Under her direction, the organization has grown from an all volunteer organization to a vibrant health care provider serving more than 200 patients daily throughout Berkeley, Hampshire, Jefferson and Morgan Counties.

Kathie Campbell, BA, LSW, has worked in a variety of roles with Hospice of the Panhandle over the past 23 years and recently assumed the new position of Access Director. She is now overseeing the newly formed Access Department which includes community education and marketing, referrals and admissions and services to area hospitals,

Maria Lorensen, serves as Hospice development director. Her 12 years of experience as editor of The Journal prepared her well for getting out the message about 'Building the Dream' of a new Hospice of the Panhandle inpatient facility and office along the Berkeley/Jefferson County border.

Daniel Speis, grief support coordinator, has degrees in social work from Shepherd University and Salisbury University and has been with Hospice for 6 years. In addition, he also provides grief counseling to adults and teenagers and provides presentations related to grief and grieving to Hospice staff and the general community.

Karla Troppman joined Hospice of the Panhandle as Marketing Coordinator. She is a native of Martinsburg with a degree in Communications and over 15 years experience in the field of marketing and public relations. Her role supports all facets of Hospice in an effort to increase awareness and the utilization of

## Hospice of the Panhandle Participates in National Healthcare Decisions Day

Hospice of the Panhandle, along with other national, state and community organizations, lead a massive effort to highlight the importance of advance healthcare decision-making—an effort that culminated in the formal designation of April 16 as National Healthcare Decisions Day (NHDD). As a participating organization, Hospice of the Panhandle provided an informative presentations and tools for the public to talk about their wishes with family, friends and healthcare providers, to execute written advance directives (healthcare power of attorney and living will) in accordance with West Virginia state laws.

"As a result of National Healthcare Decisions Day, many more people in our community can be expected to have thoughtful conversations about their healthcare decisions and complete reliable advance directives to make their wishes known," said Karla Troppman, Hospice of the Panhandle. "Fewer families and healthcare providers will have to struggle with making difficult healthcare decisions in the absence of guidance from the patient, and healthcare providers and facilities will be better equipped to address advance healthcare planning issues before a crisis and be better able to honor patient wishes when the time comes to do so."

Over 80 people participated in Healthcare Decisions week with Hospice throughout Berkeley, Morgan, Jefferson and Hampshire Counties the week of April 16.

★ ★ ★  
**NATIONAL HEALTHCARE DECISIONS DAY**  
 ★ ★ ★  
*Your decisions matter* ★ ★ ★



*Kelli Taylor, Social Services Director, Hampshire Center in Romney notarizes a participants advance directives.*

## 10th Anniversary Bike Night August 18, 2012

Registration: 2pm • Ride: 4pm • Motorcycles arrive downtown: 5pm

Join the Blue Knights and Main Street Martinsburg for a night of roaring fun and entertainment. Ride starts at the Berkeley Plaza and ends in downtown Martinsburg. Downtown will feature live music on stage, a beer garden and plenty to do off stage from food and merchandise vendors. Special Commemorative 10th Anniversary T-Shirts will be on sale at the Berkeley Plaza.

## Martinsburg Bike Night 2012 Sponsorship Form

All contributions will go directly to benefit the promotion of Bike Night 2012, to the promotion of our sponsors and to the selected charitable donations made by the Blue Knights West Virginia.

