

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JANUARY 3, 2013
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

COUNTY COMMISSION ORGANIZATION

- a. Selection of President
- b. Selection of Vice President
- c. Committee Assignments

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

- 1. 10:00 a.m. Presentation of Resolution to Weston Goodell for replacing cushions in the Jefferson County Courthouse - Discussion/Action
- 2. 10:15 a.m. Interview and Appointment for the Eastern Regional Airport Authority - Discussion/Action
- 3. 10:30 a.m. Steve Rawlings, West Virginia Risk Pool
- Update on West Virginia Risk Pool - Discussion
- 4. 10:45 a.m. Break
- 5. 11:00 a.m. Roger Goodwin, Chief County Engineer
- Jefferson County Bonding Policy - Tolling Amendments - Discussion/Action

6. 11:30 a.m. Jennifer Brockman, Director of Planning and Zoning.
- Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 3.94 acre property owned by the Aitcheson Family Trust, designated as Tax District: Harpers Ferry, Map: 7, Parcel: 18, located on the south side of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane, for the purpose of setting a public hearing to be held by the Commission - Discussion/Action
7. 11:45 a.m. John Reisenweber, Director of Development Authority
- Jefferson County Development Authority Approval of By Laws - Discussion/Action
- Recognition of Lane Donley retirement as of 12/31/2012 from the Development Authority
8. 12:00 p.m. Dept. of Juvenile Services, Patricia Smith
- Proposal for purchase of 4 computers for students - Discussion/Action
9. 12:15 p.m. Break for Lunch

NEW BUSINESS:

10. Approval of Board of Review and Equalization Notice - Discussion/Action
11. Approval to add two members to the Comprehensive Plan Steering Committee (JT) - Discussion/Action
12. Proposed 2013 County Commission First Quarter Priorities (LW) - Discussion/Action

FINANCIAL DIRECTOR REPORTS

Budget Analysis for the General Fund Month ending November 30, 2012 - Fiscal Year ending June 30, 2013

COUNTY ADMINISTRATOR REPORTS

- IT RFP - Discussion/Action
- Briel Building - Discussion/Action
- Service Awards Recognition - Discussion/Action

COUNTY COMMISSION REPORTS

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

GIS Department Quarterly Update Report - 2012 4th Quarter

Water Advisory Board Quarterly Update Report - 2012 4th Quarter

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

13. 1:30 p.m. Jefferson County Emergency Services Agency - Board of Directors,  
Presentation on Distribution of Fire Funds. Discussion/Action

**ADJOURN**

**CORRESPONDENCE:**

The Honorable Michael D. Lorensen Investiture Ceremony Invitation.

Save the Date Card - Inaugural Celebration - January 14, 2013.

Jefferson County Commission Public Hearing Notice - Thursday January 10, 2013 7pm. Zoning Map Amendment (Rezoning) Tax District: Charles Town, Map: 13, Parcel 7.

Jefferson County Commission Public Hearing Notice - Thursday January 10, 2013 7pm. Zoning Map Amendment (Rezoning) Tax District: Shepherdstown, Map: 8, Parcel part of 5.

Federal Aviation Administration Notification Letter - regarding the FAA's intent to prepare an Environmental Assessment. The purpose of the letter is to advise you of the study, provide an opportunity for the Commission to provide any background information regarding the study area and advise the FAA of any issues, concerns, policies or regulations that you may have regarding the environmental analysis that will be undertaken in the EA.

Letter regarding opening on the Harpers Ferry/Bolivar PSD Commission.

Country Roads and City Streets Newsletter.

CCAWV - Commissioners' Corner.

February 24-27 CCA Legislative Association Meeting, Marriott, Charleston.  
May 19-20 CCAWV Spring Board Meeting, The Blennerhassett, Parkersburg, WV.  
Flyer on Lease-Purchase Program.

Animal Welfare Society of Jefferson County Christmas card and thank you.

Shepherdstown Day Care Annual Report.

Friends of Music - Year End donation request.

Boys & Girls Club - Request of funds(\$2,000) allocated for the 2012-2013 fiscal year.

Good Shepherd Caregivers - Thank you letter for \$20,000. Gift of Hope donation request. Annual Report - Year End Review.

West Virginia Ethic Reporter.

Jefferson County Pubic Service District Minutes - November 5, 2012.

WV Division of Highways - Regarding the draft copy of the Statewide Transportation Improvement Program (STIP). Available on web for Public Comment.

Richard & Melinda Keuroglan - Copy of letter sent to Apple Valley Waste.

Christmas card from Governor Earl Ray and Family.

Christmas card from County Commissioners' Association.

WV Lottery Weekly Settlement - Week ending December 15, 2012.

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

**Minutes**  
**Jefferson County Commission**  
**Thursday, December 20, 2012**

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A meeting of the Jefferson County Commission was held on Thursday, December 20, 2012 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Lyn Widmyer, Frances Morgan and Walt Pellish. Also present were Debbie Keyser, County Administrator, Cynthia Schott, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the December 20, 2012 meeting is available through the Jefferson County Commission Office.)

**PLEDGE OF ALLEGIANCE**

Commissioner Morgan led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Motion by Ms. Morgan to approve the Minutes of the December 6, 2012 regular meeting with noted correction. Motion seconded by Mr. Manuel and unanimously approved.**

President Noland requested a moment of silence in honor of the community of Newton Connecticut.

**APPROVAL OF PURCHASE ORDERS**

**Motion by Mr. Manuel to approve Purchase Orders in the amount of \$139,637.64 being P. O. Nos. 49856, 50300, 50203, 50297, 50302, 50307, 49895,49897, 51229, 51230, 50000, 50001, 50254, 50255, 50256, 50257, 50299, 50301, 50303, 51231, 50244, 50860, 49797, 49800, 50112, 51228, 50293, 50294, 50296, 50304, 50308, 50309, 51232, 50056, and 50057. Motion seconded by Mr. Pellish and unanimously approved.**

Mr. Manuel noted that \$89, 840.80 of the \$139,637.64 was paid to the Regional Jail.

**APPROVAL OF ACCOUNTS PAYABLE**

**Motion by Mr. Manuel to approve the accounts payable for December 13, 2012 in the amount of \$69,958.63. Motion seconded by Mr. Pellish and unanimously approved.**

| CHCKNO | DEPT | VENDOR                | PONUM | POAMT       | NOAMT       | CHECK AMOUNT |
|--------|------|-----------------------|-------|-------------|-------------|--------------|
| 068831 | 424  | AT&T/IL               |       | \$ -        | \$ 0.31     | \$ 0.31      |
| 068832 | 700  | AUTOZONE              |       | \$ -        | \$ 108.90   | \$ 108.90    |
| 068832 | 717  | AUTOZONE              |       | \$ -        | \$ 246.53   | \$ 246.53    |
| 068833 | 425  | B-K OFFICE SUPPLY INC | 50288 | \$ 840.25   | \$ -        | \$ 840.25    |
| 068833 | 425  | B-K OFFICE SUPPLY INC | 50295 | \$ 63.90    | \$ -        | \$ 63.90     |
| 068833 | 440  | B-K OFFICE SUPPLY INC | 50221 | \$ 1,142.39 | \$ -        | \$ 1,142.39  |
| 068834 | 424  | BOLAND SERVICES       | 52062 | \$ 7,958.00 | \$ -        | \$ 7,958.00  |
| 068834 | 424  | BOLAND SERVICES       | 52062 | \$ 3,212.00 | \$ -        | \$ 3,212.00  |
| 068834 | 424  | BOLAND SERVICES       | 52829 | \$ 270.00   | \$ -        | \$ 270.00    |
| 068834 | 425  | BOLAND SERVICES       | 51117 | \$ 991.01   | \$ -        | \$ 991.01    |
| 068835 | 700  | GEORGE BRADSHAW       |       | \$ -        | \$ 2,440.00 | \$ 2,440.00  |
| 068836 | 425  | CITY OF CHARLES TOWN  | 50287 | \$ 40.00    | \$ -        | \$ 40.00     |
| 068837 | 401  | CHOICE STAFFING, INC. |       | \$ -        | \$ 1,333.80 | \$ 1,333.80  |

|              |         |                          |       |                     |                     |                     |
|--------------|---------|--------------------------|-------|---------------------|---------------------|---------------------|
| 068837       | 440     | CHOICE STAFFING, INC.    |       | \$ -                | \$ 2,192.06         | \$ 2,192.06         |
| 068838       | 425     | 84 LUMBER                | 50298 | \$ 1.89             | \$ -                | \$ 1.89             |
| 068839       | 717     | GUY'S BUICK-GMC TRUCK IN | 50284 | \$ 169.00           | \$ -                | \$ 169.00           |
| 068840       | 425     | GRAINGER, INC            | 50285 | \$ 25.20            | \$ -                | \$ 25.20            |
| 068841       | 433     | JESSICA GORMONT          |       | \$ -                | \$ 161.00           | \$ 161.00           |
| 068842       | 402     | SALLY GRAN               |       | \$ -                | \$ 30.00            | \$ 30.00            |
| 068842       | 402     | SALLY GRAN               |       | \$ -                | \$ 25.81            | \$ 25.81            |
| 068843       | 717     | GUTTMAN OIL CO           |       | \$ -                | \$ 14,365.97        | \$ 14,365.97        |
| 068844       | 428     | GLOBAL DATA CONSULTANTS  |       | \$ -                | \$ 432.50           | \$ 432.50           |
| 068845       | 424     | GRIFFITH ENERGY SERVICE  |       | \$ -                | \$ 1,817.42         | \$ 1,817.42         |
| 068846       | 425     | JEFF CO PUBLIC SER DEPT  |       | \$ -                | \$ 153.80           | \$ 153.80           |
| 068847       | 404     | JEFFERSON PUBLISH CO INC | 52086 | \$ 4,642.54         | \$ -                | \$ 4,642.54         |
| 068847       | 413     | JEFFERSON PUBLISH CO INC | 49996 | \$ 756.04           | \$ -                | \$ 756.04           |
| 068847       | 413     | JEFFERSON PUBLISH CO INC | 50002 | \$ 81.10            | \$ -                | \$ 81.10            |
| 068848       | 425     | JEFFERSON UTILITIES INC  |       | \$ -                | \$ 499.76           | \$ 499.76           |
| 068849       | 413     | JEFFERSON COUNTY SCHOOLS | 49997 | \$ 1,155.00         | \$ -                | \$ 1,155.00         |
| 068850       | 717     | JASPER ENGINE&TRANSMISSN | 50289 | \$ 2,756.00         | \$ -                | \$ 2,756.00         |
| 068851       | 712     | LANGUAGE LINE SERVICES   |       | \$ -                | \$ 58.16            | \$ 58.16            |
| 068852       | 712     | MORGAN TROPHIES AWARDS   | 49796 | \$ 17.00            | \$ -                | \$ 17.00            |
| 068853       | 424     | VERIZON BUSINESS         |       | \$ -                | \$ 1,137.54         | \$ 1,137.54         |
| 068854       | 401     | FRANCES B. MORGAN        |       | \$ -                | \$ 41.64            | \$ 41.64            |
| 068855       | 402     | PIFER OFFICE SUPPLY, INC | 49999 | \$ 63.43            | \$ -                | \$ 63.43            |
| 068855       | 403     | PIFER OFFICE SUPPLY, INC | 49896 | \$ 7.25             | \$ -                | \$ 7.25             |
| 068855       | 404     | PIFER OFFICE SUPPLY, INC | 52085 | \$ 128.52           | \$ -                | \$ 128.52           |
| 068856       | 401     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 147.50           | \$ 147.50           |
| 068856       | 402     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 88.00            | \$ 88.00            |
| 068856       | 403     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 792.00           | \$ 792.00           |
| 068856       | 404     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 2,745.74         | \$ 2,745.74         |
| 068856       | 406     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 70.00            | \$ 70.00            |
| 068857       | 711     | SOFTWARE COMPUTER GROUP  | 53192 | \$ 150.00           | \$ -                | \$ 150.00           |
| 068858       | 425     | SHENANDOAH VALLEY WATER  |       | \$ -                | \$ 666.65           | \$ 666.65           |
| 068859       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 9,861.08         | \$ 9,861.08         |
| 068860       | 425     | CAPITAL TRISTATE         | 50204 | \$ 2,311.94         | \$ -                | \$ 2,311.94         |
| 068861       | 425     | THOMPSON GAS             |       | \$ -                | \$ 591.29           | \$ 591.29           |
| 068862       | 424     | TRENARY SERVICE CO       | 50286 | \$ 2,947.67         | \$ -                | \$ 2,947.67         |
| 068863       | 403     | UNITED SYSTEMS & SOFTWAR |       | \$ -                | \$ 199.00           | \$ 199.00           |
| 068864       | 425     | VALLEY HARDWARE COMPANY  | 50158 | \$ 22.04            | \$ -                | \$ 22.04            |
|              |         |                          |       |                     |                     |                     |
|              |         |                          |       |                     |                     |                     |
| <b>TOTAL</b> |         |                          |       |                     |                     | <b>\$ 69,958.63</b> |
| <b>TOTAL</b> |         |                          |       | <b>\$ 29,752.17</b> | <b>\$ 40,206.46</b> | <b>\$ 69,958.63</b> |

Motion by Ms. Morgan to approve the accounts payable for December 20, 2012 in the amount of \$413,934.35.

**Motion seconded by Mr. Pellish and unanimously approved.**

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT     | NOAMT        | CHECK AMOUNT |
|--------|---------|--------------------------|-------|-----------|--------------|--------------|
| 068867 | PAYROLL | AMERICAN FAMILY LIFE ICU |       | \$ -      | \$ 3,725.38  | \$ 3,725.38  |
| 068868 | 425     | COMCAST                  |       | \$ -      | \$ 349.95    | \$ 349.95    |
| 068869 | ALLOC   | AHA/ART&HUMANITIES ALLNC |       | \$ -      | \$ 2,231.92  | \$ 2,231.92  |
| 068870 | 712     | B-K OFFICE SUPPLY INC    | 49798 | \$ 56.98  | \$ -         | \$ 56.98     |
| 068871 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -      | \$ 49.85     | \$ 49.85     |
| 068872 | 406     | ELIZABETH JUNE BOWERS    |       | \$ -      | \$ 31.53     | \$ 31.53     |
| 068873 | PAYROLL | BUREAU F/CHILD SPRT ENF  |       | \$ -      | \$ 212.31    | \$ 212.31    |
| 068874 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -      | \$ 461.54    | \$ 461.54    |
| 068875 | 712     | LORI BROWN               |       | \$ -      | \$ 66.05     | \$ 66.05     |
| 068876 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -      | \$ 23.08     | \$ 23.08     |
| 068877 | PAYROLL | VA DEPT OF TAXATION      |       | \$ -      | \$ 992.14    | \$ 992.14    |
| 068878 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -      | \$ 27.69     | \$ 27.69     |
| 068879 | PAYROLL | COLONIAL LIFE            |       | \$ -      | \$ 756.42    | \$ 756.42    |
| 068880 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -      | \$ 154.83    | \$ 154.83    |
| 068881 | PAYROLL | HIGHMARK INC             |       | \$ -      | \$ 594.00    | \$ 594.00    |
| 068882 | 401     | FEDEX                    |       | \$ -      | \$ 32.60     | \$ 32.60     |
| 068882 | 405     | FEDEX                    |       | \$ -      | \$ 59.11     | \$ 59.11     |
| 068883 | 717     | FLEETPRIDE               | 51233 | \$ 44.20  | \$ -         | \$ 44.20     |
| 068884 | 415     | GENERAL COUNTY FUND-J FE |       | \$ -      | \$ 22,171.93 | \$ 22,171.93 |
| 068885 | 440     | HEWETT & ASSOCIATES      | 50223 | \$ 85.00  | \$ -         | \$ 85.00     |
| 068886 | PAYROLL | ING NATIONAL TRUST       |       | \$ -      | \$ 1,685.00  | \$ 1,685.00  |
| 068887 | ALLOC   | JEFFERSON COUNTY HISTORI |       | \$ -      | \$ 2,231.92  | \$ 2,231.92  |
| 068888 | 439     | JEFFERSON PUBLISH CO INC | 49962 | \$ 97.02  | \$ -         | \$ 97.02     |
| 068888 | 401     | JEFFERSON PUBLISH CO INC |       | \$ -      | \$ 142.92    | \$ 142.92    |
| 068889 | ALLOC   | BOYS & GIRLS CLUB        |       | \$ -      | \$ 2,000.00  | \$ 2,000.00  |
| 068890 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -      | \$ 40.00     | \$ 40.00     |
| 068890 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -      | \$ 4,693.00  | \$ 4,693.00  |
| 068891 | 405     | DANIEL M. JAMES          |       | \$ -      | \$ 159.84    | \$ 159.84    |
| 068892 | 717     | J & K PRECISION AUTO CAR | 50305 | \$ 18.95  | \$ -         | \$ 18.95     |
| 068893 | 401     | MATTHEW BENDER & CO      |       | \$ -      | \$ 118.94    | \$ 118.94    |
| 068894 | 425     | MAGAHA, INC.             | 50306 | \$ 35.90  | \$ -         | \$ 35.90     |
| 068895 | PAYROLL | COMPTROLLER OF MARYLAND  |       | \$ -      | \$ 782.56    | \$ 782.56    |
| 068896 | 425     | HOME DEPOT CREDIT SERVIC |       | \$ -      | \$ 0.49      | \$ 0.49      |
| 068897 | PAYROLL | HELEN M. MORRIS, TRUSTEE |       | \$ -      | \$ 150.00    | \$ 150.00    |
| 068898 | PAYROLL | NATIONWIDE RETIREMENT    |       | \$ -      | \$ 774.00    | \$ 774.00    |
| 068899 | 712     | NAEMD                    | 49819 | \$ 100.00 | \$ -         | \$ 100.00    |
| 068900 | ALLOC   | JEFF CO PARKS &          |       | \$ -      | \$ 23,435.13 | \$ 23,435.13 |
| 068901 | 403     | PROGRESSIVE PRINTING     | 49898 | \$ 78.00  | \$ -         | \$ 78.00     |
| 068902 | 425     | POTOMAC EDISON/OH        |       | \$ -      | \$ 1,920.90  | \$ 1,920.90  |
| 068903 | 401     | RICOH USA, INC./GA       |       | \$ -      | \$ 252.73    | \$ 252.73    |
| 068903 | 403     | RICOH USA, INC./GA       |       | \$ -      | \$ 287.58    | \$ 287.58    |

|        |         |                          |       |          |              |              |
|--------|---------|--------------------------|-------|----------|--------------|--------------|
| 068903 | 404     | RICOH USA, INC./GA       |       | \$ -     | \$ 123.90    | \$ 123.90    |
| 068903 | 405     | RICOH USA, INC./GA       |       | \$ -     | \$ 423.90    | \$ 423.90    |
| 068903 | 406     | RICOH USA, INC./GA       |       | \$ -     | \$ 123.90    | \$ 123.90    |
| 068903 | 425     | RICOH USA, INC./GA       |       | \$ -     | \$ 48.10     | \$ 48.10     |
| 068903 | 433     | RICOH USA, INC./GA       |       | \$ -     | \$ 197.41    | \$ 197.41    |
| 068903 | 440     | RICOH USA, INC./GA       |       | \$ -     | \$ 197.41    | \$ 197.41    |
| 068903 | 700     | RICOH USA, INC./GA       |       | \$ -     | \$ 295.90    | \$ 295.90    |
| 068903 | 712     | RICOH USA, INC./GA       |       | \$ -     | \$ 267.08    | \$ 267.08    |
| 068904 | 405     | STAPLES CREDIT PLAN      | 50055 | \$ 29.98 | \$ -         | \$ 29.98     |
| 068905 | 408     | STATE TAX DEPARTMENT     |       | \$ -     | \$ 13,089.04 | \$ 13,089.04 |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 8.89      | \$ 8.89      |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 2.48      | \$ 2.48      |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 9,784.32  | \$ 9,784.32  |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 35,088.73 | \$ 35,088.73 |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 85.26     | \$ 85.26     |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 23.78     | \$ 23.78     |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 7.37      | \$ 7.37      |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 118.84    | \$ 118.84    |
| 068906 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 39,815.63 | \$ 39,815.63 |
| 068907 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 29,766.21 | \$ 29,766.21 |
| 068907 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 103.40    | \$ 103.40    |
| 068907 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -     | \$ 3.83      | \$ 3.83      |
| 068908 | PAYROLL | WV DEPUTY SHRF RETIREMEN |       | \$ -     | \$ 10,127.47 | \$ 10,127.47 |
| 068908 | PAYROLL | WV DEPUTY SHRF RETIREMEN |       | \$ -     | \$ 15,489.02 | \$ 15,489.02 |
| 068909 | 717     | TRI STATE TIRES          | 51236 | \$ 68.00 | \$ -         | \$ 68.00     |
| 068910 | 401     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 351.83    | \$ 351.83    |
| 068910 | 402     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 69.90     | \$ 69.90     |
| 068910 | 402     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 219.00    | \$ 219.00    |
| 068910 | 402     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 4.24      | \$ 4.24      |
| 068910 | 402     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 50.00     | \$ 50.00     |
| 068910 | 403     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 44.87     | \$ 44.87     |
| 068910 | 403     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 38.61     | \$ 38.61     |
| 068910 | 405     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 200.00    | \$ 200.00    |
| 068910 | 405     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 1,125.00  | \$ 1,125.00  |
| 068910 | 412     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 446.97    | \$ 446.97    |
| 068910 | 413     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 104.99    | \$ 104.99    |
| 068910 | 413     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 1,054.69  | \$ 1,054.69  |
| 068910 | 415     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 74.98     | \$ 74.98     |
| 068910 | 424     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 98.13     | \$ 98.13     |
| 068910 | 424     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 17,795.48 | \$ 17,795.48 |
| 068910 | 425     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 911.54    | \$ 911.54    |
| 068910 | 425     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 483.06    | \$ 483.06    |
| 068910 | 425     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 133.53    | \$ 133.53    |
| 068910 | 425     | UNITED BANKCARD CENTER   |       | \$ -     | \$ 57.40     | \$ 57.40     |

|              |         |                         |       |                    |                      |                      |
|--------------|---------|-------------------------|-------|--------------------|----------------------|----------------------|
| 068910       | 425     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 68.38             | \$ 68.38             |
| 068910       | 425     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 98.02             | \$ 98.02             |
| 068910       | 428     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 47.06             | \$ 47.06             |
| 068910       | 428     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 488.00            | \$ 488.00            |
| 068910       | 433     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 148.39            | \$ 148.39            |
| 068910       | 433     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 105.00            | \$ 105.00            |
| 068910       | 433     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 175.00            | \$ 175.00            |
| 068910       | 439     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 175.00            | \$ 175.00            |
| 068910       | 439     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 10.50             | \$ 10.50             |
| 068910       | 439     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 381.92            | \$ 381.92            |
| 068910       | 700     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 129.94            | \$ 129.94            |
| 068910       | 700     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 77.00             | \$ 77.00             |
| 068910       | 700     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 268.36            | \$ 268.36            |
| 068910       | 711     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 596.11            | \$ 596.11            |
| 068910       | 712     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 200.80            | \$ 200.80            |
| 068910       | 712     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 2,272.36          | \$ 2,272.36          |
| 068910       | 716     | UNITED BANKCARD CENTER  |       | \$ -               | \$ 519.43            | \$ 519.43            |
| 068911       | ALLOC   | JEFFERSON CO CONVENTION |       | \$ -               | \$ 27,898.97         | \$ 27,898.97         |
| 068912       | 405     | WEST PAYMENT CENTER     | 49635 | \$ 2,043.88        | \$ -                 | \$ 2,043.88          |
| 068913       | PAYROLL | WV PUB EMP RETIRE SYS   |       | \$ -               | \$ 24,811.40         | \$ 24,811.40         |
| 068913       | PAYROLL | WV PUB EMP RETIRE SYS   |       | \$ -               | \$ 3.89              | \$ 3.89              |
| 068913       | PAYROLL | WV PUB EMP RETIRE SYS   |       | \$ -               | \$ 12.10             | \$ 12.10             |
| 068913       | PAYROLL | WV PUB EMP RETIRE SYS   |       | \$ -               | \$ 77,190.93         | \$ 77,190.93         |
| 068914       | PAYROLL | WV CPRB/LOAN DIVISION   |       | \$ -               | \$ 133.20            | \$ 133.20            |
| 068915       | 401     | WINCHESTER STAR         |       | \$ -               | \$ 924.00            | \$ 924.00            |
| 068916       | PAYROLL | WVCORP                  |       | \$ -               | \$ 28,546.25         | \$ 28,546.25         |
| 068916       | PAYROLL | WVCORP                  |       | \$ -               | \$ (3,127.00)        | \$ (3,127.00)        |
| 068917       | 413     | SARAH SHADLE            |       | \$ -               | \$ 50.00             | \$ 50.00             |
|              |         |                         |       |                    |                      |                      |
| <b>TOTAL</b> |         |                         |       |                    |                      | <b>\$ 413,934.35</b> |
| <b>TOTAL</b> |         |                         |       | <b>\$ 2,657.91</b> | <b>\$ 411,276.44</b> | <b>\$ 413,934.35</b> |

**PUBLIC COMMENT:**

Kathy Knight – In lieu of the current tragedy in Connecticut, Ms. Knight spoke to the issue of mental health, her personal experience living with a child who has Asperger’s and the country’s lack of resources for help.

Eleanor Finn – Thanked the Commissioners for their hard work through the year on behalf of the County.

David Tabb – Spoke on accountability for choices made in regard to the shootings in Connecticut and the Open Meeting Statute.

Jennifer Brockman, Director of Planning and Zoning introduced Chris Whittaker, the new Comprehensive Plan Planner.

## PRESENTATIONS:

- Matt Mullenax - Update on Broadband Survey.
- Robert Shirley, Sheriff – Approval of New Hire, Animal Control Officer.
  - **Motion by Ms. Morgan to approve the hire of Dorothy Turley for the position as an Animal Control Officer as budgeted for in July. Motion seconded by Mr. Manuel and unanimously approved.**
- Needed vote by Commission on main motion from December 6, 2012 meeting.
  - **Motion by Mr. Manuel that the Commission set three priorities to present at the Legislative Session in the following order of priority Marc Trains, Transfer Tax – (such as) – Regional Jail Center and Unfunded Mandates (such as) Chesapeake Bay Cleanup, inability to bid election ballots and election materials. Motion seconded by Mr. Pellish.**
    - **Amended motion by Ms. Morgan to include support of Senator Snyder and Delegate Doyle in amending Article 36B as a fourth priority. Motion seconded by Ms. Widmyer and unanimously approved.**
    - **Motion by Mr. Pellish to vote on the original motion made by Mr. Manuel setting three priorities and adding Ms. Morgan’s amendment including a fourth priority. Motion seconded by Ms. Morgan and unanimously approved.**

Ms. Widmyer requested the record reflect this subject was discussed at length at the December 6, 2012 by the Commissioners.

- Roger Goodwin, Department of Engineering – Bond Reduction/Release.
  - Complete release of the Construction Bond security for WV Hunter, LLC/National Land Partners, LLC – Waterside Reserve Subdivision (File#05-19). Letter of Credit #598 with First United Bank & Trust, Oakland, Maryland.
    - **Motion by Mr. Manuel to authorize a complete release of the remaining \$139,942.00 construction bond for WV Hunter, LLC/National Land Partners LLC – Waterside Reserve Subdivision (File #05-19). Motion seconded by Ms. Morgan and unanimously approved.**
  - Complete release of the Construction Bond security for Jefferson Reality, LLC-Country Roads Market (File #S11-08) – Letter of Credit #318 with the Bank of Charles Town, Charles Town, WV.
    - **Motion by Mr. Pellish to authorize the complete release of the remaining \$96,067.00 construction bond amount for Jefferson Reality, LLC-Country Roads Market (File #S11-08). Motion seconded by Ms. Widmyer and unanimously approved.**

## NEW BUSINESS:

- Prepare a letter to the WV Department of Highways regarding a hazardous situation on the new Rt. 9 and Rt. 115 along with concerns at Cattail Road.
  - As a point of order, Ms. Widmyer requested that Agenda items 5 & 6 be combined as they are related. Consensus of the Commission to combine the two agenda items.
    - Lack of night lighting, grade and sight issues at the intersection of Route 9 & 115 and the lack of acceleration lane at Cattail Rd are a few of the road issues facing Jefferson County. These issues

have been brought to the Commissioners attention from constituents through emails, phone calls and personal discussions. Mr. Manuel suggested a “Road Summit”, while the legislature is in session, would be to the benefit of the County. He believes Senator Unger and Senator Snyder would be very good liaisons. This would entail inviting engineers from the WVDOH to discuss road concerns and take a “field trip” to show the WVDOH the actual areas of concern. It was the consensus of the Commission to schedule the “Road Summit” for the fourth (4<sup>th</sup>) Thursday in January. This will give the Commission time to set their priorities in place before they meet with the WVDOH.

- **Motion by Mr. Manuel to send a letter to the WV Department of Highways to inform them of problem areas and hazardous situations and to attach emails from constituents to alert them to our concerns. Motion seconded by Ms. Morgan and unanimously approved.**

- The Commission took a break at 10:58.  
The Commission reconvened at 11:06.
- Approval of half day off on December 24, 2012.
  - **Motion by Mr. Manuel to acknowledge the Governors Proclamation and grant a half day off on December 24, 2012. Motion seconded by Ms. Widmyer and unanimously approved.**
- Approval to reappoint Ben Money to the Property Safety Enforcement Board as Fire Chief Representative.
  - **Motion by Mr. Manuel to reappoint Ben Money to the Property Safety Enforcement Board as Fire Chief Representative. Motion seconded by Ms. Morgan and unanimously approved.**

#### **DIRECTOR OF PLANNING AND ZONING MONTHLY UPDATE**

- Ms. Brockman reported to the Commission that the Mayor of Harpers Ferry has requested the assistance from the Planning Commission staff to review their Sight Plan Criteria. Ms. Brockman is asking permission from the Commission to allow her to review the Sight Plan Criteria for Harpers Ferry. Ms. Brockman is willing to do this on her own time as it should only take a few hours. Ms. Brockman feels comfortable under the AICP Code of Ethics that providing support to smaller communities in the County is appropriate. It was the consensus of the Commission to have Ms. Brockman and/or her staff assist Harpers Ferry during working hours. Should this take more then 5-6 hours Ms. Brockman will direct the Mayor to come to the Commission.
- Board of Zoning Appeals. Ms. Brockman reported that the Board of Zoning Appeals has openings for members. She will be advertising for new members.
- Update on Comprehensive Plan. Ms. Brockman reported the Comprehensive Plan Steering Committee has met twice in order to get to know one another. The new Comprehensive Plan Planner came to the first meeting of the Steering Committee. The following has been decided by the Comprehensive Plan Steering Committee;
  - A series of Bag & Learn Lunches have been scheduled starting January 9, 2013 and running through February. There will be brief presentations by different County agencies and organizations to try to get all the Steering Committee Members on the same level of information of what is happening in Jefferson County.
  - The group went over the 2004 Comp Plan Implementation Recommendations and review what was implemented and what was not.
  - The Steering Committee has agreed to meeting monthly.
  - There will be Public Input meetings held February 2<sup>nd</sup>, 4<sup>th</sup> and 6<sup>th</sup>. These meetings will be held throughout the County.
  - **Motion by Mr. Manuel to meet formally with the Comprehensive Plan Steering Committee on January 10 or 31, 2013 to show the Committee that Commission is interested in the process and there to support them. Motion seconded by Ms. Noland. Motion fails on a vote of 3-2 with Ms. Widmyer, Ms. Morgan and Mr. Pellish voting against.**
  -

- Ms. Brockman suggested a meeting with the Steering Committee would be more effective if it was held sometime in March after the Public Input Meetings.

## FINANCIAL DIRECTOR REPORTS

Reallocation of Coal Severance order to create a new account called the Jefferson County Coal Reallocation fund. Money must be used for Economic Development. The County must report at the end of the year how the money was spent.

- **Motion by Mr. Manuel to create a Jefferson County Coal Reallocation Fund for Economic Development. Motion seconded by Mr. Pellish and unanimously approved.**

Transfer of \$500,000 from Coal Severance Fund to the Capital Outlay Fund.

- **Motion by Mr. Manuel to transfer \$500,000 from the Coal Severance Fund to the Capital Outlay Fund. Motion seconded by Mr. Pellish and unanimously approved.**

Budget Analysis for the General County Fund for the month ending October 31, 2012. Mr. Shroyer went over General County Fund for the month ending October 31, 2012 and answered questions posed by the Commissioners.

Approval of Internal Budget Revision #106 & #108.

- **Motion by Mr. Manuel to approve Internal Budget Revision #106 in the amount of \$10,000. Reallocation of \$8,000 from the Sheriff's Department Material and Supplies to Contracted Services and \$2,000 from the Sheriff's Department Procurement of Uniforms to Maintenance & Repair of Equipment. Motion seconded by Mr. Pellish and unanimously approved.**
- **Motion by Mr. Manuel to approve Internal Budget Revision #108 in the amount of \$6,400. \$3,200 from the Engineering Department's Overtime line item, \$2,000 from Engineering Department's Ads & Legal Publications line item and \$1,200 from the Engineering Department's Contracted Services line item to the Engineering Department's Part-time Extra Help line item. Motion seconded by Ms. Morgan and unanimously approved.**

Note – Internal Budget Revision #6 was held up and just now made it to the Commission. Budget Revision #7 has already been done, which is why Budget Revision #7 is skipped here.

## COUNTY ADMINISTRATORS REPORT

- ❖ List of meetings attended by Commissioners – Ms. Keyser called attention to the handout prepared by Ms. McDonald tallying the number of meetings that the Commissioners had attended over the past year. The tally of 69 meetings only covered County Commission Meetings, Public Hearings and Special Meetings. It did not include the meetings that each Commissioner attended for the committees where they were liaisons for the Commission or meetings with constituents.
- ❖ Community Grants – Ms. Keyser reported that letters explaining the time line and how to apply for the Community Grants would be going out to organizations January 7, 2012. It was thought that since the grant process won't start until the new fiscal year, the letters didn't need to go out as early.
- ❖ Ms. Keyser shared that many County Courthouses were going to be ringing bells 26 times at 9:30 Friday morning, in memory of those killed in Newton Connecticut. The Commission request that a moment of silence be observed before the bells were rung as asked by the Governor of Connecticut.
- ❖ IT RFP – Ms. Keyser reported that she had received three (3) responses to her RFP for an IT Recruiting Company but only two (2) who came in for an interview. The companies have requested that we not put out competitive information, so, Ms. Keyser referred to the companies as Company 1 and Company 2. Ms. Keyser shared her impressions of both companies and recommended to the Commission that Company One, in her opinion, meets the need of the County better.
  - **Motion by Ms. Morgan to hire Company 1 as the IT Recruiting Company. Motion seconded by Mr. Manuel and unanimously approved.**

## COUNTY COMMISSION REPORTS:

### **Commissioner Manuel:**

- Represented the Commission at the Kiwanis Santa Toy Shop Reception.
- Attended the Driswood Elementary School (4<sup>th</sup> grade) Christmas Concert.
- Attended the Leeds Corbin Benefit.
- Attended the ESA Meeting.
- Attended the Jefferson County Council on Aging Meeting.
- Attended the Daily Companions Inc. Luncheon.
- Attended a Teen Court Meeting.
- “Flipped” pancakes at the Jefferson County Employee Holiday Breakfast.

### **Commissioner Morgan:**

- Attended the Farmland Protection Board Meeting.
- “Flipped” pancakes at the Jefferson County Employee Holiday Breakfast.

### **Commissioner Noland:**

- Attended the Daily Companions Inc. Luncheon.
- Attended the Jefferson County Council on Aging Meeting.
- Spoke to the Leadership Jefferson Class.
- “Flipped” pancakes at the Jefferson County Employee Holiday Breakfast.  
Ms. Noland thanked Ms. Keyser for a very successful employee Holiday Celebration that morning and for her success in all of the employee programs that she has worked so hard on over the past year.

### **Commissioner Pellish:**

- Attended the Development Authority Meeting.
- Attended the Arts & Humanities Council Reception.
- “Played a Jolly Ol’ Elf” at the Jefferson County Employee Holiday Breakfast.

### **Commissioner Widmyer:**

- Attended the Water Advisory Committee.
- Attended Mike Laurenson Swearing In.
- Attended an Open House at Claymont.
- Attended Millville Quarry Neighborhood Advisory Committee Meeting.
- “Flipped” pancakes at the Jefferson County Employee Holiday Breakfast.

Ms. Noland, as President of the Commission, presented Ms. Morgan with a painting of the Jefferson County Courthouse and thanked her on behalf of the Commission for her service to the County as a Commissioner. Ms. Widmyer gave a special thanks to Ms. Morgan for always maintaining the courage of her convictions.

## COUNTY ADMINISTRATORS REPORT (continued)

- Briel/Liberty Building
  - **Motion by Mr. Manuel to enter into Executive Session to discuss property acquisition in accordance with WV Code §6-9A-4(9), to consider matters involving or affecting the purchase, sale or lease of property, in regard to 201 N. George Street, Charles Town, WV. Motion seconded by Mr. Pellish and unanimously approved. (Ms. Morgan recused herself from the Executive Session).**
    - No action was taken.
  - **Motion by Mr. Manuel to conclude the Executive Session and reconvene the regular meeting of the**

**County Commission. Motion seconded by Mr. Pellish and unanimously approved.**

The Commission meeting was adjourned immediately following the conclusion of the Executive Session on a motion by Mr. Manuel. Motion was seconded by Mr. Pellish and unanimously approved.

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PATRICIA A. NOLAND, PRESIDENT

## PURCHASE ORDERS TO BE APPROVED

January 03, 2013

| DEPARTMENT         | PURCHASE ORDER | AMOUNT               | VENDOR                     | DESCRIPTION                       |
|--------------------|----------------|----------------------|----------------------------|-----------------------------------|
| ASSESSOR           | 49857          | \$ 129.98            | Pifer Office Supply        | TRP Internet 350U                 |
|                    | 49858          | \$ 105.00            | Nada Guides                | Old Vehicle Guides                |
| CIRCUIT CLERK      | 49899          | \$ 118.94            | Matthew Bender & Co., Inc. | WV Court Rules 2013 ED 2 Vols.    |
| COUNTY COMMISSION  | 51291          | \$ 6,044.11          | Core, BTS Inc.             | Smartnet Maintenance              |
|                    | 51292          | \$ 376.26            | IDVILLE                    | Id Supplies                       |
| COURTHOUSE         | 51235          | \$ 258.00            | Trenary Service Co.        | Service call - Courthouse HVAC    |
| EXTENSION OFFICE   | 52129          | \$ 125.00            | Campbell Business Machine  | Translucent - 1" & 1.5 "          |
| JCECC              | 51227          | \$ 130.00            | NENA                       | Membership Dues 2013              |
| OTHER BUILDINGS    | 51234          | \$ 1,359.18          | Daycon                     | Cleaning Supplies                 |
|                    | 51237          | \$ 1,433.00          | Alliance Electric          | Labor & Materials Rec Center      |
|                    | 51238          | \$ 1,150.50          | BK Office Supply           | Computer & Copy Paper             |
|                    | 51239          | \$ 608.00            | Fidelity Power Systems     | Replace 2 batteries - generator   |
| SHERIFF OFFICE     | 50113          | \$ 79,600.00         | Stephens Auto Center       | 2 Police Sedan - 1 Police Utility |
|                    | 50114          | \$ 19,289.00         | Matthew Motor Truck Co.    | Animal Control Vehicle            |
|                    | 52087          | \$ 700.62            | Spirit of Jefferson        | Tax Lien listing                  |
| <b>GRAND TOTAL</b> |                | <b>\$ 111,427.59</b> |                            |                                   |

**Assignment to Boards, Commissions & Organizations  
Calendar Year 2012**

| <i>Organization</i>                                        | <i>Commissioner 2012</i> | <i>Commissioner 2013</i> |
|------------------------------------------------------------|--------------------------|--------------------------|
| Affordable Housing                                         | Noland/Manuel            |                          |
| Air Quality Control Board                                  | Widmyer                  |                          |
| Approval of Bills                                          | Pellish/Widmyer          |                          |
| Board of Health                                            | Morgan                   |                          |
| Building Repair                                            | Manuel/Widmyer           |                          |
| Community Corrections Committee                            | Morgan/Manuel            |                          |
| Court House Committee                                      | Noland                   |                          |
| Development Authority                                      | Pellish                  |                          |
| E-911 Council                                              | Manuel                   |                          |
| Eastern Panhandle Transportation Board                     | Manuel                   |                          |
| Extension Service                                          | Noland                   |                          |
| Farmers Market Committee                                   | Noland/Manuel            |                          |
| Farmland Preservation Board                                | Morgan/Pellish (Alt.)    |                          |
| Jefferson County Convention & Visitors Bureau              | Noland/Pellish (Alt.)    |                          |
| Jefferson County Emergency Services Agency / Fire & Rescue | Manuel                   |                          |
| Historic Landmarks Commission                              | Morgan                   |                          |
| Homeland Security                                          | Manuel                   |                          |
| Legislative Liaison                                        | Noland/Manuel            |                          |
| Local Emergency Planning Committee                         | Manuel                   |                          |
| Mental Health Center                                       | Prosecuting Attorney     |                          |
| MPO Interstate Council                                     | Manuel                   |                          |
| Parks and Recreation                                       | Widmyer                  |                          |
| Planning Commission*                                       | Pellish                  |                          |
| Public Service District Liaison                            | Widmyer/Noland           |                          |
| Region 9                                                   | Noland                   |                          |
| Roundtable/Council of Government                           | Noland                   |                          |
| Solid Waste Authority                                      | Widmyer                  |                          |
| Telemon Board                                              | Morgan                   |                          |
| Water Advisory Committee                                   | Widmyer/Manuel           |                          |
| Workforce Investment Act Liaison                           | Morgan                   |                          |

RESOLUTION IN RECOGNITION OF WESTON GOODELL FOR HIS SERVICE ON THE  
REVITALIZATION TO THE JEFFERSON COUNTY COURTHOUSE BENCHES

WHEREAS, the Jefferson County Commission would like to thank Weston Goodell for his dedication of time and talent for over a year to create cushions for all the benches and chairs in the Jefferson County Courthouse;

WHEREAS, Weston Goodell continues to be a valuable Boy Scout to Troop 161;

WHEREAS, Weston Goodell has set an example and played an intricate part in helping to maintain the beauty of our Jefferson County Courthouse;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County will benefit from the knowledge and expertise provided by Weston Goodell as the result of his involvement, dedication and loyalty to revitalizing and providing new cushions;

THEREFORE, the Jefferson County Commission hereby recognizes Weston Goodell for his service as a loyal and dedicated member to the Boy Scout Troop 161 and in appreciation for his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

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

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

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

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

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

DATED THIS 20<sup>th</sup> DAY OF DECEMBER, 2012

# AGENDA REQUEST FORM

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

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

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

Date Requested – 1<sup>st</sup> Choice: Jan 3, 2013

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

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

Subject:

*Interview & Appointment for the Eastern Regional Airport Authority*

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

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

Are documents attached?

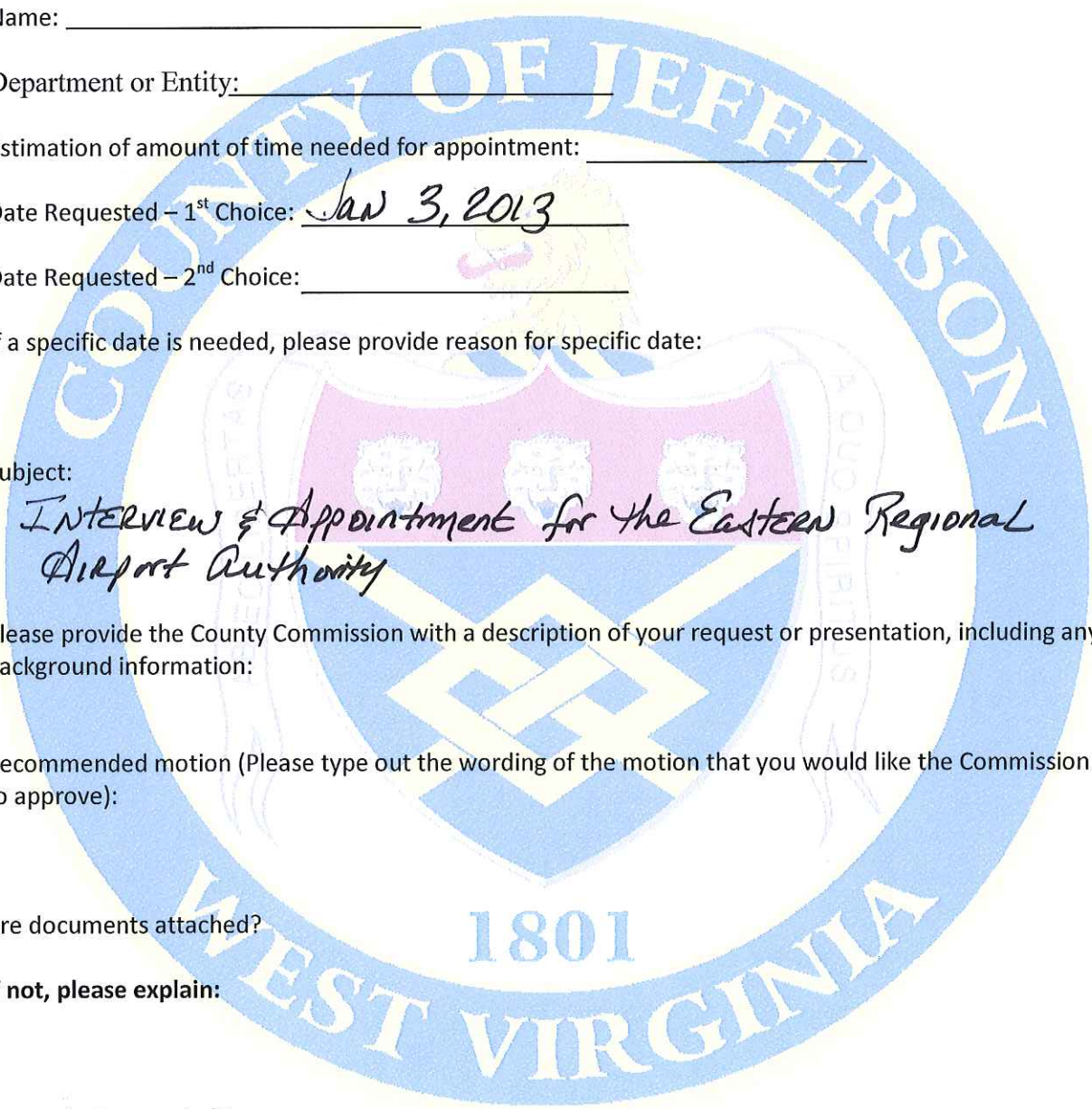
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



# AGENDA REQUEST FORM

Name: Steve Rawlings

Department or Entity: West Virginia Risk Pool

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 01/17/13

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

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

Subject: Update on West Virginia Risk Pool

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):

Are documents attached?

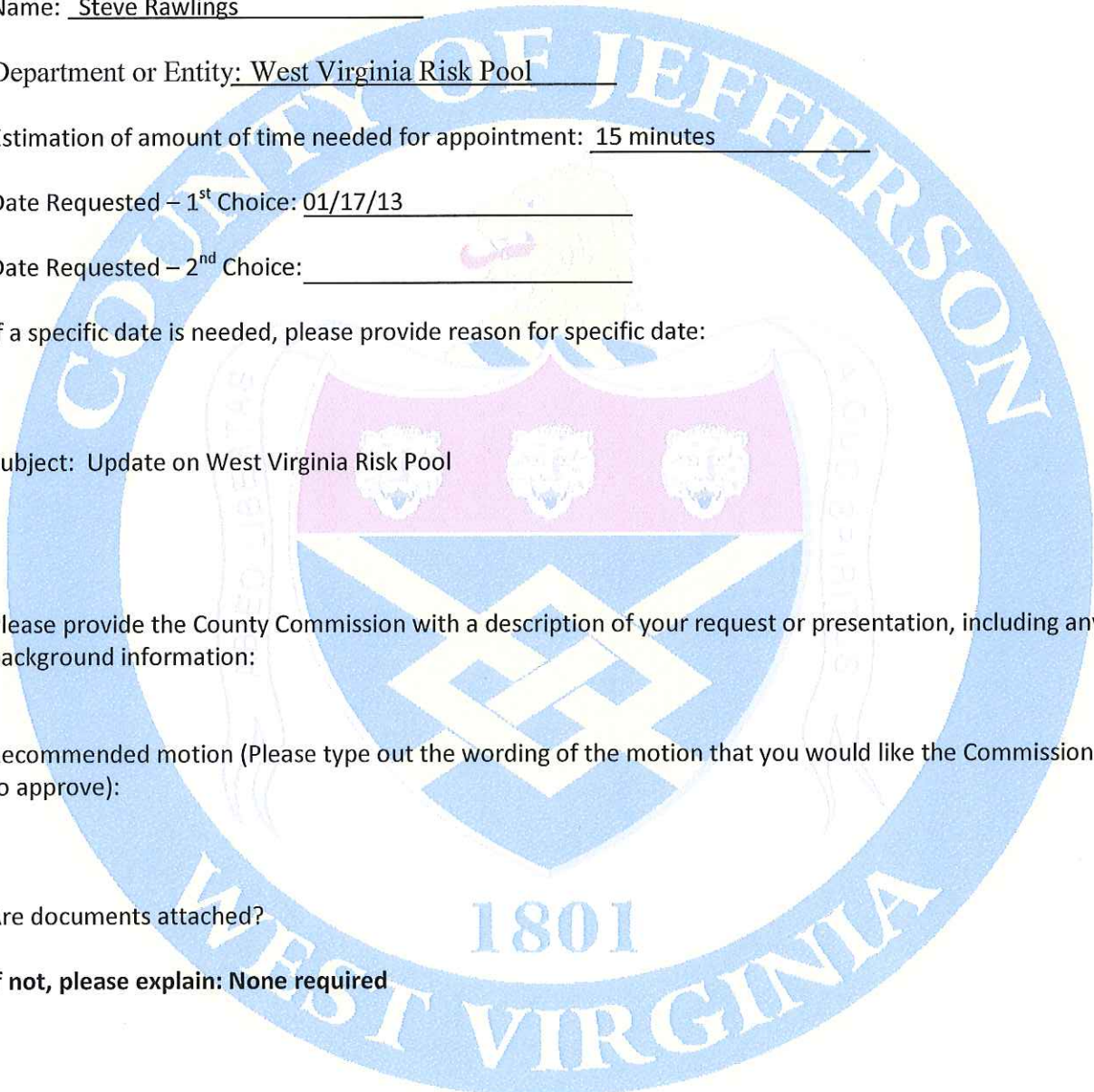
If not, please explain: None required

Is a projector needed? no

**Contact information:**

Email Address:

Phone number:



|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <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: Engineering

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

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

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

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

Subject: Jefferson County Bonding Policy – Tolling Amendments

Please provide the County Commission with a description of your request or presentation, including any background information: Present proposed tolling amendments to the Jefferson County Land Development Site Improvements Bonding and Bond Surety Policy subject to the Commission’s comments at their meeting on October 18, 2012.

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

Attachments: Draft - Jefferson County Bonding Policy

JEFFERSON COUNTY

Land Development

**SITE IMPROVEMENTS BONDING & BOND SURETY POLICY**

(Effective Date: September 2, 2010; Amended May 31, 2012)

All required bonding shall be provided by the owner/developer, approved by staff, and in place prior to the recordation of the subdivision final plat or the issuance of a permit for a land development project, in accordance with this policy.

1. Projects That Require Construction Bonds & Bond Surety:

When required, the owner/developer shall provide a construction bond as a guarantee that the site improvements will be completed and installed in accordance with the approved plans. The construction bond shall be secured with an acceptable form of surety. Projects requiring a construction bond and bond surety are as follows:

- A. Approved subdivisions of land requiring site/infrastructure improvements; and
- B. Commercial (for-profit & non-profit), industrial, institutional, religious facilities, and multi-family residential development projects, etc., that require a site plan and site improvements.

2. Bonding Arrangements:

- A. Bonding arrangements cannot be made prior to Planning Commission approval of a project.
- B. The owner/developer's engineer of record shall provide a complete and accurate bond estimate in a format acceptable to the Chief County Engineer. The bond estimate shall be based on the estimated costs of the site improvements utilizing current market rates. However, in no event shall the estimated cost be less than the unit costs provided by the Jefferson County Engineering Department. The unit costs are subject to change from time to time, as deemed necessary by the Chief County Engineer.
- C. A 15% contingency amount shall be added to the bond estimate. However, for projects with estimated construction costs under \$100,000.00, the minimum bond contingency amount shall be \$15,000.00.
- D. After the Chief County Engineer approves the construction bond amount, the developer shall submit the bond surety to the Bonding Administrator. The Bonding Administrator will then prepare the

construction bond documents (**See Appendix A**). Upon notification by the Bonding Administrator that the construction bond and bond surety documents are in order and in accordance with this Construction Bond and Bond Surety Policy, the County Commission president or County Administrator may affix their signature to the bond; this will constitute acceptance by the County Commission of Jefferson County, with no additional approvals required by them. All such action shall be reported to the County Commission as an agenda information item at their next meeting.

3. Length of Construction Bonds:

The initial bond shall be effective for a 2-1/2 year period. The developer shall have 2-1/2 years to complete the site improvements and infrastructure work unless time extensions are granted in accordance with this policy.

4. Time Extensions of Construction Bonds:

Upon written request by the developer, the staff may grant two additional 1-1/2 year time extensions for completion of all site improvements, for a total of 5-1/2 years, provided that:

- A. All occupied dwelling units are served by a road that is totally improved with the exception of the top/finish coat of asphalt; and
- B. All erosion and sediment control measures are in place in accordance with the approved sediment and erosion control plan and functioning properly; and
- C. The stormwater management facilities are in place and functioning as either temporary sediment traps per the sediment and erosion control plan, or as permanent stormwater management basins that are protected from discharging sediment from undisturbed areas on the project site. In either case, the stormwater management facility shall itself be stabilized; and
- D. Existing infrastructure that has failed is satisfactorily reconstructed; or redesigned if necessary and additional surety provided; and
- E. Elements of the preliminary plat or site plan that are not constructed, are reviewed for compliance with the current design standards; and the preliminary plat or site plan elements not meeting current standards, at the discretion of the Chief County Engineer and where practical, are redesigned or modified to meet current standards; and
- F. The bond amount is re-evaluated to determine if the amount is still adequate; and
- G. The bond amount is increased and additional surety provided if the bond amount is determined to be inadequate; and

- H. The owner/developer paid the non-refundable processing fee for the bond time extension request, in accordance with the prevailing fee schedule.

Time extensions beyond the 5-1/2 year time period may only be considered by the County Commission and may be granted for justifiable reasons on a case-by-case basis.

5. Approved Forms of Bond Surety:

- A. Acceptable forms of bond surety are limited as follows:

1. Irrevocable Letter-of-Credit (see Appendix B) from any FDIC-insured bank or lending institution within 150 miles of Charles Town, West Virginia; or
2. Cash-in-Escrow (see Appendix B) that is escrowed at any FDIC-insured bank or lending institution within 150 miles of Charles Town, West Virginia; or
3. Performance/Surety Bond (see Appendix B) from an acceptable surety bond provider; shall be allowed for projects with estimated construction cost equal to or greater than \$50,000.

- B. Surety documents shall be formatted as required by this policy unless other format is approved by the County Administrator or the County Commission in writing.

- C. Parties other than the owner/developer may provide the surety and execute the construction bond; provided, however, that the third-party adds their signature to the statement of acceptance on the associated construction plans and plat.

6. Renewal of Bond Surety:

- A. Irrevocable Letters-of-Credit:

The owner/developer or surety provider is required to renew any surety before it expires and provide evidence of renewal to the Bonding Administrator a minimum of 30 days prior to the surety's expiration date.

Approximately 90 days prior to the expiration of a letter-of-credit, the Bonding Administrator will notify the developer and the bank that an irrevocable letter-of-credit is due to expire and needs to be renewed by the bank. However, failure on the County's part to provide 90 days notice shall not preclude the County from their right to call-in sureties in

the form of a letter-of-credit prior to their expiration. The onus is on the owner/developer to renew the letter of credit before it expires.

B. Cash-in-Escrow:

Surety in the form of cash-in-escrow will not have an expiration date and shall run for the duration of the construction bond/project.

C. Surety Bonds:

Surety in the form of a surety bond shall be in effect for a minimum of one (1) year and shall automatically renew for additional minimum terms of one (1) year unless, and until, the surety provider shall give sixty (60) days prior written notice by certified mail, return receipt requested, to:

Bonding Administrator  
Jefferson County Engineering Department  
116 East Washington Street, Suite 100  
Charles Town, WV 25414

of its intent to terminate the surety bond at the expiration of the sixty (60) day period.

7. Land Development Site Inspections:

After the initial installation of the erosion and sediment control devices have been inspected and approved, all subsequent land development milestone site inspections, re-inspections, and legitimate complaint inspections shall be performed at a cost to the owner/developer in accordance with the prevailing fee schedule. County discretionary inspections shall not be assessed the fee.

8. Bond Reductions & Bond Releases:

A. As installation of the site improvements progresses, the owner/developer may make written request for periodic bond reductions. Bond reduction requests shall be for a minimum of \$100,000 of work but not more than 3 requests may be submitted per calendar year. The developer's engineer shall submit an itemized bond reduction request in a format acceptable to the Chief County Engineer.

For projects under \$100,000, the full bond amount plus the \$15,000 contingency amount shall remain in full force until the project's bond is fully released; and

For bond estimates equal to or less than \$333,333, the initial bond amount may be reduced in a pro-rated manner through periodic bond

reductions to a minimum of \$100,000 plus the full initial bond contingency amount (\$15,000 min to \$50,000 max), and shall remain in force until the project's bond is fully released; and

For bond estimates greater than \$333,333, the initial bond amount plus the contingency amount may be reduced in a pro-rated manner through periodic bond reductions to a minimum of \$100,000, or 10% of the total initial bond amount, whichever is greater, plus the contingency amount (minimum \$50,000); and shall remain in force until the work is 100% complete and the project's bond is fully released.

- B. Upon completion of all site improvements, the owner/developer may make a written request for final release of the remaining bond amount. The owner/developer's engineer shall submit an itemized bond release request in a format acceptable to the Chief County Engineer.

In the event that a previously approved and released component of the site improvements has failed before the final bond release, the developer shall be responsible for correcting, repairing or replacing the failed site improvement. No further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement to the satisfaction of the Chief County Engineer; or the developer has re-posted the bond surety necessary to cover the costs of the repair or replacement of the failed component, to the satisfaction of the Chief County Engineer.

- C. Upon review and approval of the bond reduction request or the bond release request by the staff, the Bonding Administrator will submit a County Commission agenda item request in accordance with the County Commission's policy. The County Commission will schedule the item on their agenda and the staff will appear before the County Commission at their regularly scheduled meeting and present the request to them for their consideration and approval.
- D. The owner/developer shall pay a non-refundable processing fee for each bond reduction request and bond release request, in accordance with the prevailing fee schedule.

9. Default by the Owner/Developer:

In the event the owner/developer defaults in their obligation to complete the required site improvements and infrastructure work, the County Commission may "call-in" the bond and use the surety to complete the project. All costs incurred by the County shall be recoverable and are considered valid charges against the surety; this includes, but is not limited to, construction costs, administrative costs, and legal fees, including costs incurred for both in-house and/or contracted services.

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10. Tolling of Bonding:

**A. Requirements:**

During periods of economic downturn (i.e., downturn in housing market due to economic conditions, loss of source of project financing/capitol necessary to begin the project, etc.), as determined by the Jefferson County Commission, the owner/developer may defer construction and obtain temporary partial release of construction bond and surety on projects that are recorded and bonded, but have not started construction of site improvements and/or sold any lots or portions of the subdivided parcel. This is known as "Tolling of Bonding". Tolling of Bonding shall only be allowed to occur one time on each phase of each subdivision project. A Site Stability Bond of \$10,000 shall remain in place during the course of any tolling of bonding agreement.

Comment [mtw1]: Minor edit

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The "Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions" (see Appendix C) shall be executed by the developer (known therein as the "Declarant").

Comment [mtw2]: Minor edit

The tolling of construction shall require that no construction and installation of site improvements shall be allowed to start until the developer-Declarant has re-posted the full bond amount, and that the bond amount shall be in accordance with the bonding unit cost figures in effect at that time; EXCEPT when the Declarant opts to remove the lots from tolling and go straight to a merger deed, in which case the \$10,000 Site Stability Bond shall be returned to the Declarant upon merger of the lots; see provisions following; -and

Comment [mtw3]: Minor edit

Comment [mtw4]: New provision

The tolling of construction shall require the recording of a document in the County Clerk's office - for purposes of notifying the public through title search - that the lots are restricted from being sold, and that no building permits will be issued on these lots until the developer Declarant has restored the full bond amount and the restriction is lifted by the Jefferson County Commission via a document recorded in the County Clerk's Office; and

Comment [mtw5]: Minor edit

The tolling of bonding shall have a sunset provision whereby the lots shall be un-platted (merged) upon expiration of the sunset provision, unless the bond and surety are re-posted in its entirety prior to the sunset provision expiration date. The owner/developer shall execute a merger deed at the time of executing the agreement. The merger deed shall be held by the Bonding Administrator and only recorded in the Office of the County Clerk upon expiration of the sunset provision and upon directive of the County Commission of Jefferson County, unless

the bond and surety are re-posted in its entirety prior to the sunset provision expiration date; and

The tolling of bonding shall also have a default provision whereby the lots shall be un-platted (merged) upon default of any provisions within the agreement. However, in the event the Declarant elects to voluntarily default and to not proceed with the construction of the Lots related to the Site Stability Bond, the Declarant solely may sign and record the merger deed, and return the Lots to the parent tract and residue parcel without forfeiting the prior Community Impact Statement ("CIS") or Preliminary Plan approvals. Thereafter, neither the Site Stability Bond nor the New Infrastructure Bond would be required until such time that final plat(s) is approved by the Planning Commission and the platted lots are then subject to standard Jefferson County Construction Bond policies then in effect.

Comment [mtw6]: New provision

The tolling of construction shall not apply to projects where construction of the site improvements has already begun. In addition, any of the lots within the tolling request which have been subjected to Homeowners Association dues in accordance with the Uniform Common Interest Ownership Act (UCIOA; WV Code Chapter 36B), will not be permitted to be tolled. Any lots which have not been subjected to Homeowners Association dues and/or added to the HOA in accordance with the UCIOA by amendment to the UCIOA's original declaration defined within 36B-1-103 (13), or lots which may never be subjected to the UCIOA may be tolled per his Policy.

Comment [mtw7]: New provision

#### B. One-Time Amendment - Release of Lots:

Upon request of the Declarant, a one-time amendment from an approved Tolling Agreement to allow the release of a portion of lots on a tolled Final Plat from the Tolling Agreement shall be approved by the County for projects that:

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1. Containing at least a total development buildout of 50 lots based on an approved Community Impact Statement and/or Concept Plan; and;
2. Are subjected to the UCIOA; and that
3. Are currently under subjected to a Tolling of Bonding Agreement (i.e., subjected to the recorded "Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions").

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The owner/developer/Declarant, at their sole discretion, is permitted to request a one-time only release of lots for purpose of sale. The number of lots released (i.e., the "Released Lot(s)") shall be at least one, but

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and no more than 50% (rounded up to the next nearest number) of the total number of lots subjected to the Agreement OR twenty-five (25) lots, whichever is less, and must include bonding provisions for the Released Lot's development infrastructure and amenities serving the released lots, as outlined in section B.c below. – Upon approval of the request by the County Commission, the developer/Declarant shall submit to the Bonding Administrator/Engineering Department for review and approval, the following:

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Comment [mtw8]: Edited and new provisions

a. Submit a signed and notarized original of an amended Tolling of Bonding Agreement - First Amendment (see Appendix D), edited for the specific request. The First Amendment shall specifically list the unreleased lots to remain under the tolling of bonding provision. The First Amendment shall state that the County will retain the \$10,000 surety for the unreleased lots, and all terms and conditions of the Agreement shall remain in full force and effect for the unreleased lots, including, but not limited to, the sunset and merger deed provisions; and

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b. Submit a new merger deed for only the unreleased lots remaining under the Tolling of Bonding Agreement; and

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c. Submit an updated bonding cost estimate for completing the site improvements and infrastructure necessary to serve only the released lots. The bonding cost estimate shall be in accordance with this Site Improvements Bonding and Bond Surety Policy and shall include the cost for construction of infrastructure elements which serve or support the section to be released<sup>1</sup> as shown on an approved Preliminary Plat or Site Plan (i.e. – roads, stormwater management facilities, water and sewer, storm drains, lights, etc.), and also those development amenities (i.e. - tot-lots, walking trails, tennis courts, park areas, recreation facilities, etc.) as shown on an approved Preliminary Plat or Site Plan which were to be built as part of the section to be released<sup>2</sup>; and

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Comment [mtw9]: New provision; see footnotes too

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<sup>1</sup> Bonding infrastructure for released lots shall only include those elements directly supporting the released lots, and shall exclude other infrastructure items that would otherwise serve other portions of the Tolled Final Plat which will not be released. For example, the cost for constructing roads and stormwater management facilities within a tolled Final Plat that do not directly serve and are within a separate drainage basin from the lots to be released are not to be included within the new Infrastructure Bond.

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<sup>2</sup> Bonding amenities for released lots shall only include those elements directly supporting the released lots, and shall exclude other amenity items that would otherwise serve other portions of the Tolled Final Plat, or are to be provided at a later Final Plat or development phase. For example, the cost for constructing walkways to tot-lots within the phase or to other amenities outside the phase will be included up to the edge of the lots or, opens space, or roads platted within that phase. However, amenities beyond the tolled Final Plat that are within a separate Final Plat (whether tolled or otherwise) from the lots to be released are not to be included within the new Infrastructure Bond.

d. Submit an executed Bonding Agreement for the released lots, in accordance with this Site Improvements Bonding and Bond Surety Policy; and

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e. Submit an acceptable form of bond surety in accordance with this Site Improvements Bonding and Bond Surety Policy.

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Upon satisfaction of these terms, the Tolling of Bonding Agreement - First Amendment (for the unreleased lots) and the Bonding Agreement (for the released lots) may be executed by the County Commission President on behalf of the County Commission. The Tolling of Bonding Agreement - First Amendment shall be recorded in the land records of the County Clerk's office. The Bonding Policy shall then apply as outlined in Sections 1-9 herein for the released lots.

#### C. Projects Approved Prior to March 1, 2010

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The provision under this section shall apply only to those subdivision projects with at least Preliminary Plat approval by March 1, 2010, by the Jefferson County Planning Commission, which have not bonded site improvements and have not recorded a Final Plat.

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Subdivision projects under this provision, needing to record a Final Plat due to deadlines and sunset provisions in the land use regulations, but not wanting to post the construction bond and begin construction of the site improvements due to economic conditions, may advance straight to Tolling of Bonding upon approval of their request by the Jefferson County Commission. All of the provisions under tolling of bonding shall apply.

#### D. Tolling Agreement Opt-Out Provision

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In the event the Declarant subjects any portion of their development to these tolling provisions, the Declarant shall have the sole option of electing to release the lots from these tolling provisions without the need for restoring the site development bond ONLY for the purposes of merging the lots. In such case, at the Declarant's request, the County shall return the Merger Deed required under section 10.A to the Declarant, and release the Tolling Agreement via recordation of a suitable instrument or notation on the recorded Tolling Agreement similar to a lien release statement within the County Land Records, and subsequently record the Merger Deed provided under 10.B.b, and return the \$10,000 Site Stability Bond to the Declarant, with no requirement to restore the New Infrastructure Bond.

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Comment [mtw10]: New provision

The Owner/Developer, or their agent, acknowledges receipt of the Jefferson County Site Improvements Bonding and Bond Surety Policy.

(Owner/Developer/Agent)

\_\_\_\_\_

*(print name)*

\_\_\_\_\_

*(title)*

\_\_\_\_\_

*(company/organization name)*

\_\_\_\_\_

*(mailing address)*

\_\_\_\_\_

*(city)*

*(state)*

*(zip code)*

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

Appendix A

Bond Agreement Forms

| Form No.                                 | Type           | Surety Type                  | Project Type |
|------------------------------------------|----------------|------------------------------|--------------|
| A-1                                      | Bond Agreement | Irrevocable Letter of Credit | Subdivision  |
| A-2                                      | Bond Agreement | Irrevocable Letter of Credit | Site Plan    |
| A-3                                      | Bond Agreement | Cash-in-Escrow               | Subdivision  |
| A-4                                      | Bond Agreement | Cash-in-Escrow               | Site Plan    |
| Performance/Surety Bond – See Appendix B |                |                              |              |

**Form A-1**  
**(Subdivisions)**

BOND AGREEMENT - IRREVOCABLE LETTER-OF-CREDIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,  
(Applicant/Developer Name & Subdivision Name), (Mailing/Street Address, City,  
State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF  
JEFFERSON COUNTY, a West Virginia public corporation with control and  
supervisory functions over the Jefferson County Planning Commission, in the penal  
sum of

\$ \_\_\_\_\_ *(Dollar amount in figures)*  
\_\_\_\_\_ *(Dollar amount in words),*

for the completion of erosion and sediment control devices, storm water management  
measures, site grading & drainage, roadways, water and sewer systems, utility lines,  
paving, property corners, and all other site improvements and associated  
appurtenances, for the payment of which, well and truly to be made, it binds itself, its  
successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County  
Planning Commission has approved and consented to the recordation in the Office of  
the County Clerk of Jefferson County, the Final Plat of the  
(Name of Subdivision), (Phase of Subdivision), (Lot Numbers) and residue, a  
subdivision of lands of (Name of Property Owner), the property is located (Route No.,  
Road Name, Mile Marker, etc.), which is to consist of (No. and type of lots), on (No.  
of Acres), more or less, with roadways and appurtenances thereto, for the purpose of  
selling such lots and appurtenances thereto to buyers thereof, and whereas, the site  
improvements required to be made on such subdivision, as required by the Jefferson  
County Subdivision Ordinance and the construction plans have not yet been made,  
which improvements are detailed in Planning Commission file no. (JCPC file no.).

NOW THEREFORE, if the developer of the (Applicant/Developer Name &  
Subdivision Name), shall well and truly complete the construction and installation of  
such site improvements by (bond expiration date), and pay all costs attendant

thereto, in compliance with the Jefferson County Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Site Improvements Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.

However, in the event that a previously approved and released component of the site improvements has failed before the final bond release, the developer shall be responsible for correcting, repairing or replacing the failed site improvement. No further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement to the satisfaction of the Chief County Engineer; or the developer has re-posted the bond surety necessary to cover the costs of the repair or replacement of the failed component, to the satisfaction of the Chief County Engineer.

3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that

required improvements have been satisfactorily completed.  
Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The Bond is secured by an Irrevocable Letter-of-Credit (LOC #), dated the \_\_\_\_\_ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of Planning & Zoning and the Engineering Department. By acceptance of the above irrevocable letter-of-credit as security, the following conditions shall apply:

1. The Irrevocable Letter-of-Credit in the amount of \$\_\_\_\_\_ shall be attached to this document and made a part hereof; and
2. The irrevocable letter of credit shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a written and signed draft request; and
3. An irrevocable letter-of-credit shall remain in full force and effect as security for this Bond until such time as the bond is released.

**The letter of credit shall be renewed by (Name of Applicant/Developer Name & Subdivision Name), thirty (30) days prior to the expiration of the letter-of-credit, in order to provide uninterrupted security for this bond.**

**EXPIRATION DATES FOR ALL LETTERS-OF-CREDIT SHALL BE EITHER JANUARY 15<sup>TH</sup> OR JULY 15<sup>TH</sup> OF A GIVEN YEAR.**

4. Signed draft requests against the irrevocable letter-of-credit will be made by the Jefferson County Commission (beneficiary) for one or both of the two following reasons:
  - A. Failure on the part of (Applicant/Developer Name & Subdivision Name), to complete improvements according to the terms of this bond.
  - B. Failure on the part of (Applicant/Developer Name & Subdivision Name), to renew the irrevocable letter-of-credit thirty (30) days prior to the expiration date.
5. Drafts made against the irrevocable letter-of-credit by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.
6. Drafts made against the irrevocable letter-of-credit for reason 4A above, will be used by the Jefferson County Commission to complete or procure the completion of improvements herein above required.
7. Drafts made against the irrevocable letter-of-credit for reason 4B above, will be escrowed with a local bank or savings and loan association by the Jefferson County Commission and will be held, during the life of this bond, for the purpose of guaranteeing improvements herein above required.

Witness the following signatures and seals:

WITNESS:

*(Applicant/Developer Name)*

*(Subdivision Name)*

\_\_\_\_\_

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

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

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

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

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

WITNESS:

COUNTY COMMISSION OF JEFFERSON  
COUNTY,  
WEST VIRGINIA

\_\_\_\_\_

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

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

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

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

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

**Form A-2**  
**(Site Plans)**

BOND AGREEMENT - IRREVOCABLE LETTER-OF-CREDIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, (Owner/Developer Name), (Mailing/Street Address, City, State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF JEFFERSON COUNTY, a West Virginia public corporation with control and supervisory functions over the Jefferson County Planning Commission, in the penal sum of

\$ \_\_\_\_\_ *(Dollar amount in figures)*  
\_\_\_\_\_ *(Dollar amount in words),*

for the completion of erosion and sediment control devices, storm water management measures, site grading & drainage, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and associated appurtenances, for the payment of which, well and truly to be made, it binds itself, its successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County Planning Commission has approved and consented to the issuance of Improvement Location Permit(s) for property located on (describe location of property, lot no., route no., street name, etc.), which is to consist of (generally describe the project), with associated site improvements and appurtenances thereto, on (# of acres), more or less, and whereas the improvements required to be made on such project, as required by the Jefferson County Improvement Location Permit Ordinance, have not yet been made, which improvements are detailed in Planning Commission File No. (JCPC file no.)

NOW THEREFORE, if the developer of the (Owner/Developer Name), shall well and truly complete the construction and installation of such site improvements by (bond expiration date), and pay all costs attendant thereto, in compliance with the Jefferson County Improvement Location Permit Ordinance and Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Site Improvements Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.

However, in the event that a previously approved and released component of the site improvements has failed before the final bond release, the developer shall be responsible for correcting, repairing or replacing the failed site improvement. No further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement to the satisfaction of the Chief County Engineer; or the developer has re-posted the bond surety necessary to cover the costs of the repair or replacement of the failed component, to the satisfaction of the Chief County Engineer.

3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed.

Furthermore, the County Commission of Jefferson County shall not

consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The Bond is secured by an Irrevocable Letter-of-Credit (LOC #), dated the \_\_\_\_\_ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of Planning & Zoning and the Engineering Department. By acceptance of the above irrevocable letter-of-credit as security, the following conditions shall apply:

1. The Irrevocable Letter-of-Credit in the amount of \$\_\_\_\_\_ shall be attached to this document and made a part hereof; and
2. The irrevocable letter of credit shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a written and signed draft request; and
3. An irrevocable letter-of-credit shall remain in full force and effect as security for this Bond until such time as the bond is released.

**The letter of credit shall be renewed by (Name of Applicant/Developer Name & Subdivision Name), thirty (30) days prior to the expiration of the letter-of-credit, in order to provide uninterrupted security for this bond.**

**EXPIRATION DATES FOR ALL LETTERS-OF-CREDIT SHALL BE EITHER JANUARY 15<sup>TH</sup> OR JULY 15<sup>TH</sup> OF A GIVEN YEAR.**

4. Signed draft requests against the irrevocable letter-of-credit will be made by the Jefferson County Commission (beneficiary) for one or both of the two following reasons:
  - A. Failure on the part of (Applicant/Developer Name & Subdivision Name), to complete improvements according to the terms of this bond.
  - B. Failure on the part of (Applicant/Developer Name & Subdivision Name), to renew the irrevocable letter-of-credit thirty (30) days prior to the expiration date.
5. Drafts made against the irrevocable letter-of-credit by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.
6. Drafts made against the irrevocable letter-of-credit for reason 4A above, will be used by the Jefferson County Commission to complete or procure the completion of improvements herein above required.
7. Drafts made against the irrevocable letter-of-credit for reason 4B above, will be escrowed with a local bank or savings and loan association by the Jefferson County Commission and will be held, during the life of this bond, for the purpose of guaranteeing improvements herein above required.

Witness the following signatures and seals:

WITNESS: *(Applicant/Developer Name)*  
*(Project Name)*

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

Date: \_\_\_\_\_ Print Name: \_\_\_\_\_

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

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

WITNESS: COUNTY COMMISSION OF JEFFERSON  
COUNTY,  
WEST VIRGINIA

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

Date: \_\_\_\_\_ Print Name: \_\_\_\_\_

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

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

**Form A-3  
(Subdivisions)**

BOND AGREEMENT – CASH-IN-ESCROW

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,  
(Applicant/Developer Name & Subdivision Name), (Mailing/Street Address, City,  
State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF  
JEFFERSON COUNTY, a West Virginia public corporation with control and  
supervisory functions over the Jefferson County Planning Commission, in the penal  
sum of

\$ \_\_\_\_\_ *(Dollar amount in figures)*  
\_\_\_\_\_ *(Dollar amount in words),*

for the completion of erosion and sediment control devices, storm water management  
measures, site grading & drainage, roadways, water and sewer systems, utility lines,  
paving, property corners, and all other site improvements and associated  
appurtenances, for the payment of which, well and truly to be made, it binds itself, it  
successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County  
Planning Commission has approved and consented to the recordation in the Office of  
the County Clerk of Jefferson County, the Final Plat of the  
(Name of Subdivision), (Phase of Subdivision), (Lot Numbers) and residue, a  
subdivision of lands of (Name of Property Owner), the property is located (Route No.,  
Road Name, Mile Marker, etc.), which is to consist of (No. and type of lots), on (No.  
of Acres), more or less, with roadways and appurtenances thereto, for the purpose of  
selling such lots and appurtenances thereto to buyers thereof, and whereas, the site  
improvements required to be made on such subdivision, as required by the Jefferson  
County Subdivision Ordinance and the construction plans have not yet been made,  
which improvements are detailed in Planning Commission file no. (JCPC file no.).

NOW THEREFORE, if the developer of the (Applicant/Developer Name &  
Subdivision Name), shall well and truly complete the construction and installation of  
such site improvements by (bond expiration date), and pay all costs attendant

thereto, in compliance with the Jefferson County Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Site Improvements Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.

However, in the event that a previously approved and released component of the site improvements has failed before the final bond release, the developer shall be responsible for correcting, repairing or replacing the failed site improvement. No further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement to the satisfaction of the Chief County Engineer; or the developer has re-posted the bond surety necessary to cover the costs of the repair or replacement of the failed component, to the satisfaction of the Chief County Engineer.

3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that

required improvements have been satisfactorily completed.  
Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

B. The Bond is secured by Escrow Agreement, dated the \_\_\_\_\_ day of (Month, Year), from (Bank Name), (Mailing Address, City, State, Zip), which is on file in the offices of the Jefferson County Department of Planning & Zoning and the Engineering Department. By acceptance of the above Escrow Agreement as security, the following conditions shall apply:

1. The Escrow Agreement shall be in the amount of \$ \_\_\_\_\_ shall be attached to this construction bond agreement and made a part hereof; and
2. The Escrow Agreement shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a written and signed draft request; and
3. An Escrow Agreement shall remain in full force and effect as security for this Bond until such time as the bond is released.
4. Signed draft requests against the Escrow Agreement will be made by the Jefferson County Commission (beneficiary) for failure on the part of (Applicant/Developer Name & Subdivision Name), to complete the improvements according to the terms of this construction bond.
5. Drafts made against the Escrow Agreement by the Jefferson County Commission will be used exclusively for the purpose of completion of

site improvements herein required.

Witness the following signatures and seals:

WITNESS:

*(Applicant/Developer Name)*

*(Subdivision Name)*

\_\_\_\_\_

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

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

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

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

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

WITNESS:

COUNTY COMMISSION OF JEFFERSON  
COUNTY,  
WEST VIRGINIA

\_\_\_\_\_

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

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

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

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

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

**Form A-4  
(Site Plans)**

BOND AGREEMENT – CASH-IN-ESCROW

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, (Owner/Developer Name), (Mailing/Street Address, City, State, Zip Code), is held and firmly bound to the COUNTY COMMISSION OF JEFFERSON COUNTY, a West Virginia public corporation with control and supervisory functions over the Jefferson County Planning Commission, in the penal sum of

\$\_\_\_\_\_ *(Dollar amount in figures)*  
\_\_\_\_\_ *(Dollar amount in words),*

for the completion of erosion and sediment control devices, storm water management measures, site grading & drainage, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and associated appurtenances, for the payment of which, well and truly to be made, it binds itself, its successors in title and assigns.

The condition of the above obligation is such that, whereas, the Jefferson County Planning Commission has approved and consented to the issuance of Improvement Location Permit(s) for property located on (describe location of property, lot no., route no., street name, etc.), which is to consist of (generally describe the project), with associated site improvements and appurtenances thereto, on (# of acres), more or less, and whereas the improvements required to be made on such project, as required by the Jefferson County Improvement Location Permit Ordinance, have not yet been made, which improvements are detailed in Planning Commission File No. (JCPC file no.)

NOW THEREFORE, if the developer of the (Owner/Developer Name), shall well and truly complete the construction and installation of such site improvements by (bond expiration date), and pay all costs attendant thereto, in compliance with the Jefferson County Improvement Location Permit Ordinance and Subdivision Ordinance, then this bond shall be wholly null and void; otherwise, it shall remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time; provided that such requests are for no less than the minimum amounts established by the Construction Bonding & Bond Surety Policy; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the surety sought to be partially satisfied have been satisfied.

However, in the event that a previously approved and released component of the site improvements has failed before the final bond release, the developer shall be responsible for correcting, repairing or replacing the failed site improvement. No further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement to the satisfaction of the Chief County Engineer; or the developer has re-posted the bond surety necessary to cover the costs of the repair or replacement of the failed component, to the satisfaction of the Chief County Engineer.

3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 and 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed.

Furthermore, the County Commission of Jefferson County shall not

consent to any satisfaction under provisions 1 or 2 above, until the Maker has paid the County Commission of Jefferson County a fee, in accordance with the prevailing fee schedule, for each site inspection (after the erosion & sediment control devices have been inspected and approved) performed by the County Engineer at the request of the Maker.

- B. The construction bond is secured by an Escrow Agreement, dated the \_\_\_\_\_ day of *(Month, Year)*, from *(Bank Name)*, *(Mailing Address, City, State, Zip)*, which is on file in the offices of the Jefferson County Department of Planning & Zoning and the Engineering Department. By acceptance of the above escrow agreement as security, the following conditions shall apply:
1. The Escrow Agreement shall be in the amount of \$\_\_\_\_\_ and shall be attached to this construction bond agreement and made a part hereof; and
  2. The Escrow Agreement shall be clearly written to provide the beneficiary with direct and immediate access to the funds upon submission by the beneficiary of a written and signed draft request; and
  3. An Escrow Agreement shall remain in full force and effect as security for this Bond until such time as the bond is released.
  4. Signed draft requests against the Escrow Agreement will be made by the Jefferson County Commission (beneficiary) for failure on the part of *(Applicant/Developer Name & Site Plan Name)*, to complete improvements according to the terms of this construction bond.
  5. Drafts made against the Escrow Agreement by the Jefferson County Commission will be used exclusively for the purpose of completion of site improvements herein required.

Witness the following signatures and seals:

WITNESS:

*(Applicant/Developer Name)*

*(Project Name)*

\_\_\_\_\_

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

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

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

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

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

WITNESS:

COUNTY COMMISSION OF JEFFERSON

COUNTY,

WEST VIRGINIA

\_\_\_\_\_

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

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

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

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

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

Appendix B

Bond Surety Forms

| Form No. | Surety Type                  | Project Type               |
|----------|------------------------------|----------------------------|
| B-1      | Irrevocable Letter of Credit | Subdivision                |
| B-2      | Irrevocable Letter of Credit | Site Plan                  |
| B-3      | Cash-in-Escrow               | Subdivision                |
| B-4      | Cash-in-Escrow               | Site Plan                  |
| B-5      | Surety Bond                  | Subdivision<br>& Site Plan |

**Form B-1**  
**(Irrevocable Letter-of-Credit - Subdivision)**

Bank Name  
Address  
Telephone Number

Date

County Commission of Jefferson County  
110 East Washington Street  
P.O. Box 250  
Charles Town, WV 25414

Re: Irrevocable Letter-of-Credit # \_\_\_\_\_ Amount \$ \_\_\_\_\_

Dear Jefferson County Commission:

By this letter, (Bank Name) hereby establishes an Irrevocable Letter-of-Credit, No. \_\_\_\_\_, and authorizes you to draw on us for the account of (Project Name/Borrower) up to an aggregate amount of \$ \_\_\_\_\_, subject to the terms and conditions stated herein.

Draws under this Letter-of-Credit are available by your draft presented to our Bank at its (Bank's Location), on or before its expiration on (January 15<sup>th</sup> or July 15<sup>th</sup> of a given year), and accompanied by the following documents:

1. A certification executed and signed by a duly authorized member of the County Commission of Jefferson County, West Virginia, that (Project Name/Borrower) has failed to perform its obligation under, and according to, the terms of that certain construction bond agreement, attached hereto and made a part hereof; and
2. The original Letter-of-Credit.

We hereby agree that drafts under and in compliance with the terms of this Letter-of-Credit will be duly honored if presented as aforesaid on or before its expiration on (January 15<sup>th</sup> or July 15<sup>th</sup> of a given year).

Except as otherwise stated herein, this credit is subject to the Uniform Commercial Code and shall be construed under the laws of the State of West Virginia. Any draft upon this Letter-of-Credit shall be marked "Drawn under (Bank Name) Letter-of-Credit" for (Project Name/Borrower) dated (Date of Letter-of-Credit).

Very Truly Yours,  
(Bank Name)  
(Signature of Bank Officer)  
(Type Bank Officer's Name & Title)  
(Date)

**Form B-2**  
**(Irrevocable Letter-of-Credit – Site Plan)**

Bank Name  
Address  
Telephone Number

Date

County Commission of Jefferson County  
110 East Washington Street  
P.O. Box 250  
Charles Town, WV 25414

Re: Irrevocable Letter-of-Credit # \_\_\_\_\_ Amount \$ \_\_\_\_\_

Dear Jefferson County Commission:

By this letter, (Bank Name) hereby establishes an Irrevocable Letter-of-Credit, No. \_\_\_\_\_, and authorizes you to draw on us for the account of (Project Name/Borrower) up to an aggregate amount of \$ \_\_\_\_\_, subject to the terms and conditions stated herein.

Draws under this Letter-of-Credit are available by your draft presented to our Bank at its (Bank's Location), on or before its expiration on (January 15<sup>th</sup> or July 15<sup>th</sup> of a given year), and accompanied by the following documents:

1. A certification executed and signed by a duly authorized member of the County Commission of Jefferson County, West Virginia, that (Project Name/Borrower) has failed to perform its obligation under, and according to, the terms of that certain construction bond agreement, attached hereto and made a part hereof; and
2. The original Letter-of-Credit.

We hereby agree that drafts under and in compliance with the terms of this Letter-of-Credit will be duly honored if presented as aforesaid on or before its expiration on (January 15<sup>th</sup> or July 15<sup>th</sup> of a given year).

Except as otherwise stated herein, this credit is subject to the Uniform Commercial Code and shall be construed under the laws of the State of West Virginia. Any draft upon this Letter-of-Credit shall be marked "Drawn under (Bank Name) Letter-of-Credit" for (Project Name/Borrower) dated (Date of Letter-of-Credit).