|                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                  |                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Elite Sponsor \$2,500+</b><br>Name appears on Elite Sponsor banner behind band on stage.<br>Promotional display (vendor space)<br>Name on Bike Night 2012 T-shirt identified as an Elite Sponsor<br>Name appears on all media information, posters and radio<br>Bike Night Elite Sponsor plaque | <b>Platinum \$1000.00+</b><br>Name appears on Platinum Sponsor banner behind band on stage.<br>Space for your banner behind the band<br>Name on Bike Night 2012 T-shirt<br>Name appears on all media information, posters and radio.<br>Bike Night Platinum Sponsor plaque | <b>Gold \$500.00+</b><br>Name appears on Gold Sponsor banner behind band on stage.<br>Space for your banner behind the band<br>Name on Bike Night 2012 T-shirt<br>Bike Night Gold Sponsor plaque | <b>Silver \$250.00+</b><br>Name appears on Silver Sponsor banner<br>Name on Bike Night 2012 T-shirt<br><b>Bronze \$100.00+</b><br>Name appears on Bronze Sponsor banner |
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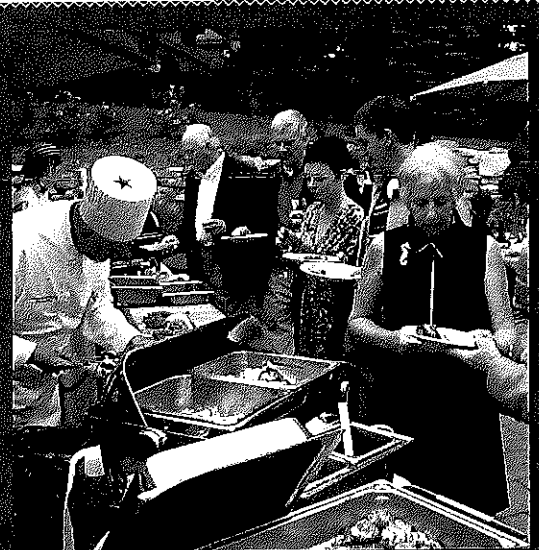
Please attach a business card for proper spelling of your business name.

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

Business Address: \_\_\_\_\_

Sponsorship Amount: \$ \_\_\_\_\_

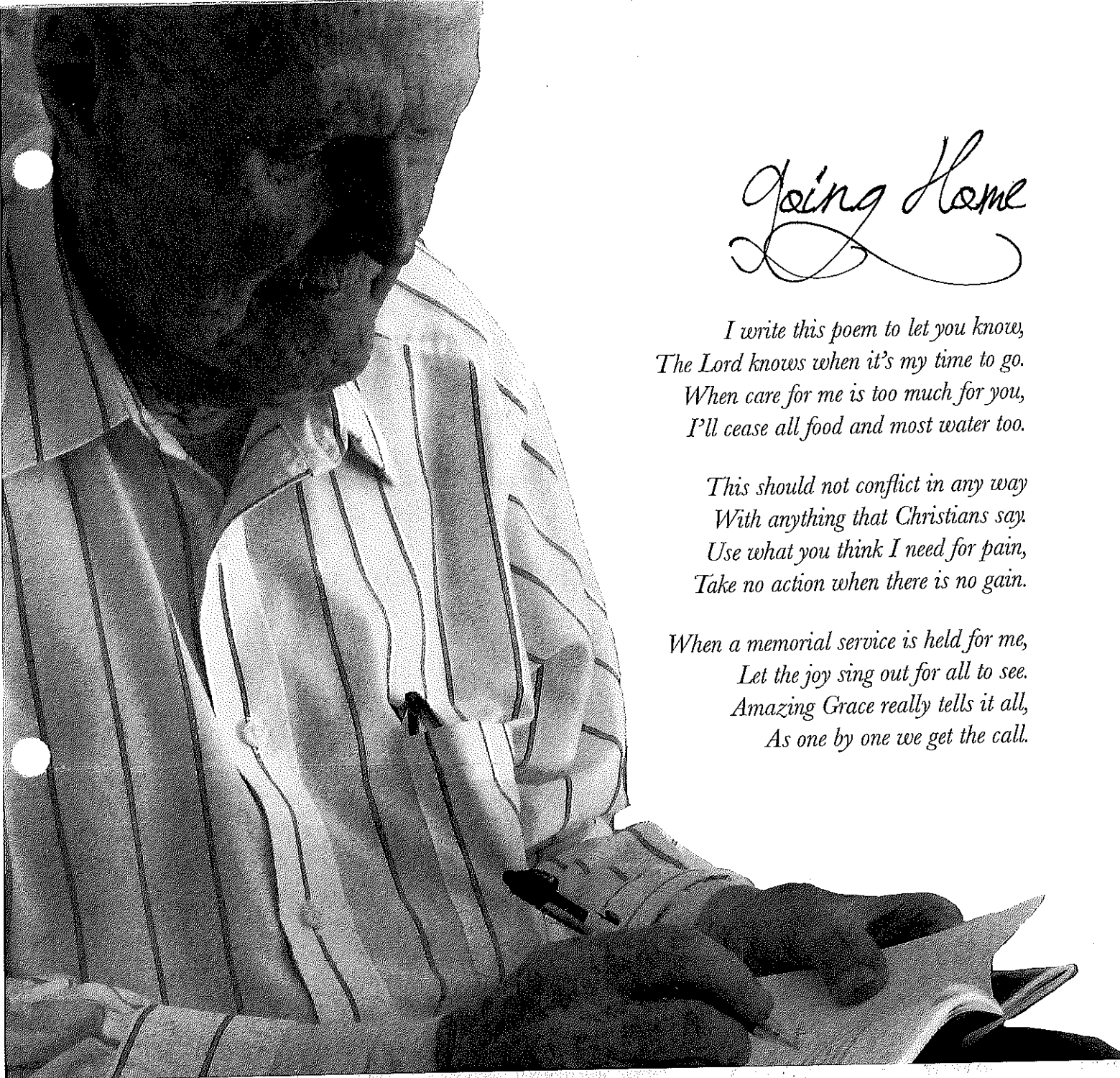
For information contact: KC Bohrer at WV5pres@gmail.com or 540.771.0111 or Randy Lewis at rlewis@mainstreetmartinsburg.com or 304.262.4200. You may also mail your sponsorships to: Blue Knights WV, Main Street Martinsburg PO Box 2011, Newberry Executive Center, Martinsburg, WV 25402 142 N. Queen Street, Martinsburg, WV 25401