Very Truly Yours,  
(Bank Name)  
(Signature of Bank Officer)  
(Type Bank Officer's Name & Title)  
(Date)

**Form B-3**  
**(Cash-in-Escrow – Subdivision)**

**ESCROW AGREEMENT**

THIS AGREEMENT dated this \_\_\_\_\_ day of *(Month, Year)*, by and between *(Owner/Developer Name)*, having their address at *(Mailing/Street Address), (City), (State), (Zip Code)*, party of the first part, and *(Bank Name), (Mailing/Street Address), (City), (State), (Zip Code)*, as Escrow Agent for the County Commission of Jefferson County, West Virginia, party of the second part.

WITNESSETH that the party of the first part has this day deposited with the party of the second part the sum of *(Dollar Amount in Words), (Dollar Amount in Figures)*, as security for its undertaking to complete construction of the required erosion and sediment control devices, storm water management measures, site grading and drainage, paving, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and appurtenances to serve the *(Subdivision Name), (Phase)*, as more particularly described in Planning Commission File *(JCPC file no)*. This construction is to be subject to the supervision and approval of the County Commission of Jefferson County acting by and through the Jefferson County Engineering Department. Construction must be completed by *(required completion date)*.

The parties hereto agree that the escrow agent shall hold the respective funds as security for the performance of said undertakings by the party of the first part, and that respective funds may not be released to the party of the first part without the approval in writing of the County Commission of Jefferson County.

In case of default, the escrow agent shall be obliged to turn over to the County Commission of Jefferson County the escrowed funds or any part thereof, for the completion of the required installations and improvements.

ATTEST: \_\_\_\_\_ *(Owner/Developer Name)*  
BY: \_\_\_\_\_

DATE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_ *(Bank Name)*  
BY: \_\_\_\_\_

DATE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

**AFFIX BANK SEAL** TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

**Form B-4**  
**(Cash-in-Escrow – Site Plan)**

ESCROW AGREEMENT

THIS AGREEMENT dated this \_\_\_\_ day of *(Month, Year)*, by and between *(Owner/Developer Name)*, having their address at *(Mailing/Street Address), (City), (State), (Zip Code)*, party of the first part, and *(Bank Name), (Mailing/Street Address), (City), (State), (Zip Code)*, as Escrow Agent for the County Commission of Jefferson County, West Virginia, party of the second part.

WITNESSETH that the party of the first part has this day deposited with the party of the second part the sum of *(Dollar Amount in Words), (Dollar Amount in Figures)*, as security for its undertaking to complete construction of the required erosion and sediment control devices, storm water management measures, site grading & drainage, roadways, water and sewer systems, utility lines, paving, property corners, and all other site improvements and associated appurtenances to serve the *(Site Plan Name)*, as more particularly described in Planning Commission File *(JCPC file no)*. This construction is to be subject to the supervision and approval of the County Commission of Jefferson County acting by and through the Jefferson County Engineering Department. Construction must be completed by *(required completion date)*.

The parties hereto agree that the escrow agent shall hold the respective funds as security for the performance of said undertakings by the party of the first part, and that respective funds may not be released to the party of the first part without the approval in writing of the County Commission of Jefferson County.

In case of default, the escrow agent shall be obliged to turn over to the County Commission of Jefferson County the escrowed funds or any part thereof, for the completion of the required installations and improvements.

ATTEST: *(Owner/Developer Name)*  
\_\_\_\_\_  
BY: \_\_\_\_\_

DATE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

ATTEST: *(Bank Name)*  
\_\_\_\_\_  
BY: \_\_\_\_\_

DATE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_  
**AFFIX BANK SEAL** TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

**Jefferson County, West Virginia**

**Subdivision & Site Plan**

**PERFORMANCE BOND**

**INSTRUCTIONS**

1. The following forms shall be used when a performance/surety bond is used. There shall be no deviation from this form without written approval of Jefferson County Commission or the County Administrator.
2. The full legal name, business address, and telephone number of both the Principal(s) and Surety(ies) shall be inserted in the spaces designated "Principal" and "Surety" on the face of the form. The Bond shall be signed by the person authorized to act on behalf of the Principal and the Surety. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority shall be furnished. For a power-of-attorney from a surety company to execute bonds, a certified copy of such power-of-attorney shall be submitted.
3. Surety, Fidelity, and Insurance Companies executing the Bond must be licensed to transact business in West Virginia by the West Virginia Insurance Commissioner. The surety provider shall provide to the County Commission of Jefferson County, the Obligee, a "Certificate of Good Standing" from the West Virginia Offices of the Insurance Commissioner. If the Surety Company was not organized under the laws of West Virginia, the bond must be countersigned by a resident agent licensed in West Virginia. The Company must have an A.M. Best rating of "A-", or better, with a Financial Size Category (FSC) of "VI" , or higher.
4. The name of each person signing this Bond must be typed or legibly printed in the space provided.
5. The "DATE BOND EXECUTED", as shown on the face of the Bond, must be

the same as, or later than, the Bond Agreement that the Surety Bond secures.

6. The performance bond shall be submitted to:

Jefferson County Engineering Department  
P.O. Box 716  
116 East Washington Street  
Charles Town, WV 25414

Attention: Bonding Administrator

Phone: 304-728-3257

**(Remainder of Page Intentionally Left Blank)**

**Form B-5**  
**Jefferson County, West Virginia**  
**Performance Bond**  
(Land Development Infrastructure & Site Improvements)

| BOND NO.                                                                                            | DATE BOND EXECUTED:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                               |  |  |            |             |            |    |  |  |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|--|------------|-------------|------------|----|--|--|
| PRINCIPAL(S)/CO-PRINCIPAL(S):<br>(Legal Name(s), Status, Business Address(es)<br>and Phone Numbers) | TYPE OF ORGANIZATION: (check one)<br><br><input type="checkbox"/> Individual<br><input type="checkbox"/> Partnership or Joint Venture<br><input type="checkbox"/> Limited Liability Company<br><input type="checkbox"/> Corporation<br><input type="checkbox"/> Other (specify) _____<br>_____<br><br>STATE OF INCORPORATION OR<br>ORGANIZATION:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                               |  |  |            |             |            |    |  |  |
| (Hereinafter "Principal" whether one or more than one)                                              | (Hereinafter "Principal" whether one or more than one)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |  |  |            |             |            |    |  |  |
| SURETY(IES):<br>(Name(s), Business Address(es) and Phone<br>Numbers)                                | SUM OF BOND:<br><br><table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th colspan="3" style="text-align: center;">Bond Amount in Dollar Figures</th> </tr> <tr> <th style="width: 33%;">Million(s)</th> <th style="width: 33%;">Thousand(s)</th> <th style="width: 33%;">Hundred(s)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">\$</td> <td></td> <td></td> </tr> </tbody> </table> <div style="border: 1px solid black; padding: 2px; text-align: center; margin-bottom: 10px;">Bond Amount in Words</div> _____<br>_____<br>_____<br><br>Project Approval Date: ___/___/___<br><br>Project Name: _____<br>_____<br>_____<br><br>NAIC # _____<br>A.M. Best No. _____<br>A.M. Best Rating _____<br>A.M. Best F.S.C. _____<br><br>(Herein after "Surety" whether one or more than one) | Bond Amount in Dollar Figures |  |  | Million(s) | Thousand(s) | Hundred(s) | \$ |  |  |
| Bond Amount in Dollar Figures                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |  |  |            |             |            |    |  |  |
| Million(s)                                                                                          | Thousand(s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Hundred(s)                    |  |  |            |             |            |    |  |  |
| \$                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |  |  |            |             |            |    |  |  |
| (Herein after "Surety" whether one or more than one)                                                | JRPC Project File No. _____                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                               |  |  |            |             |            |    |  |  |

KNOW ALL MEN BY THESE PRESENTS, that, we, the Principal and Surety hereto recite and declare that:

1. We are held and firmly bound to the Obligee, the County Commission of Jefferson County, West Virginia (herein after called "County"), a political subdivision of the State of West Virginia, in the sum written above in lawful money of the United States of America, to be paid to the County, its successors or assigns, for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by this Bond.
2. The condition of this Bond is that if the Principal shall in every respect discharge its obligations under the project identified above and satisfactorily complete the required site improvements and appurtenances, as required by law, the approved plans (JCPC File No.) and/or permits, by (bond expiration date), then this Bond shall be void; otherwise, this Bond shall remain in full force until discharged in accordance with its terms, as determined by the County. This Bond shall only be terminated upon written release by the County Commission of Jefferson County, stating that the Principal/Developer has well and truly performed and fulfilled the obligations required under the approved subdivision or site plan and this Bond.
3. If Principal fails to complete its obligations, the County shall notify the Principal and Surety that they are in default. If such obligations are not then completed by the Principal and Surety within fifteen (15) days after notification by the County, the Surety shall pay the full penal sum amount of the Bond to the County within thirty (30) days of the initial notification referenced above. Payment by the Surety shall not be conditional on suit by the County. The County may extend the time period for completion of the Principal's and Surety's obligations; any time extension granted shall be in writing.
4. Surety expressly Waives any right to receive notice of, review, or approve any revisions to the approved project plans, and no such revision shall in any way affect the obligation of the Surety under this Bond.
5. In the event that any suit, action, or proceeding is brought by the County in order to enforce the provisions of this Bond, it is expressly agreed and understood that, regardless of when the breach of the underlying project obligations occurs, or the breach of this Bond occurs, the measure of damages recoverable shall be computed as the costs of completion or correction, or both, of the work required to be completed under the project, (1) at the time the work is actually completed and/or corrected to local and state approval and acceptance, or (2) at the time of final judgment of a court of competent jurisdiction; it is further expressly agreed and understood that the measure of damages shall include expenses attributable, but not limited to, administrative costs, litigation costs, attorney's fees, maintenance costs, deterioration, inflation, and any cost increases arising from delay occasioned by litigation, action, or proceedings necessary to enforce the provision of this

Bond.

6. Nothing in the Bond shall be construed as creating an obligation upon the County to pay for the completion or correction of the work guaranteed under the provisions of this Bond.
7. In the event that a previously approved and released component of the site improvements has failed before the final bond release, the developer shall be responsible for correcting, repairing or replacing the failed site improvement. If the developer fails to make the required corrections, repairs or replacement of the failed work, then this bond surety may be used for this purpose. No further bond reductions or final bond release shall occur until the developer has corrected, repaired, or replaced the failed site improvement to the satisfaction of the Chief County Engineer; or the developer has posted the additional bond surety - if an inadequate bond surety amount remains under this bond to cover the costs of the repair or replacement of the failed component - in an amount to the satisfaction of the Chief County Engineer.
8. By signatures, hereto, the Principal and the Surety do hereby expressly Waive any objection that they, or either of them, might interpose in the authority of the County to require each and every provision of the foregoing Bond.

**(Remainder of This Page Intentionally Left Blank. Signature Page Follows)**

BOND NO. \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have caused this BOND to be executed under the Seal as of the day and year on the date set forth above.

**PRINCIPAL / CO-PRINCIPAL**

SIGNATURE: \_\_\_\_\_ (SEAL)

NAME: \_\_\_\_\_  
(Typed)

TITLE: \_\_\_\_\_  
(Typed)

SIGNATURE: \_\_\_\_\_ (SEAL)

NAME: \_\_\_\_\_  
(Typed)

TITLE: \_\_\_\_\_  
(Typed)

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

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:

I \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, respectively of the \_\_\_\_\_, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

BOND NO. \_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have caused this BOND to be executed under the seal as of the day and year on the date set forth above.

**CORPORATE SURETY**

NAME: \_\_\_\_\_  
(Typed)

ADDRESS: \_\_\_\_\_  
(Mailing Address)

TELEPHONE NO.: \_\_\_\_\_  
(City) (State) (Zip Code)  
(Typed)

STATE OF INCORPORATION OR ORGANIZATION: \_\_\_\_\_

LIABILITY LIMIT: \_\_\_\_\_

**Attorney(s)-In-Fact**

SIGNATURES: 1. \_\_\_\_\_ (SEAL) 2. \_\_\_\_\_ (SEAL)

NAME: \_\_\_\_\_  
(Typed) (Typed)

TITLE: \_\_\_\_\_  
(Typed) (Typed)

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

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:

I \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, respectively of the \_\_\_\_\_, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Appendix C

Tolling of Bonding Agreement

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

*(Subdivision/Project Name)*

THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by [INSERT NAME OF PROPERTY OWNER] ("Declarant"), and the COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA (the "County Commission").

WHEREAS, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in **Exhibit A** attached hereto (the "Land"); and

WHEREAS, the Land has been legally subdivided (the "Subdivision") into \_\_\_\_\_ ( ) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on \_\_\_\_\_ (the "Subdivision Ordinance"), and as shown on that certain [INSERT NAME OF SUBDIVISION PLAT] recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in [INSERT RECORDING INFO] (the "Final Plat"); and

WHEREAS, Declarant posted a bond with the County Commission, in the form of [a letter-of-credit/cash-in-escrow/surety bond], in the amount of \$\_\_\_\_\_ (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond – Estimate, dated \_\_\_\_\_ (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on \_\_\_\_\_; and

WHEREAS, due to [INSERT REASONS FOR DELAY IN DEVELOPMENT], the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

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

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

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

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

- (a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following condition precedent (the "Modification Conditions"):
  - (i) The Declarant submits to the Department a surety in the amount of \$10,000 as a Site Stability Bond.
  
- (b) Upon satisfaction of the Modification Condition, the County Commission shall return the Existing Infrastructure Bond to the Declarant and the Original Bonding Obligations shall be deemed modified as follows:
  - (i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting a \$10,000 surety as a Site Stability Bond with the County Commission and complying with the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.
  - (ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than continuance of an agricultural use existing on the land prior to this agreement, and/or mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the Site Stability Bond to the Declarant.
  - (iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's

bonding obligations with respect to the Subdivision. The provisions of this Section 2(b)(iii) shall survive termination of this Declaration.

3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.
4. **Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.
5. **Covenant to Maintain "Good Standing" with the State of West Virginia.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall continually maintain "good standing" with the State of West Virginia with regard to this parcel/property. This shall include:
  - (a) Maintaining a current and valid organization/business certificate, license, or any other document required by the West Virginia Secretary of State to conduct business in the the State of West Virginia. The Declarant shall be in default of this agreement if at any time during the term of this agreement the organization/business is dissolved or revoked by the West Virginia Secretary of State and its good standing is allowed to lapse; and
  - (b) Not be delinquent on the real estate property taxes by more than 30 calendar days from the first payment due date set by the Jefferson County Assessor. The Declarant shall be in default of this agreement if at any time during the term of this agreement, the real estate property taxes on this property are delinquent more than 30 calendar days.

The Declarant shall provide to the County Commission, on a periodic basis as determined by the County Commission and/or their staff, documentation evidencing that the Declarant is continually maintaining good standing with the State of West Virginia, to the satisfaction of the County Commission.

6. **Default.**

(a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County Commission may exercise any rights and remedies it may have hereunder or applicable law. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration. However, in the event the Declarant elects to voluntarily default and to not proceed with the construction of the Lots related to the Site Stability Bond, the Declarant solely may sign and record the merger deed, and return the Lots to the parent tract and residue parcel without forfeiting the prior Community Impact Statement or Preliminary Plan approvals. Thereafter, neither the Site Stability Bond nor the New Infrastructure Bond would be required until such time that final plat(s) is approved by the Planning Commission and the platted lots are then subject to standard Jefferson County Construction Bond policies then in effect.

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Comment [mtw11]: New provision

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

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

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

(d) Tolling Agreement Opt-Out Provision

The Declarant shall have the sole option of electing to release the lots from these tolling provisions without the need for restoring the site development bond ONLY for the purposes of merging the lots. In such case, at the Declarant's request, the County shall release the Tolling Agreement via recordation of a suitable instrument or notation on the recorded Tolling Agreement similar to a lien release statement within the County Land Records, and subsequently record the Merger Deed provided under 6 (c), and return the \$10,000 Site Stability Bond to the Declarant, with no requirement to restore the New Infrastructure Bond.

7. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.
8. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby.
9. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.
10. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration

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 Comment [mtw12]: New provision  
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11. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.
12. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the Jefferson County Commission in both the name of the Declarant/developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.

Comment [mtw13]: Minor edit

\_\_\_\_\_  
(Subdivision Name)

Jefferson County Planning Commission File No. \_\_\_\_\_

\_\_\_\_\_  
(Applicant/~~Declarant~~ Developer Name)

By: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:

I \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, respectively of the \_\_\_\_\_, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_



COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Print Name: \_\_\_\_\_, President

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

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:

I \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, do hereby certify that \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, respectively of the \_\_\_\_\_, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
ATTEST:

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

Appendix D

Tolling of Bonding Agreement – First Amendment

Note to preparer: insert information as noted for all highlighted items.

FIRST AMENDMENT  
TO  
AGREEMENT REGARDING BONDING OBLIGATIONS AND  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

Insert Name and Phase # of Subdivision Subdivision

THIS FIRST AMENDMENT TO AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "First Amendment to Agreement") is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by INSERT NAME OF DEVELOPER/OWNER ("Declarant"), and the COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA (the "County Commission").

WHEREAS, Declarant entered into an agreement entitled "AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" (the "Agreement"); said Agreement was subsequently recorded in the Jefferson County Clerk's Office in Deed Book ##### Page ##### on month, day, year; and

WHEREAS, the Agreement contains covenants associated with Declarant's Land which has been legally subdivided (the "Subdivision") into Insert Name and Phase # of Subdivision Subdivision consisting of spell out number of lots (##) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979 (the "Subdivision Ordinance"), and as shown on that certain plat entitled "Insert Final Plat Name and list of all lots, parcels and residues" recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book ##### Page ##### (the "Final Plat"); and

WHEREAS, in accordance with Section 2 (a) (i) of the Agreement, Declarant posted a cash surety with the County Commission, in the amount of \$10,000.00 (the "Site Stability Bond"); and

WHEREAS, due to moderate improvement in the economic conditions in the homebuilding industry, the Declarant would like to offer for sale certain Lots within the Subdivision, and, accordingly, is requesting that the County Commission modify one-time only, a portion of the Agreement for those certain Lots, while retaining the provisions of the Agreement for all remaining Lots within the Subdivision, until such time as the Declarant is ready to request a termination of the

Agreement, and release the remaining Lots from the terms of the Agreement, so as to commence construction of the remaining Infrastructure Improvements; and

WHEREAS, as permitted within Section 9 of the Agreement, Declarant desires to modify Section 3 of the Agreement's "Covenant Not to Commence Construction" and Section 4 of the Agreement's "Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots", one time only, for Lots **list requested lot numbers to be released**, inclusive, within the Subdivision, by releasing said Lots (the "released Lots") from the aforementioned Agreement;

WHEREAS, in consideration of the County Commission's consideration of this First Amendment, Declarant hereby agrees to comply with all provisions of the County's Bonding Policy for the released Lots as outlined in Section 2 (b) (ii) and (iii) of the Agreement, and to retain all provisions of the Agreement for the Lots that will remain (the "remaining Lots") controlled by the Agreement;

WHEREAS, the County Commission has determined that it is in the best interests of Jefferson County to modify the Agreement one-time only, to permit sale and construction for the released Lots, and retain all provisions of the Agreement for the remaining Lots, until such time as the Declarant requests termination of the Declaration, and complies with all provisions of the Bonding Policy in order to commence construction of the Infrastructure Improvements for the remaining Lots, subject to the condition that Declarant execute and record this First Amendment to Agreement which shall run with the Land and be enforceable by the County Commission.

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

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.
2. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend, or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

3. Amendment of Agreements. As a concession between Declarant and the County Commission, amendments to this First Amendment to Agreement, and subsequent amendments to the Agreement will not be permitted. However, Declarant shall retain the rights of termination of the Agreement as outlined therein by complying with the Bonding Policy and restoring the Infrastructure Bond for the remaining Lots.

Also, in the event the Agreement does not contain a Tolling Agreement Opt-Out Provision, the following is hereby included within this First Amendment to Agreement:

The Declarant shall have the sole option of electing to release the lots from these tolling provisions without the need for restoring the site development bond ONLY for the purposes of merging the lots. In such case, at the Declarant's request, the County shall release the Tolling Agreement via recordation of a suitable instrument or notation on the recorded Tolling Agreement similar to a lien release statement within the County Land Records, and subsequently record the Merger Deed provided under 6 (c), and return the \$10,000 Site Stability Bond to the Declarant, with no requirement to restore the New Infrastructure Bond.

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Comment [mtw14]: New provision

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

5. Term of this Declaration. This Declaration shall be effective as of the date first above written and shall continue in full force and effect.

6. Term of the Previous Agreement. Except as herein otherwise specified, all terms and provisions within the aforementioned Agreement, recorded at the Jefferson County Clerk's office, dated month, day, year, in Deed Book ####, Pg. ####, shall continue in full force and effect only for the remaining Lots (list all lots, parcels, and residues to remain within the agreement).

Comment [mtw15]: Minor addition

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

Comment [mtw16]: Minor edit

Insert Subdivision Name and Phase

*(Subdivision Name)*

Jefferson County Planning Commission File No. ##-##

Insert owner's representative's name, title, owner/developer/Declarant's name

*(Applicant/Developer/Declarant Name)*

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

Print Name: Insert owner's representative's name Title: Insert owner's representative's title

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

STATE OF INSERT STATE, COUNTY OF INSERT COUNTY, to wit:

I insert name of notary, a Notary Public in and for the State and County aforesaid, do hereby certify that insert name of owner, as insert title of insert owner's company name whose name is signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Comment [mtw17]: Minor edit

Comment [mtw18]: Minor edit

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: \_\_\_\_\_ Date: / /

Print Name: Patricia A. Noland, President, Jefferson County Commission

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

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_, to wit:

I \_\_\_\_\_, a Notary Public in and for the State and County  
aforesaid, do hereby certify that \_\_\_\_\_

and \_\_\_\_\_, as \_\_\_\_\_

and \_\_\_\_\_, respectively of the \_\_\_\_\_,

whose names are signed to the foregoing, this day personally appeared before me in my State and  
County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine  
Seal of the said corporation).

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Jennifer S. Maghan

Clerk, County Commission of Jefferson County, WV

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

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

Date Requested – 2<sup>nd</sup> Choice: January 17, 2013

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

**Subject: Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 3.94 acre property owned by the Aitcheson Family Trust, designated as Tax District: Harpers Ferry, Map: 7, Parcel: 18, located on the south side of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane, for the purpose of setting a public hearing to be held by the County Commission**

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

**On December 11, 2012, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to amend the County Zoning Map Public Hearing for a 3.94 acre property owned by the Aitcheson Family Trust, designated as Tax District: Harpers Ferry, Map: 7, Parcel: 18, located on the south side of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane. The property is currently vacant. The rezoning request is from the Residential Growth zoning classification to the Residential-Light Industrial-Commercial zoning classification. Pursuant to state law, WV Code 8A-7-9(c), the County Commission must receive the advice of the Planning Commission regarding whether such a request is consistent with the County's adopted Comprehensive Plan.**

**To this end, the Planning Commission held a Public Hearing, reviewed the applicant's application, the staff's report on the consistency with the Comprehensive Plan, received public input, and made a determination regarding consistency with the Comprehensive Plan. Based on a review of the 2004 Comprehensive Plan and consideration of the facts and opinions presented, the Planning Commission moved to forward the petition to the County Commission with a finding that the application was consistent with the Comprehensive Plan. This motion passed with a vote of 6-0. The application and staff report will be provided to the County Commission for the packet related to the date of the Public Hearing.**

**In accordance with Section 12.2(C) of the Jefferson County Zoning Ordinance, subsequent to the recommendation received from the Planning Commission, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.**

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

**I move to schedule a Public Hearing on the Proposed Zoning Map Amendment for a 3.94 acre property owned by the Aitcheson Family Trust, designated as Tax District: Harpers Ferry, Map: 7, Parcel: 18, located on the south side of US Route 340 on Campground Road approximately a half mile east of its intersection with Old Taylor Lane, on \_\_\_(January 17 or February 7, 2013)\_\_\_, 2012 at \_\_\_ pm.**

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

Name: John Reisenweber

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

Date Requested – 2<sup>nd</sup> Choice: January 17, 2013

If a specific date is needed, please provide reason for specific date: **The JCDA would like to get their new By Laws approved by the JCC as quickly at the earliest opportunity.**

Subject: **Jefferson County Development Authority By Laws**

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

**Attached are the new By-Laws for the JCDA which were approved on December 18<sup>th</sup> at their regular monthly meeting.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **A motion to approve the Jefferson County Development Authority By Laws as revised and unanimously approved by the JCDA.**



Jefferson County  
Development Authority

**Board of Directors  
2012-2013**

Mark Dyck  
President

Howard Mills  
Vice President

Eric J. Lewis  
Secretary/Treasurer

Mike Chapman  
Joe Cosentini  
Helen Dettmer  
Paul Espinosa  
Annette Gavin  
Conrad C. Hammann  
Joshua Householder  
Debra Lee Hovatter  
P. David Mills  
Walter Pellish  
James A. Tolbert  
Karan Townsend

John Reisenweber  
Executive Director

PO BOX 237  
CHARLES TOWN  
WV 25414

304.728.3255  
304.725.3133 fax

www.JCDA.net

December 19, 2012

The Honorable Patricia Noland  
President  
Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Dear Commissioner Noland:

Enclosed please find a copy of the Jefferson County Development Authority By-Laws which our Board of Directors reviewed, updated, and approved at our December Board Meeting.

According to Article X, Section 2 of the by-laws, any changes made to the by-laws must be approved by the Jefferson County Commission. On behalf of the JCDA, we respectfully request that approval be taken up for consideration at by the Commission at your next meeting. Please let me know if you have any questions.

Sincerely,

John Reisenweber  
Executive Director

Enclosure



## **BY-LAWS JEFFERSON COUNTY DEVELOPMENT AUTHORITY**

### **ARTICLE I NAME AND PLACE OF BUSINESS**

**Section 1. Name:** Jefferson County Development Authority, hereinafter referred to as the "Authority."

**Section 2. Place of Business:** The principal office of the Authority shall be located in Jefferson County, West Virginia.

### **ARTICLE II PURPOSE AND COMPLIANCE WITH APPLICABLE LAWS**

**Section 1. General:** The Authority is not organized for profit but is organized exclusively for the purposes set forth in House Bill No. 367 enacted by the 1963 Session of the West Virginia Legislature and now a part of the General Laws as Article 12 of Chapter 7 of the Code of West Virginia.

**Section 2. Purpose:** The purposes for which the Authority is created are to promote, develop and advance the business prosperity and economic welfare of Jefferson County, its citizens and its industrial complex; to encourage and assist through loans, investments or other business transactions in the locating of new business and industry within the county and to rehabilitate and assist existing businesses and industries in the county; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development, maintain the economic stability of the county, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of the county; to cooperate and act in conjunction with other organizations, federal, state, or local, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments with the county; and to furnish money and credit, land and industrial sites, technical assistance and such other aid as may be deemed requisite to approved and deserving applicants for the promotion, development and conduct of all kinds of business activity within the county. (W. Va. Code § 7-12-2).

**Section 3. Powers of the Authority.** The Authority shall have all of the powers given by the West Virginia Code § 7-12-1 *et seq.*

**Section 4. Liberal Construction of By-Laws:** It is the purpose of the Authority to provide for promotion, development and advancement of the business prosperity and economic welfare of Jefferson County, its citizens and its industrial complex, and these by-laws shall be liberally construed as giving the Authority full and complete power reasonably requested to give effect to its purpose described above. (W.Va. Code § 7-12-15).

**Section 5. Compliance with Applicable Laws:** The Authority shall observe and comply with all applicable local, state and federal laws, including, but not limited to the requirements of Chapter 7, Article 12 of the Code of West Virginia as amended. If a conflict arises between the provisions of these by-laws and the applicable West Virginia Code provision, the West Virginia Code provision shall govern. If any article, section or provision of these by-laws is held to be unconstitutional, all the remaining articles, sections and provisions shall nevertheless remain valid.

**ARTICLE III  
MANAGEMENT AND MEMBERSHIP OF THE AUTHORITY**

**Section 1. Membership:** Management and control of the Authority, its property, operations, business and affairs, shall be vested in a board of not fewer than twelve (12) and not more than twenty-one (21) persons who shall be appointed by the Jefferson County Commission and be known as members of the Authority. Each member of the Authority shall be appointed to at least one standing committee. (W.Va. Code § 7-12-3)

**Section 2. Appointment of Members:** The Jefferson County Commission shall appoint one member to represent the County Commission on the Authority board and, for each municipality located within the county, the County Commission shall appoint one member to represent the municipality. The city and town Council of each municipality located within the county shall submit to the County Commission the names of three persons, one of whom the County Commission shall appoint to be the municipality's representative on the board. Other members of the board shall be appointed by the County Commission and shall include representatives of business, education, industry and labor. Other persons, firms, unincorporated associations, and corporations, who reside, maintain offices, or have economic interests, as the case may be, in Jefferson County, shall be eligible to participate in and to request the County Commission to appoint members to the Authority. Members can also be drawn from citizens of a county contiguous to Jefferson County regardless of their state of residence. (W.Va. Code § 7-12-3 and § 7-12-4)

**Section 3. Term of Members:** Members shall be appointed for a term of three years. A member may be reappointed for such additional term or terms as the County Commission may deem proper. If a member resigns, is removed or for any other reason membership terminates during the member's term of office, a successor shall be appointed by the County Commission to fill out the remainder of the member's term. Members in office at the expiration of their respective terms shall continue to serve until a successor has been appointed and has qualified. (W.Va. Code § 7-12-3)

**Section 4. Compensation of Members:** No member of the Authority shall receive any compensation, whether in formal salary, per diem allowance or otherwise, in connection with his or her services as a member. Each member shall, however, be entitled to reimbursement by the Authority for any necessary expenditures in connection with the performance of his or her general duties as a member. (W.Va. Code § 7-12-5)

**Section 5. Conflict of Interest:** No person shall be disqualified from serving as a member of the Authority solely as a result of the person's employment with a particular business, including without limitation employment with a public utility company or bank. However, whenever a conflict of interest arises between the Authority and the member's employer, then the member must recuse himself or herself from any vote, discussion or other activity associated with the Authority or its members that created the conflict of interest. (W.Va. Code § 7-12-4 and § 7-12-5)

**Section 6. Resignation or Removal of Members:** If a member of the Authority resigns, the Secretary of the Authority shall immediately notify the County Commission, and request the appointment of a qualified person to fill the vacancy left by the resigning member. The County Commission may at any time remove any member of the board by an order duly entered of record and may appoint a successor member for any member so removed. (W.Va. Code § 7-12-3)

**Section 7. Vacancies:** If requested so to do, the members shall recommend to the County Commission the names of qualified persons for appointment to fill either pending or existing vacancies in the membership of the Authority.

**Section 8. Attendance:** If any member fails to attend three (3) regular consecutive meetings of the Authority without an acceptable excuse, the Executive Committee, with the concurrence of the board, may recommend to the County Commission that the offending member be removed from the board and a successor member appointed.

**ARTICLE IV  
MEETINGS OF THE AUTHORITY MEMBERS**

**Section 1. Time and Place:** The Authority members shall meet on the third Tuesday of each month, at 3:00 p.m., at the offices of the Jefferson County Development Authority, or at a place and time otherwise designated for the meeting. If the meeting day falls on a legal holiday, the meeting shall be held the following day or on another day designated.

**Section 2. Quorum:** A majority of the members of the Authority constitute a quorum and no action of the Authority shall be official unless authorized by a quorum at a regular or properly called special meeting. If a quorum is not present, those present may adjourn the meeting to a later date.

**Section 3. Voting:** Each member of the Authority present, either in person or by phone or video conference, shall have one vote at an Authority meeting.

**Section 4. Special Meetings:** Special meetings of the Authority may be called by the President or by at least two (2) members upon written request to the Executive Director.

**Section 5. Meeting Notice:** Notice in writing of each regular or special meeting of the Authority members shall be given to each member by the Secretary by sending the Notice to the last known post office address of the member, or by electronic mail or by facsimile, at least three (3) days before the date fixed for such meeting. The notice of any special meeting shall state briefly the purpose(s) of the meeting and the nature of the business to be transacted, and no purpose or business other than that stated in the Notice shall be discussed or transacted at the special meeting.

**Section 6. Agenda:** The Executive Director shall prepare and send to all members, at least three (3) business days before a regularly scheduled meeting date, and at least seven (7) calendar days before an irregularly scheduled meeting date, an agenda outlining the items to be discussed at the meeting. A member who wishes to include an item in the meeting agenda shall notify the Executive Director at least seven (7) calendar days prior to the regularly scheduled meeting date for the item to be included in the agenda. Any matter not disposed of at a meeting shall be included on the agenda of the next scheduled meeting.

**Section 7. Meeting Format:** The format for all regular meetings of the Authority members shall be as follows:

- I. Call to Order
- II. Determination of Members Present and Existence of a Quorum
- III. Public Comment Period
- IV. Review/Approve Minutes
- V. Review/Approve Treasurer's Reports
- VI. Member/Staff Reports
- VII. Committee Reports
- VIII. Unfinished Business
- IX. New Business

X. Director's Report

XI. Adjournment

Nothing in the above format precludes adding items to or deleting specific items from the agenda, including executive sessions as authorized or required by West Virginia law. Further, the Authority may, upon its own motion, revise the schedule of business for any meeting. Items not on the posted agenda are presented and placed on a subsequent agenda for action, unless the item requires immediate action because of an emergency situation, or where the need to take immediate action came to the attention of the Authority subsequent to the posting of the agenda.

All meetings shall be conducted according to Robert's Rules of Order and in accordance with the West Virginia Open Meeting Law. (W.Va. Code § 6-9A).

#### **ARTICLE V CONFIDENTIALITY OF EXECUTIVE SESSION**

**Section 1: Executive Session:** An Executive Session may be called upon a majority vote of the members for purposes of discussing such matters as are authorized to be discussed in Executive Session by public agencies pursuant to West Virginia Code § 6-9A-4. No member of the Authority shall disclose any information discussed in Executive Session to any individual, organization, or corporation. Anything discussed in open session is subject to public discussion and reporting. All matters before the Authority may be discussed by members of the Authority pursuant to the West Virginia Freedom of Information Act. (W.Va. Code § 29B)

#### **ARTICLE VI OFFICERS**

**Section 1. Officers:** The officers of the Authority shall be a President, Vice-President, Secretary, and Treasurer, each of whom must be a member of the Authority. The offices of Secretary and Treasurer may be served by the same person, as Secretary-Treasurer.

**Section 2. Election of Officers:** The officers of the Authority shall be elected each year by the members at the Authority's last regular meeting of the fiscal year, i.e., the June meeting, with officers to assume their duties the first day of the new fiscal year, i.e., July 1. The officers so elected shall serve until the next annual election by the membership and until their successors are duly elected and qualified and the officers may succeed themselves. Any vacancy occurring among the officers, except for the office of President, shall be filled by appointment from the membership by the President until the next regular or special meeting of the Authority, when the members will elect a replacement to serve until the next annual election.

**Section 3. Nominating Committee:** A nominating committee of three (3) members shall be appointed by the President no later than sixty (60) days prior to the annual election meeting. The report of the nominating committee shall be presented to the members at the regular monthly meeting preceding the annual election meeting. Nominees shall have consented to such nomination prior to the report of the nominating committee. Nominations may be made from the floor at the annual election.

**ARTICLE VII  
DUTIES OF OFFICERS**

**Section 1. President:** The President shall preside as chairman at all meetings of the membership of the Authority. He shall appoint all committees as recommended by the membership and shall be an ex-officio member of all committees. The President shall appoint all committees as recommended by the membership and shall, together with the secretary, sign the minutes of all meetings of members at which the President presides. The President shall attend generally to the executive business of the Authority and exercise such powers as may be conferred upon him or her by the members, by these by-laws, or as prescribed by law. The President shall execute, and if necessary acknowledge for record, any deeds, deeds of trust, contracts, notes, bonds, agreements or other papers necessary, requisite, proper or convenient to be executed by or on behalf of the Authority when and if directed by the members of the Authority.

**Section 2. Vice President:** If the President is absent or for any reason is unable to discharge any of the duties of the office then the same shall be discharged by the Vice-President or in the absence of the Vice-President, by any remaining officer.

**Section 3. Secretary:** The Secretary of the Authority shall be its recording officer and shall, when practicable, be present at all meetings of the members, and shall keep or cause to be kept a regular record of the proceedings of such meetings for preservation in a suitable book or books. The Secretary, together with the President, shall sign the minutes of the meetings at which they are present. The Secretary shall have charge of the minute book and custodian of deeds and other important writings and papers of the Authority and shall also perform such other duties as the office may have under the law or as may be conferred from time to time by the membership. Minutes of the meetings of the Authority may be transcribed by a person other than a member of the Authority, at the discretion of the Secretary.

**Section 4. Treasurer:** The Treasurer shall have general charge of the funds and monies of the Authority. Checks written from the Authority's account shall be signed by such person or persons as the membership from time to time prescribes. The Treasurer shall keep or cause to be kept proper and accurate books of accounts and receipts and vouchers for disbursement made by or through him or her and shall prepare and submit such reports and statements of the financial condition of the Authority as the members may from time to time prescribe, and shall perform such other duties as may devolve under the law or as may be conferred on him or her by the members of the Authority. Members of the Authority responsible for handling funds shall be bonded by the County Commission in accordance with an amount specified by the Authority. All funds shall be expended in accordance with the Authority's Financial Policies and Procedure Manual.

**Section 5. Executive Director:** The Executive Director shall devote himself entirely to the affairs of the Authority. He shall at all times be subject to the supervision of the members of the Authority in matters relating to the economic development of the County, and shall perform such duties as may be determined by the members, as long as they are associated with the affairs of the Authority.

**Section 6. Disbursement of Authority Funds:** The President, Vice-President, Secretary, Treasurer and Executive Director shall have the authority to receive and disburse funds of the Authority. No disbursement shall be made unless it shall have been authorized by two of these four officers. The Treasurer shall sign all disbursements, along with one other officer. In the event that the Treasurer is not able to sign for a disbursement, then any two of the remaining three officers may sign for such disbursement.

**ARTICLE VIII**

## COMMITTEES

**Section 1. Standing Committees:** The standing committees of this Authority shall be as follows:

- Executive Committee
- Business Development and Marketing Committee
- Governmental and Legislative Affairs Committee
- Agriculture Development Committee

**Section 2. Appointment of Committees:** With the exception of the Executive Committee, all of the foregoing committees and committee members, shall be appointed by the President with the approval of the membership. The President may also appoint other ad hoc committees as necessary with the approval of the membership. Such ad hoc committees shall be dissolved at the completion of the specific purpose given the ad hoc committee. Committee chairpersons may appoint members to their committee who are not members of the Authority, subject to approval of the members of the Authority.

**Section 3. The Executive Committee:** The President, Vice-President, Secretary, Treasurer, Executive Director, and Chairpersons of each standing committee of the Authority shall serve on the Executive Committee. Except as otherwise specifically limited by a majority vote of the Board, the Executive Committee shall be responsible for the routine business of the Authority between the regular meetings of the members and shall have all the powers of the membership, subject to, however, to the ratification and approval or later rejection by the membership. It shall have general charge of the finances and property of the Authority and shall have authority to make disbursements for necessary and routine expenses, and may grant to any committee a reasonable amount of money needed for special work, provided such amount shall not exceed the budget allowance for such work as previously approved by the Authority. The Executive Committee shall review issues that may or may not come before the members of the Authority and, if appropriate, make recommendations to the members concerning such issues.

**Section 4. Business Development and Marketing Committee:** It shall be the primary duty of the Business Development and Marketing Committee to develop strategies that encourage businesses to locate to Jefferson County and to assist existing businesses with efforts that attract jobs and foster growth in the community. The Committee will review and provide guidance on the Authority's business development and marketing strategies while ensuring that the Authority is appropriately targeting and effectively utilizing the opportunities that exist in the marketplace. The Committee will work to identify future opportunities to develop suitable industrial/business sites. The Committee shall have the duty to develop any and all projects toward economic improvement consistent with the West Virginia Code and deemed prudent by the Authority.

**Section 5. Governmental and Legislative Affairs Committee:** It shall be the primary duty of the Governmental and Legislative Affairs Committee to develop policies and act as liaison between the Authority and governmental/legislative bodies and in furtherance of the Authority's activities.

**Section 6. Agriculture Development Committee:** It shall be the primary duty of the Agriculture Development Committee to identify, develop and promote agriculture, and agriculture related business within the county.

**ARTICLE IX  
FISCAL YEAR**

**Section 1. Fiscal Year:** The fiscal year of the Authority shall commence on July 1<sup>st</sup> of each year and continue through June 30<sup>th</sup> of the following year.

**ARTICLE X  
AMENDMENTS**

**Section 1. Amendments:** These by-laws may be amended at any regular or special meeting of the Authority by a two-thirds vote of the entire membership; provided however, that written notice, sent in accordance with Article IV, Section 5, describing with particularity the proposed amendment, must be given to each member at least ten (10) days prior to the regular or special meeting at which the proposed amendment will be considered.

**Section 2. Approval by County Commission:** By-law changes shall be submitted to members of the Jefferson County Commission for their approval within ten (10) days after the adoption by the Authority.

**ARTICLE X  
INDEMNIFICATION**

The Authority shall indemnify any past, present or future Executive Director, officer or employee of the Authority against claims arising from an act or omission of such past, present or future Executive Director, officer or employee within the scope of such individual's duties. Such indemnification shall include reasonable costs and expenses incurred in defending such claims. Nothing contained herein shall require the Authority to pay punitive damages or exemplary damages or damages arising from the commission of a crime by such individual, and the Authority shall not be required to provide for the defense or indemnification of such individual when the act or omission which caused the injury was the result of actual fraud, actual malice, gross negligence or willful misconduct of such individual, or in the event of a claim against such individual by the State of West Virginia or the Authority. The determination as to whether an individual's conduct falls within any of the above exceptions shall be made by the Authority, in consultation with the West Virginia Attorney General.

**ARTICLE XI  
DISTRIBUTION OF ASSETS UPON DISSOLUTION**

Upon the dissolution of this Authority, any and all funds and assets held by the Authority, after the payment of its obligations, shall automatically pass to and become the property of the County Commission of Jefferson County, West Virginia, to be used for such public improvements and other public purposes as said Commission shall deem proper.

# AGENDA REQUEST FORM

Name: John Reisenweber

Department or Entity: Development Authority

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

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

If a specific date is needed, please provide reason for specific date:  
Ms. Donley is retiring as of Dec. 31, 2012

Subject: Presentation to Lane Donely in Recognition of her service to JC as she is retiring December 31, 2012 from the Development Authority

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

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

Are documents attached?

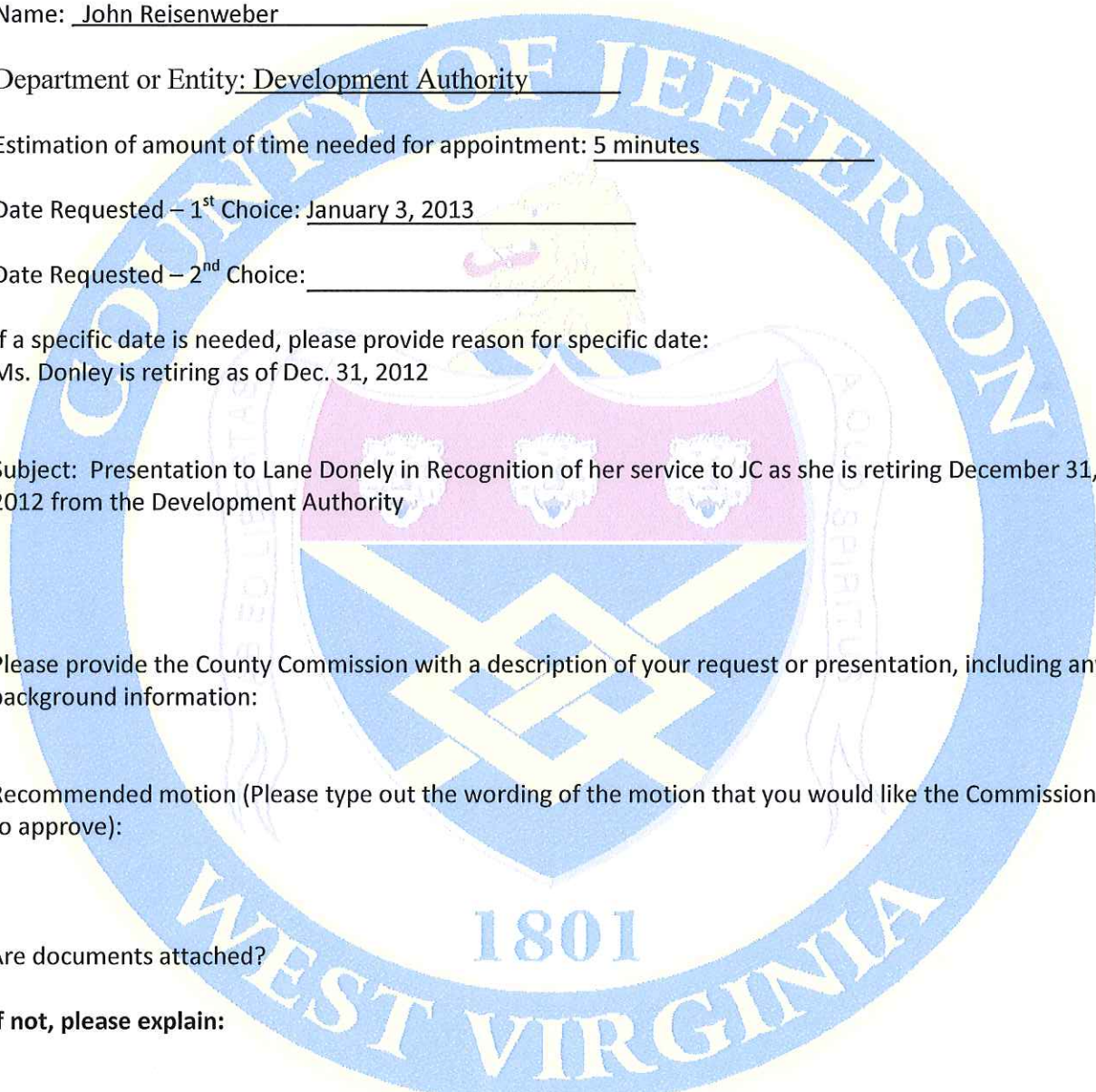
If not, please explain:

Is a projector needed?

**Contact information:**

Email Address:

Phone number:



# AGENDA REQUEST FORM

Name: Patricia Smith

Department or Entity: Department of Juvenile Services

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

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

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

Subject: Proposal for the purchase of four (4) computers for students

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):

Are documents attached? Yes – purchase proposal

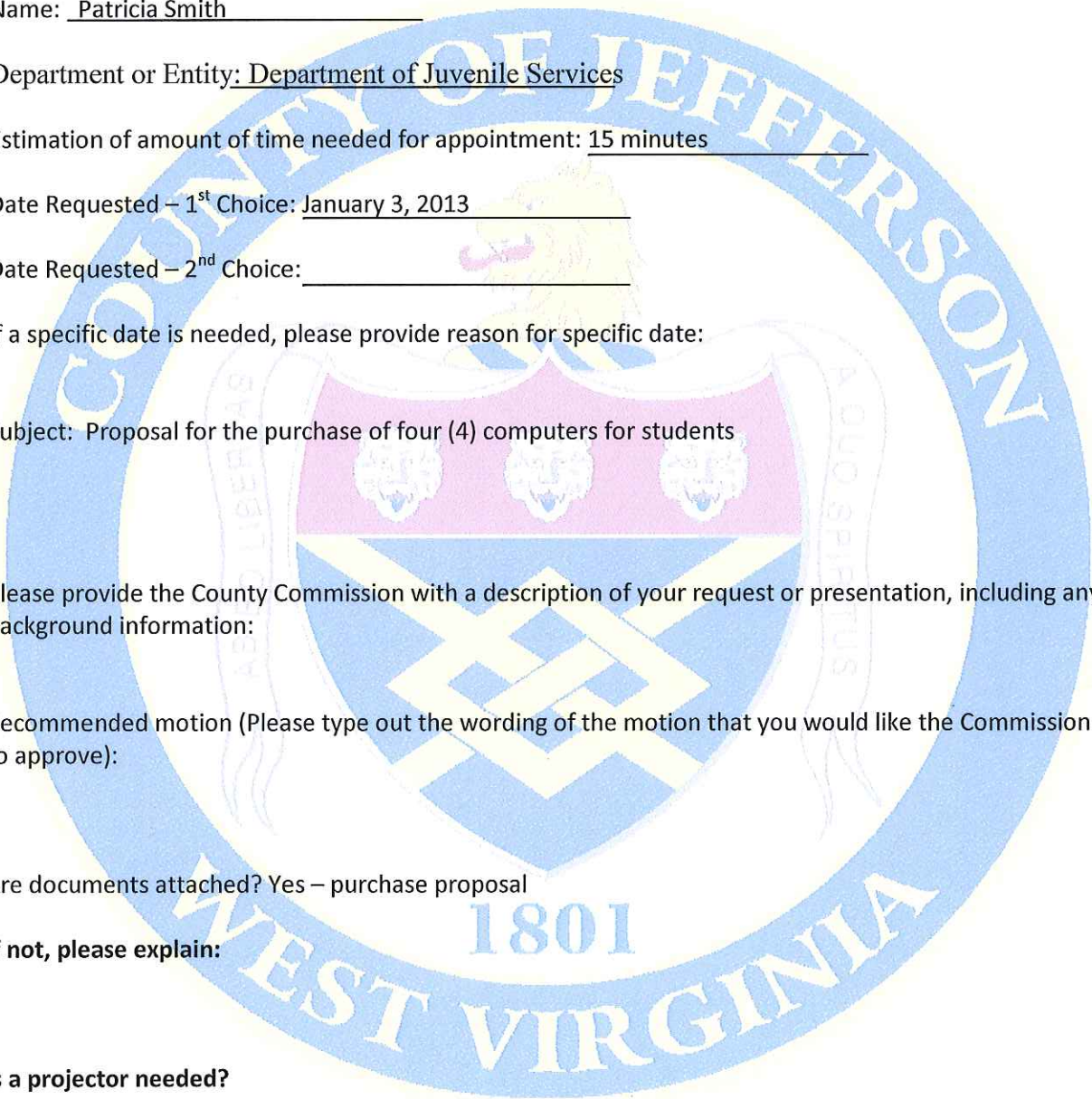
If not, please explain:

Is a projector needed?

**Contact information:**

Email Address:

Phone number:



Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name Patricia G. SmithDepartment or Entity Dept. of Juvenile ServicesEstimation of amount of time needed for appointment: 15-20 minDate Requested - 1<sup>st</sup> Choice Jan. 3, 2013Date Requested - 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Proposal for Computers for Students

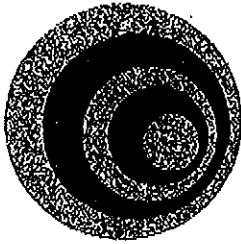
Please provide the County Commission with a description of your request or presentation, including any background information:

Per conversation from last time I spoke. They requested that I get a proposal for the 4 computers

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

See Attached

Attachments:



accurate systems

207 South Princess Street / PO Box 774  
 Shepherdstown, West Virginia. 25443  
 (304) 876-1200 X101  
 (866) 810-5243 fax  
 treilly@accurate-systems.com

## ACCURATE SYSTEMS, INC.

Friday, October 19, 2012

Advisory Board  
 Ranson, WV. 25438

Thank you, for giving me the opportunity to provide computer service to your  
 regarding four new workstations. As requested I have developed a proposal that should meet  
 those requirements.

### Four-Workstation

New CPU, which includes:

Standard Dell Vostro Desktop Computer  
 Intel 3.3G i3 Dual Core Processor  
 2G DDRAM  
 DVD/CD-RW 52x  
 250 GB Hard Drives SATA  
 On-Board Sound System  
 Integrated Video Card  
 Dell Basic Keyboard  
 Mouse Optical  
 Nic 10/100  
 Main board with 1066/800/667 mhs fsb  
 Monitor LCD 19" (or comparable)  
 Power Supply / Surge Protector  
 Anti-Virus Software  
 Microsoft Office 2010 Home and Student (Word, Excel, PowerPoint)  
 Microsoft Windows 7 64bit Pro Operating System



### Proposal Summary

Equipment & hardware cost will be \$2,582.90 plus tax if applicable. This equipment will allow the system to grow with your business and, provide reliable computing service. Four hours of installation cost @ \$75.00 per hour (should be 4-5 hours) for network, components and software configuration is included. Additional hours are billed at \$75.00 per hour. The labor includes travel, network configuration, component training and troubleshooting.

Deposit of \$2,582.90 would begin the project. Balance due upon completion. With your approval we can begin this project immediately. Thank you for your consideration, and an opportunity to provide service to your organization

Sincerely,

*Thomas R. Reilly*

Thomas R. Reilly  
 Thomas Reilly  
 President & CEO

**AGENDA REQUEST FORM**

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



Name: Sandy McDonald, Deputy County Administrator

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

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

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

Subject (Wording to be placed on agenda):

**Approval of Board of Review and Equalization Notice - Discussion/Action**

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

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

**Motion to approve the Board of Review and Equalization Notice and the dates listed for public hearings**

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

**NOTICE  
Board of Review and  
Equalization**

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on Wednesday, January 30, 2013, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2013.

The Commission will continue to sit as a Board of Review and Equalization on Tuesday, February 5, 2013, at 1:30 p.m., Thursday, February 7, 2013, at 1:30 p.m., Tuesday, February 12, 2013, at 1:30 p.m., and thereafter as deemed necessary.

Persons wishing to appear before the Commission should apply to the Assessor no later than Friday, February 8, 2013, at noon, in order to complete the proper forms and to schedule a hearing date prior to the planned final date of Tuesday, February 19, 2013.

Given under my hand this 3<sup>rd</sup> day of January, 2013.

---

**JENNIFER MAGHAN, COUNTY CLERK  
JEFFERSON COUNTY COMMISSION**

# February 2013

| Sunday                                                             | Monday                                                             | Tuesday                                                            | Wednesday                                                          | Thursday                                                         | Friday | Saturday |
|--------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------|--------|----------|
|                                                                    |                                                                    |                                                                    | 30-January<br>BORE<br>1:30pm                                       | 31-January                                                       | 1      | 2 -      |
| 3                                                                  | 4                                                                  | 5<br>BORE 1:30<br>pm                                               | 6                                                                  | 7<br>9:30 am- Jefferson<br>County<br>Commission Mtg<br>1:30 BORE | 8      | 9        |
| 10                                                                 | 11                                                                 | 12<br>BORE 1:30<br>pm                                              | 13                                                                 | 14                                                               | 15     | 16       |
| 17                                                                 | 18<br>Washington's<br>Birthday<br>Holiday                          | 19<br>BORE 1:30<br>pm                                              | 20                                                                 | 21<br>9:30 am- Jefferson<br>County<br>Commission Mtg.            | 22     | 23       |
| 24 WVACo - CCA<br>Legislative Annual<br>Conference -<br>Charleston | 25 WVACo - CCA<br>Legislative Annual<br>Conference -<br>Charleston | 26 WVACo - CCA<br>Legislative Annual<br>Conference -<br>Charleston | 27 WVACo - CCA<br>Legislative Annual<br>Conference -<br>Charleston | 28                                                               |        |          |

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jane Tabb

Department or Organization: \_\_\_\_\_

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

Date Requested – 1<sup>st</sup> Choice: Jan. 3, 2013

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

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

Time critical

Subject (Wording to be placed on agenda):

Add 2 members to Comprehensive Plan Steering Committee

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):

Re-advertise for citizen volunteers to serve on the Comp. Plan Steering

Are documents attachments? Yes  No  Com. & permit Com. Tabb to select two additional members.

Is a projector needed? Yes  No

Contact information:

Email address: Vinemant@frontiernet.net

Phone number: 304-725-4325

Cmr. Lyn Widmyer's Proposed 2013 County Commission First Quarter Priorities

(prepared December 2012)

**Complete a space needs study for Jefferson County government offices and prepare a plan to address any future space needs.** *This topic has been discussed for two years without any conclusions or recommendations. The County owns a vacant building without any plans for re-use. A thoughtful strategy for addressing space needs and how to fund that strategy is badly needed.*

**Initiate discussions with state to provide in-house psychiatric care in the Eastern Panhandle.** *The County Commission has previously discussed this as a project; recent events have increased the urgency of this project.*

**Update, improve and integrate IT functions in County Commission departments.** *This is another on-going multi-year problem. Finding a solution is underway and is on track to be solved in 2013. Providing a searchable data base and scanning all County Commission documents is badly needed.*

**Provide a citizen friendly explanation and guide to the County budget.**

**Provide support for fire and rescue services .** *The issue of a fire fee needs to be addressed.*

**Assure the Comp Plan Steering Committee efforts are meaningful.** *The US 340 Gateway Plan was shelved because it was viewed as a "distraction" to the Comprehensive Plan update. The County Commissions actions on re-zoning requests are a far greater distraction because soon there will be nothing left to plan for given the pace of rezoning applications approved by the County Commission.*

**Review the priorities for traffic improvements along US 340.** *The WV DOH has asked the County Commission to prioritize road and traffic improvements in Jefferson County. A draft list of proposed road/traffic/safety improvements needed between Harpers Ferry and Charles town has been prepared. This list needs to be reviewed by the Commission.*

**Require that all contracts for \$10,000 or more be reviewed and re-bid a minimum of once every 3 years.** *I proposed this policy in March 2012 but no action was taken by the Commission. I remain concerned that tax dollars are paying for multi-year contracts that have never been reviewed or evaluated. All contracts should be reviewed and rebid on a regular basis to assure tax payers are getting the best services for the least expense.*

**Establish a date in February for First Annual Economic Outlook for Jefferson County.**

# AGENDA REQUEST FORM

Name: Paul Shroyer

Department or Entity: Finance

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

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

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

Subject: Budget Analysis for the General Fund - Month ending November 30, 2012 – Fiscal Year ending June 30, 2013.

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

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

Are documents attached? Yes

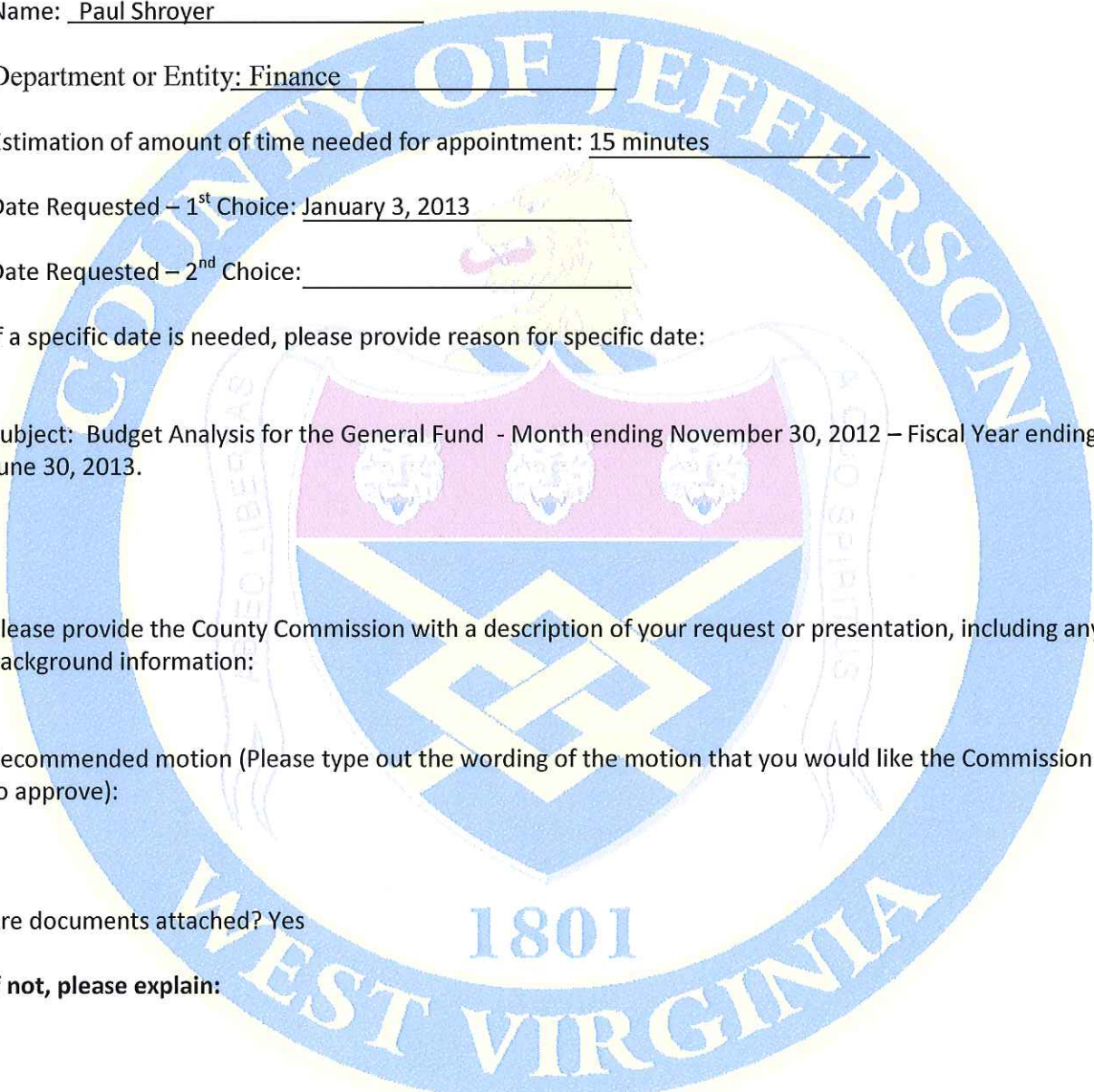
If not, please explain:

Is a projector needed?

**Contact information:**

Email Address:

Phone number:



Jefferson County, West Virginia  
Budget Analysis for the General County Fund  
For the Month Ending  
November 30, 2012  
For the Fiscal Year Ending  
June 30, 2013

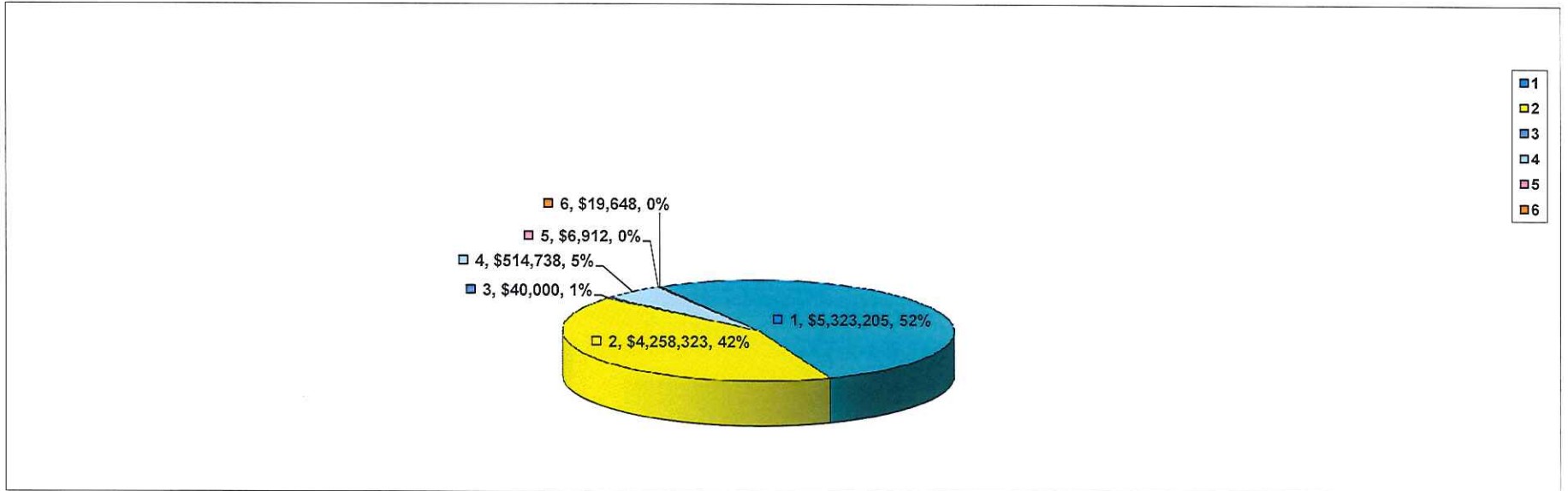
Attachments

1. Data and Graphic presentation
2. Narrative of budget
3. Spreadsheet presentation
4. Listing of all Fund

*pages in  
correct order*

Jefferson County, WV  
 FYE June 30, 2013  
 General County Fund-Financial Expenditures in Chart Format  
 Expenditure by Government Activity-November 2012

The Chart and financial data represent YTD budget data of expenditures from the General County Fund.



|            |                      |
|------------|----------------------|
| Section #1 | General Government   |
| Section #2 | Public Safety        |
| Section #3 | Health & Sanitation  |
| Section #4 | Culture & Recreation |
| Section #5 | Social Services      |
| Section #6 | Capital Outlay       |

| General County Fund-Expenditure Summary by Government Activity-Year to date totals |                    |               |                     |                      |                 |                |          |
|------------------------------------------------------------------------------------|--------------------|---------------|---------------------|----------------------|-----------------|----------------|----------|
|                                                                                    | General Government | Public Safety | Health & Sanitation | Culture & Recreation | Social Services | Capital Outlay |          |
| Color Coding                                                                       | Section #1         | Section #2    | Section #3          | Section #4           | Section #5      | Section #6     |          |
| Grand total YTD                                                                    | 10,162,826.72      | \$5,323,205   | \$4,258,323         | \$40,000             | \$514,738       | \$6,912        | \$19,648 |

|     | Percentage of gross expenditures >>     | 52.38%       | 41.90%       | 0.39%     | 5.06%      | 0.07%    | 0.19%     |
|-----|-----------------------------------------|--------------|--------------|-----------|------------|----------|-----------|
| 401 | County Commission                       | 1,272,952.93 |              |           |            |          |           |
| 402 | County Clerk                            | 372,230.65   |              |           |            |          |           |
| 403 | Circuit Clerk                           | 278,801.64   |              |           |            |          |           |
| 404 | Sheriff-Treasurer                       | 233,164.87   |              |           |            |          |           |
| 405 | Prosecuting Attny                       | 738,588.57   |              |           |            |          |           |
| 406 | Assessor                                | 275,183.96   |              |           |            |          |           |
| 407 | Assessor-AVF                            | 161,876.08   |              |           |            |          |           |
| 408 | Statewide Computer Network              | 14,427.14    |              |           |            |          |           |
| 412 | Agricultural Agent                      | 53,912.07    |              |           |            |          |           |
| 413 | County Election                         | 121,371.44   |              |           |            |          |           |
| 415 | Magistrate Court                        | 384.62       |              |           |            |          |           |
| 424 | Courthouse                              | 531,709.75   |              |           |            |          |           |
| 425 | Other Buildings                         | 341,911.23   |              |           |            |          |           |
| 428 | Data Processing                         | 25,692.12    |              |           |            |          |           |
| 429 | Regional Development Authority          | 19,794.26    |              |           |            |          |           |
| 431 | Economic Development                    | 200,936.38   |              |           |            |          |           |
| 433 | GIS Addressing Dept                     | 100,187.13   |              |           |            |          |           |
| 439 | Planning & Zoning                       | 161,979.32   |              |           |            |          |           |
| 440 | Engineering                             | 308,256.21   |              |           |            |          |           |
| 442 | Federal Grants                          | 25,000.00    |              |           |            |          |           |
| 443 | State Grants                            | 21,333.00    |              |           |            |          |           |
| 451 | Zoning                                  | 63,511.73    |              |           |            |          |           |
| 700 | Law Enforcement                         |              | 1,319,211.64 |           |            |          |           |
| 701 | Service of Process                      |              | 150.00       |           |            |          |           |
| 704 | Regional Jail Cost                      |              | 517,768.00   |           |            |          |           |
| 711 | Emergency Services                      |              | 80,551.77    |           |            |          |           |
| 712 | Communication Center                    |              | 778,449.09   |           |            |          |           |
| 715 | Emergency Services Agency               |              | 1,307,250.00 |           |            |          |           |
| 716 | Animal Control, Salary Supplement       |              | 108,191.36   |           |            |          |           |
| 717 | Central Garage                          |              | 146,751.41   |           |            |          |           |
| 800 | Local Health Department-Contributions   |              |              |           |            |          |           |
| 801 | Mental health                           |              |              | 5,000.00  |            |          |           |
| 808 | Solid Waste Authority                   |              |              | 35,000.00 |            |          |           |
| 900 | Parks & Recreation                      |              |              |           | 239,432.89 |          |           |
| 903 | Arts & Humanities Contributions         |              |              |           | 10,710.73  |          |           |
| 909 | Historical Commission                   |              |              |           | 10,710.73  |          |           |
| 911 | Other Gov't -Contrib to Visitors Center |              |              |           | 133,884.04 |          |           |
| 916 | Other Gov't-Contrib to Libraries        |              |              |           | 120,000.00 |          |           |
| 953 | Other Gov't-Contrib to Public Transit   |              |              |           |            | 6,911.50 |           |
| 975 | Capital Outlay-County Clerk             |              |              |           |            |          | 14,648.46 |
| 976 | Capital Outlay-Circuit Clerk            |              |              |           |            |          | 5,000.00  |
|     |                                         |              |              |           |            |          |           |
|     |                                         |              |              |           |            |          |           |

**Jefferson County Commission**  
**Budget Analysis Narrative for October 2012 Financials**

**Overall Budget Revenues**

Overall, current revenues for the General County Fund are projected to be under budgeted revenues by approximately \$212,243.

**Individual Revenue Items Expected to Exceed Budget**

Revenue items are projected to exceed budgeted estimates by \$15,000 or more are as follow:

|          |                           | <u>Positive Variance</u> |
|----------|---------------------------|--------------------------|
| Line #14 | Property Transfer Taxes   | \$98,675                 |
| Line #17 | Wine and Liquor Tax       | \$16,074                 |
| Line #18 | Hotel-Motel Occupancy Tax | \$76,453                 |
| Line #28 | County Clerk's Earnings   | \$42,263                 |
| Line #53 | Reimbursements, Local     | \$296,262                |
| Line #55 | Reimbursements, Other     | \$81,090                 |

**Individual Revenue Items Expected to be under Budget**

Revenues items projected to be under budget estimates by \$15,000 or more are as follow:

|          |                         | <u>Negative Variance</u> |
|----------|-------------------------|--------------------------|
| Line #13 | Ad Valorem Taxes        | (\$166,235)              |
| Line #15 | Oil & Gas Severance Tax | (\$20,000)               |
| Line #24 | Federal Payment in Lieu | (\$16,000)               |
| Line #37 | E911 Fees               | (\$333,597)              |
| Line #49 | Tables Games            | (\$152,873)              |
| Line #51 | Video Lottery           | (\$167,790)              |

**Overall Budget Expenditures**

Overall estimated expenditures are expected to be under budget by \$3,842,994 on a Cash Basis.

**Ending Cash Balance June 30, 2013**

The ending "Cash Balance" on June 30, 2013 is estimated to be \$3,284,418.

**Estimated Cost verses Estimated Revenues or reimbursements**

Operating cost of the following departments are projected to exceed estimated revenues or reimbursement to off set department operating cost.

|               | <u>Estimated Income</u> | <u>Estimated Expense</u> | <u>Shortfall</u> |
|---------------|-------------------------|--------------------------|------------------|
| E-911 Center  | \$976,402               | \$1,808,934              | (\$976,402)      |
| Regional Jail | \$316,961               | \$1,144,157              | (\$699,823)      |

Jefferson County, West Virginia  
October 2012 Budget Analysis for the Fiscal Year Ending June 2013

|                              |  |               |                                                                           |              |
|------------------------------|--|---------------|---------------------------------------------------------------------------|--------------|
| <b>Current Budget</b>        |  | <b>Totals</b> | <b>Estimated totals for the FYE June 30, 2013</b>                         |              |
| Budgeted Revenues            |  | \$25,952,016  | Project revenues including carryover                                      | 25,739,773   |
| Budgeted Expenditures        |  | (25,952,016)  | Less: Estimated expenditures                                              | (22,155,355) |
| Budgeted surplus/(shortfall) |  | \$0           | Estimated Fund Balance 6/30/2012 (CASH BASIS)                             | 3,584,418    |
|                              |  |               | Less: Estimated end of year accounts payable, Outstanding encumbrances.   | (300,000)    |
|                              |  |               | Estimated ending fund balance-Accrual Accounting Basis for Audit Purposes | 3,284,418    |

**Current Year Budget & Estimated Revenues**

| Col (a)                                 | Column (a) | Column (b)                                                      | Column (c)                            | Column (d)                           | Col. (e)                                | Column (g)                       | Column (h)                                                |
|-----------------------------------------|------------|-----------------------------------------------------------------|---------------------------------------|--------------------------------------|-----------------------------------------|----------------------------------|-----------------------------------------------------------|
| Line No.                                | Accts      | Revenue Classification                                          | Budgeted revenues-FY Ending 6/30/2013 | Actual YTD revenues as of 11/30/2012 | C/Y YTD Revenues as a % of total budget | Estimated revenues-FYE 6/30/2013 | YTD Trend for revenues is estimate over or (under) Budget |
| <b>Equity and Fund Balance Accounts</b> |            |                                                                 |                                       |                                      |                                         |                                  |                                                           |
|                                         | 299        | Unrestricted fund balance June 30, 2012                         | 4,224,497.00                          |                                      |                                         |                                  |                                                           |
| 1                                       | 301-000    | Public Utility Taxes                                            | 514,372.00                            | 253,614.99                           | 49.31%                                  | 491,887.76                       | (22,484.24)                                               |
| 2                                       | 301-001    | Ad Valorem Taxes-Current                                        | 9,817,610.00                          | 5,588,947.92                         | 56.93%                                  | 9,977,455.29                     | 159,845.29                                                |
| 3                                       | 301-002    | Ad Valorem Taxes-1st Prior Year                                 | 650,000.00                            | 606,231.43                           | 93.27%                                  | 645,082.78                       | (4,917.22)                                                |
| 4                                       | 301-003    | Ad Valorem Taxes-2nd Prior Year                                 | 115,356.00                            | 3,774.74                             | 3.27%                                   | 14,182.59                        | (101,173.41)                                              |
| 5                                       | 301-004    | Ad Valorem Taxes-3rd Prior Year                                 | 28,000.00                             | 398.49                               | 1.42%                                   | 445.30                           | (27,554.70)                                               |
| 6                                       | 301-005    | Ad Valorem Taxes-4th & Other PY                                 | 1,300.00                              | 130.94                               | 10.07%                                  | 175.25                           | (1,124.75)                                                |
| 7                                       | 301-006    | Supplemental taxes                                              | 173,000.00                            | 81,301.52                            | 47.00%                                  | 213,370.02                       | 40,370.02                                                 |
| 8                                       | 301-007    | Land Sale Surplus                                               | 2,000.00                              | 0.00                                 | 0.00%                                   | 0.00                             | (2,000.00)                                                |
| 9                                       | 301-008    | Delinquent & Nonentered Land                                    | 39,000.00                             | 15,356.63                            | 39.38%                                  | 103,886.91                       | 64,886.91                                                 |
| 10                                      | 301-009    | Redemptions-State Auditor                                       | 0.00                                  |                                      |                                         |                                  |                                                           |
| 11                                      | 301-099    | Tax Discounts                                                   | 0.00                                  | (131,337.76)                         |                                         | (215,851.79)                     | 84,514.03                                                 |
| 12                                      | 302        | Interest and Publication Fees on Taxes                          | 344,000.00                            | 208,352.22                           | 60.57%                                  | 287,768.57                       | (56,231.43)                                               |
| 13                                      |            | Total all tax years, interest, publication fees minus discounts | 11,684,638.00                         | 6,626,771.12                         |                                         | 11,518,402.70                    | (166,235.30)                                              |
| 14                                      | 304        | Property Transfer Taxes                                         | 335,000.00                            | 201,251.60                           | 60.08%                                  | 433,675.14                       | 98,675.14                                                 |
| 15                                      | 306        | Oil and Gas Severance Tax                                       | 20,000.00                             | 0.00                                 | 0.00%                                   | 20,000.00                        | 0.00                                                      |
| 16                                      | 307        | Horse Racing                                                    | 18,000.00                             | 7,186.34                             | 39.92%                                  | 15,629.10                        | (2,370.90)                                                |
| 17                                      | 308        | Wine and Liquor Tax                                             | 12,000.00                             | 28,074.42                            | 233.95%                                 | 28,074.42                        | 16,074.42                                                 |
| 18                                      | 309        | Hotel Occupancy Tax                                             | 500,000.00                            | 274,106.58                           | 54.82%                                  | 576,453.03                       | 76,453.03                                                 |
| 19                                      | 317        | License Decal Fee                                               | 100.00                                | 32.00                                | 32.00%                                  | 107.64                           | 7.64                                                      |
| 20                                      | 318        | Permits-Building                                                | 169,000.00                            | 24,924.30                            | 14.75%                                  | 164,000.00                       | (5,000.00)                                                |
| 21                                      | 319        | Permits-Misc                                                    | 0.00                                  | 122.00                               | 100.00%                                 | 112.00                           | 112.00                                                    |
| 22                                      | 322        | Federal Grants                                                  | 60,000.00                             | 34,959.61                            | 58.27%                                  | 60,000.00                        | 0.00                                                      |
| 23                                      | 323        | State Grants                                                    | 0.00                                  | 6,196.57                             | 0.00%                                   | 6,196.57                         | 6,196.57                                                  |
| 24                                      | 325        | Federal Payment in Lieu of Taxes                                | 16,000.00                             | 0.00                                 | 0.00%                                   | 0.00                             | (16,000.00)                                               |
| 25                                      | 329        | Sheriff's Service of Poces                                      | 18,000.00                             | 8,125.00                             | 45.14%                                  | 20,921.60                        | 2,921.60                                                  |
| 26                                      | 330-000    | Sheriff's Earnings                                              | 11,000.00                             | 7,330.64                             | 66.64%                                  | 20,221.74                        | 9,221.74                                                  |
| 27                                      | 330-001    | Sheriff's Earnings-Arrest Fees                                  | 12,500.00                             | 4,049.80                             | 32.40%                                  | 9,665.18                         | (2,834.82)                                                |
| 28                                      | 331        | County Clerks Earnings                                          | 170,000.00                            | 81,073.50                            | 47.69%                                  | 212,263.46                       | 42,263.46                                                 |
| 29                                      | 331-002    | County Clerks Earnings-Preservation Fund                        | 1,200.00                              | 679.80                               | 56.65%                                  | 1,770.02                         | 570.02                                                    |
| 30                                      | 332        | Circuit Clerks Earnings                                         | 83,000.00                             | 32,791.25                            | 39.51%                                  | 80,403.38                        | (2,596.62)                                                |
| 31                                      | 333        | Prosecuting Attorney Earnings                                   | 1,000.00                              | 220.00                               | 22.00%                                  | 394.98                           | (605.02)                                                  |
| 32                                      | 334        | Accidents Reports                                               | 3,000.00                              | 1,560.00                             | 52.00%                                  | 3,614.16                         | 614.16                                                    |
| 33                                      | 336        | Map Sales                                                       | 4,500.00                              | 2,507.00                             | 55.71%                                  | 6,219.01                         | 1,719.01                                                  |
| 34                                      | 340        | Rents, Magistrate Court                                         | 45,000.00                             | 15,200.00                            | 33.78%                                  | 36,480.00                        | (8,520.00)                                                |
| 35                                      | 340-001    | Rents, County Farm House                                        | 1,200.00                              | 400.00                               | 33.33%                                  | 800.00                           | (400.00)                                                  |

|    |                                   |                              |               |               |         |               |              |
|----|-----------------------------------|------------------------------|---------------|---------------|---------|---------------|--------------|
| 36 | 340-002                           | Rent-County Farm             | 700.00        | 193.74        | 27.68%  | 387.48        | (312.52)     |
| 37 | 346-000                           | E-911 Fees                   | 1,310,000.00  | 449,716.53    | 34.33%  | 976,402.99    | (333,597.01) |
| 38 | 346-001                           | EMG Comm-Signs               | 500.00        | 451.00        | 90.20%  | 1,155.00      | 655.00       |
| 39 | 348                               | Franchise Fees               | 350,000.00    | 181,705.80    | 51.92%  | 361,640.57    | 11,640.57    |
| 40 | 350                               | IRP Fees                     | 8,000.00      | 5,934.23      | 74.18%  | 11,200.81     | 3,200.81     |
| 41 | 362                               | Jail Cost Reimb-RJA          | 100,000.00    | 100,624.35    | 100.62% | 100,594.35    | 594.35       |
| 42 | 365-000                           | Interest-GCF                 | 16,000.00     | 4,494.31      | 28.09%  | 10,304.91     | (5,695.09)   |
| 43 | 365-001                           | Interest-County Clerk        | 800.00        | 158.51        | 19.81%  | 446.51        | (353.49)     |
| 44 | 365-002                           | Interest-Circuit Clerk       | 1,200.00      | 353.91        | 29.49%  | 723.78        | (476.22)     |
| 45 | 365-004                           | Interest-State Fees          | 1,400.00      | 300.25        | 21.45%  | 616.86        | (783.14)     |
| 46 | 365-005                           | Interest-Racing Fees         | 240.00        | 4.27          | 1.78%   | 6.58          | (233.42)     |
| 47 | 365-006                           | Interest-Video Lottery       | 2,500.00      | 1,897.29      | 75.89%  | 5,360.18      | 2,860.18     |
| 48 | 366                               | Miscellaneous Revenue        | 20.00         | 14.98         | 74.90%  | 37.72         | 17.72        |
| 49 | 367                               | Sheriff's Commission         | 12,000.00     | 11,915.42     | 99.30%  | 11,915.42     | (84.58)      |
| 50 | 370                               | Table Games                  | 1,800,000.00  | 655,991.89    | 36.44%  | 1,647,126.17  | (152,873.83) |
| 51 | 373-000                           | Video Lottery                | 4,000,000.00  | 1,861,519.28  | 46.54%  | 3,832,209.43  | (167,790.57) |
| 52 | 373-001                           | Video Lottery-Local          | 100,000.00    | 42,613.21     | 42.61%  | 105,088.33    | 5,088.33     |
| 53 | 382-000                           | Reimbursements-Local         | 147,242.00    | 176,831.84    | 120.10% | 443,504.97    | 296,262.97   |
| 54 | 382-001                           | Reimbursements-Circuit Clerk | 18,000.00     | 6,480.16      | 36.00%  | 16,280.31     | (1,719.69)   |
| 55 | 394-000                           | Reimbursements-Other         | 310,000.00    | 286,090.17    | 92.29%  | 391,090.17    | 81,090.17    |
| 56 | 399                               | Transfers-AVF                | 383,779.00    |               | 0.00%   | 383,779.00    | 0.00         |
| 58 | Budgeted & Estimated Revenues     |                              | 21,727,519.00 | 11,144,852.67 | 51.29%  | 21,515,275.63 | (212,243.37) |
| 59 | Prior Year Unrestricted Carryover |                              | 4,224,497.00  |               |         | 4,224,497.00  |              |
| 60 | Estimated Funds Available-Total   |                              | 25,952,016.00 |               |         | 25,739,772.63 |              |

**Current Year Budget & Estimated Expenditures**

|    | Column (a) | Column (b)                                                          | Column (c)                       | Column (d)                        | Column (e)                              | Column (g)                               |                                                                           |
|----|------------|---------------------------------------------------------------------|----------------------------------|-----------------------------------|-----------------------------------------|------------------------------------------|---------------------------------------------------------------------------|
| 61 | Dept.      | Expenditure Classification                                          | Budgeted Expenditures Current FY | YTD expenditures as of 11/30/2012 | YTD Expenditures as a % of total budget | Estimated Total expenditures- FYE 6/2013 | YTD expenditures are estimated to be <u>Under</u> or <u>(over)</u> Budget |
| 62 | 401        | County Commission                                                   | 2,569,722.62                     | 1,272,952.93                      | 49.54%                                  | 1,678,603.28                             | 891,119.34                                                                |
| 63 | 401-566    | County Commission-Depreciation, Contribution to Capital Outlay Fund | 1,300,000.00                     | 0.00                              | 0.00%                                   | 1,300,000.00                             | 0.00                                                                      |
| 64 | 402        | County Clerk                                                        | 927,137.52                       | 372,230.65                        | 40.15%                                  | 856,429.84                               | 70,707.68                                                                 |
| 65 | 403        | Circuit Clerk                                                       | 658,186.30                       | 278,801.64                        | 42.36%                                  | 587,232.53                               | 70,953.77                                                                 |
| 66 | 404        | Sheriff-Treasurer                                                   | 598,124.75                       | 233,164.87                        | 38.98%                                  | 532,986.63                               | 65,138.12                                                                 |
| 67 | 405        | Prosecuting Attny                                                   | 1,791,883.22                     | 738,588.57                        | 41.22%                                  | 1,609,312.00                             | 182,571.22                                                                |
| 68 | 406        | Assessor                                                            | 629,223.67                       | 275,183.96                        | 43.73%                                  | 629,223.67                               | 0.00                                                                      |
| 69 | 407        | Assessor-AVF                                                        | 383,779.44                       | 161,876.08                        | 42.18%                                  | 383,779.44                               | 0.00                                                                      |
| 70 | 408        | Statewide Computer Network                                          | 47,772.00                        | 14,427.14                         | 30.20%                                  | 47,366.42                                | 405.58                                                                    |
| 71 | 412        | Agricultural Agent                                                  | 138,211.03                       | 53,912.07                         | 39.01%                                  | 131,816.77                               | 6,394.26                                                                  |
| 72 | 413        | County Election                                                     | 272,147.37                       | 121,371.44                        | 44.60%                                  | 347,656.61                               | (75,509.24)                                                               |
| 73 | 415        | Magistrate Court, Other cost                                        | 4,100.00                         | 384.62                            | 9.38%                                   | 4,014.93                                 | 85.07                                                                     |
| 75 | 424        | Courthouse                                                          | 1,301,635.35                     | 531,709.75                        | 40.85%                                  | 1,301,635.35                             | 0.00                                                                      |
| 76 | 425        | Other Buildings                                                     | 753,000.00                       | 341,911.23                        | 45.41%                                  | 753,000.00                               | 0.00                                                                      |
| 77 | 428        | Data Processing                                                     | 94,500.00                        | 25,692.12                         | 27.19%                                  | 42,553.24                                | 51,946.76                                                                 |
| 78 | 429        | Regional Development Authority                                      | 19,854.00                        | 19,794.26                         | 99.70%                                  | 15,610.30                                | 4,243.70                                                                  |
| 79 | 431        | Economic Development                                                | 464,324.93                       | 200,936.38                        | 43.27%                                  | 395,548.35                               | 68,776.58                                                                 |
| 80 | 433        | GIS                                                                 | 312,562.02                       | 100,187.13                        | 32.05%                                  | 217,378.86                               | 95,183.16                                                                 |
| 81 | 439        | Planning                                                            | 478,060.71                       | 161,979.32                        | 33.88%                                  | 397,715.94                               | 80,344.77                                                                 |
| 82 | 440        | Engineering                                                         | 770,611.06                       | 308,256.21                        | 40.00%                                  | 770,611.06                               | 0.00                                                                      |
| 83 | 442        | Federal Grants                                                      | 0.00                             | 25,000.00                         | 100.00%                                 | 25,000.00                                | 0.00                                                                      |
| 84 | 443        | State Grants                                                        | 0.00                             | 21,333.00                         | 100.00%                                 | 21,333.00                                | 0.00                                                                      |
| 85 | 451        | Zoning                                                              | 163,372.34                       | 63,511.73                         | 38.88%                                  | 141,953.72                               | 21,418.62                                                                 |
| 86 | 700        | Law Enforcement                                                     | 3,201,318.33                     | 1,319,211.64                      | 41.21%                                  | 2,918,884.61                             | 282,433.72                                                                |

|     |     |                                       |               |               |         |              |              |
|-----|-----|---------------------------------------|---------------|---------------|---------|--------------|--------------|
| 87  | 701 | Service of Process                    | 18,000.00     | 150.00        | 0.83%   | 207.20       | 17,792.80    |
| 88  | 704 | Regional Jail Cost                    | 1,200,000.00  | 517,768.00    | 43.15%  | 1,144,157.00 | 55,843.00    |
| 89  | 711 | Emergency Services                    | 262,079.01    | 80,551.77     | 30.74%  | 195,746.59   | 66,332.42    |
| 90  | 712 | Communication Center                  | 2,034,831.89  | 778,449.09    | 38.26%  | 1,808,934.16 | 225,897.73   |
| 91  | 715 | JCESA Contribution                    | 2,187,500.00  | 1,307,250.00  | 59.76%  | 2,187,500.00 | 0.00         |
| 92  | 716 | Animal Control                        | 325,953.91    | 108,191.36    | 33.19%  | 254,916.66   | 71,037.25    |
| 93  | 717 | Central Garage                        | 318,082.93    | 146,751.41    | 46.14%  | 318,082.93   | 0.00         |
| 94  | 800 | Local Health Department-Contributions | 10,000.00     | 5,000.00      | 50.00%  | 10,000.00    | 0.00         |
| 95  | 808 | Solid Waste Authority-Contribution    | 35,000.00     | 35,000.00     | 100.00% | 35,000.00    | 0.00         |
| 96  | 900 | Parks & Recreation-Contribution       | 488,040.60    | 239,432.89    | 49.06%  | 488,040.60   | 0.00         |
| 97  | 903 | Arts & Humanities-Contribution        | 25,000.00     | 10,710.73     | 42.84%  | 25,000.00    | 0.00         |
| 98  | 909 | Historical Commission-Contribution    | 25,000.00     | 10,710.73     | 42.84%  | 25,000.00    | 0.00         |
| 99  | 911 | Visitors Center-Hotel/Motel Taxes     | 250,000.00    | 133,884.04    | 53.55%  | 250,000.00   | 0.00         |
| 100 | 916 | Libraries-Contributions               | 240,000.00    | 120,000.00    | 50.00%  | 240,000.00   | 0.00         |
| 101 | 952 | Senior Center                         | 0.00          |               |         |              |              |
| 102 | 953 | Public Transit-Contributions          | 13,823.00     | 6,911.50      | 50.00%  | 13,823.00    | 0.00         |
| 103 | 975 | Capital Outlay-County Clerk           | 29,300.00     | 14,648.46     | 49.99%  | 29,300.00    | 0.00         |
| 104 | 976 | Capital Outlay-Circuit Clerk          | 20,000.00     | 5,000.00      | 25.00%  | 20,000.00    | 0.00         |
| 105 | 980 | Law Enforcement                       | 0.00          |               |         |              |              |
| 106 | 983 | Elections                             | 0.00          |               |         |              |              |
| 107 | 986 | Co Comm-Capital Outlay                | 1,589,878.00  | 0.00          | 0.00%   | 0.00         | 1,589,878.00 |
|     |     | Total estimated expenditures and uses | 25,952,016.00 | 10,162,826.72 |         | 22,155,355   | 3,842,994    |