## All American Barbecue at the Bavarian Inn

When: July 6, 2012, 6:30 pm  
 Where: Bavarian Inn Outdoor Garden Patio

Looking for an elegant evening to share with friends? Come out for the All American Barbecue and spend the sunset on the garden patio of the Bavarian Inn. You can sample masterfully prepared cuisine like smoky meats and perfectly seasoned, grilled vegetables artfully paired with domestic wines. The evening will also include a silent auction featuring select, upscale items. Proceeds benefit Hospice of the Panhandle. Make your reservations today by calling (304) 876-2551. Tickets are \$55 per person.



## *Going Home*

*I write this poem to let you know,  
The Lord knows when it's my time to go.  
When care for me is too much for you,  
I'll cease all food and most water too.*

*This should not conflict in any way  
With anything that Christians say.  
Use what you think I need for pain,  
Take no action when there is no gain.*

*When a memorial service is held for me,  
Let the joy sing out for all to see.  
Amazing Grace really tells it all,  
As one by one we get the call.*

# Speaking

By Karla Troppman  
Marketing Coordinator

*from the heart*

*“Writing has given me peace at the end of life:  
I’ve said what needed to be said.” – Robert Bryant*

Robert and Betty Lou Bryant live in a quiet home in Shepherdstown with their cat, Lucky. Married for sixty six years, they have known each other since the age of 16. Robert is a well educated mathematician who used his skills on land as a college professor, under water with the Navy and in space for NASA. He is an intellectual man whose mind has not suffered from any effects of aging or disease. Robert and Betty Lou have four daughters whom they affectionately refer to as daughter one—daughter two—daughter three and daughter four, in order by birth and numbered for the sake of keeping them straight!

April was Healthcare Decisions Month, a time to make future healthcare decisions known to family, friends and healthcare providers. It seemed fitting to share this story of a man who has discussed, documented and even published his end-of-life wishes.

Robert and Betty Lou realized early on the importance of sharing healthcare decisions with their children and the value of a good communication system. Daughter one is the “manager.” She organizes the troops when a need arises; is the hub for communicating information to the entire family; and schedules visitations so visits do not overlap – allowing the couple more intimate time with everyone. This family’s system is like a well oiled machine – everyone knows Roberts wishes and there is no misinformation or friction among siblings. Instead, the focus is on spending quality time together and supporting Betty Lou as the primary caregiver.