Listing of County Governmental and Special Revenue Fund  
Cash Balances as of November 30, 2012

| <u>Fund Name</u>                             | <u>Fund Number</u> |    | <u>Ending Cash Balance</u> |
|----------------------------------------------|--------------------|----|----------------------------|
| General County Fund                          | 001                | \$ | 5,079,162.12               |
| Coal Severance                               | 002                |    | 327,777.32                 |
| Dog & Kennel                                 | 003                |    | 24,891.07                  |
| General School                               | 004                |    | 0.00                       |
| Magistrate Court                             | 005                |    | 2,832.59                   |
| Worthless Check                              | 006                |    | 22,516.19                  |
| E-911 Fees                                   | 007                |    | 0.00                       |
| Home Confinement                             | 008                |    | 22,565.81                  |
| Federal Grants                               | 009                |    | (51,042.19)                |
| State Grants                                 | 010                |    | 36,293.13                  |
| Flood Mitigation                             | 023                |    | 34,958.62                  |
| Assessor Valuation                           | 056                |    | 387,317.31                 |
| Farmland Protection                          | 057                |    | 2.13                       |
| Sheriff's Concealed Weapons                  | 059                |    | 44,549.84                  |
| Votes Registration                           | 063                |    | 51.64                      |
| Unemployment Compensation                    | 068                |    | 17,142.20                  |
| Jury & Witness                               | 071                |    | 34,099.57                  |
| Law Enforcement Forfeiture                   | 073                |    | 27,507.77                  |
| Pros Attny Forfeiture                        | 074                |    | 6,328.88                   |
| Sub Division Bond Forfeiture                 | 075                |    | 172.22                     |
| Teen Court                                   | 077                |    | 800.00                     |
| Bardane Public Health Center                 | 244                |    | 149,545.57                 |
| Emergency Services Cap Out                   | 245                |    | 1,728.24                   |
| County Capital Outlay                        | 246                |    | 5,449,682.68               |
| Parks & Recreation                           | 247                |    | 572,847.40                 |
| Shepherdstown Battlefeild                    | 248                |    | 91,159.37                  |
| Impact Fees                                  | 249                |    | 900,277.50                 |
|                                              |                    |    | <hr/>                      |
| Total governmental and special revenue funds |                    | \$ | <u>13,183,166.98</u>       |

Listing of Other State and Agency Funds held by Sheriff

| <u>Fund Name</u>                                                         | <u>Fund Number</u> |    | <u>Ending Cash Balance</u> |
|--------------------------------------------------------------------------|--------------------|----|----------------------------|
| DMV                                                                      | 311                | \$ | 5.00                       |
| Criminal Charges                                                         | 312                |    | 82.00                      |
| Court Reporter                                                           | 313                |    | (22.00)                    |
| State Fines                                                              | 314                |    | 200.00                     |
| State Police                                                             | 315                |    | 60.00                      |
| State Current-Taxes                                                      | 316                |    | 0.00                       |
| Tax Lien                                                                 | 364                |    | 345,277.38                 |
| Delinquent and Nonentered Lan                                            | 365                |    | 110,941.63                 |
| Board of Health                                                          | 366                |    | 1,461,887.98               |
| WVDeputy Sheriff's Retirement                                            | 369                |    | 1.00                       |
| School Current-Taxes                                                     | 373                |    | 0.00                       |
| School Excess Levy-Taxes                                                 | 374                |    | 0.00                       |
| School Debt Service-Taxes                                                | 376                |    | 0.00                       |
| Bolivar Current-Taxes                                                    | 378                |    | 0.00                       |
| Charles Town Current-Taxes                                               | 379                |    | 0.00                       |
| Harpers Ferry Current-Taxes                                              | 380                |    | 0.00                       |
| Ranson Current-Taxes                                                     | 381                |    | 0.00                       |
| Shepherdstown Current-Taxes                                              | 382                |    | 0.00                       |
|                                                                          |                    |    | <hr/>                      |
| Total agency funds                                                       |                    | \$ | <u>1,918,432.99</u>        |
|                                                                          |                    |    | <hr/>                      |
| Net Balances of all Bank<br>Accounts held by the Sheriff as<br>Treasurer |                    | \$ | <u>15,101,599.97</u>       |

**Proposed:**  
**Jefferson County Employee Recognition**

|                                                                                                                                                                                                                                                                  | <b>Timing:</b>       | <b>Cost:</b>                                   | <b>Award:</b>                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------|------------------------------------------------|
| Supervisor Thank You Note Cards                                                                                                                                                                                                                                  | As task is completed | Produce in-house.<br>Internal Copying<br>Costs | Thank you card                                 |
| Service Awards - Recognize employees annually for years of service in increments of 5 years. First year include all employees 20 years and up. Year 20, 21, 22, 23, etc.                                                                                         | Calendar Year end    | Produce in-house.<br>Internal Copying<br>Costs | Certificate & picture w/<br>Comm. and<br>Supv. |
| Outstanding Performance Awards - Recognize employees who have contributed to moving the County forward toward County's goals and objectives for tasks, projects or leadership beyond the employee's job performance. One to three winners a year, if applicable. | Fiscal year end      | \$200 for trophies                             | Trophy & picture w/<br>Comm. and<br>Supv.      |

# Jefferson County GIS/Addressing Office

## DEPARTMENTAL MEMORANDUM

**TO:** Jefferson County Commission  
Debbie Keyser, County Administrator

**FROM:** Todd Fagan, GIS Director

**DATE:** December 27th, 2012

**SUBJECT:** GIS Department Quarterly Update Report- 2012, 4<sup>th</sup> Quarter



### 1. PROJECTS COMPLETED

- a. Updated Citizens FC #2 response areas due to addition of new ambulance service
- b. Pushed local, authoritative GIS data out to GPS and internet mapping providers

### 2. PROJECTS IN PROGRESS

- a. Address Compliance Project Status – map found at [http://www.jeffersoncountyywv.org/uploads/addressing/maps/BeforeAfter\\_parcel Dec2012\\_sec.pdf](http://www.jeffersoncountyywv.org/uploads/addressing/maps/BeforeAfter_parcel Dec2012_sec.pdf)
  - i. project overall 49% complete in unincorporated areas (9332 out of 18,877)
  - ii. 74% compliant on 1<sup>st</sup> field check, raised to 91% or more after letters, communication and violation notices
  - iii. 1,638 homes and businesses newly posted
  - iv. Only 23 properties have reached violation or criminal complaint stage  
(19 cases dismissed, 1 active, 3 warrants for failure to appear in court)
  - v. **Overwhelming positive results, <1% of non-compliant owners make it to Magistrate Court. 99% post their address accordingly.**
  - vi. Additional project benefits include GIS address removals (144), businesses and apartments added (39), gates/obstructions mapped (18), illegal signs removed (23), new road names created (13), road signs replaced or repaired (68) and impervious surfaces documented.
- b. Long term staff support to other departments (P&Z, JCHSEM, etc) –
  - i. Ongoing Comprehensive Plan and Risk Assessment support
  - ii. 2012 Zoning Map to be completed and recorded by end of January 2013

### 3. COMMISSION SHOULD BE AWARE OF:

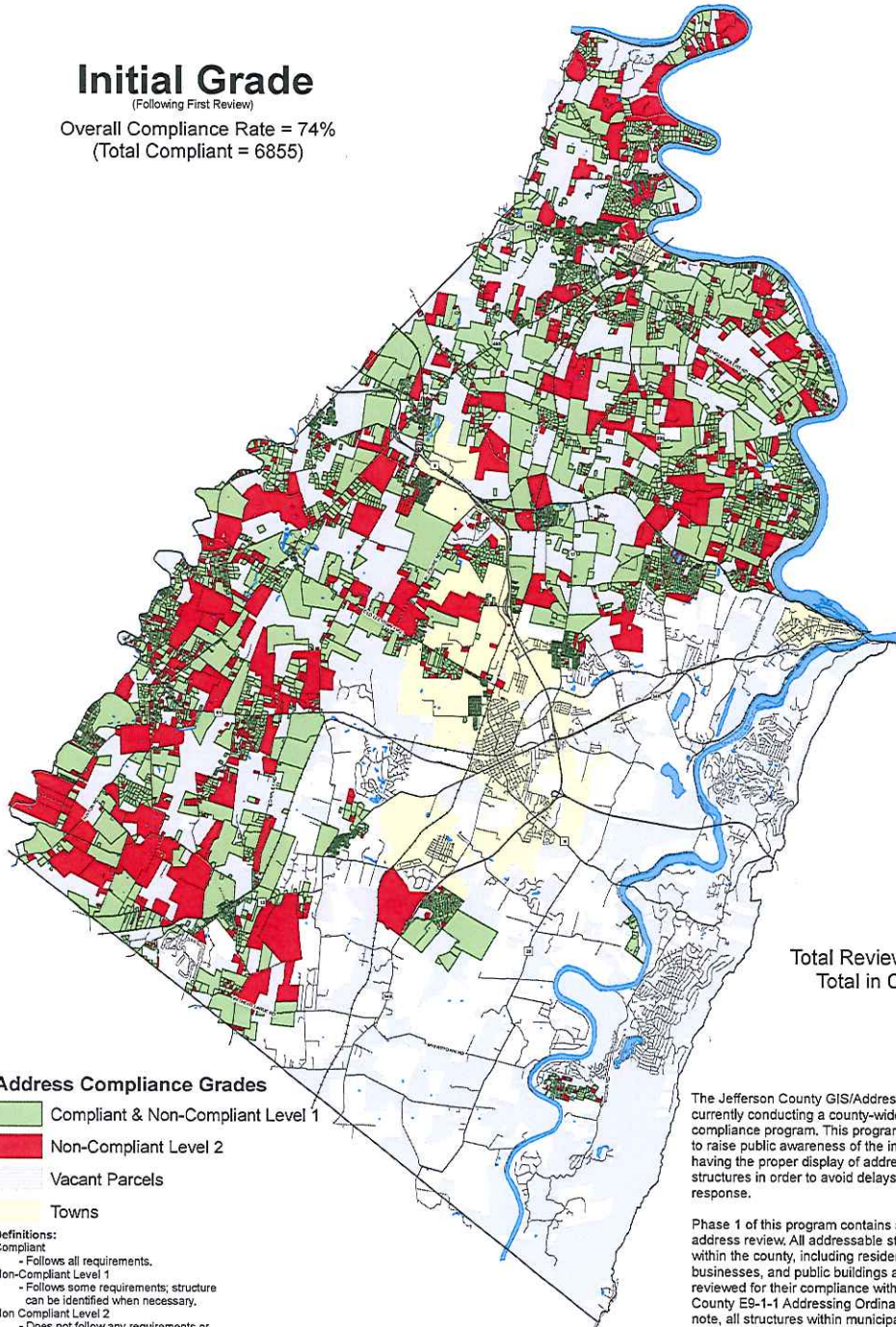
- a. Capital Outlay Request for Content Management System
  - i. Health Department pledged substantial matching funds
  - ii. Finance (cost/benefit) analysis forthcoming
  - iii. RFP to go out by end of January 2013
  - iv. Upcoming Commission vote necessary to move \$15,000 (or more) into Capital Fund line item upon selection of winning bidders in CMS & Scanning projects

# Jefferson County Address Compliance Program - Phase 1 Status

## Initial Grade

(Following First Review)

Overall Compliance Rate = 74%  
(Total Compliant = 6855)



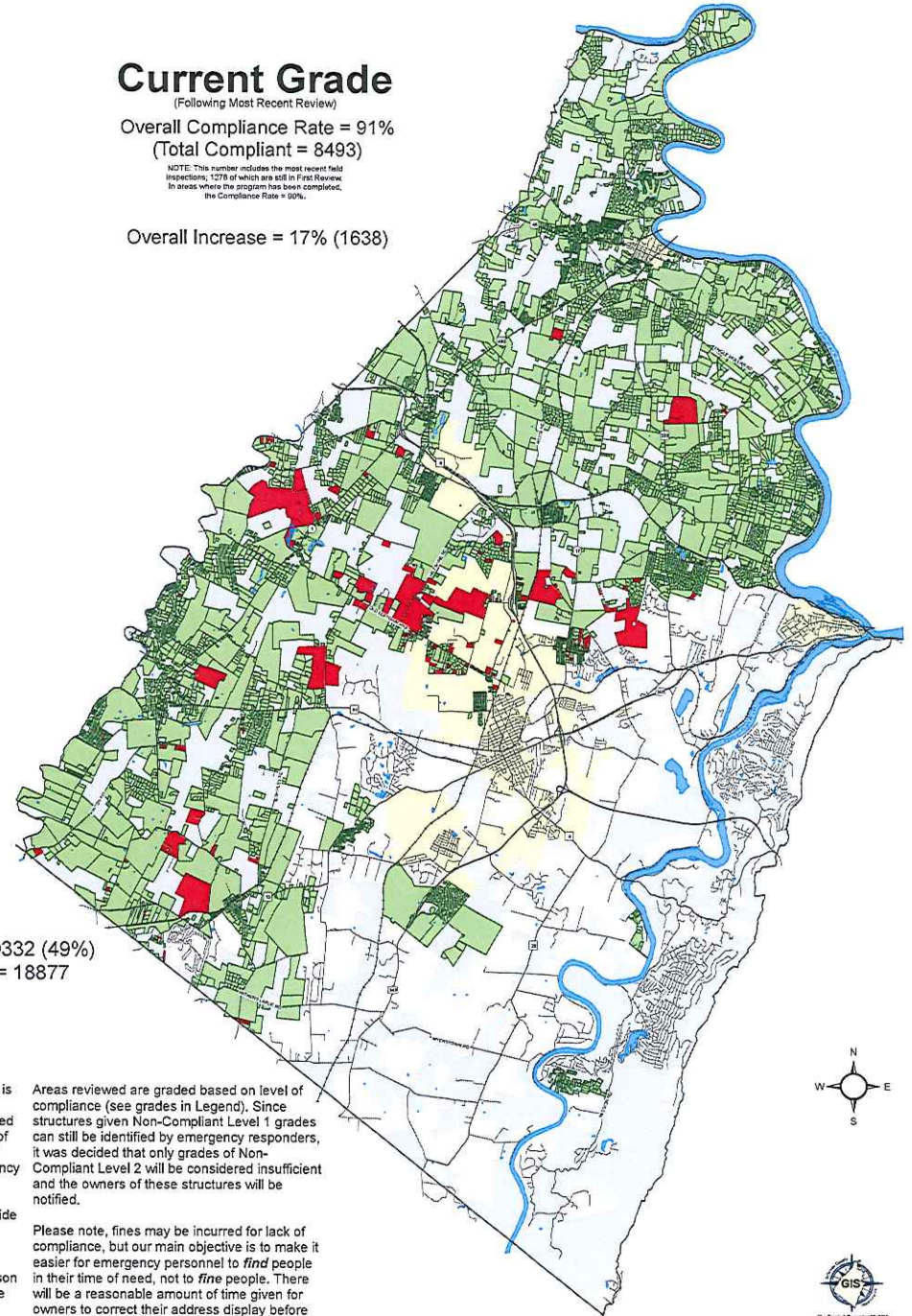
## Current Grade

(Following Most Recent Review)

Overall Compliance Rate = 91%  
(Total Compliant = 8493)

NOTE: This number includes the most recent field inspections, 1278 of which are still in First Review. In areas where the program has been completed, the Compliance Rate = 90%.

Overall Increase = 17% (1638)



Total Reviewed = 9332 (49%)  
Total in County = 18877

### Address Compliance Grades

- Compliant & Non-Compliant Level 1
- Non-Compliant Level 2
- Vacant Parcels
- Towns

- Definitions:**
- Compliant**
    - Follows all requirements.
  - Non-Compliant Level 1**
    - Follows some requirements; structure can be identified when necessary.
  - Non-Compliant Level 2**
    - Does not follow any requirements or displayed address is incorrect.

The Jefferson County GIS/Addressing Office is currently conducting a county-wide address compliance program. This program is designed to raise public awareness of the importance of having the proper display of addresses on all structures in order to avoid delays in emergency response.

Phase 1 of this program contains a county-wide address review. All addressable structures within the county, including residences, businesses, and public buildings are being reviewed for their compliance with the Jefferson County E9-1-1 Addressing Ordinance. Please note, all structures within municipalities are exempt from Phase 1.

Areas reviewed are graded based on level of compliance (see grades in Legend). Since structures given Non-Compliant Level 1 grades can still be identified by emergency responders, it was decided that only grades of Non-Compliant Level 2 will be considered insufficient and the owners of these structures will be notified.

Please note, fines may be incurred for lack of compliance, but our main objective is to make it easier for emergency personnel to *find* people in their time of need, not to *fine* people. There will be a reasonable amount of time given for owners to correct their address display before final warning notice and possible fines.



Jefferson County Water Advisory Committee  
Quarterly Report  
October 1, 2012 – December 31, 2012

1. Water Quality Monitoring of streams, seeps and springs –

In process:

The Water Advisory Committee (“WAC”) is continuing to explore the Quality Assurance Protocol monitoring model acceptable to EPA and WVDEP following Alana Hartman’s (WVDEP, Potomac River Basin Coordinator) presentation to the WAC at its September 17, 2012 meeting. With this knowledge, the WAC will be able to direct watershed groups and others to this protocol for those who are monitoring streams, seeps and springs. Additionally, the WAC is developing knowledge of who is monitoring what and where in Jefferson County to assess if there are gaps that could be filled by volunteer efforts and watershed groups.

The WAC is not currently monitoring any streams, seeps and springs nor overseeing any monitoring.

2. Watershed Management and Protection

*Educate county residents about the importance of watersheds and provide technical expertise assistance such as reviewing proposals and planning to Watershed Groups.*

In process:

Active outreach to Watershed Groups and potential watershed groups.

WAC is participating in eCivis Grant training in order to identify funds available for watershed groups for monitoring and for activities related to clean up of streams and rivers and a hazardous waste drop off event.

Larry Johnson and Jane Arnett are refining a template for watersheds (“Know Your Watershed”) so that a Jefferson County resident can identify what watershed he/she resides in and which will also inform the resident about physical and environmental aspects of the watershed including the water quality (based upon scientific data pulled from EPA and/or WVDEP). This information would be published on the WAC website to educate and to incent volunteer efforts to improve water quality if necessary, assist in the protection of water resources and identify possible areas for grants for such local volunteer efforts.

Development and Promotion of Annual Jefferson County Water Hero Awards to be held in the spring of each year at Morgan’s Grove Park.

2. Watershed Management and Protection (Cont'd.)

Planned:

Outreach to Farmer's Markets, Garden Clubs and Schools to develop and promote watersheds and the use of rain gardens and rain barrels; partner with landscaping experts and landscaping businesses to educate home owners on best management practices for residential lawns to promote healthy lawns and load reduction.

3. Monitor the Existing County Water-Related Studies

Planned:

Participate in the public meetings with the consultant and others on a draft Storm Water Ordinance review.

4. Provide the County Commission with recommendations for additional studies relating to water issues that could be pursued by WAC.

No Action to date.

Other: WAC members, Willis Nowell, Larry Johnson and Mary Sell have had the pleasure of working with Sandy McDonald, Nichelle Hosby and Charlotte Hernandez in the development of a website for WAC.

# AGENDA REQUEST FORM

Name: Alan Williams

Department or Entity: President – Jefferson County Emergency Services Agency

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: January 3, 2013

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

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

Subject: Presentation on Distribution of Fire Funds

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):

Are documents attached? Yes

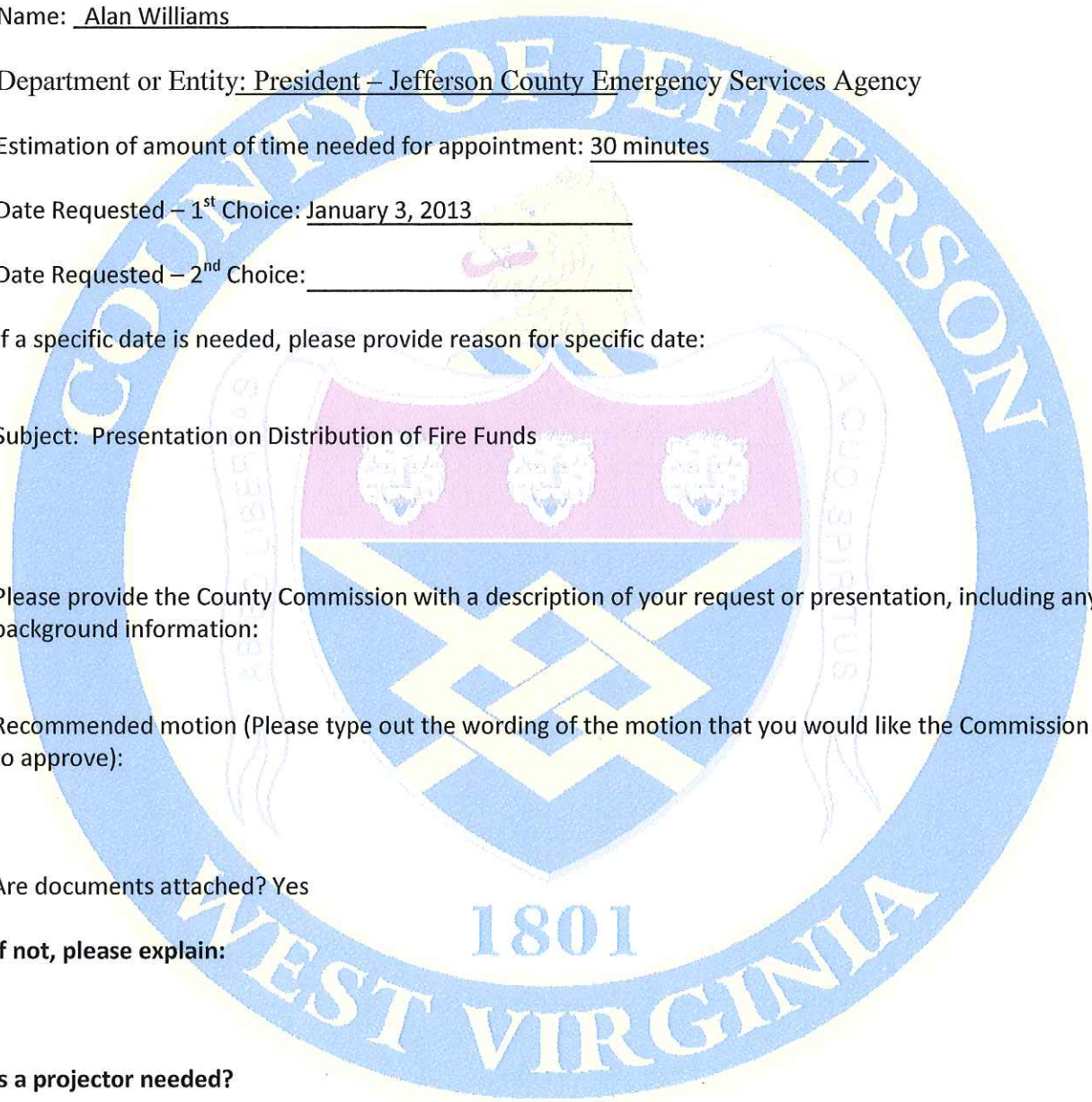
If not, please explain:

Is a projector needed?

**Contact information:**

Email Address:

Phone number:





# JEFFERSON COUNTY FIRE AND RESCUE ASSOCIATION

## FINANCIAL COMMITTEE

# Background

- ▣ JCFRA consists of seven Fire Companies
- ▣ Each company operates independently yet relies heavily of the funding provided by the Jefferson County Commission with the Jefferson County Emergency Services Agency acting as the liaison for disbursement of the said funding.
- ▣ Current Distribution
  - \$25,000 contract amount
  - \$36,000 equal allotments

# JCFRA Position

- ▣ The JCFRA wishes to inform the Commission of the high importance and critical need of the current funding agreement, with the equal disbursement.
- ▣ Each fire company relies heavily on the funding as dispersed today.
- ▣ Any Company, no matter how large or small, regardless of call volume faces fiscal challenges that more than justify an equal disbursement of the funds.

# Fiscal Challenges

- ▣ Each fire company in the county is faced with ever increasing or rising costs.
- ▣ These costs consist of, but are not limited to the following ...
  - Insurance
  - Workers Compensation
  - Protective Gear (\$2,500/person)
  - Equipment Maintenance
  - Equipment Replacement / Purchases
  - NFPA and State Compliance



# Fiscal Detail

- ▣ Unequal disbursement of funds will immediately impact “A” companies ability to pay for specific high impact cost.
- ▣ The division and control of additional specific funding is currently controlled by committee in the form of CIP disbursement...
  - Each Company submits their needs in writing...such as equipment, building needs, etc. and the committee controls how the money is dispersed based on the level of need
  - Control Mechanisms are in place for directing funding to specific NEED.