Robert and Betty Lou shared the process of how they prepared for the future. “We went room by room and inventoried all of our household items, then created an itemized list which our daughters could rate on a level of importance or sentimental value.” In addition to the list of possessions, the Bryants completed their estate planning, advance directives, made funeral arrangements and most importantly communicated their wishes with their loved ones.

Four years ago at the age of 83, with healthcare decisions in place, Robert found himself somewhat debilitated, spending much of his time at home, and had some things he wanted to say. He spent a large amount of time thinking about the future and his wishes for his family, especially his faithful wife. He began to reflect on a close knit group of friends who were beginning to pass, relating it to losing leaves on trees. Thus came his first poem in the spring of 2008, Tree Leaves.

*Like leaves on a tree, falling one by one,  
Loved ones fall too, their work here done.*



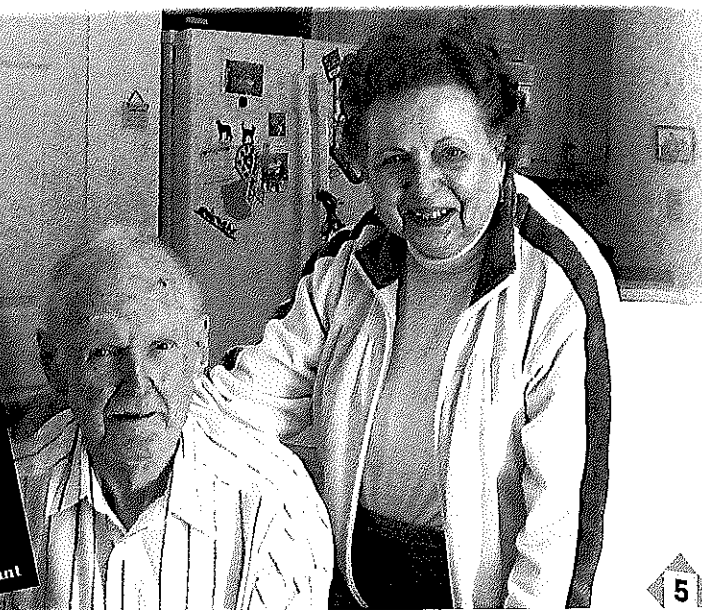
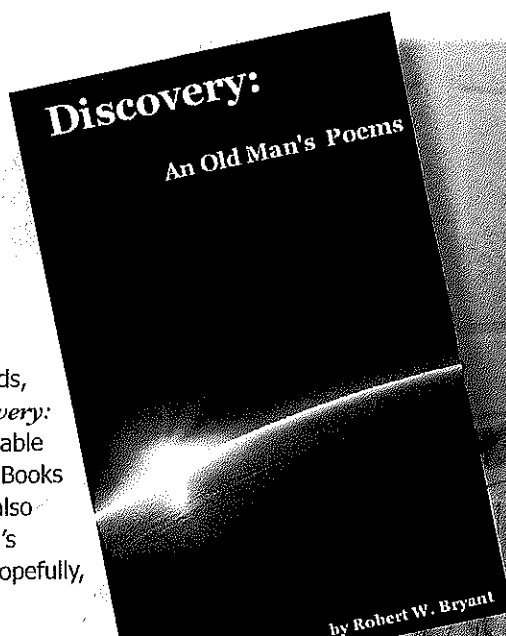
Robert was not afraid; his words flowed freely as he began to write poetry to his family. The first were very personal as he wrote to Betty Lou as well as his daughters about their accomplishments and how proud he was of them.

Robert is a very literal poet; he speaks from the heart and gives readers a glimpse into his soul. He said that writing has given him peace at the end of life: “I’ve said what needed to be said.” His advice for those who are not so free with words is: “Be aware of those around you and don’t be afraid to share your thoughts and wishes.” Robert has no worries, he has made provisions for his wife, has the support of his family, continues to live each day to the fullest and “deals with tomorrow when tomorrow comes,” he says.

Daughter number three recently compiled some of her father’s poetry and published a book entitled:

***Discovery:  
An Old Man’s Poetry***

The book includes some of Robert’s poems written over the last four years about friends, politics, life and family. *Discovery: An Old Man’s Poetry* is available on Amazon.com from Becky’s Books or blurb.com. His poetry has also been published in The Journal’s monthly Poetry Corner, with hopefully, more to come.



# When Words Fail

*It is human nature to want  
search for some way to ease  
do to ease this burden and  
But what happens when u*

## *The Cor*

Well-meaning family and  
placating sentiments to  
possibly say to a husband  
to the mother of a five-year  
or to the young widow who  
her partner only to have  
Finding the right thing to  
for some, but for others,  
where we want to console  
and just being present w

For many people, sitting  
twenty-four hours a day,  
inbox, phone calls, skype  
silence is or even how to  
their space and be present  
may also miss what's really  
healing grief. Sitting in  
a song that says "you say  
with the bereaved may be

**The grief support service is  
charge. We also offer  
literature related to grief**

**For a full calendar of  
or contact one of our**

By Daniel Speis, MSW, LGSW Grief Support Coordinator  
and Jennifer Newman, MSW, LGSW Grief Counselor

*comfort and to care for those we love who are hurting. When we see pain in the eyes of our loved one we ache, to heal the wound. Sometimes in the face of great loss and tragedy there is very little that we can do, so we do what we can and offer words of sympathy, condolence, and other expressions of sorrow. We don't know what to say, or furthermore, when there isn't anything we can say to take away the pain?*

# *Understanding* Power of Silence

Words will often fill the air with sympathy. After all, what can we say to a wife of 60 years died, or a husband who died unexpectedly, or someone just starting a new life with a loved one abruptly cut short by cancer?

Silence may seem impossible. Yes, the need to fill the air with words of comfort is a natural empathic response, but it can be an attempt to avoid our own discomfort with death and dying. When we find ourselves in a situation where we care for someone but aren't sure what to say, perhaps we should try sitting in silence with our friend or loved one. It's okay to be silent, because sometimes there just isn't anything comforting that can be spoken.

Silence can be very difficult. Culturally we are a nation of communication and we can communicate almost every day a week by any number of methods: texting, emailing, sending a message through someone's phone, or sending instant messages. With all this technology it's easy to understand why we may forget what it's like to sit in silence with someone. Sitting in silence with someone who is grieving allows the bereaved to have space to express their emotions, which is important in healing. When we become busy trying to fill the silence we are present, but not important; we may miss what's being said or not said. Being heard is another important element of grief. It allows one to hold the hand of the bereaved, cry with them, hug them or just be with them. There's a saying, "It's not what you said, it's when you said nothing at all." Silence can be profound; and sometimes, when words fail, silence can be the comfort they need.

**Hospice of the Panhandle are available to anyone in the community and are free of charge. A monthly series of essays on grief titled *Stepping Stones*, educational and supportive individual counseling and consultation, support groups and presentations.**

**For more information and services visit our website at [www.hospiceotp.org/grief-support](http://www.hospiceotp.org/grief-support) or call our grief support counselors at 304.264.3902 if you are interested in utilizing any of these services.**





## And so it begins...

For the past 3 ½ years, Hospice Board members, campaign team volunteers and staff have been working diligently – and somewhat quietly – to get to the place where we are this spring: *Groundbreaking for our new Hospice House inpatient facility and offices*. It has been a tremendous journey – full of planning, going back to the drawing board, re-tooling, and of course, fundraising. I am extremely happy to report that our campaign teams in Hampshire, Berkeley, Jefferson and Morgan counties have enjoyed tremendous fundraising success, even in a challenging economy.