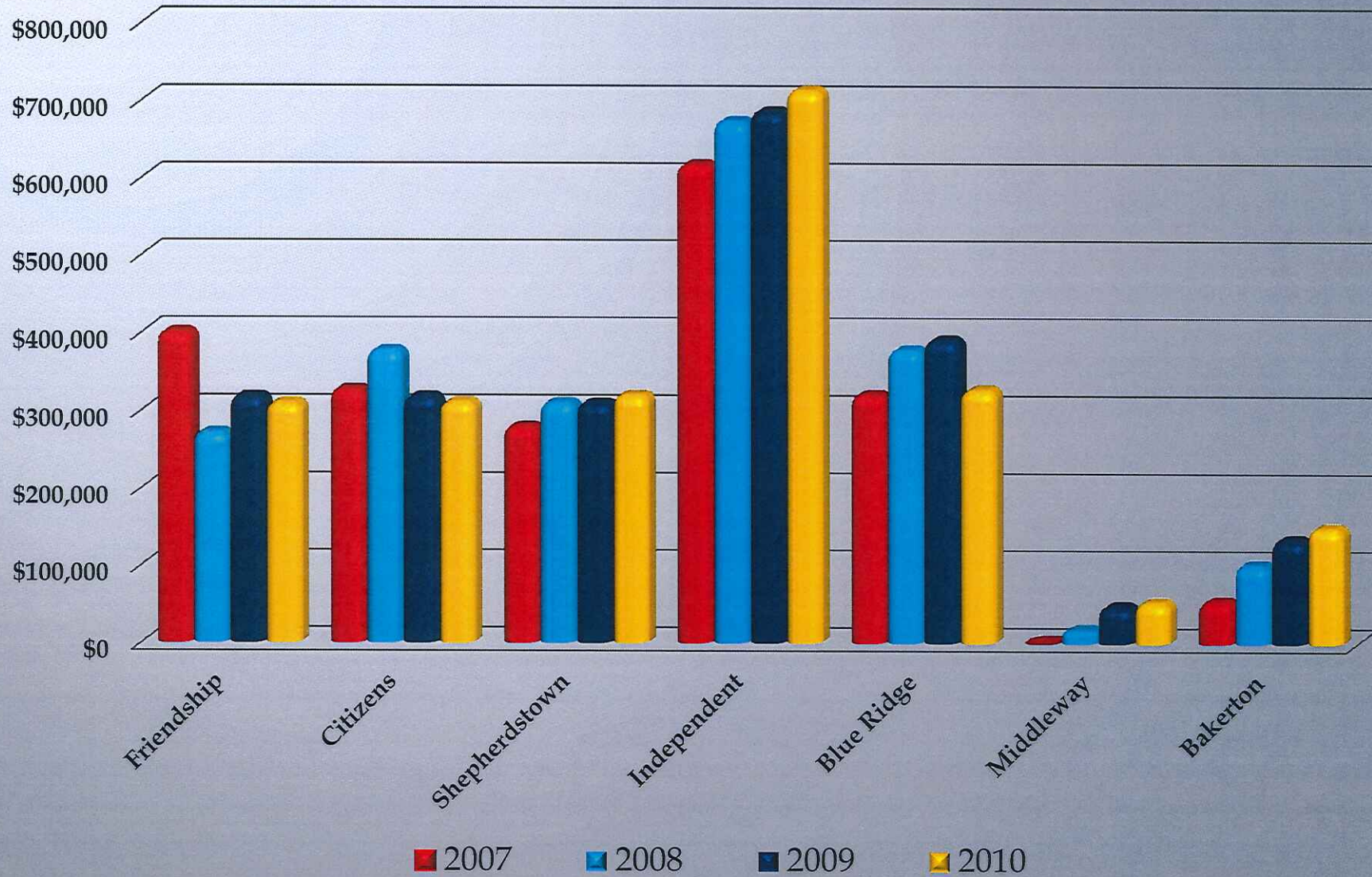


# Fire Department Expenses

2010 - \$2,254,490  
from IRS 990's

# Department Expenses

## 2007-2010 IRS 990's



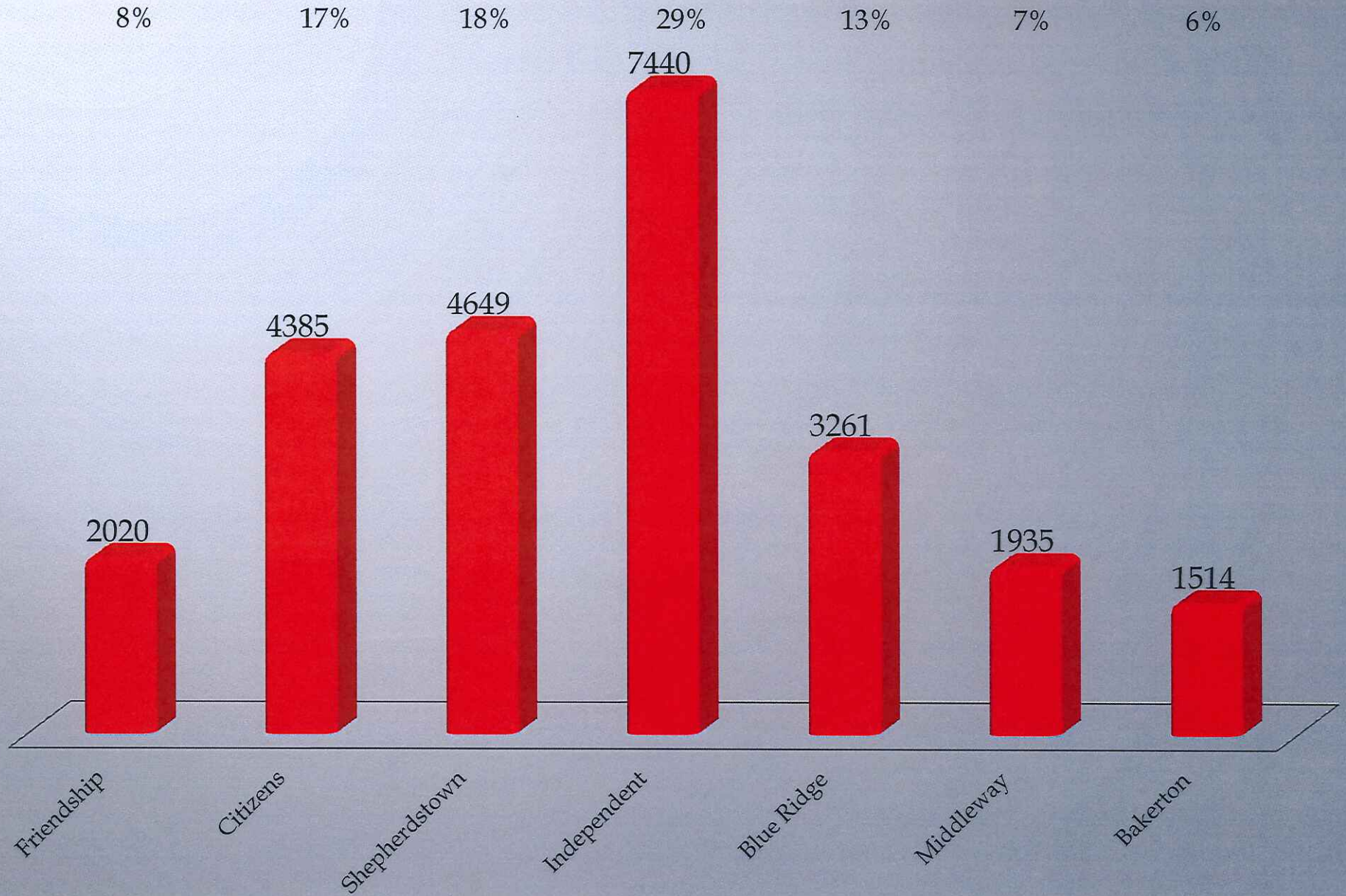


# Addresses by Department Box Area

from Addressing Office Nov 2012

# Addresses by Department

25,204 Total



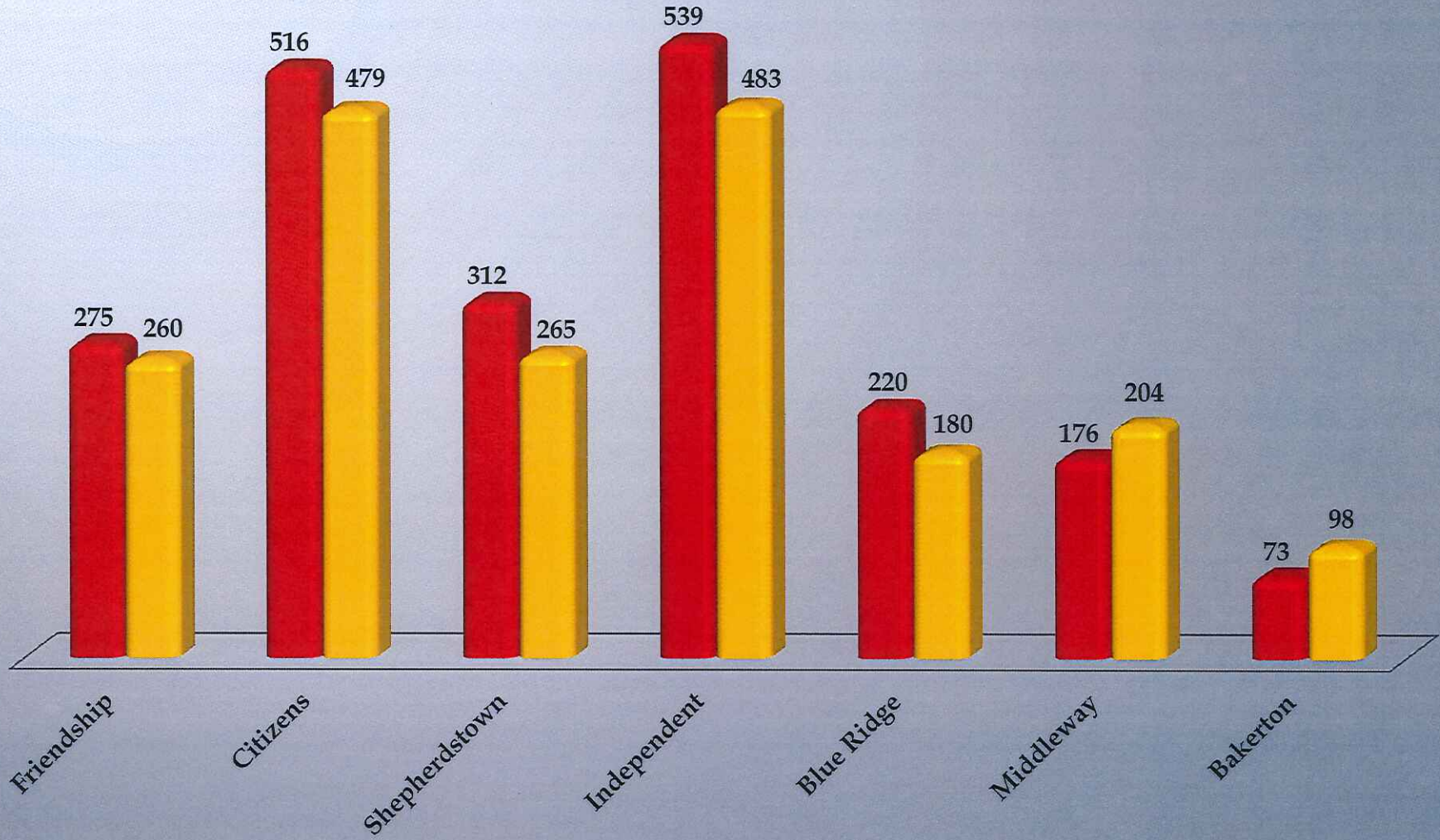


# Department Calls

from ECC dispatch records

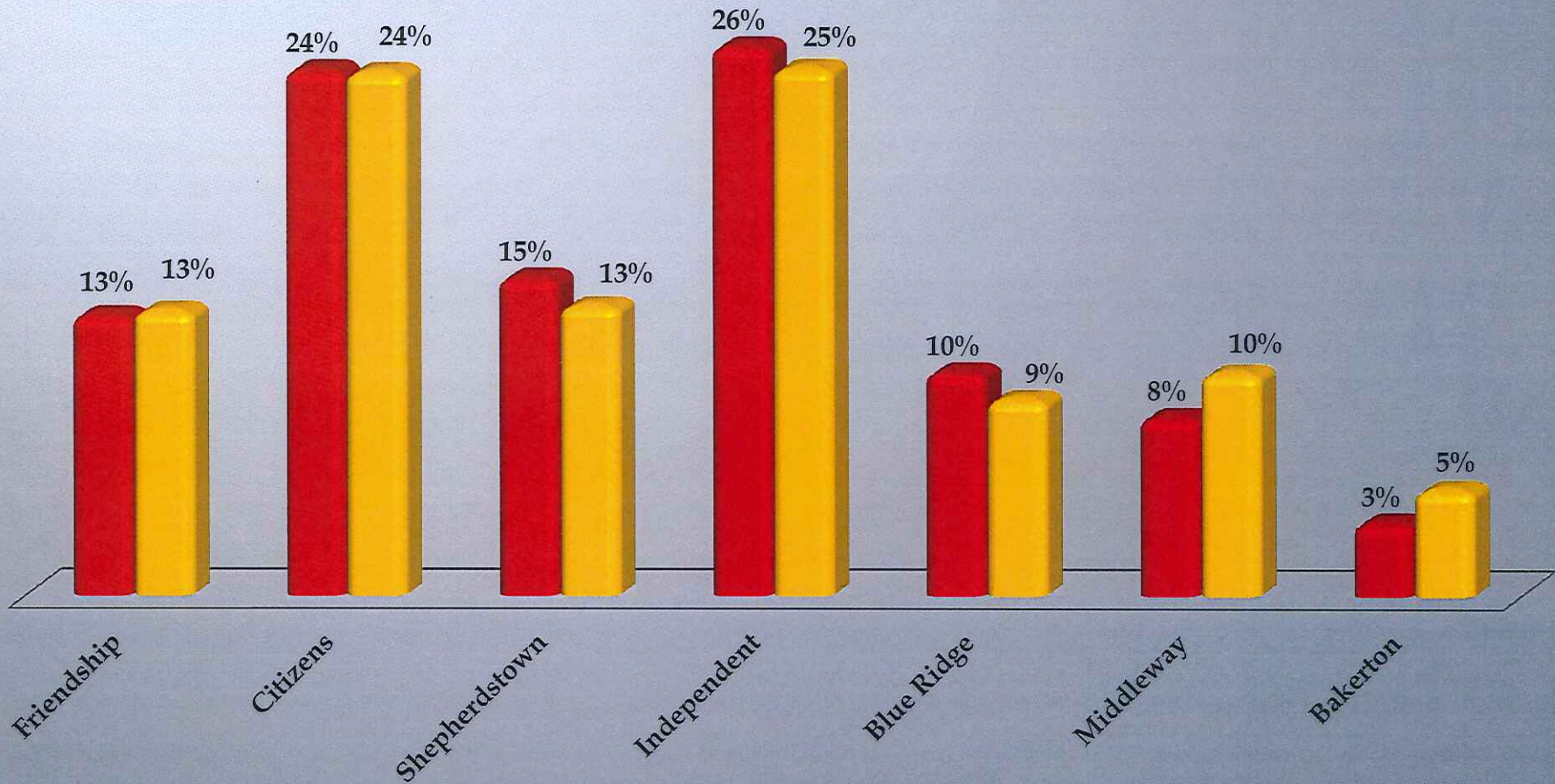
# Fire Calls

■ 2012 Fire 2,111  
■ 2011 Fire 1,969



# Department % Fire Calls

■ 2012 Fire 2,111  
■ 2011 Fire 1,969

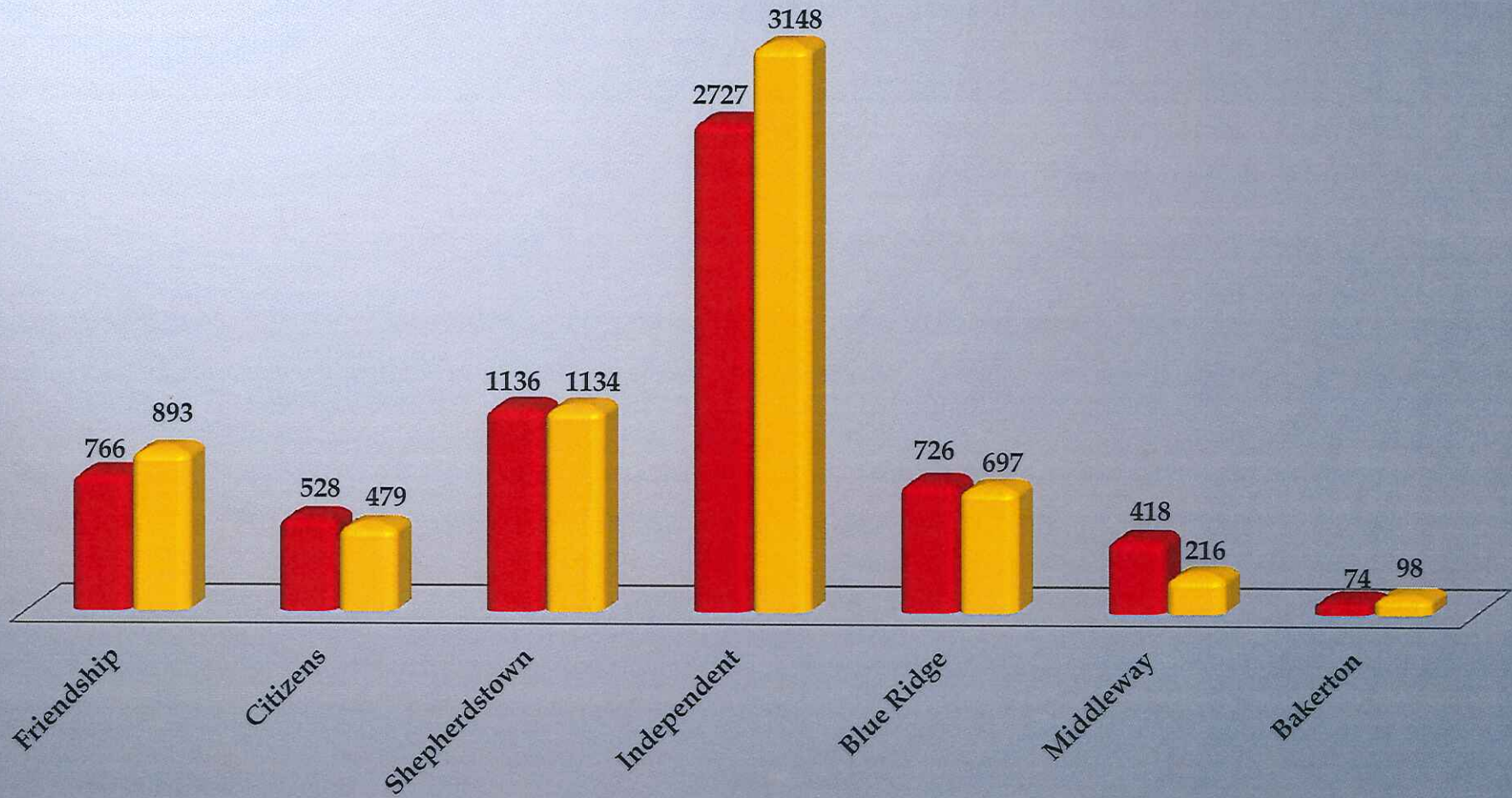


# Fire & EMS Calls

■ 2012 Fire/EMS    ■ 2011 Fire/EMS

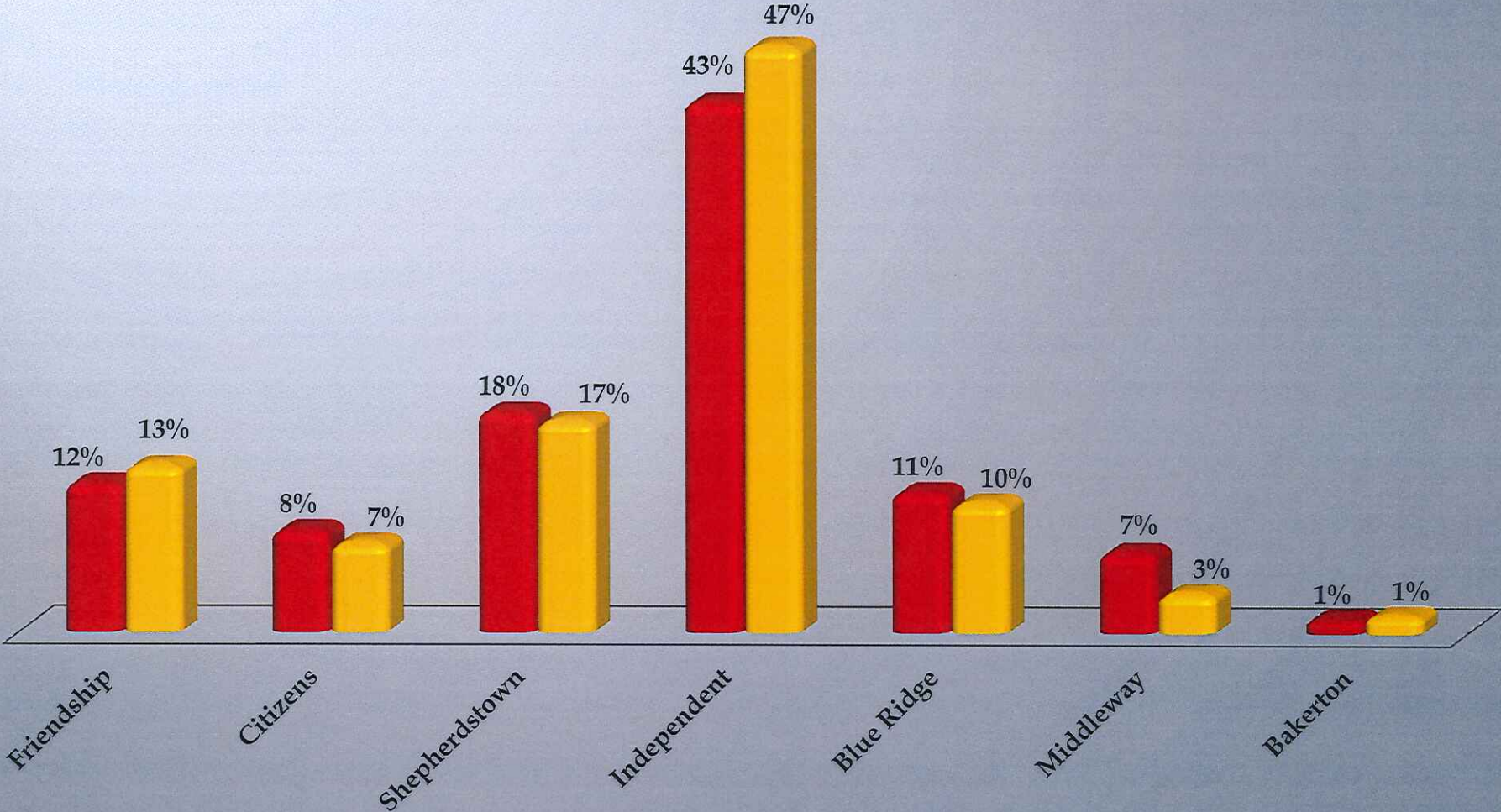
4,264

6,665



# Department % All Calls

■ 2012 Fire/EMS    ■ 2011 Fire/EMS  
4,264                      6,665





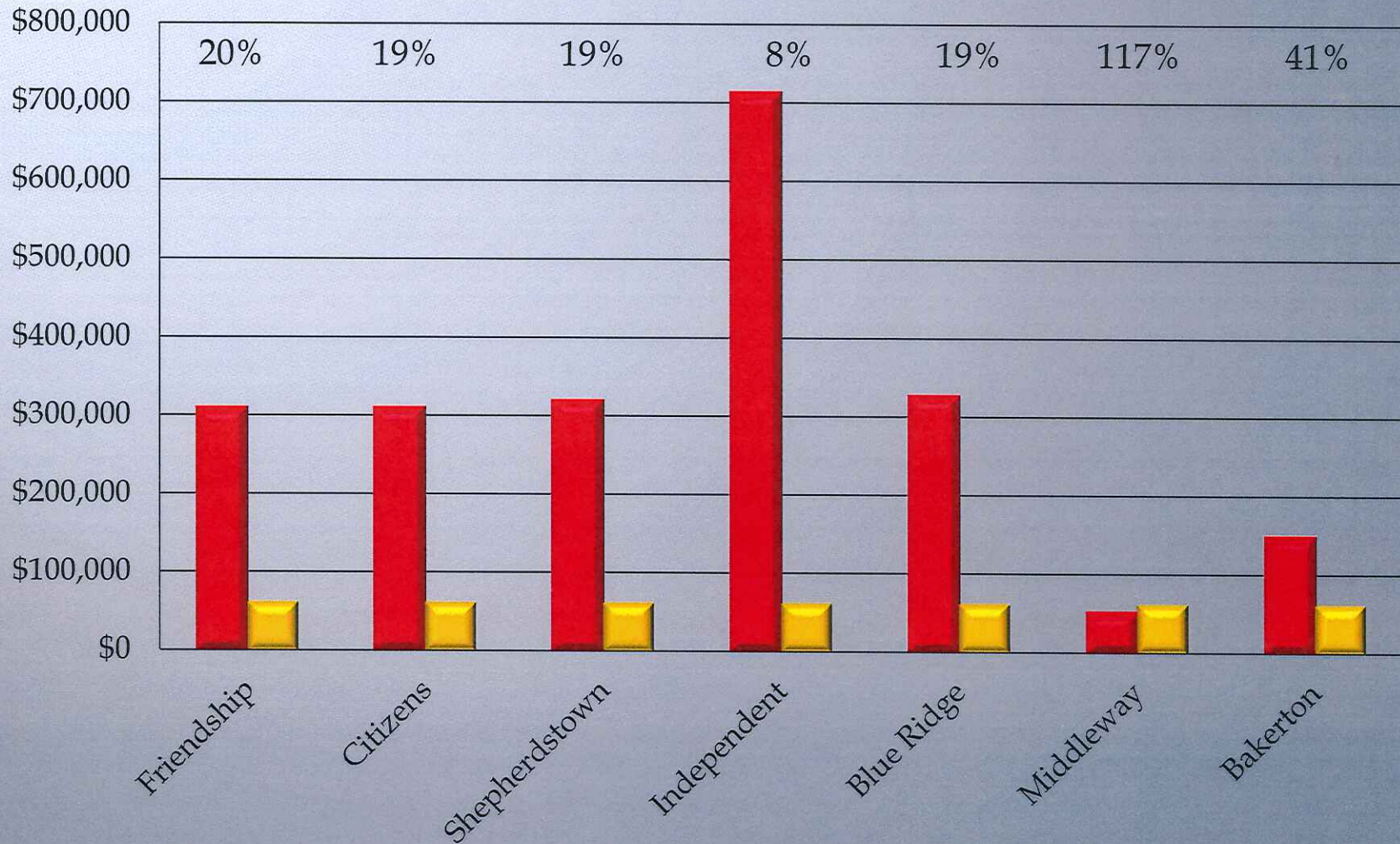
# County Funds Distribution Equal Amount

2010 Expenses vs  
\$61,000 per Department

# 2010 Expenses vs County Funds

Equal Distribution - \$61,000 each

■ Expense    ■ County Funds





# Distribution by Percentage of Calls

**\$427,000**



## DISTRIBUTION BY PERCENTAGE OF TOTAL *FIRE CALLS*

CALL TOTALS FOR Jan, 2011 - Dec, 2011

TOTAL CALLS - 1,969

PERCENTAGE OF \$427,000

| COMPANY | # OF CALL | % OF CALLS | FUNDING   |
|---------|-----------|------------|-----------|
| CO.1    | 260       | 13%        | \$ 56,384 |
| CO.2    | 479       | 24%        | \$103,877 |
| CO.3    | 265       | 13%        | \$ 57,468 |
| CO.4    | 483       | 25%        | \$104,744 |
| CO.5    | 180       | 9%         | \$ 39,035 |
| CO.6    | 204       | 10%        | \$ 44,240 |
| CO.7    | 98        | 5%         | \$ 21,252 |

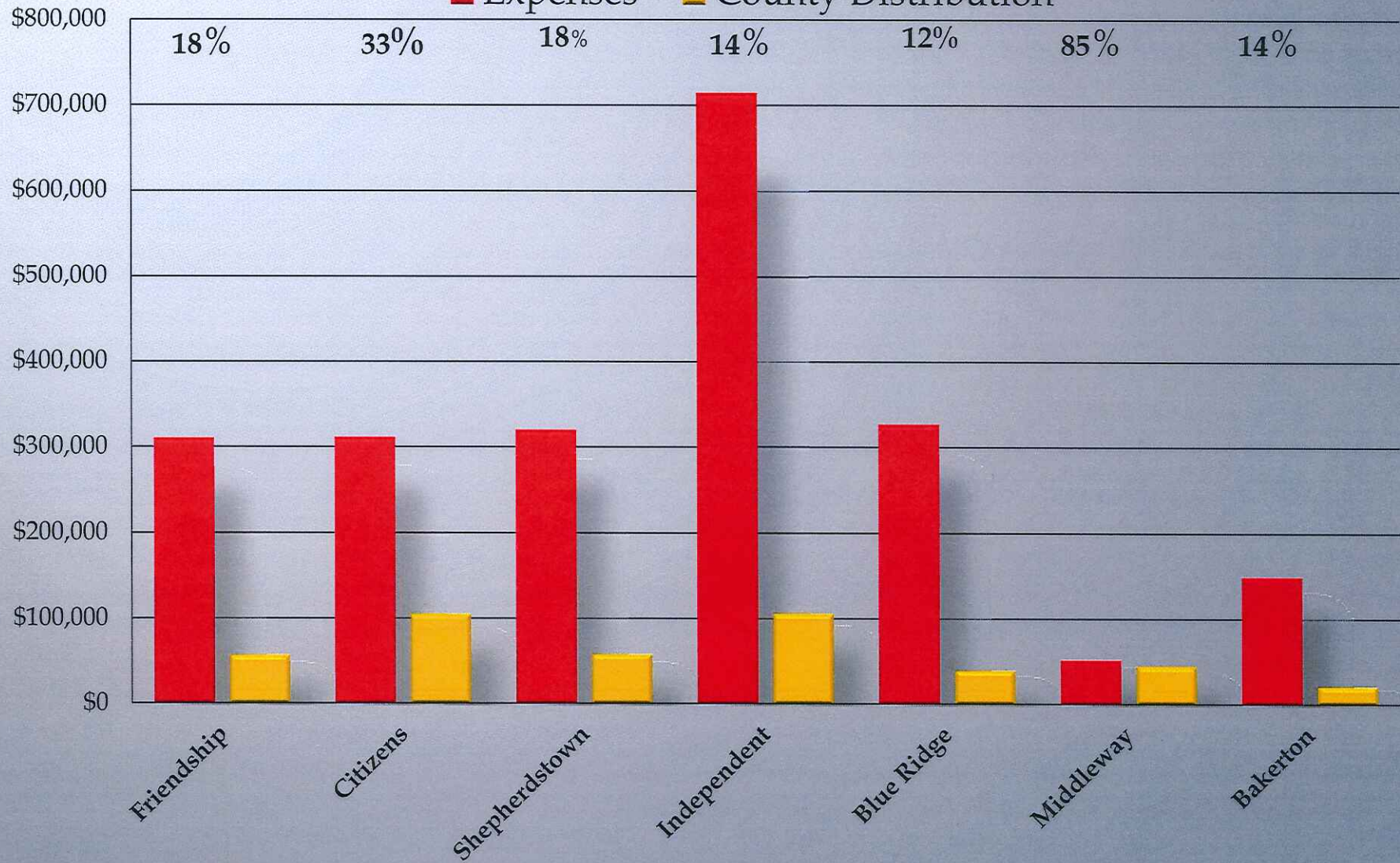
\* CITIZENS SHOULD INCREASE AND INDEPENDENT SHOULD DECREASE WITH THE ADDITION OF CO. 2 EMS..

# FD Expenses vs Distribution by Percentage

2010 IRS 990 Expenses - 2011 Fire Calls 1,969

% of Distribution to Expense

■ Expenses ■ County Distribution





## DISTRIBUTION BY PERCENTAGE OF ADDRESSES

From Addressing Office Nov 2012

TOTAL ADDRESSES- 25,204

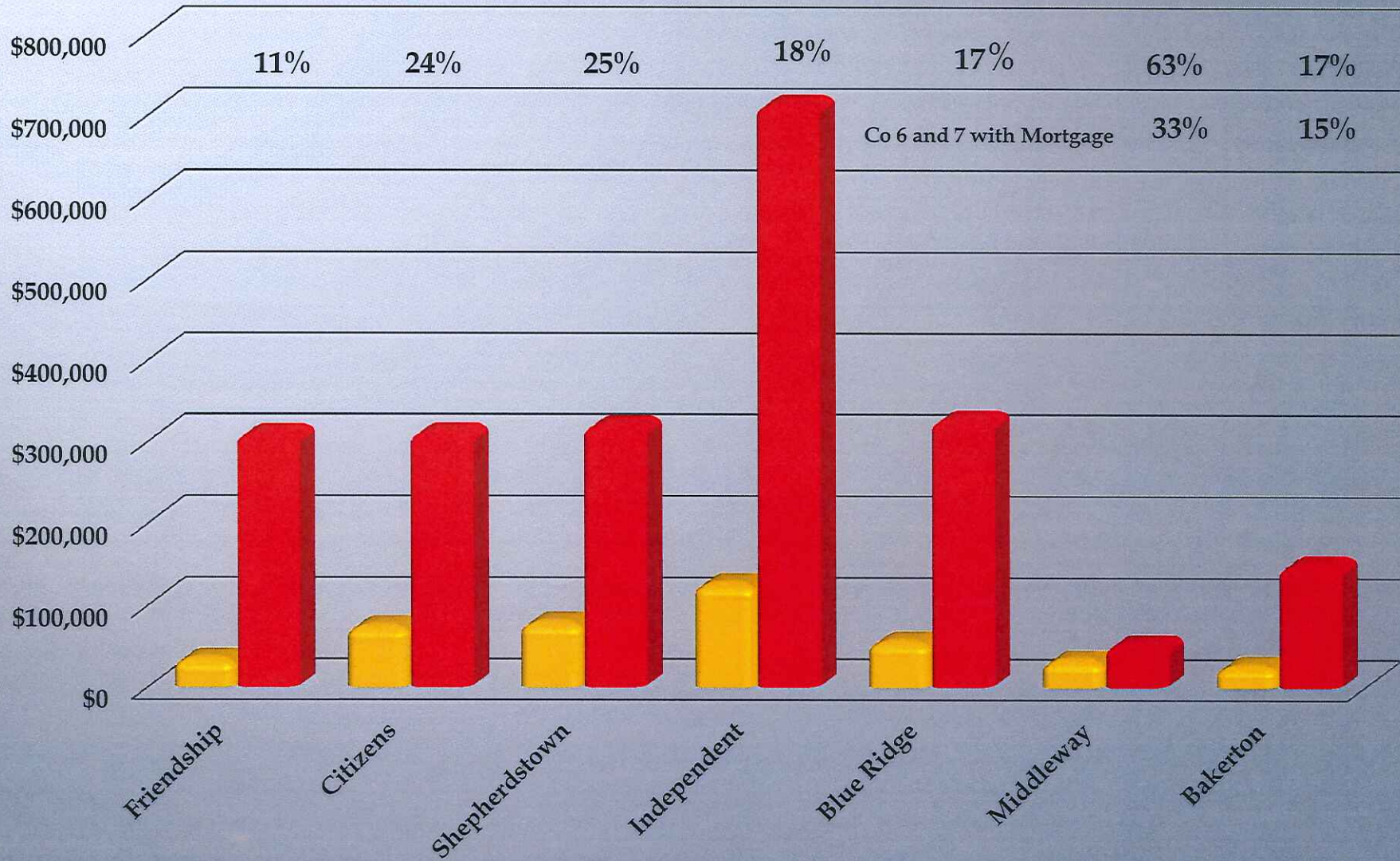
PERCENTAGE OF \$427,000

| COMPANY | # OF CALL | % OF CALLS | FUNDING   |
|---------|-----------|------------|-----------|
| CO.1    | 260       | 8%         | \$ 34,222 |
| CO.2    | 479       | 17%        | \$ 74,290 |
| CO.3    | 265       | 18%        | \$ 78,762 |
| CO.4    | 483       | 30%        | \$126,047 |
| CO.5    | 180       | 13%        | \$ 55,247 |
| CO.6    | 204       | 8%         | \$ 32,782 |
| CO.7    | 98        | 6%         | \$ 25,650 |

# Distribution by Addresses / Department

% of Distribution to Expense

■ County Funds 
 ■ Expenses

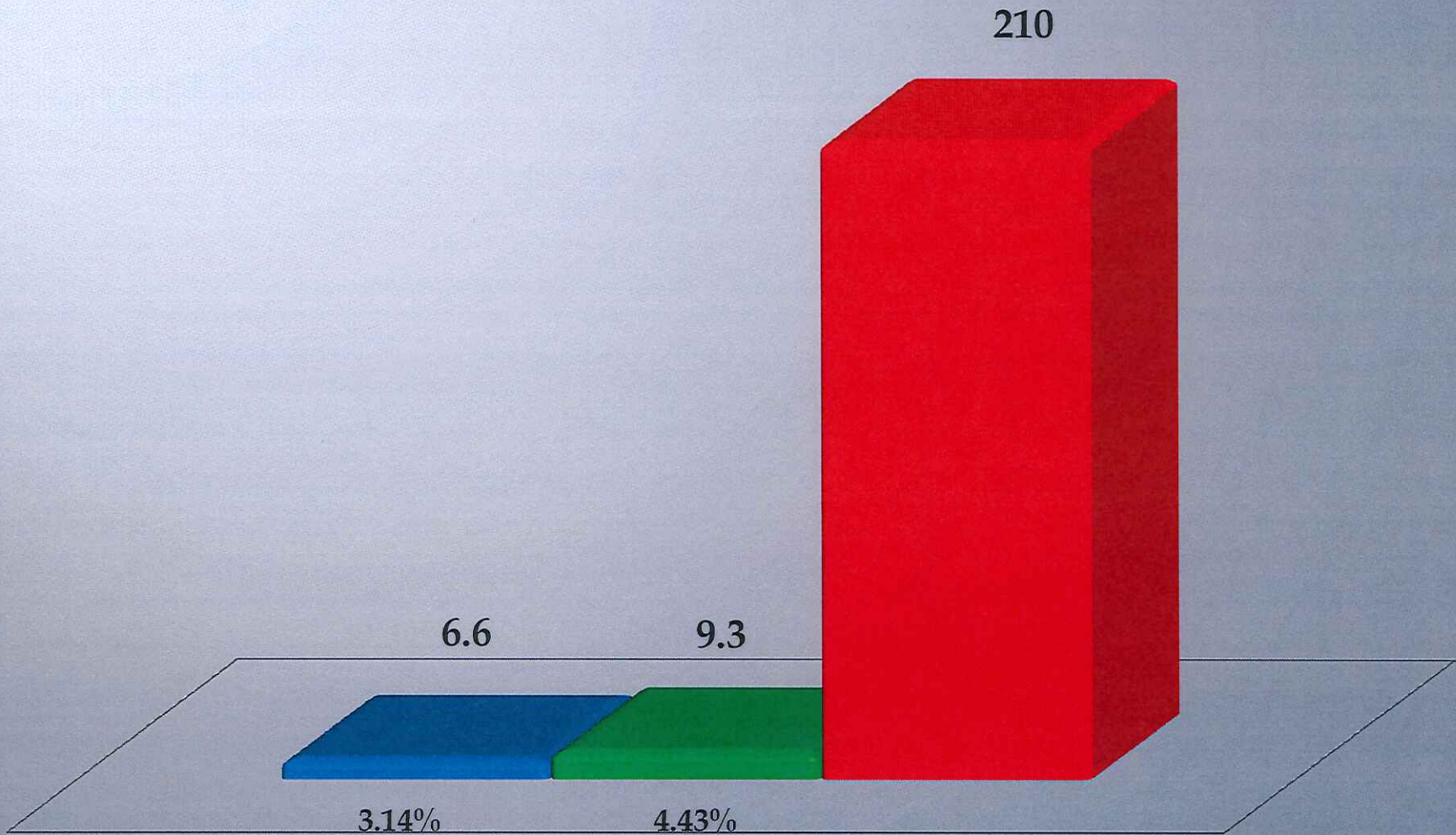




# Comparison with surrounding Paid Departments

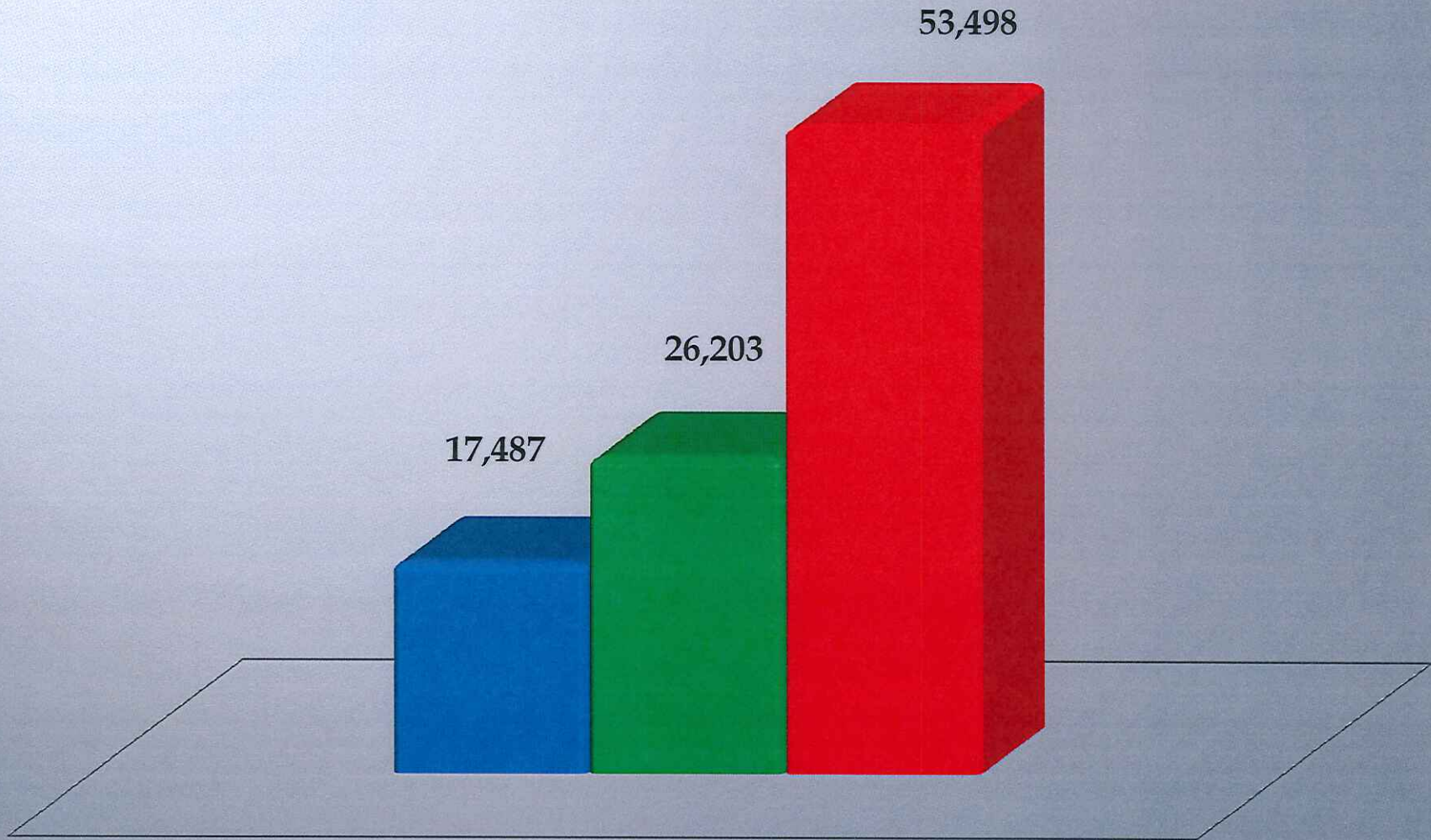
# Square Miles - 2010 Census

■ Martinsburg   ■ Winchester   ■ Jeff County



# Population 2010 Census

■ Martinsburg ■ Winchester ■ Jeff County



# Fire/EMS Budgets

2012-2013

2012-2013

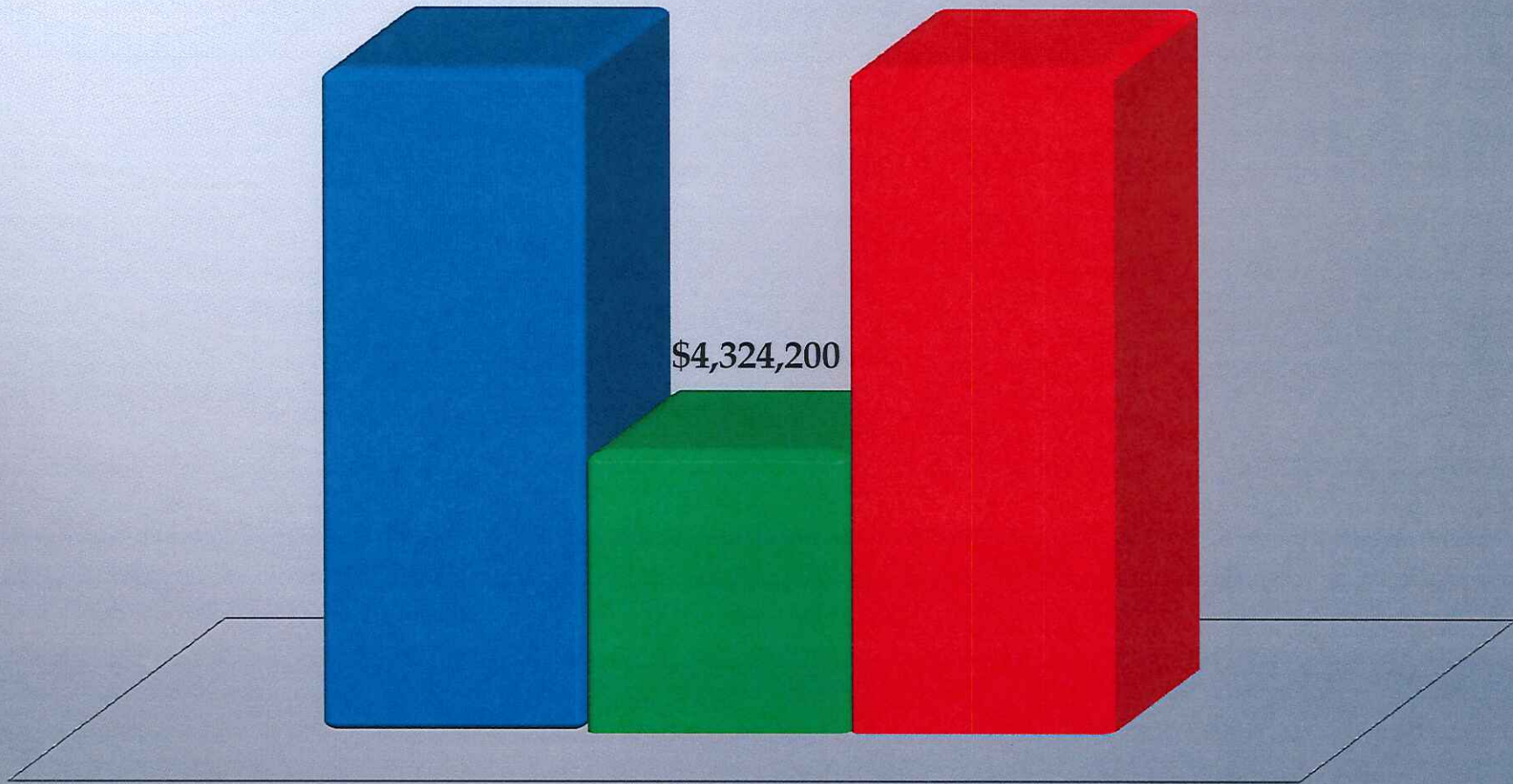
2010

■ Martinsburg ■ Winchester ■ Jeff County

\$5,039,805

\$5,036,990

\$4,324,200



# Cost per Square Mile

■ Martinsburg

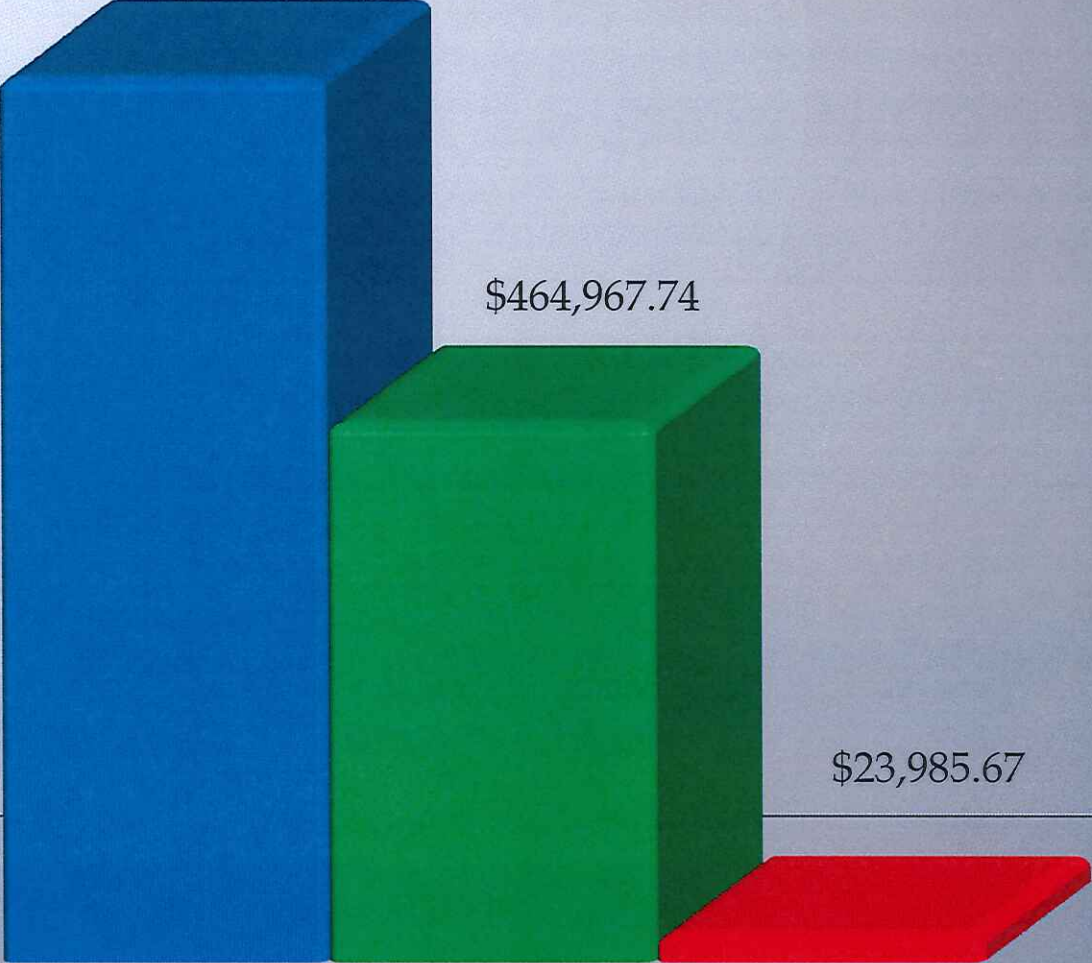
■ Winchester

■ Jeff County

\$763,606.82

\$464,967.74

\$23,985.67



# Cost per Population

■ Martinsburg

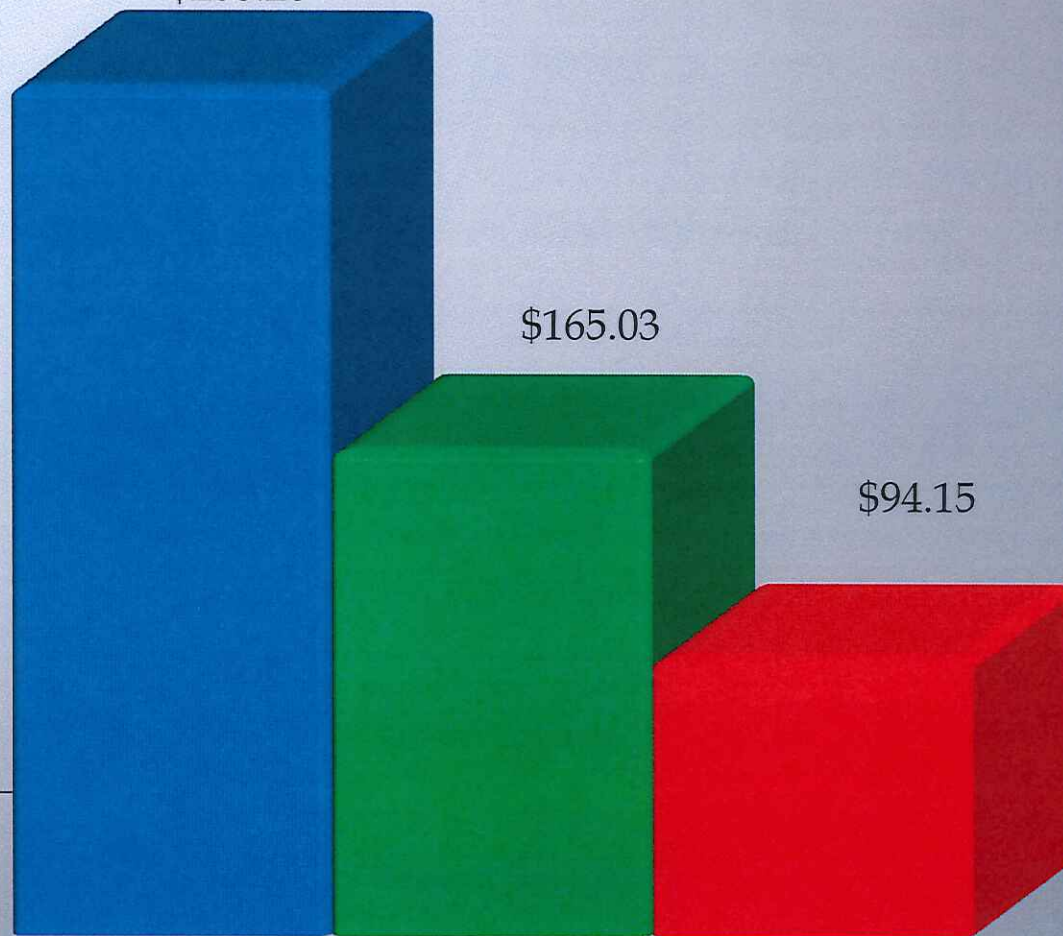
■ Winchester

■ Jeff County

\$288.20

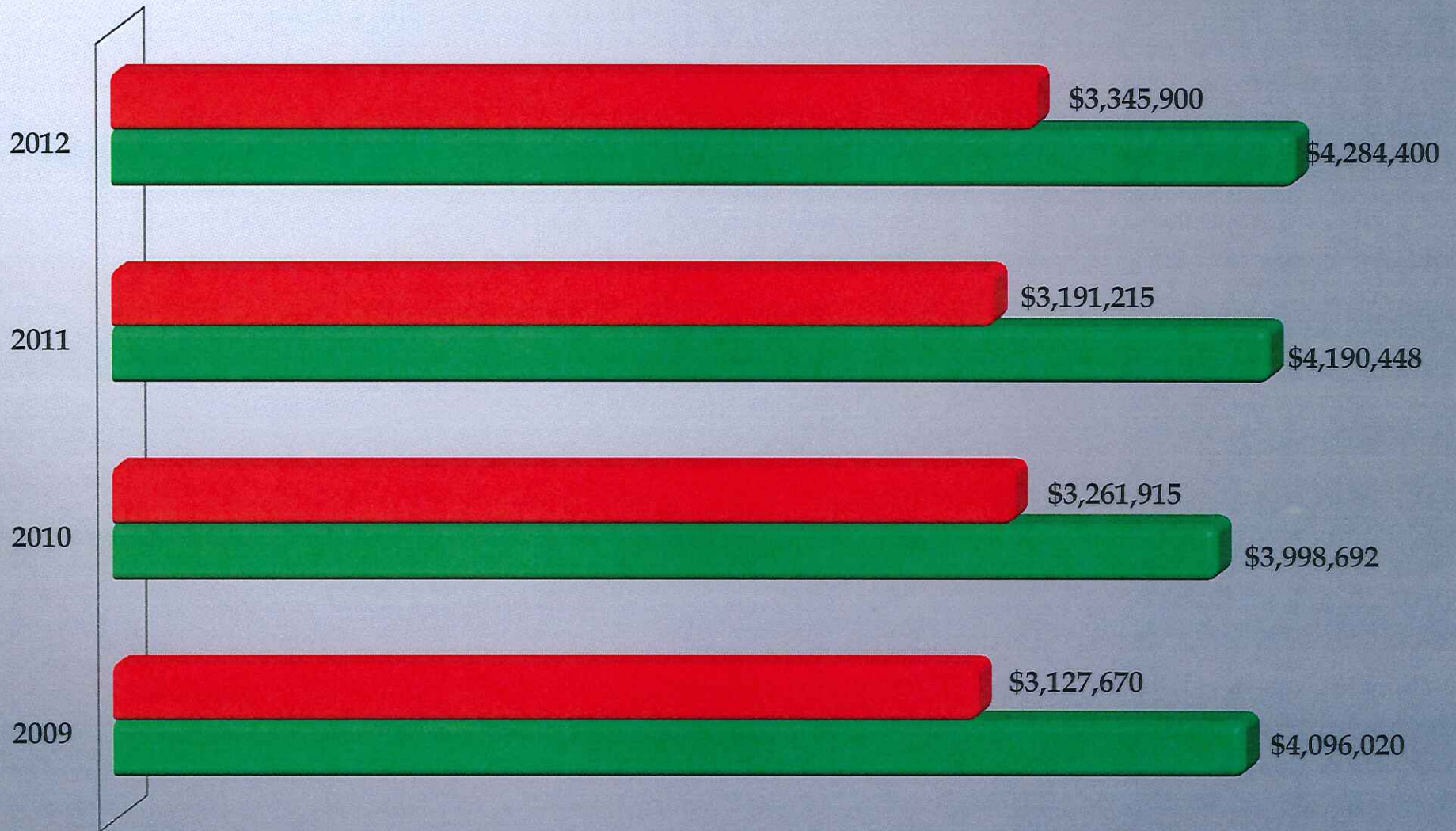
\$165.03

\$94.15



# City Fire Department Budgets

■ Martinsburg 37    ■ Winchester 62ff/ emt 3admin



# Fiscal Accountability

- ❖ Financial Accounts
  - ❖ Separate Account for County Funds
    - ❖ 2 Signatures required (never family Code 6B-1-3(f))
  - ❖ IRS 990's submitted to JCESA
  - ❖ Yearly Budgets submitted to JCESA
  - ❖ Audits conducted annually by each company
    - ❖ By internal committee (no check signers)
    - ❖ If discrepancies found/ dept contact proper agency to investigate.
    - ❖ JCESA may request audit of funds provided by Commission

# Authorized Expenditures of County Funds

Could add a requirement that only allows expenditures for items as listed in the WV State Code for State Funds. Follow the same guideline, some examples listed below:

## **VOLUNTEER FIRE DEPARTMENT ALLOWABLE EXPENDITURES**

Chapter 8, Article 15, Section 8b of the Wet Virginia Code sets forth allowable disbursements of the revenues allocated to volunteer and part volunteer fire companies and departments.