At the date of the groundbreaking, Hospice has raised \$3 million for this \$11.6 million project, which we have dubbed “Building the Dream.” So many people have helped make our dream become a reality – and it would be impossible to name all of them. But special thanks to our chairs and “go-to’s” in each county where Hospice of the Panhandle operates – the Rev. GT Schramm, our overall chair; and Joanne Wadsworth, Phyllis LeTart, Chip Bennett, Linda McGraw and Carter Wagoner. We wouldn’t be where we are today without their efforts, and of course, the efforts of their very enthusiastic campaign team members.

Some campaign highlights – nearly 450 donors have signed on with gifts and pledges. Several individuals and organizations have made huge commitments, including Randy Smith, our largest donor; Farmers and Mechanics Insurance; Henry and Louise Willard; Bowles Rice McDavid Graff and Love; Hollywood Casino at Charles Town Races; and the Center for Orthopedic Excellence. All gifts from these individuals and businesses range from \$75,000-\$500,000. Farmers and Mechanics put us over the \$3 million mark with its second \$100,000 gift of the campaign in mid-April. In late March, Dan Ryan signed on with a \$30,000 commitment, and Brown Funeral Home upped its commitment to \$30,000. Many others have given at \$50,000, \$30,000 and \$15,000 levels, as well as at more modest levels – again, each gift has made a huge impact. Our staff has pledged more than \$162,000. Our volunteers, who give so much time and talent to this organization, have pledged more than \$15,000.

Now comes the time when we begin the next phase of the campaign to reach out to the community at large – church groups, civic groups and other individuals. We would love to speak to your group about “Building the Dream.” Please contact me at (304) 267-1870, ext. 205, if we can address your organization or church group. We’d love to share our vision of offering the next level of Hospice care in the Eastern Panhandle.



### Our New Hospice House Inpatient Facility and Hospice Offices



With the help of an additional \$100,000, Farmers & Mechanics Insurance put Hospice of the Panhandle over the 3 million dollar mark in its Building the Dream capital campaign. Pictured, from left, are the Rev. G.T. Schramm, president, Hospice of the Panhandle board; Lee Snyder, F&M board member and Jefferson County campaign team leader; Vickie Elliott, assistant vice-president of F&M and longtime Hospice volunteer; J. Wayne Lancaster, president, F&M board; Vicki Fulk, F&M board and Berkeley County campaign team leader; Dennis McCormick, retired F&M CEO; Margaret Cogswell, Hospice CEO; and Foster Sirbaugh, current F&M CEO.

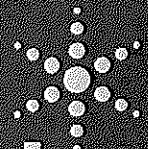


Dan Ryan, president of Dan Ryan Builders, along with Hospice of the Panhandle CEO Margaret Cogswell and development director Maria Lorenson celebrate Ryan's recent \$30,000 contribution to Building the Dream. Ryan's gift was one of those made in early 2012 that paved the way to the \$3 million groundbreaking goal.

**Thank You to our  
Capital Campaign  
Donors for Helping  
Build the Dream**

Mrs. Jennie Abbott, Ms. Jennie Adams, AFP Tri-State Chapter, Mr. & Mrs. Earl Anderson, Apple Valley Chevy-Toyota, Appraisal Services, Dr. and Mrs. Edward Arnett, Mr. & Mrs. David Asam, Mr. & Mrs. Erwin Asam, Asbury United Methodist Church, Bank of Charles Town, Mr. & Mrs. Robert Baronner, Mrs. Freda Barry, Mr. & Mrs. Todd Beckwith, Mr. Matthew Bender, Mr. & Mrs. Chlp Bennett, Dr. & Mrs. Keith Berkeley, Mrs. Tommie Besaw, Dr. & Mrs. Timothy Bowers, Bowles Rice Foundation, Mrs. Heidi Boyd, Mrs. Cheryl Brinklow, Mr. Terrance Britt, Dr. & Mrs. Joseph Brookreson, Ms. Cathy Brown, Mrs. Rosa Brown, Brown Funeral Home, Inc., Mr. & Mrs. Howard Burkart, Ms. Phyllis Butler, Mr. & Mrs. Robert Calola, Mr. & Mrs. Jeff Campbell, Mr. & Mrs. John Campolieto, Ms. Anita Carton, Ms. Mary Sue Catlett, Center for Orthopedic Excellence, Ms. Lois Chaney, Mrs. Alsty Chlchirichl, Mr. & Mrs. F. 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HONORING the people who  
DEDICATE themselves to  
TAKING ACTION and SOLVING  
problems in their communities.



# Celebrating People in Action

Mark Noble, 2012 Volunteer of the Year pictured with Margaret Cogswell, RN, CHPA, CEO; Tricia Lawrence, Volunteer Coordinator; Katrina Stevens, Assistant Volunteer Coordinator



*Tricia Lawrence announced the volunteer of the year recipient by saying:*

The 2012 Volunteer Recognition Dinner was held Thursday April 19 at Cacapon State Park in Berkeley Springs. It was an Oscar themed evening that recognized Hospice of the Panhandle's "Oscar-worthy" volunteers. Volunteers were presented with a glass votive etched with the Hospice of the Panhandle logo. Tricia Lawrence, Volunteer Coordinator, announced Mark Noble as the 2012 Volunteer of the Year. She recognized him by saying: Mark joined Hospice of the Panhandle in 2008, jumping in head first and has not looked back. He has a compassion for others that is shown in every assignment he takes. Patients love spending time with him and families know they can entrust him with their loved one, showing kindness and a willingness to help them maintain as much independence as they can.

In addition, Mark has provided respite for caregivers, last minute transportation, outings for other patients and has helped with fundraising projects. Mark demonstrates compassion, empathy, good boundaries, a willingness to help, and dedication to the mission of Hospice of the Panhandle.

## Berkeley County Spring 2012 Volunteer Training



Debra Giuliano, Cathy Brown, Vicki Barnard, Terri White, Ellen Durant

Hospice would like to recognize and thank our numerous volunteers for the energy and power they evoke on a daily basis as they lead by example, not only encouraging the people they help, but motivating others to serve as well.

## New Volunteer Training June 22, 29 and July 6

We are currently looking for:

- Hairdressers**
- Hospice Helpers**
- Patient Support**
- 11th Hour Volunteers**

If you are interested in any of these volunteer positions, please contact Tricia Lawrence our volunteer coordinator today. 304.267.1870 x 211 or [tlawrence@hospiceotp.org](mailto:tlawrence@hospiceotp.org)



# HOSPICE



OF THE PANHANDLE, INC.

122 Waverly Court  
Martinsburg, WV 25403  
800.345.6538  
304.264.0406  
www.hospiceotp.org



United Way  
of the Eastern Panhandle, Inc.

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## Hospice on Facebook!



Help spread the hospice word by becoming a fan and linking your personal page to ours. You can find us by searching for Hospice of the Panhandle.

## Social Work CEU Series

**Friday, June 1, 2012  
9am - 12pm**

*Compassion Management:  
Caring for Others as  
We Care for Ourselves*

*Speaker: Jeff Levesque, MSW,  
LICSW, Hospice of the Panhandle  
Each session provides 3 hours of  
continuing education (CEUs) as approved by the  
West Virginia Board of Social Work Examiners.*

For information or to register,  
contact Karla Troppman,  
Marketing Coordinator  
304.267.1870, ext. 208  
ktroppman@hospiceotp.org



## WE HONOR VETERANS

Hospice of the Panhandle was recently recognized by the National Hospice and Palliative Care Organization (NHPCO) for achieving the second of four levels as a We Honor Veterans Partner. This designation proves that the organization provides Veteran-centric education for staff and volunteers, identifies patients with military experience and ensures Veterans have access to quality end-of-life care. In 2011, a quarter of Hospice of the Panhandle's patients were veterans, they were each recognized with a pin and certificate in appreciation of their service.

**Hospice of the Panhandle 2011 Annual Report  
is available on-line at [www.hospiceotp.org](http://www.hospiceotp.org)  
or by calling 304.264.0406**