1. Personal protective equipment;
2. Equipment for compliance with the national fire protection standard 1901;
3. Compliance with insurance service office recommendations relating to fire departments;
4. Rescue equipment, communications equipment and ambulance equipment;
5. Capital improvements;
6. Retirement of debts;
7. Payment of utility bills;
8. Property/casualty insurance premiums and workers compensation premiums;
9. Operating expenses reasonably required.

# Summary

- ▣ The JCFRA respectfully requests the County Commission consider the disbursement of equal funding.
- ▣ The need for transparency is understood and respected by the JCFRA.
- ▣ The JCFRA has agreed...
  - Separate Accounting for County provided Funding
  - Submission of professionally prepared financial statements
  - Agreement of the compliance issues as set forth by JCESA
  - Continued partnership and working relationship directly with the JCESA for the good of the community of Jefferson County.

*Please save the date*

**INAUGURAL CELEBRATION <sup>for the</sup> 35<sup>th</sup> GOVERNOR OF WEST VIRGINIA**

*Carl Ray Tomblin*

**JANUARY 14, 2013**

**WEST VIRGINIA**

**FIRST**

**INAUGURATION CEREMONY**

STATE CAPITOL RIVERSIDE  
1900 KANAWHA BOULEVARD EAST, CHARLESTON, WV 25305  
ONE O'CLOCK IN THE AFTERNOON

**INAUGURATION CELEBRATION**

CLAY CENTER FOR THE ARTS & SCIENCES OF WEST VIRGINIA  
ONE CLAY SQUARE, CHARLESTON, WV 25304  
SEVEN O'CLOCK IN THE EVENING

INVITATION TO FOLLOW WITH LIMITED TICKETS AVAILABLE AT THE CLAY CENTER FOR THE ARTS AND SCIENCES OF WEST VIRGINIA  
SPECIAL ROOM RATES WILL BE OFFERED BY EMBASSY SUITES AND MARRIOTT TOWN CENTER UNTIL DECEMBER 28, 2012

PAID FOR BY THE TOMBLIN GOVERNORIAL INAUGURATION COMMITTEE, INC., TAUNJA WILIS-MILLER, TREASURER

*The Eastern Panhandle Bar Association  
cordially invites you to attend  
an investiture ceremony and reception for*

*The Honorable Michael D. Lorensen  
newly appointed Circuit Judge  
of the 23rd Judicial Circuit*

*Thursday, January 10, 2013*

*Investiture Ceremony*

*4:00 p.m.*

*Historic Berkeley County Court House  
100 West King Street  
Martinsburg, West Virginia*

*Reception*

*5:30 p.m.*

*Historic McFarland House  
409 South Queen Street  
Martinsburg, West Virginia*

*RSVP*

*by January 3, 2013*

*at [rsvp@bowlesrice.com](mailto:rsvp@bowlesrice.com) or by phone at (304) 262-3327*

JEFFERSON COUNTY COMMISSION  
PUBLIC HEARING NOTICE

The Jefferson County Commission has scheduled a public hearing on a Zoning Map Amendment (Rezoning) for property designated as Tax District: Charles Town, Map: 13, Parcel: 7. This property is located on the south side of WV Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town and is a total of 34.27 acres. This property is currently zoned Rural and a request has been made by the owner, **Jefferson Asphalt Products, Inc.**, to change the zoning to Residential/Light Industrial/Commercial.

You may provide oral or written comments at the hearing to be held on **Thursday, January 10, 2013, at 7:00 pm, in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. Please note that a separate Public Hearing on another rezoning request is scheduled to begin upon completion of this public hearing. In addition, you may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or mail to P.O. Box 250, Charles Town, WV 25414, or fax (304) 725-7916.

By Order of the Jefferson County Commission  
Patsy Noland, President

Legal Class II  
Run

Dec 26, <sup>2012</sup> & Jan 2, 2013

JEFFERSON COUNTY COMMISSION  
PUBLIC HEARING NOTICE

The Jefferson County Commission has scheduled a public hearing on a Zoning Map Amendment (Rezoning) for property designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5. This property is located on the northeast side of Alt. Route 45 (Potomac Farms Drive) and to the south side of Route 45 (Martinsburg Pike) and is a total of 8.07 acres. This property is currently zoned Residential Growth and a request has been made by the owner, **John D. Lowe, III**, to change the zoning to Residential/Light Industrial/Commercial.

You may provide oral or written comments at the hearing to be held on **Thursday, January 10, 2013, in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. Please note that the County Commission hearing for a previous agenda item will begin at 7:00 pm and that the hearing for the John D. Lowe, III rezoning request will start immediately upon the conclusion of the hearing scheduled before it. In addition, you may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or mail to P.O. Box 250, Charles Town, WV 25414, or fax (304) 725-7916.

By Order of the Jefferson County Commission  
Patsy Noland, President

*Legal class II*

*Run - Dec. 26, 2012 & Jan 2, 2013*



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Operations Support

1701 Columbia Avenue  
College Park, Georgia 30337

December 19, 2012

The Hon. Patsy Noland  
President  
Jefferson County Commission  
124 E. Washington St  
Charles Town, WV 25414

Reference: Environmental Assessment  
Washington D.C. Optimization of Airspace and Procedures in the Metroplex  
Early Notification Letter

Dear Commissioner Noland:

This notification letter is to inform you that the Federal Aviation Administration (FAA) intends to prepare an Environmental Assessment (EA) to consider the potential environmental impacts of the implementation of the Optimization of Airspace and Procedures in the Metroplex (OAPM) in the Washington DC area (DC OAPM). Attachment 1 is a copy of the Notice that will be published in major newspapers in the Washington DC area (Washington, Baltimore, and Richmond) that notifies the general public of the FAA's intent to prepare an EA.

A "Metroplex" is multiple airports in and around a busy metropolitan area. The DC OAPM would improve the efficiency of the DC Metroplex airspace by optimizing aircraft arrival and departure procedures at a number of airports, including Washington-Dulles International Airport (IAD), Ronald Reagan National Airport (DCA) and Baltimore Washington International Airport (BWI) and Richmond International Airport (RIC). The project may involve changes in aircraft flight paths and/or altitudes in certain areas, but would not require any ground disturbance or increase the number of aircraft operations within the Washington DC Metroplex airspace area.

To evaluate potential environmental impacts of the DC OAPM project, the FAA has established a General Study Area (GSA) to evaluate potential impacts of changes in aircraft routing that are proposed to occur below 10,000 feet above ground level (AGL). Enclosed is a graphic depicting the GSA for the environmental review process.

The FAA has begun preparation of the EA and intends to issue the Draft in late 2013. We welcome your input as we prepare the EA and we are sending this early notification letter for the following reasons:

1. To advise you of the initiation of the EA study;
2. To provide you an opportunity to provide any background information that you may have regarding the study area established for this EA; and
3. To provide you an opportunity to advise the FAA of any issues, concerns, policies or regulations that you may have regarding the environmental analysis that will be undertaken in the EA.

FAA will make a decision as to whether to hold public workshop(s) following publication of the Draft EA. If the decision is to hold public workshop(s), FAA will provide public notice of the public workshop(s) and the availability of the Draft EA at a future date. If applicable, the FAA plans to hold separate consultations with the appropriate Tribal Governments and their designated Tribal Historic Preservation Office in accordance with Executive Order 13175. The appropriate Tribal Governments and their designated Tribal Historic Preservation Office will be determined after the GSA is finalized.

FAA is currently working on additional details related to this project, and will be coordinating with the appropriate agencies and tribes in the near future. If you desire to provide comments and/or have any questions about the information provided, please provide them by letter or email, before January 18, 2013, at the following address:

Attn: Lee Kyker  
Eastern Service Center, Operations Support Group  
1701 Columbia Ave  
College Park, GA 30337  
Telephone: (404) 305-5587  
Email: [DCOAPM@faa.gov](mailto:DCOAPM@faa.gov)

Sincerely,



Barry A. Knight  
Manager, Operations Support Group  
Eastern Service Center

Attachment – Public Notice and General Study Area graphic

**U.S. DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

Notice of the Federal Aviation Administration's (FAA) intention to prepare a Draft Environmental Assessment for the Optimization of Airspace and Procedures in the Washington D.C. Metroplex (DC OAPM).

**SUMMARY:** The FAA is issuing this notice to advise the public it intends to prepare a Draft Environmental Assessment (EA) for the DC OAPM Metroplex, which involves flight procedure optimization for Washington-Dulles International Airport (IAD), Ronald Reagan National Airport (DCA), Baltimore Washington International Airport (BWI), Richmond International Airport (RIC) as well as numerous satellite airports. The EA will be conducted pursuant to the National Environmental Policy Act of 1969 and its implementing Regulations found at Title 40, Code of Federal Regulations, Sections 1500-1508.

The purpose of the proposed DC OAPM is to improve the efficiency of the controlled airspace (a generic term referring to airspace where air traffic control service is provided) using more current navigation technology called Area Navigation (RNAV). The FAA has not made any decisions about the final content of the EA.

**SUPPLEMENTARY INFORMATION:**

Air traffic procedures operating in the airspace near Washington-Dulles International Airport (IAD), Ronald Reagan National Airport (DCA), Baltimore Washington International Airport (BWI), and Richmond International Airport (RIC), (the major EA Airports), will be evaluated in the draft EA. The current procedures, which are intended to provide an orderly flow of traffic in and out of a busy metropolitan area, are dependent upon navigational aids on the ground and/or air traffic controller issued radar vectors. Ground-based navigational aids have limited capabilities, which dictate the location of a route in/out of the airspace. Radar vectors involve multiple communication transmissions between an air traffic controller and a pilot. RNAV technology is not limited to ground-based navigational aids and not subject to the same limitations. Therefore, RNAV-based procedures can direct pilots along more direct routes with predictable location and altitude information. A predictable procedure would involve less communication between an air traffic controller and a pilot; therefore reducing workload for both individuals. The application of RNAV technology for the DC Metroplex would enhance efficient use of the airspace.

***Proposed Action***

The EA is expected to evaluate at least two alternatives, the No Action and the proposed DC OAPM alternative (the Proposed Action). The FAA has not finalized the proposed DC OAPM at this time. The proposed DC OAPM as it is currently being configured consists of optimizing aircraft routes within the controlled airspace into and out of the DC Metroplex. The primary components of the proposed DC OAPM would include:

- **ESTABLISHING UPDATED DEPARTURE ROUTES AND/OR FIXES FROM THE EA AIRPORTS.** Aircraft departing from the EA Airports would transition to the high altitude routes using optimized routes based on RNAV technology.

- **ESTABLISHING UPDATED ARRIVAL ROUTES AND/OR FIXES INTO THE EA AIRPORTS.** Aircraft bound for the EA Airports would use optimized procedures to transition from a high altitude route to an existing approach route.

Implementation of the proposed DC OAPM is not anticipated to increase the number of aircraft operations at IAD, DCA, BWI, RIC, or satellite airports, or involve physical construction of any facilities.

#### ***General Study Area***

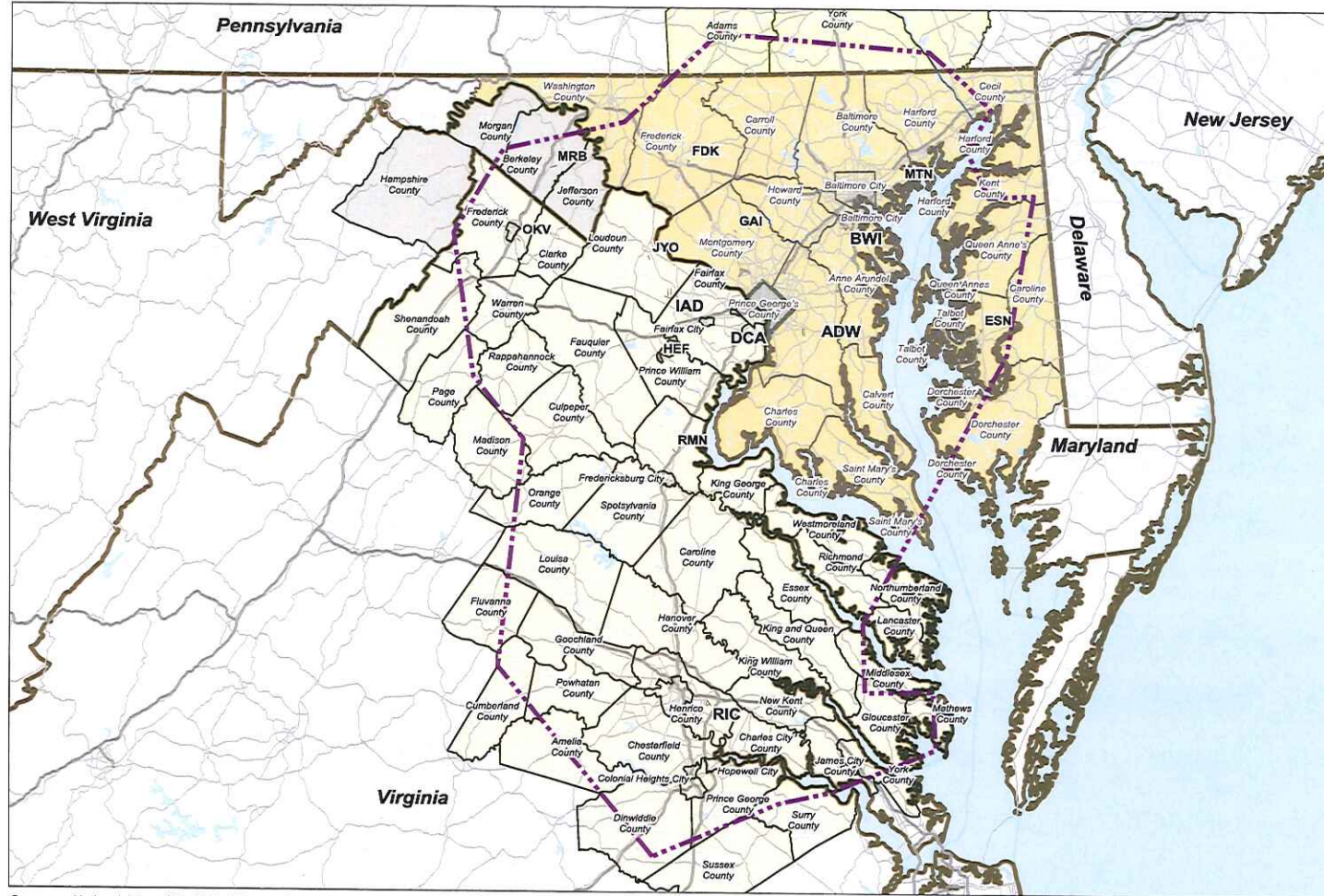
Using radar data for the EA study airports and the initial proposed design changes, the FAA has identified a general study area in which changes to aircraft routing would occur as a result of the Proposed Action.

The general study area will be used to evaluate and compare the potential impacts of the Proposed Action and reasonable alternatives. This evaluation will occur where departing aircraft are anticipated to be at altitudes below 10,000 feet above ground level (AGL) and arriving aircraft at altitudes below 7,000 feet AGL under the Proposed or the No Action alternative. The FAA may also consider traffic flying over tribal lands, national parks or national wildlife refuges below 18,000 feet AGL to evaluate and compare the potential impacts of the Proposed Action and the No Action alternative.

#### **PUBLIC WORKSHOPS**

FAA will make a decision as to whether to hold public workshop(s) following publication of the Draft EA. If the decision is to hold public workshop(s), FAA will provide public notice of the public workshop(s) and the availability of the Draft EA at a future date.

**FOR FURTHER INFORMATION CONTACT:** Federal Aviation Administration, Air Traffic Organization (ATO) Eastern Service Center, Attn: DC OAPM Environmental, 1701 Columbia Avenue, College Park, GA 30337; email at [DCOAPM@faa.gov](mailto:DCOAPM@faa.gov); or facsimile at 404-305-5572.



**LEGEND**

- Generalized Study Area Boundary
- Study Airport Runway
- District of Columbia
- Maryland County in Study Area
- Pennsylvania County in Study Area
- Virginia County in Study Area
- West Virginia County in Study Area
- State Boundary
- Interstate
- Highway
- Secondary Road
- Water
- River/Stream

- Notes:
- DCA Ronald Reagan Washington National
  - IAD Washington Dulles International
  - BWI Baltimore Washington International
  - ADW Andrews Air Force Base
  - RIC Richmond International
  - MTN Martin State
  - ESN Easton/Newnam Field
  - FDK Frederick Municipal
  - GAI Montgomery County Airpark
  - RMN Stafford Regional
  - JYO Leesburg Executive
  - HEF Manassas Regional
  - OKV Winchester Regional
  - MRB Eastern West Virginia Regional

Projection: Lambert Conformal Conic  
Scale: 1:1,500,000

Sources: National Atlas of the United States of America: U.S. County and State Boundaries; Rivers and Streams; and Water Bodies; Bureau of Transportation Statistics: National Transportation Atlas Database  
 FAA: NFDCA Airport and Runway databases; ATAC Corporation: Study Area Boundary  
 Prepared by: ATAC Corporation, December 2012



**Generalized Study Area**

Dr. James Arthur Addy

630 Fillmore Street  
P. O. Box 34  
Harpers Ferry, WV 25425  
Phone: 304-535-2619  
Email: fillmorebb@aol.com

13 December, 2012

Dear Commissioner Widmyer:

As you may know, there is a vacancy on the Harpers Ferry/Bolivar PSD Commission as a result of Mr. Frank Donadio's resignation.

I am informed that Mr. John Heafer may apply for the position.

Please be advised that I as Chairman of the PSD am opposed to Mr. Heafer's appointment because of management problems when he supervised the Harpers Ferry Water Works. While I was mayor of Harpers Ferry, Mr. Heafer was insubordinate, issued fraudulent time sheets for himself and his employees; was indifferent to maintenance of the water plant infrastructure.

Previously, Mr. Heafer was involved in inappropriate personal water usage.

If Mr. Heafer is appointed, I will resign from the Commission.

Thank you for understanding my position.

Sincerely  
James A. Addy

# Season's Greetings

The West Virginia  
LTAP Wishes  
You a Happy &  
Healthy New Year.



West Virginia Local Technical Assistance Program  
West Virginia University  
Benjamin M. Statler College of Engineering and Mineral Resources  
Department of Civil and Environmental Engineering  
PO Box 6103  
Morgantown, WV 26506-6103



Change Service Requested

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JEFFERSON COUNTY COMMISSION  
MR. WILLIAM POLK  
MAINTENANCE SUPERVISOR  
PO BOX 250  
CHARLES TOWN WV 25414-0250

The WV LTAP encourages you to share this newsletter with others or direct them to the electronic version on our website <http://wvltap.wvu.edu>.

- Road Supervisors
- Elected Officials
- Public Works Department
- Road Crew
- Managers
- City Engineers
- Others

## FALL 2012 STREET SMARTS CONTEST WINNERS



East Main Street, Glenville

The correct answer for the fall 2012 Street Smarts Contest is **East Main Street in Glenville, WV.**

Congratulations to our winners **Carol Marsh** and **Marc Richardson**. Each winner received a pair of LTAP work gloves, an insulated tote bag, a mechanical pencil, and a magnetic note pad.

Carol was the first person to correctly respond in the printed/electronic newsletter distribution category, and Marc Richardson was the first person to correctly respond on our Facebook page.



Carol Marsh

*Periodically, the Street Smarts Contest will be published in this newsletter and/or on our Facebook page. The contest is simple: a photo of a street or roadway in WV will be displayed. The first person to contact WV LTAP with the correct answer will win a fabulous prize! (As fabulous as a prize can be under \$25 dollars.)*

*The winner will be announced on our Facebook page or, when space is available, in the next edition of this newsletter.*

---

## CHECK OUT THE WV LTAP FACEBOOK PAGE



The WV LTAP wants to remind you that we are on Facebook! We encourage you to visit our page and give us your feedback. You can find us by typing in [www.Facebook.com/WVLTAP](http://www.Facebook.com/WVLTAP) or within the search feature in Facebook, by typing WV Local Technical Assistance Program (WVLTAP). The page is set up so everyone can post comments; you don't need to become a "friend" or be accepted to post items. Just make sure to "like" us so anytime we add announcements, they will show up in your newsfeed.

This is a great place to check for upcoming training events, available give-a-ways, current transportation related items, photos, and much more. We also hope that in addition to checking out our announcements, this will be an interactive tool for you, our clients, to pose questions, share solutions, successes, challenges, etc.

---

## ROADWAY FUN FACTS



Image from Microsoft.Com Images

### DID YOU KNOW....

- **US 30, The Lincoln Highway**, was the first roadway built that spanned from coast to coast. It was built in 1913, and in 1928 it was reconfigured, going through the northern tip of WV (<http://www.lincolnhighwayassoc.org/>).
- For thirteen years (1974–1987), speed limits above **55 mph** were prohibited by federal law ([http://en.wikipedia.org/wiki/Speed\\_limits\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Speed_limits_in_the_United_States)).
- Bobby Troup wrote the song, **Get Your Kicks on Route 66** in 1946. It has been performed and remixed by several musicians, including Nat King Cole, who first recorded it in 1946 scoring a major hit, the Rolling Stones, and Depeche Mode (<http://www.legendsofamerica.com/66-facts.html>).

## ROAD SLEUTH INFORMATION SHEET

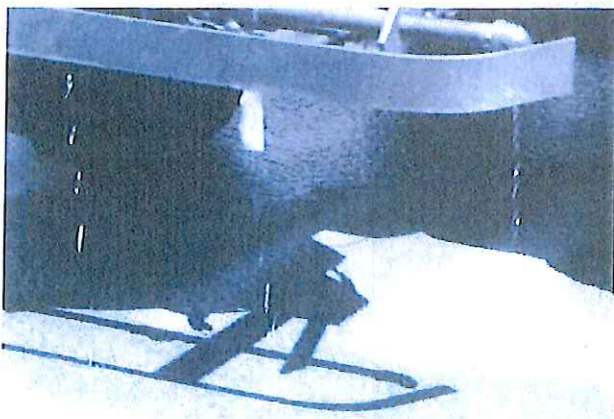
*There are many myths about transportation related issues. Road Sleuth has been designed to help dispel these myths and reveal the truth. Road Sleuth came from conversations WV LTAP staff had with public works directors, street supervisors, and others. From these conversations, one common theme emerged: public works personnel getting the same questions and requests time and again from their elected officials and residents and not having educational information readily available.*

*The Road Sleuth series can be downloaded from the WV LTAP website ([wvltap.wvu.edu](http://wvltap.wvu.edu)) as a PDF or Microsoft Publisher file. The Publisher files are formatted so agencies can add their individual contact information if desired. The WV LTAP does ask that the main text not be changed or altered without permission. Agencies are encouraged to post these information sheets on their webpage, distribute printed copies to city council members, send out in mailings, etc. The WV LTAP staff welcomes your suggestions for new topics and will continue adding new sheets as they become available.*

### MYTH: WHY IS THE ROAD DEPARTMENT SPRAYING WATER ON THE ROADWAY DURING THE WINTER?



This photo taken by WVDOH D-4 staff shows three of their tanker trucks that are used for applying liquid anti-icers and de-icers.



This photo taken by WV LTAP staff shows a spray bar that is attached to an ATV, used for treating walkways.

Most people who live in areas that receive snowfall are familiar with the sight of road crews plowing, salting, and using abrasives to help combat snowy and icy conditions. Another technique that some road agencies employ is the use of liquid solutions. If you have ever seen a road crew spraying a clear liquid onto the road just before or during a winter storm, it's not water; they are using what is known as a liquid anti-icing or de-icing agent.

There are several different products available, but two of the more common commercial products use magnesium or calcium chloride. Some agencies also make their own liquid solutions using salt and water, which is typically called salt brine. No matter whether an agency is making its own anti-icing or de-icing product, or using a commercial one, every state and local road agency has to abide by strict federal and state environmental regulations.

Often road crews will pre-treat the roadway prior to a storm – before the first snow has fallen. This means you will see a road crew spraying the liquid on the roadway several hours prior to the impending snowfall. This process helps prevent the ice from bonding to the pavement.

Another technique is pre-wetting material before spreading it on the roadway. Pre-wetting rock salt prevents it from scattering or being swept off the road by traffic, and it helps the salt begin to melt the ice sooner. Overall, pre-treating and pre-wetting lead to less waste and both of these techniques have been proven to help road agencies increase the effectiveness of the other materials they are using.

So if you see road crews spraying liquid on the roadways this winter, please keep in mind that these employees haven't lost their minds; they aren't spraying water on the roads to make them into an ice-rink. They are using a process which will enhance the melting of snow and ice and help improve roadway conditions.

## CARBON MONOXIDE POISONING (CO)

Carbon monoxide (CO) is a colorless, odorless, toxic gas. Many people have died from CO poisoning because their generator was not adequately ventilated.

- Never use a generator indoors or in enclosed spaces. Open windows and doors may not prevent CO from building up when a generator is located in an enclosed space.
- Make sure a generator has 3 to 4 feet of clear space on all sides and above it to ensure adequate ventilation.
- Do not use a generator outdoors if its placement near doors, windows, and vents could allow CO to enter and build up in occupied spaces.

## FIRE HAZARDS

- Generator fuels (such as gasoline, kerosene, etc.) can ignite when spilled on hot engine parts.
- Before refueling, shut down the generator and allow it to cool.
- Gasoline and other generator fuels should be stored and transported in approved containers that are properly designed and marked for their contents, and vented.
- Keep fuel containers away from flame producing and heat generating devices.
- Do not smoke around fuel containers.
- Do not store generator fuels in your home.

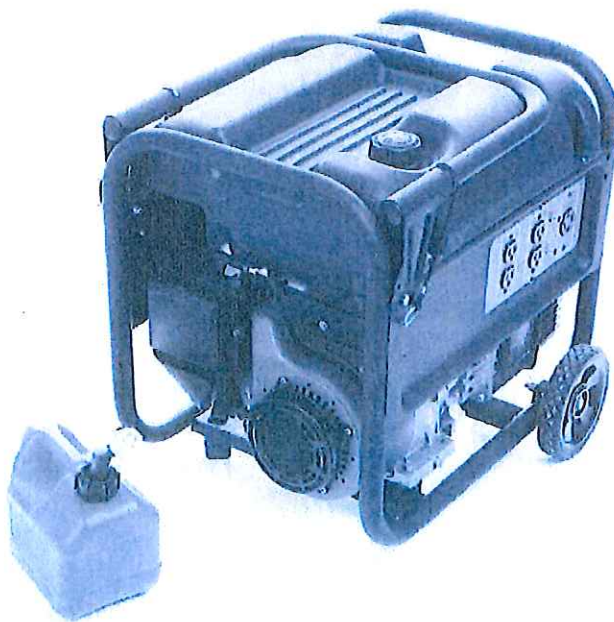


Image from istockphoto

The California Energy Commission Consumer Energy Center is another resource for learning more about portable generator safety. ([www.consumerenergycenter.org/tips/generators.html](http://www.consumerenergycenter.org/tips/generators.html)).

## CENTER STAFF & CONTACT INFORMATION

WV LTAP  
West Virginia University  
PO Box 6103  
Engineering Sciences Building  
Room 553  
Morgantown, WV 26506  
Phone: (304) 293-9924  
Fax: (304) 293-7109  
E-mail: [wvltap@mail.wvu.edu](mailto:wvltap@mail.wvu.edu)  
Website: [wvltap.wvu.edu](http://wvltap.wvu.edu)

### Staff

**Dr. John Zaniewski**  
Director  
(304) 293-9955  
[John.Zaniewski@mail.wvu.edu](mailto:John.Zaniewski@mail.wvu.edu)

**Kim Carr**  
Program Coordinator  
(304) 293-9924  
[Kim.Carr@mail.wvu.edu](mailto:Kim.Carr@mail.wvu.edu)

**Andrew Morgan, P.E.**  
Program Coordinator  
(304) 293-9939  
[Andrew.Morgan@mail.wvu.edu](mailto:Andrew.Morgan@mail.wvu.edu)

**Sabrina DeVall**  
Editor & Technical Writer  
(304) 293-9930  
[Sabrina.DeVall@mail.wvu.edu](mailto:Sabrina.DeVall@mail.wvu.edu)

**Stephanie Spangler**  
Technical Assistant  
(304) 293-9922  
[Stephanie.Spangler@mail.wvu.edu](mailto:Stephanie.Spangler@mail.wvu.edu)

**Ashley Collins**  
Student Office Assistant  
(304) 293-9924

**Dr. Ron Eck, P.E.**  
Senior Advisor  
(304) 293-9931  
[Ronald.Eck@mail.wvu.edu](mailto:Ronald.Eck@mail.wvu.edu)

**Bill Wyant**  
Senior Volunteer  
[WWyant@hsc.wvu.edu](mailto:WWyant@hsc.wvu.edu)

## ADVISORY BOARD

FHWA-WV Division

**Bert Buchanan**  
Charleston, WV

**Kevin Burgess**  
Charleston, WV

WV DOT

**Steve Cole**  
Charleston, WV

**Kathy Holtsclaw**  
Charleston, WV

**Marvin Murphy**  
Charleston, WV

**Ronald Tenney**  
Weston, WV

**Donald Williams**  
Morgantown, WV

**Gary Winter**  
West Virginia Governor's  
Highway Safety Program  
Charleston, WV

Municipal

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Panhandle MPO  
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Town Superintendent  
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Private

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Burlington, WV

**Pat Parsons**  
Asphalt Pavement Assoc.  
of West Virginia  
Charleston, WV

## USING PORTABLE GENERATORS SAFELY

The information for this article is from the OSHA website.

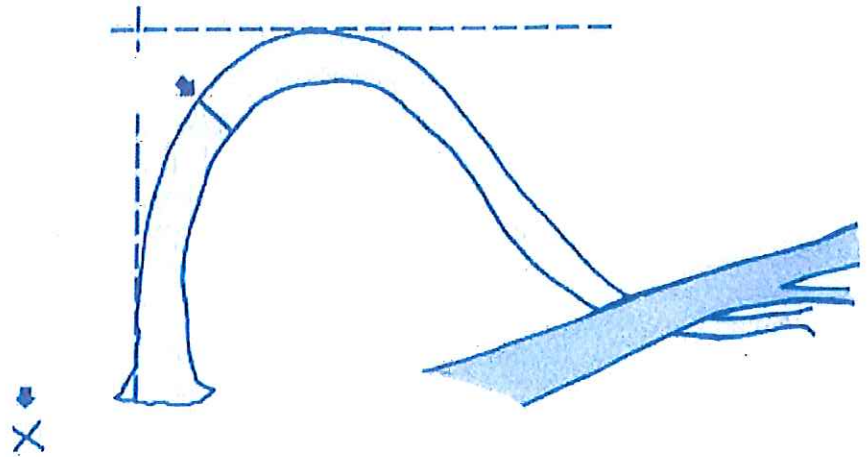
With the winter months upon us, the possibility of power outages due to winter storms is increased. Portable generators are beneficial when short term electric power is needed, but they can be dangerous if not used properly. Hazards to be aware of when using a portable generator include, but are not limited to: shock and electrocution, carbon monoxide poisoning, and risk of fire hazards. It is important to recognize and follow safe portable generator guidelines.

The following portable generator safety tips are from the Occupational Safety and Health Administration's (OSHA), "Using Portable Generators Safely," fact sheet. We urge you to take the time to look over this list and visit OSHA's website and the fact sheet in its entirety ([www.osha.gov/OshDoc/data\\_Hurricane\\_Facts/portable\\_generator\\_safety.pdf](http://www.osha.gov/OshDoc/data_Hurricane_Facts/portable_generator_safety.pdf)).

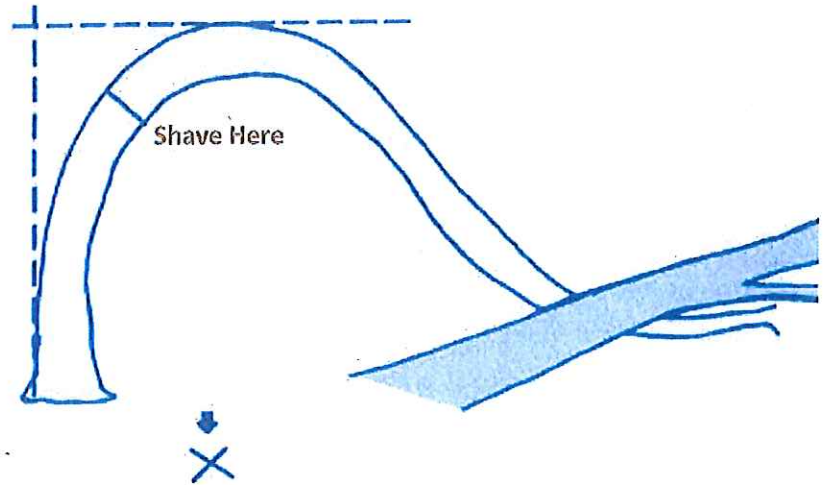
### SHOCK AND ELECTROCUTION

- Never attach a generator directly to the electrical system of a structure such as a home, [attached garage], office, trailer, etc. unless a qualified electrician has properly installed a generator with a transfer switch. Attaching a generator directly to a building's electrical system without a properly installed transfer switch can energize wiring systems for great distances. This creates a risk of electrocution for utility workers and others in the area.
- Plug electrical appliances directly into the generator using the manufacturer's supplied cords that are grounded (3-pronged). Inspect the cords to make sure they are fully intact and not damaged, cut, or [worn]. Never use frayed or damaged extension cords. Ensure the cords are appropriately rated in watts or amps for the intended use. Do not use underrated cords; replace them with appropriately rated cords that use heavier gauge wires.
- Do not overload your generator; this can lead to overheating.
- Use ground fault circuit interrupters (GFCIs), especially where electrical equipment is used in or around wet or damp locations. GFCIs and extension cords with built-in GFCI protection can be purchased at hardware stores, do-it-yourself centers, and other locations that sell electrical equipment. Regardless of GFCI use, electrical equipment used in wet and damp locations must be listed and approved for those conditions.
- Make sure a generator is properly grounded and the grounding connections are tight.
- Keep a generator dry; do not use it in the rain or wet conditions. If needed, protect a generator with a canopy. Never manipulate a generator's electrical components if you are wet or standing in water.
- Do not use electrical equipment that has been submerged in water. Equipment must be thoroughly dried out and properly evaluated before using.
- Power off and do not use any electrical equipment that has strange odors or begins smoking.

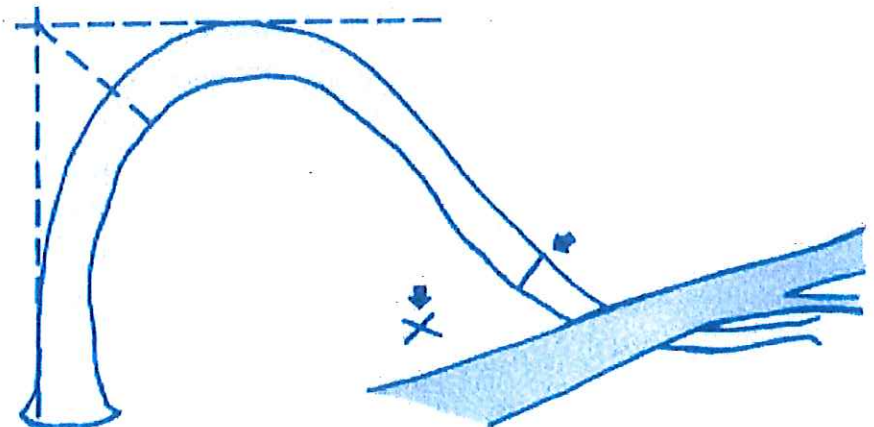
Spring poles may be cut from underneath or from the top. If you choose to cut a spring pole from the top, you must stand at 45 degrees to the spring pole to avoid being hit by the spring pole if the tension is released suddenly. From this position, the chain saw can be used to make a succession of small cuts at the maximum point of tension until the fibers begin to break by themselves. This cut must be made with the saw at maximum RPM with a slow rate of feed. At this time, the logger should move away from the tree and let the pressure release itself. The spring pole can then be cut off.



Spring poles may also be released from underneath. To do this the logger should stand at 90 degrees to the spring pole and use the chain saw to shave wood off the underside of the spring pole at the maximum point of tension. Do not cut into the spring pole as the compression of the wood will pinch the saw. After enough wood is shaved the fibers will begin to break by themselves and the logger can stand aside and let the spring pole release its tension naturally.



**If the point of maximum tension on the spring pole is higher than the logger's shoulders, the spring pole should be released from the top.** The logger can stand under the spring pole, trim any branches that may be in the way and then release the spring pole by cutting off the top. The spring pole should fly harmlessly above the logger and not cause injury.



This article and more tips are available at Forest Applications Training, Inc.'s website.

<http://www.forestapps.com/tips/tips.htm>

Country Roads & City Streets is typically published quarterly. The purpose of this newsletter is to provide information that is beneficial to decision makers, elected officials, and roadway construction, maintenance and management personnel.

The material and opinions included in this newsletter are those of the West Virginia LTAP and do not necessarily reflect the views of the Federal Highway Administration or the West Virginia Department of Transportation. Every effort has been made to ensure the integrity and accuracy of both original and borrowed material; however, the West Virginia LTAP does not assume responsibility for any information that is found to be incorrect.



The West Virginia LTAP is part of the National Local Technical Assistance Program, which is funded by the Federal Highway Administration. West Virginia LTAP also receives funding from the West Virginia Department of Transportation.

### MISSION:

The mission of the WV LTAP is to foster a safe, efficient, and environmentally sound surface transportation system by improving skills and increasing knowledge of the transportation workforce and decision makers.

To help achieve this mission, training, demonstrations, personalized technical assistance, and resource materials are provided.

## CHAIN SAW OPERATION: BEST PRACTICES WHEN WORKING WITH SPRING POLES (PART TWO OF TWO)

This is the final article of a two-part series on chain saw operation. Part one was included in the Fall 2012 edition of this newsletter and focused on basic safety procedures to use when starting and handling a chain saw and basic felling awareness.

The focus of this article is best practices to follow when working with spring poles. With the recent storms, many of you have been clearing lots of brush and debris, and have probably encountered numerous spring poles. **A spring pole is a tree, segment of a tree, limb, or sapling that is under stress or tension due to pressure or weight of another object** (definition from About.com).

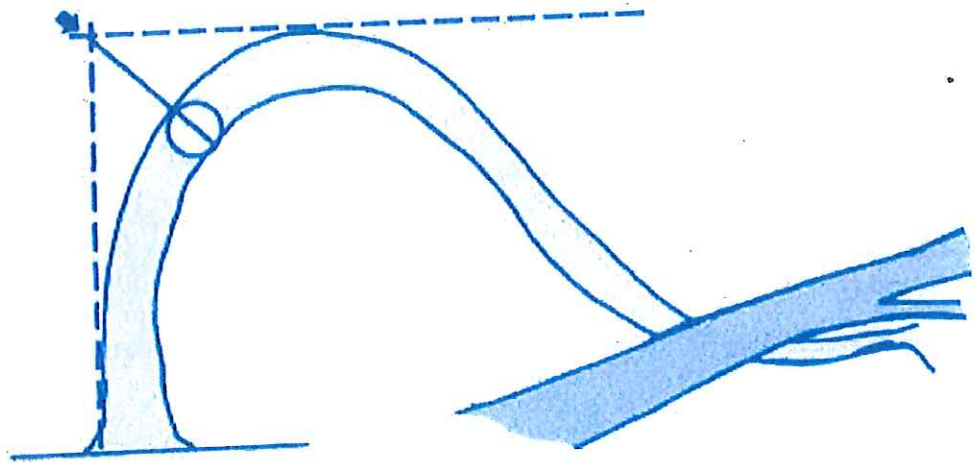
The following *Spring Pole Tips* are written by Tim Ard, owner of Forest Applications Training, Inc. A special thank you to Tim for granting reprint permission of this information to the WV LTAP.

Tim is a well known and respected chain saw operator and trainer. He is dedicated to teaching others safe operation and maintenance techniques. The WV LTAP staff encourages you to visit Forest Applications Training, Inc's website, located at [www.forestapps.com](http://www.forestapps.com), if you are looking for information related to chain saw operation, maintenance, personal protective equipment, etc.

The following tips and diagrams explain the methods advocated by Tim Ard when working with spring poles. If you don't understand these drawings or explanations, please contact Tim by emailing [info@forestapps.com](mailto:info@forestapps.com).

### SPRING POLE TIPS

The best way to manage spring poles is to avoid them. Spring poles are dangerous! However, if a spring pole must be cut, it should be done in a safe manner. **The best way is to release the tension slowly at the maximum point of tension.**



45 degree angle, point of maximum tension

To locate the maximum point of tension, extend a vertical line from the base of the tree and a horizontal [line] from the highest point of the spring pole. From the intersection of these two lines imagine a 45 degree angle to the spring pole. It is this point which will have the maximum amount of tension.

## 2012 SNOW AND ICE CONTROL WORKSHOP HIGHLIGHTS

Kim Carr, WV LTAP



Photo by WV LTAP

The rubber tipped titanium plow cutting edge display attracted a great deal of attention.

discussed ways to help avoid and alleviate back and neck issues that can be brought on by long hours sitting, driving, and constantly turning your head, all of which are typical for snowplow drivers and other equipment operators.

Gary Eye and Bob Pritts, both WV Division of Highways District 5 employees, spoke on the importance of equipment maintenance and discussed items that operators and mechanics should pay special attention to in order to keep their equipment running efficiently.

Workshop participants were also given the opportunity to attend a special afternoon chain saw safety session. This session was led by Edward Murriner of CAHOJO Consulting, and focused on basic chain saw techniques and the importance of personal protective equipment. Ed also covered situations that the attendees will likely encounter during storm cleanups and general brush cutting.



Photo by WV LTAP

Ed Murriner demonstrates a shaving technique that is effective when cutting a spring pole.

The Snow and Ice Control Workshop continues to be one of the largest events hosted by the WV LTAP. This year's event was held on September 27 in Flatwoods, WV and over 200 people attended — surpassing attendance from previous Snow and Ice Control Workshops.

This year's program included a variety of topics, presenters, and demonstrations. *To highlight a few:* Ed Stellfox, Director of the Maryland LTAP/T2 Center, spoke about the essential role that planning and year-round organization play in winter maintenance operations.

Dr. Anna Allen, a physician with WVU,

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Fall 2012 Street Smarts Contest Winners

Check out the WV LTAP Facebook Page

Roadway Fun Facts



# Commissioners' Corner

**CCAWV** COUNTY COMMISSIONERS' ASSOCIATION  
OF WEST VIRGINIA  
*County Government Works*

A publication of The County Commissioners' Association of West Virginia - Volume 14, Number 9 - November 2012

## County Commissioners' Attend Three Day "Basic Training" Program...

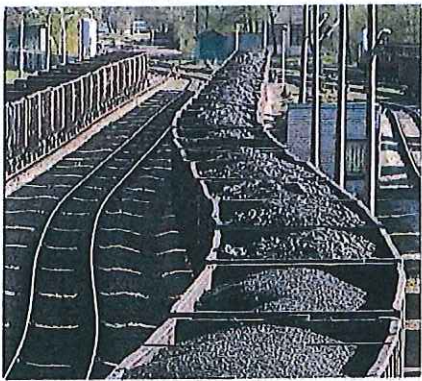
Some 70 newly elected and veteran County Commissioners from around the state gathered in Bridgeport for a three day "basic training" course designed for newly elected and veteran county commissioners and staff in West Virginia. The intense training offered by the County Commissioners' Association of West Virginia (CCAWV), was held November 28-30, 2012 and was well attended by over fifty participants, newly elected and veteran. "These folks have a lot on their plate when they take office," said Vivian Parsons, Executive Director of the Commissioners' Association. "It is our goal to provide them with the tools and resources they need to effectively deal with all of the issues that will hit them as they walk through the courthouse doors!"



**"Commissioner's learning about how to deal with the media!"**

CCAWV President Cindy Pyles, Mineral County welcomed the participants and opened the thought-provoking program. "This is no picnic," said President Pyles, "being a county commissioner is a tough job, but we're here to give you support!"

The jam packed agenda included sessions on media relations, team building skills, parliamentary procedure, county finances, employment practices, county risk management, board of review, ethics and open meeting laws. All attendees took home the 2012 edition of the CCAWV County Commissioners' Handbook.



## Outlook Bleak for Severance Tax Collections

We attended two interim meetings in November, discussing the economic impacts of the changes in production of coal, oil, and natural gas in West Virginia. The outlook for coal in the next several years is pretty bleak! Most of West Virginia's GEP comes from coal and production is down, according to Mark Muchow, Secretary of Tax and Revenue. There are several reasons including the lack of demand from the planned shutdown of a large number of coal-fired energy plants, as well as the current environmental wild card atmosphere.

Coal has been the biggest contributor to WV's economy over the last 8 years, but is projected to much less over the next 5 years. While oil and natural gas production is up some 25%, severance taxes are still down because demand is down, therefore selling prices are down. As far as how WV compares in severance tax rates (5%) to our neighboring states, we are about equal with

Kentucky (4 ½%), a little higher than Pennsylvania who has some sort of impact fee (2 ½%), and ahead of Maryland, Virginia, and Ohio, all having nothing significant in the way of a severance tax. This landscape has major effects on county budgets, not only from a reduction in severance tax revenue collections, but also in reduced property tax collections and loss of jobs when power plants and coal mines close. The up-tick in the oil and gas industry is wonderful, but is not able to level out the lost due to decreases in the coal industry. While some counties may see losses and some gains, because of the volatility of the market, there is a tremendous fluctuation in taxes that counties count on from year to year.

## DIRECTOR'S DISCUSSION WITH VIVIAN PARSONS

Hi all, I hope you've had a wonderful Thanksgiving with family and friends, and didn't over indulge too much of the Thanksgiving feast!

As the bleak predictions of lower severance tax collections start to materialize, our legislative priority of working with RJA and the Legislature to find ways to contain regional jail costs becomes crucial to local government budget survival! The Jail Steering Committee met on November 19, 2012, and renewed our enthusiasm for the coming session, however it will take each one of us, pursuing the goals, to attain some level of success.



We are seeking a better method for collecting currently outstanding court costs; supporting passage of a pretrial diversion program similar to one being used in Maryland, called "Probation Before Justice;" supporting RJA's proposals for more latitude in per diem formula and personnel budgeting; supporting legislation to require all arresting officers' entities to have "skin in the game;" and finally following the session, to hold regional meetings to share best management practices among ourselves. We need your help and support for these initiatives! Please make an effort to attend the CCAWV Regional Roundtables coming to your area in the next couple of weeks and talk with your local legislators about problems and solutions for this dilemma! I hope to see you there!

As the holidays approach, I hope you have the opportunity to slow down a bit and enjoy time with family and friends. Make yourself feel good by doing something for someone less fortunate. Merry Christmas to ALL!

## PRESIDENT'S MESSAGE BY CINDY PYLES



First of all, I wish you a Merry Christmas and a Happy New Year!

The Association is already gearing up for the next legislative session. Our top priority is getting the regional jail costs under control. We are doing so by working with Joe DeLong, Regional Jail Director, who has many ideas to get the cost of running the jails under control.

To do this, we need your participation during the 2013 legislation. As you are aware, many bills that will affect our budgets will pop up during the session. We need to prepare ourselves to make phone calls to legislators and attending meetings at the Capitol. Good Luck! It has been a pleasure serving as your President!

2012-2013

## Board of Directors

### President

Cindy Pyles, Mineral (788-5921)

### Vice-President

Tim McCormick, Ohio (234-3628)

### Immediate Past President

Ron Watson, Harrison (624-8500)

### Ex Officio Member(s)

Joe Coburn, Mercer (487-8306)

### District 1-- Western Division

Don Mason, Marshall (845-0482)

Scott Lemley, Wetzel (455-8217)

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### District 1 -- Eastern Division

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Bernie Fazzini, Harrison (624-8500)

### District 2 -- Western Division

Agnes Queen, Lewis (269-8200)

Jerry Linkinoggor, Clay (587-4259)

### District 2 -- Eastern Division

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Donnie Tenney, Upshur (472-0535)

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### District 3 -- Eastern Division

Chuck Armentrout, Webster

(847-5780)

Jack Woodrum, Summers (466-7100)

Denise Scalp, Fayette (574-4290)

### CCA WV

2309 Washington Street East

Charleston, WV 25311

(304) 345-4639

[info@ccawv.org](mailto:info@ccawv.org)

Vivian Parsons

**Executive Director**

[vivian@ccawv.org](mailto:vivian@ccawv.org)

Jennifer Webb

**Administrative Assistant**

[jennifer@ccawv.org](mailto:jennifer@ccawv.org)

## Spotlight on a County Commission: Fayette County

**Crowning achievement:** The development of a \$60 million regional water system that has provided potable water to more than 3,000 new customers, and enhanced the service for additional 10,000 users.

**Best advice for other County Commissions:** Don't overspend.

**Funniest thing to ever happen at a Commission Meeting:** The County Sheriff presented the Commission with a request for funding for a new roof on soaking wet documents.

**Commission Staff:** Deborah Berry, County Administrator; Stephanie Sears, Staff Accountant; Debbie Aliff, Payroll Clerk; Dave Pollard, Res. Coordinator; Jackie Hickman, Secretary.



**Matthew Wender**

**Place where I grew up:** Oak Hill, WV.

**Real Life Occupation:** Retired-Investment Manager w/WV Jobs Investment Trust.

**Years Experience as a County Commissioner:** 12 years.

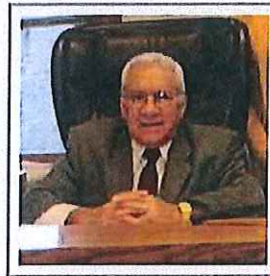
**You would be surprised to know that I:** Became a CPA at the age of 46.

**My personal philosophy:** Fairness and Honesty.

**What I like most about being a County Commissioner:** Being in a position to make a positive difference in the future of Fayette County.

**What I like least about being a County Commissioner:** Frustration of Bureaucracy.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** My father who was a candidate for the Fayette County Commission in 1964. He is the reason for my interest in Public Service.



**John H. Lopez**

**Place where I grew up:** Powellton, WV.

**Real Life Occupation:** Retired Technician with AT&T and Lucent Technologies.

**Years Experience as a County Commissioner:** 3 1/2 years

**You would be surprised to know that I:** Was a golden glove champion.

**My personal philosophy:** Always be honest and do your best.

**What I like most about being a County Commissioner:** Trying to help the residents of Fayette County.

**What I like least about being a County Commissioner:** People getting upset when you can't help them.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** My predecessor, Dr. Clinton Stallard. I would discuss the changes in County Government as they are today.



**Denise Scalph**

**Place where I grew up:** WV and VA.

**Real Life Occupation:** Retail Shop owner and operator.

**Years Experience as a County Commissioner:** 2 years

**You would be surprised to know that I:** Worked in a dental office for 15 years.

**My personal philosophy:** "What lies behind us and what lies before us are tiny matters compared to what lies with in us!"

**What I like most about being a County Commissioner:** Being instrumental in helping to improve the quality of life for the people of Fayette County.

**What I like least about being a County Commissioner:** Closed minded people who do not embrace diverse, healthy discussion.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** My dad, Commissioner Ken Eskew. I would like to ask his thoughts on the activities and projects in Fayette County.

## County Commission Outreach

Bringing public awareness to the office of County Commissioner



### Cabell County Shares Jail Cost Containment Method

After the regional jail summit several weeks ago, several of the best practices for cutting costs have been implemented or are in the development stages all across our state.



We have received numerous call and emails about one of our own that we have started here in Cabell County. There really is no title for the process other than simply "the pre-trial meeting", but it does reduce the number of inmate days, which in turn yields Cabell County great monetary return.

Each Wednesday morning a member of the prosecutor's office, representatives from Cabell County Alternative Sentencing programs (home confinement and day report), the public defender's office, the commission office, the Chief of Police of the City of Huntington, as well as victim's services gather to discuss processes for releasing inmates that are awaiting trial and possibly a candidate for alternative sentencing.

The criteria studied includes, prior record, current offense and history in these programs. They also determine as to what

program would best suit the particular individual if alternative pre trial supervision is appropriate for release. This may include drug screens, check -ins or monitoring through home confinement bracelet or GPS.

On average we are able to discuss 10-15 incarcerates weekly for potential release. Our pre-trial officers also attend court daily, as well as meet daily with Home Confinement and officials of the judiciary to ensure that nonviolent offenders that are appropriate for release aren't adding additional burden to our jail costs and fees.

For further information on our meetings or programs I invite you to contact our offices of Alternative Sentencing, Prosecutors office or the Commission Office. We also are always looking for new and creative ideas for programming and reduction of recidivism thus reducing jail costs while maintaining public safety.



### Calendar of Events

**December 14, 2012**  
Regional Meeting-Region 1  
Fayette County Courthouse

**December 17, 2012**  
Regional Meeting-Region 2  
Jackson County Courthouse

**December 19, 2012**  
Regional Meeting-Region 3  
Chief Logan State Park



**February 24-27, 2013**  
CCA Legislative Association  
Meeting Marriott, Charleston

**May 19-20, 2013**  
CCAWV Spring Board  
Meeting The Blennerhassett  
Parkersburg, WV



### Knowledge, Experience & Reputation.

Trusted by County Commissions throughout West Virginia.

405 Capitol Street  
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Charleston, WV 25301  
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"This is a monthly publication for county commissioners and their staff, Associate members and other interested parties."

Dear Members of the Jefferson County Commission,

It is this time of year that we reflect upon the good and blessings we receive throughout the year,

The County Commission of Jefferson County has been extremely generous to the Animal Welfare Society of Jefferson County this year.

On behalf of the Board of Directors I'd like to thank you for all you have given to us, as well as attending our fundraisers. Community service is very important and we thank you for recognizing our contribution to the community.

Merry Christmas to all!  
(And especially to you!)

Sincerely,  
Annaz May Walsh  
Member  
Board of Directors



Shepherdstown Day Care, Inc.  
Child Development Center

## Shepherdstown Day Care

### Board of Directors

**Patty J. Martineau**  
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Vice President

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**Judy Ann Marcus**

**Donn Marshall**

**Cindy Morrow**

**Lori Robertson**

**Brett Basham**  
Parent Representative

**Hannah Lloyd**  
Parent Representative

**Melissa Holman**  
Center Director

December 2012

*lyn*  
Dear Friend:

I am pleased to enclose Shepherdstown Day Care's annual report, which details the progress we've made over the past twelve months, both in services to our families and improvements to our facility on East German Street in Shepherdstown.

At this time of year, all of us at the center are counting our blessings! Thank you for your friendship. We appreciate your continued support and backing, and we're most grateful for the confidence you've shown in our mission.

The Board, staff and children at Shepherdstown Day Care join me in wishing you a very happy holiday season.

Sincerely,

Patty Martineau  
President, SDC Board of Directors

*Thank you for your support!*

Enc: 1

Shepherdstown Day Care  
P.O. Box 388  
Shepherdstown, WV 25443  
(304) 876-6923

e-mail: [shepdaycare@citlink.net](mailto:shepdaycare@citlink.net) website: [www.shepherdstowndaycare.org](http://www.shepherdstowndaycare.org)

**FRIENDS**  
*of* **MUSIC**  
PROMOTING MUSICAL EXCELLENCE

December 15, 2012

Dear Friend of Music,

The Friends of Music, now in its twelfth year of operation, is a non-profit organization committed to promoting musical excellence at Shepherd University and throughout the entire region. We support a thriving music program in our community for our families, for the Shepherd University students, and for you. We sponsor a guest artist musical series at the Frank Center, which involves master classes for students given by the artists. We have founded and underwrite the Two Rivers Chamber Orchestra. We also provide financial support to music students at Shepherd University.

Over the years, more than \$115,000 has been distributed directly as fellowships, stipends, and educational travel assistance to over 250 Shepherd students. This has been possible only through the kindness and generosity of those of you in the community who care about our young people and enriching your community.

This academic year, the Friends of Music is investing in the future of nine music students designated as Friends Fellows. Their dream is to become renowned instrumentalists, vocalists, and the music educators of the next generation. I enclose a copy of the very recent article in the Shepherdstown Chronicle introducing the Fellows. I hope you'll take a moment to study the faces and the next time you attend a concert at Shepherd perhaps you'll recognize a face on the stage or in the audience.

Would you consider a special year-end, tax-deductible donation to the Friends to support our commitment to promoting musical excellence in this region? Musical productions are expensive and our ticket revenues do not cover our costs. We need your help. Your donation could be designated for the Friends Fellows or given simply to support our music programs in the community. Whatever you give, you'll get a sincere "thank you" from all of us. Your gift will enrich our community and reach beyond by providing opportunities now and for the cultural leaders of tomorrow.

Sincerely,



Neal Barkus  
President, Friends of Music

**RECEIVED**

DEC 17 2012

**Jefferson County Commission**

# The Magic of Music Recognized

November 23, 2012  
Toni Milbourne - Chronicle Editor,  
Shepherdstown Chronicle

**Nine students** have been rewarded for their hard work via The Friends of Music at Shepherd University. The nine have been selected as Friends Fellows and have been awarded scholarships by the FOM group. The scholarship can be used to help with studies within the music department at Shepherd or with whatever other financial need the student may have.

Each of the 2012-13 Fellows were thrilled to receive such a high honor. Selected this year were two seniors, five Juniors and two sophomores within the music department.

Jorge Alvarez, a senior cellist, explained that his whole family is musical so it was a logical conclusion that he would study music. A native of Venezuela, Alvarez shared that he does not see his family often and that living alone in a foreign country sometimes becomes difficult.

"I am grateful for the Friends of Music encouraging us to pursue our dreams," he said. "To know that the faculty here knows and recognizes the work that we put in, it is amazing to hear that," he said.

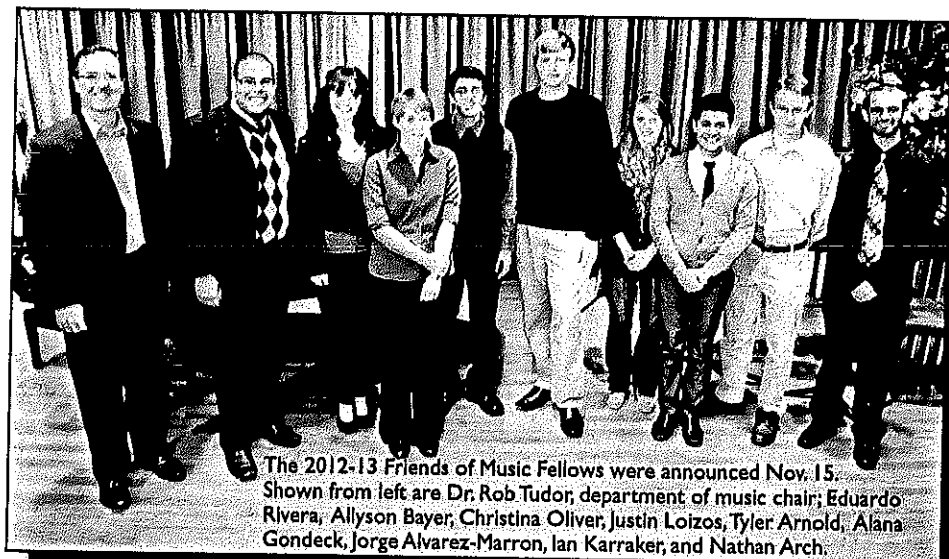
The Friends are nominated for the scholarships by their professors who work with them daily and know their work ethic and dedication to their education.

Alana Gondeck, a junior bassoon player from Frederick, Md. shared Alvarez's sentiments of gratitude. Amid tears, she said, "The fact that the faculty has selected us...that they see the work I have put in." She went on to commend those who donate to the Friends organization saying, "It is unbelievable that these people who don't know us and may have never seen us perform to give us money to continue to do what we love..."

Gondeck plans to use her scholarship money to attend a summer music program as well as invest in reed making supplies.

Eduardo Rivera, a junior specializing in vocal performance, shared that music has always been a part of his life. He sang with his father, a military pastor, and received inspiration from the church.

"I want to teach and use music to inspire others," he said. He plans to use his monetary award to help with books and other school supplies. Working three jobs to help pay for his schooling, Rivera said he was very grateful for the assistance from the Friends as well as for all that group does to support the music department at Shepherd.



The 2012-13 Friends of Music Fellows were announced Nov. 15. Shown from left are Dr. Rob Tudor, department of music chair; Eduardo Rivera; Allyson Bayer; Christina Oliver; Justin Loizos; Tyler Arnold; Alana Gondeck; Jorge Alvarez-Marron; Ian Karraker; and Nathan Arch.

Allyson Bayer, also a voice major, agreed that the financial contribution was appreciated, but even more so is the support given by the Friends to the music department.

"They are at every concert," she shared. "They are a solid group that provides such a support system to us."

A sophomore at Shepherd, Bayer explained that she has been singing as long as she can remember. She plans to go on to graduate school after Shepherd where she will concentrate on vocal performance. "I'm not sure where I will end up next," she laughed.

The financial award she gained through the Friends program will be put to use toward a trip to France with the music department in the spring.

Trumpet player Tyler Arnold, a junior, also focuses on composition while at Shepherd. He hopes to use his scholarship money to travel to New York City to check out graduate schools.

"It is amazing what the Friends of Music accomplish here," he said. He pointed out that the group brings outstanding concert series to campus as well as sponsoring an orchestra, The Two Rivers Chamber Orchestra.

"I thank you not just for the money but for the enhancement of our experience here," Arnold said.

Christina Oliver, a senior focusing in percussion, explained that music has always been important to her. With hopes of teaching in her future, Oliver shared that she will use the scholarship to help pay for her final semester at Shepherd.

She shared that she has played with the Two Rivers Orchestra and echoed the sentiments shared by Arnold.

"How many people can say they have done this?" she asked.

Nathan Arch, a junior pianist, told about playing a trombone in high school in the marching band.

"I always liked piano," he said. He plans to further his education through graduate studies in piano performance.

"I wouldn't mind teaching in the college setting," he shared.

He plans to use part of his scholarship money to join the group heading to France in the spring as well as to pay for books.

Arch said that often he feels that a lot of what he does in his studies goes unnoticed and to be recognized by the Friends of Music in an honor.

Ian Karraker, a sophomore at Shepherd, plays violin and studies composition. He has hopes to attend graduate school after Shepherd to study film scoring.

His plans for the scholarship include paying some of his student loans and using part of the funds toward a trip to Europe for a composition workshop in Italy.

"It is very gratifying in a sense, that you work hard and something like this [winning the scholarship] can happen," he said. "We're all broke college students," he laughed. "The scholarship offers a helping hand and I am very thankful for it."

Justin Loizos, a junior saxophonist, shared that had wanted to play drums, but his mother said no. She suggested a saxophone, an instrument he said he didn't know. He laughingly shared that his mother told him it was what Lisa Simpson played on *The Simpsons*, so he said okay.

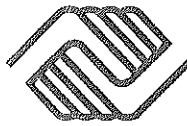
Of his experience at Shepherd, Loizos said, "I am learning way more than I ever thought about music. It's wonderful!" He plans to use his scholarship money toward recording software and programs as well as reeds and music.

The Friends of Music and fellowships they provide allow our music students to take advantage of extraordinary opportunities that they otherwise would not have.

Sue Kennedy, a member of the Friends of Music, told the Fellows, "We love what you do. That's why we're here."

ADMINISTRATIVE OFFICE  
MARTINSBURG, WV  
304-263-1832  
304-263-1833 FAX

BERKELEY COUNTY UNIT  
MARTINSBURG, WV  
304-263-2696  
304-263-8848 FAX



**BOYS & GIRLS CLUB**  
OF THE EASTERN PANHANDLE  
P.O. Box 1184  
MARTINSBURG, WV 25402

JEFFERSON COUNTY UNIT  
CHARLES TOWN, WV  
304-728-3143  
304-724-7650 FAX

MORGAN COUNTY UNIT  
BERKELEY SPRINGS, WV  
304-258-6741  
304-258-5012 FAX

December 17, 2012

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414  
Fax (304) 725-7916

Received

DEC 17 2012

Jefferson County Commission

Dear Commissioners:

The Boys & Girls Club of the Eastern Panhandle is very grateful for the Jefferson County Commission's allocation to the Club of \$2,000 for the 2012-2013 fiscal year. At this time we are requesting the funds you have allocated to the Club be released and sent to the organization at PO Box 1184 Martinsburg, WV 25402. Please let us know if we need to provide any additional documentation for the release of the allocation.

As requested, these funds were used for general operation of our after school and summer programs. The support of the Jefferson County Commission helped the Boys & Girls Club of the Eastern Panhandle – Jefferson County Unit to serve 259 registered members in 2011 (complete 2012 figures are still being compiled). The Jefferson Unit currently has 5 paid staff and 1 Shepherd University work study students.

As you know, the Boys and Girls Club is a private, non-profit youth center that is not solely funded by any Federal, State or Local government agency. The Club must raise all of the money required to fund our facility and programs through various fundraisers, grants partnerships and individuals. The relationship with the county allows the Boys & Girls Club to continue to provide a safe and caring atmosphere for the communities' children.

I would like to invite each of you to come down to one of the Club, take a look at our facilities, see the progress we have made and thanks to your partnership, learn about the plans we are able to be making for the future. We are here to help the communities' kids find a nurturing place today and a *positive* future tomorrow.

Thank you for helping us to *inspire and enable all young people, especially those who need us most, to realize their full potential as productive, responsible and caring citizens.*

Sincerely,

Stefani A. Pierson  
Executive Director

MAIN OFFICE  
P.O. Box 1882  
7311 Martinsburg Pike  
Shepherdstown, WV 25443



P: (304) 876-3325  
F: (304) 876-1645

www.gsivc.org

Good Shepherd Interfaith Volunteer  
**CAREGIVERS**  
A Faith In Action Program

December 10, 2012

*We could not do what we do without you!*

Mr. Tim Boyde  
Jefferson County Commission  
P. O. Box 250  
Charles Town, WV 25414-

Dear <sup>Tim</sup> Co. Administrator,

I would like to personally thank you for your \$20,000.00 donation in support of Good Shepherd Caregivers' mission.

As I'm sure you are aware, funding organizations like ours is a constant struggle, and it is donors like you who lift our spirit and those we serve. Without your support, our ability to meet the ever growing needs of the disabled and homebound in our county would be difficult to meet.

On behalf of all at Good Shepherd Caregivers, thank you for your gift.

Sincerely,

*Paula*

Paula Marrone-Reese  
Executive Director

**RECEIVED**

DEC 21 2012

**Jefferson County Commission**

All financial contributions support Good Shepherd's programming throughout Jefferson County. GSIVC is a 501(c)3 non-profit organization, making your gift eligible for a tax deduction. We acknowledge your contribution and affirm that we provided no goods or services in consideration (no *quid pro quo*) for your gift. Please keep this letter with your tax records.

MAIN OFFICE  
P.O. Box 1882  
7311 Martinsburg Pike  
Shepherdstown, WV 25443



P: (304) 876-3325  
F: (304) 876-1645

[www.gsivc.org](http://www.gsivc.org)

Good Shepherd Interfaith Volunteer  
**CAREGIVERS**  
A Faith In Action Program

## “Gift of Hope”

---

December 18, 2012

Dear Patsy,

I am offering you a chance to share a message of hope by donating to our “Gift of Hope” campaign. Your gift will enable us to provide volunteers and various resources to local residents in need. Here are some common needs we hear at Good Shepherd:



*I have kidney failure. Can you take me to dialysis? I have lung disease. Do you have a hospital bed I can use? I'm in a wheelchair and can't get down my steps. Could you build me a ramp? Please, Good Shepherd, can you help me? I'm afraid! I don't remember the last time I ate. Can you take me to the grocery store?*

Please help assure an aging senior will get to and from their dialysis treatment even on holidays and weekends.

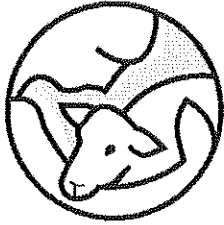
Let us bring comfort to those who are lonely and frightened and have no one else to call for help.

As the Executive Director, I am asking you to send a meaningful gift of hope, knowing your donation is the reason Good Shepherd Caregivers can provide our many services without a charge to those who need them the most.

Warmest regards,

*Paula*

Paula Marrone-Reese



# Good Shepherd Caregivers

*A Neighbor's Independence Depends on You!*

CFC # 36613

## 22 Years of Volunteer Caregiving: 1990-2012

- MISSION**      *A Faith in Action* program providing non-medical volunteer caregiving to home-based older adult and/or disabled Jefferson County residents to promote independence, security and well-being.
- GOALS**        To enhance independence, dignity, security and quality of life among the homebound, regardless of income or family situation ♦ To create a stronger, more caring community in Jefferson County by mobilizing resources and support from faith congregations and the wider community ♦ To reach out to our neighbors in need, filling the gaps left by formal support services
- HISTORY**      Good Shepherd is the oldest *Faith in Action* program in West Virginia ♦ “Many different faiths — One common goal” ♦ Incorporated in 1990 when 3 local individuals, 8 faith communities, and 1 civic organization saw a need for “friendly and neighborly acts of kindness” ♦ Seed funding from The Robert Wood Johnson Foundation with matching community support ♦ Caregivers’ Business Council formed in 1998 to encourage local corporate giving ♦ Guild of Honor established in 2000 to recognize cumulative philanthropy greater than \$500
- FREE SERVICES**      Transportation to and from medical appointments, grocery stores, and hair salons ♦ Yard work ♦ Reassurance phone calls ♦ Household chores ♦ Fix-it projects ♦ Snow removal ♦ Meal preparation ♦ Visits ♦ Medical equipment loan program
- COALITION**      Educational resources and technical support from the National Volunteer Caregiving Network ♦ Collaboration with 28 health and social service agencies ♦ Funding from faith organizations, community members, civic organizations, and foundations

### FY12 PROGRAM SUMMARY

Factoids: Average hourly monetary value of volunteer time is \$21.79/hr. (<http://www.independentsector.org>), taking into consideration our nearness to Metro area; allowable vehicle expense is 51 cents/mile.

|       |                     |           |                    |
|-------|---------------------|-----------|--------------------|
| 130   | volunteers          | 22,205    | service hours      |
| 236   | care receivers      | 94,504    | miles logged       |
| 5,811 | caregiving services | \$125,000 | WorkCamp materials |

**IMPACT: Monetary value of volunteer service to Jefferson County is \$657,044!**

**Paula Marrone-Reese**  
Executive Director  
[director@gsivc.org](mailto:director@gsivc.org)  
(304) 876-3325



**FAITH  
IN ACTION**

## Board of Directors

David Asam

Brett Basham

Bobbi Blok

John Brown

Alice Chakmakian

Hannah Lloyd

Judy Marcus

Donn Marshall

Patty Martineau

Cindy Morrow

Lori Robertson

Cari Sherwood

Heather Thorn

Dale Drennen Walter

Melissa Holman,  
SDC Director



## Shepherdstown Day Care Annual Report 2012



SDC is a partner agency of  
United Way of the Eastern Panhandle



United Way  
of the Eastern Panhandle

Combined Federal Campaign #92626

Shepherdstown Day Care  
P.O. Box 388, Shepherdstown, WV 25443

(304) 876-6923

shepdaycare@citlink.net

www.shepherdstowndaycare.org

## A Letter from the President of the Board

Once again I can report a very successful year at SDC! We have much to celebrate: first and foremost our outstanding program. Visitors to the center are astonished by what they see and hear in our classrooms, from babies enjoying some “tummy time”, to little ones singing songs in Chinese, Spanish or German, three-year-olds carefully writing their names, the pre-K’s working with math manipulatives—things that look like fun but are really full-on learning activities. Our children receive first-rate instruction and loving care, and all reports indicate that children going on to elementary school from our program are superbly well prepared.



We have much to be grateful for, including the support received from the community through our annual fund appeal, and successful fundraising events like our annual Wine Auction and Run By the River. We are grateful for operational support from the United Way of the Eastern Panhandle, from the Jefferson County Commission, and the substantial gifts received from Ronald McDonald House Charities and AHA! for our inventive arts program that includes pottery, dance and movement classes, and musical performances. We were delighted to receive funding from the state Community Participation Project Grant program that will enable us to finish our parking lot, and are grateful to Senators Herb Snyder and John Unger for facilitating this award.

**Thank you for your support! Shepherdstown Day Care gratefully acknowledges the contributions of individuals, businesses, foundations and organizations in FY 2011-2012.**

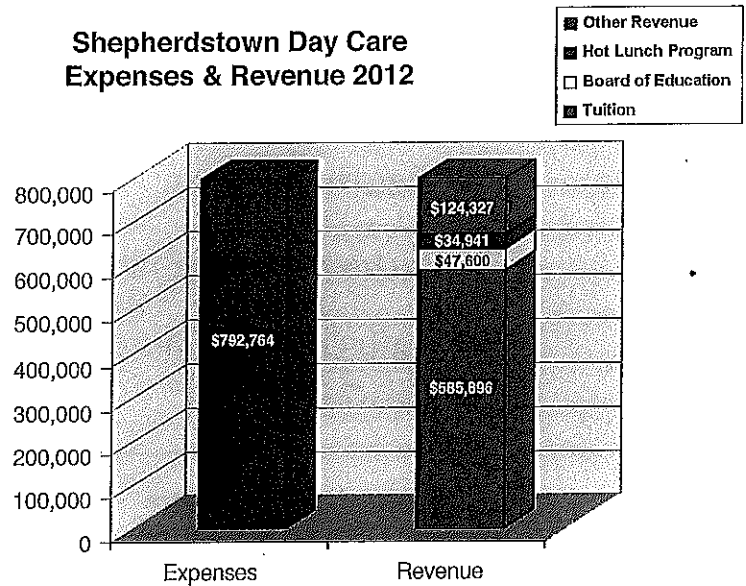
**Platinum Plus (\$5,000+)**  
 Arts & Humanities Alliance of Jefferson County  
 Jefferson County Commission  
 Ronald McDonald House Charities (Global)  
 Ronald McDonald House Charities of Greater Washington, DC  
 Eric & Gloria Sundback  
 United Way of the Eastern Panhandle  
 Henry & Louise Willard

**Platinum (\$2,000-4,999)**  
 Jack Lantzy & Nancy Strine  
 Neal & Patty Martineau  
 River Valley Child Development Services  
 W. Randy Smith Donor Advised Fund/EWVCF  
 Trinity Episcopal Church  
 West Virginia Commission on the Arts  
 West Virginia Dept. of Health & Human Services

**Gold (\$1,000-1,999)**  
 Brett & Anne Basham  
 Neal & Alice Barkus  
 Jefferson Security Bank  
 Patrick Morrissey  
 Brian Palank, DDS  
 Robert & Linda Reynolds  
 John & Heather Thorn  
 Henry & Dale Walter/  
 Home Hill Foundation



**Shepherdstown Day Care Expenses & Revenue 2012**



**Silver (\$500-999)**

Arts and Humanities Alliance  
of Jefferson County/AHA!  
David & Adrienne Asam  
John Bresland  
Christ Reformed Church  
Grant & Carole-Ann Davies  
Gannett Foundation  
Katie Goldsmith  
Ronald Grubb  
Erik & Jennifer Janus  
Stan & Judy Jones  
Thomas & Penny Miller  
Potomac-Mecklenburg  
Garden Club  
Bonnie Sitman & Don Briggs  
Skinner Law Firm  
Trinity House Thrift Shop  
Kathryn Tustanowski  
Jack & Gretchen Weigel  
Fund of the Lutheran  
Community Foundation  
Peter & Lynn Wilson

**Bronze (\$150-499)**

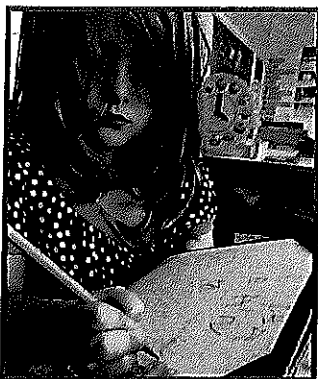
Accurate Systems  
Erwin & Carol Asam  
J.D. Brown  
Richard Brown  
Edward & Ros Burns  
Dabney Chapman  
Frances Christman  
Larry Dean & Mina Goodrich  
Thomas & Sandy D'Onofrio  
Honor Dorsey  
John Griffith  
Darren Hine  
Rob & Mary Logan Hoxton  
Hannah Lloyd  
George Moody  
Saundra S. Moreland  
Bob & Cindy Morrow  
John Quinn & Tammy  
Obendorfer  
Tom & Cheryl Riley  
R.M. Roach & Sons  
Sherman Ross  
Stephanie Shields  
Bob & Cari Sherwood  
Stephen Skinner  
Peter & Victoria Smith  
Mary Stanley & Bob Smith  
Darlene & Brian Truman

"We want to thank all of you at SDC for the wonderful care, attention and love you provide for our little one. Her teachers helped her meet and surpass milestones and have made her into the wonderful child she is today. Many thanks for your nurturing, creativity and, most of all, love."  
—Jay, Lisa and Giana Romba

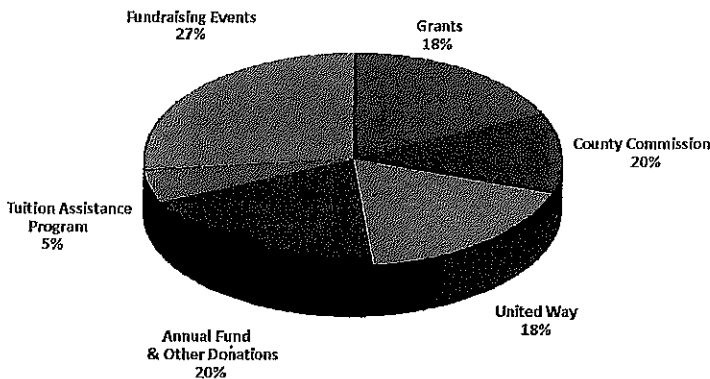
**Friends (\$1-149)**

Martin & Elise Baach  
Frank & Deborah Basham  
David & Carolyn Bryant  
Alice Chakmakian  
Helena Cole  
Mark Cucuzzella  
Frank & Becky Deem  
Maggie Drennen  
John Foxen  
Charles & Joan Garten  
Roy & Flora Henderson  
Patricia Hubbard  
Ann Johnston  
Roland Johnson  
Sue Kennedy  
Ronald & Judy Kepple  
Dick & Kathy Klein  
Melinda Y. Landolt  
Alan & Jane Levitan  
Judy Marcus  
Thomas Miller  
Carl & Judith Moore  
Pill & Pill, PC  
Lori Robertson &  
Chris Crawford

S2 Analytical Solutions  
Paul & Jane Sechler  
Capt. John Schley, USN (Ret.)  
Alex & Carline Shaw  
Mark & Susan Smith  
Marie Q. Snowden  
Edna Snyder  
Jane Snyder  
Raymond Staubs  
Robert Stone  
Alan & Libby Sturm  
Jim & Kate Tenant  
Jerry & Vicky Thomas  
Randall Tremba  
United Bank  
Frank & Annette Van Hilst  
Brad & Judy Waldeck  
Lucille Waltz  
Paul & Lisa Welch  
Rose Marie Wilson  
Roy Winkel  
Dwight & Donna Wolfe  
Harry & Bertha Wright  
Lynn & Chess Yellott  
Jack & Martha Young



**Other Revenue  
\$124,327**



"Thank you for all you've done for my son in preparing him for kindergarten. I feel very fortunate to have such a great place to take him, and it's so nice to drop him off at a place he enjoys."  
—Jenny McCulley

**SDC also thanks the following individuals and businesses for in-kind gifts and services received during the year.**

Ambassador Flag Company  
 The Asam Family  
 Bavarian Inn  
 Blue River  
 Brett & Anne Basham  
 Devonshire Arms  
 Doukenie Winery  
 FlyEye Designs  
 Alan & Jill Harner  
 Debra Hiergeist  
 Hollywood Casino at Charles  
 Town Races  
 Harold Holman  
 Journal & Chronicle  
 newspapers  
 Kiwanis Club of  
 Shepherdstown  
 Laurin & Phyllis LeTart  
 Eric & Joy Lewis  
 Hannah Lloyd  
 Lotus Skincare & Wellness  
 Donn & Heather Marshall  
 Neal Martineau  
 Page Martineau & Anthony  
 Nastus  
 The Press Room  
 Progressive Printing  
 Maryland Symphony  
 Orchestra  
 Mimslyn Inn  
 Steve & Susan Mitchell  
 Densil & Cindy Nibert  
 Packhorse Ford Chapter,  
 Daughters of the American  
 Revolution  
 David & Cari Rosen/Plum  
 Lori Robertson

Jeffrey Rubino, DDS  
 Bradley Sanders Designs  
 Judy Shepherd  
 Shepherd University Day of  
 Sharing volunteers  
 Shepherdstown Fire  
 Department  
 Shepherdstown Liquors  
 Shepherdstown Police  
 Department  
 Kenny Shipley  
 Smallwood & Small  
 Insurance  
 Diana Suttentfield  
 Surebet Vending Services  
 John & Heather Thorn  
 Two Rivers Treads  
 Kay Turner  
 United Way Day of Caring  
 volunteers  
 U.S. Silica Co.  
 Hank & Dale Walter  
 Harry Wright  
 Yellow Brick Bank  
 Many anonymous gifts  
 from the community to  
 "ReWrap", SDC's holiday  
 event

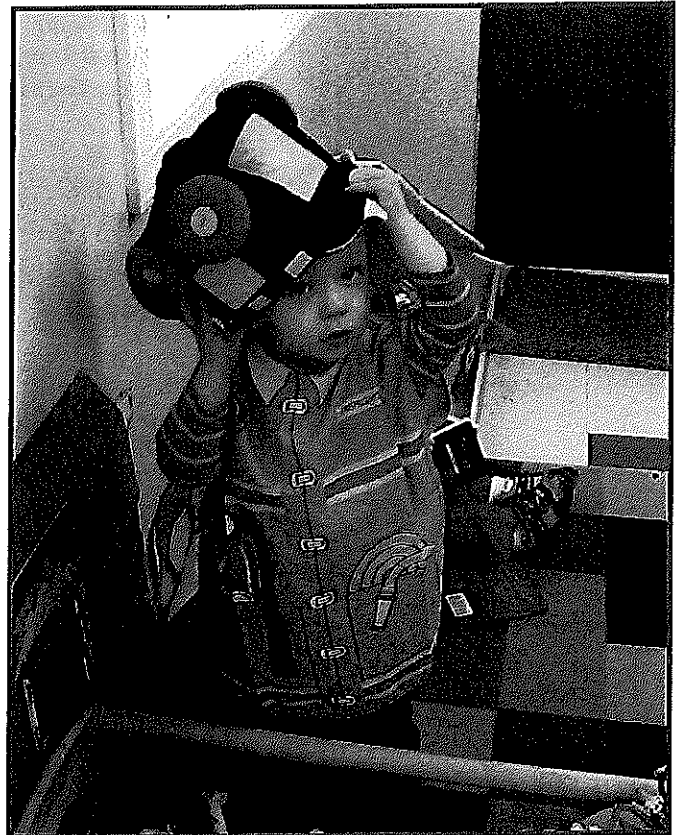
*We have made every effort to accurately list SDC's loyal supporters. If your name has been omitted, please accept our apologies.*

One cloud on our otherwise clear horizon is the governor's decision to radically reduce support for the state's child-care subsidy program. This directly impacts our mission, and we will continue to work with our representatives in Charleston to reverse this decision, so injurious to the families we serve.

We are blessed with a caring, talented staff, able, dedicated administrators, and a committed hard-working board. We are blessed in the children and families we serve—from the littlest "Sprouts" to our schoolagers. Above all, we are grateful for your confidence and support, and all you have done to help make SDC such a vibrant, thriving institution.

*Patty Martineau*

Patty Martineau  
 President, SDC Board of Directors



# Ethics Reporter

## Since the Last Reporter

Since the October 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 December 6 meeting, the West Virginia Ethics Commission approved opinions relating to the permissibility of a state agency appropriating funds to an organization on whose board agency officials serve, the permissibility of a local health department accepting contributions from a charitable foundation for the benefit of other public health-related organizations, and the

permissibility of a conservation district awarding a scholarship to the child of a supervisor for the district.

### ADVISORY OPINION REPORT

**Advisory Opinion 2012-42** concerned the permissibility of a conservation district awarding public funds in conveying a scholarship to the child of a district supervisor.

In this instance, conservation districts are created in state code and are governed by elected supervisors under the jurisdiction of the state's conservation committee. Districts have investigatory and regulatory powers to a degree, along with the power of condemnation.

The districts have limited power to provide financial aid to fulfill their purposes. A district has created a scholarship program to further the education of individuals who are seeking to

further the purposes of the district. One of the applicants for a scholarship is the child of a supervisor.

Of interest to the Ethics in reviewing this case were the provisions of 6B-2-5(b) prohibiting a public official from using their office for their own private gain or for the benefit of another, along with the language of 6B-2-5(d)(1) prohibiting public officials from having an interest in a contract over which they have authority or control.

In addition, the Commission examined the rules governing voting by public officials found at 6B-2-5(j) and the provisions of Chapter 61-10-15 making it unlawful for a county or district officer to have direct or indirect pecuniary interests at stake in matters over which they exercise voice, influence or control.

In its opinion, the Commission determined

**December, 2012**  
**Page Two**

that, based on a complete review of all applicable areas of the Code, it is not clear that a conservation district has the power to award scholarships. The Commission suggested that the district obtain an opinion from the Attorney General on the permissibility of the program.

The Ethics Commission opined that, if conservation districts are permitted to award scholarships, there would be no restriction on the child of a district supervisor receiving one for \$500 as long as the supervisor properly recused themselves from the decision-making and voting processes for the award. The Commission ruled that the award of \$500 fell under the statutory minimum of \$1,000 to meet the test of being a prohibited "personal interest."

The Commission further reiterated previous decisions ruling that conservation districts are not subject to the strictures of Chapter 61-10-15.

**Advisory Opinion 2012-43** concerned the permissibility of a local health department using funds from a charitable foundation to also support other organizations with missions related to public health.

A local health department has been serving as a pass through agency for funding between a private foundation and two private organizations. One organization is an association of local health departments and the second is a separate non-profit group that was established by the association to further its mission and does not have any health department or state officials on its board.

In this case, the Commission analyzed the language of 6B-2-5(b) prohibiting a public official from using their position to produce a private benefit for themselves or another, and of 6B-2-5(c)(1) prohibiting a public official from soliciting a gift unless it is for a charitable purpose with no pecuniary benefit

attributable to the official.

In its opinion, the Commission determined that its previous opinions on this topic had been complied with in terms of the structure of the organizations and board members in order to eliminate potential conflicts in awarding grant funds.

Given the unique circumstances of the situation and the fact that steps have been taken to properly administer the programs in question, the Commission ruled that the proposed arrangement where the association serves as a pass through entity for purposes of receiving grants is permissible.

**Advisory Opinion 2012-44** concerned the permissibility of a state agency appropriating money to an organization on whose board public officials from the agency serve.

In this case, the state agency exists to promote and foster volunteerism and similar missions complementary to the federal Americorps

program. The agency has been cooperative with the establishment of another non-profit organization with a similar mission and on whose board the agency director and its board chairman serves. The state agency would like to contribute \$1,500 to the non-profit group and is concerned over the service of its officials on the group's board.

The Commission analyzed 6B-2-5(b) prohibiting public officials from using their positions for private benefit or to generate private benefits for another and 6B-2-5(j) outlining the restrictions faced by public officials in voting in certain circumstances.

In this case, the Ethics Commission ruled that the prospective granting of \$1,500 to the organization in question is de minimus considering the state agency's overall budget of \$4 million and would, therefore, be permissible provided that it is permissible under its budget and statutory mission.

The Commission further ruled that the agency director would not have to recuse themselves when participating in the grant and the secondary group because he was assigned by the agency to this role as a part of his regular duties. In the instance of the agency's board chairman, the Commission ruled that they would need to recuse themselves from decisions involving the awarding of money to the non-profit group.

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**WEST VIRGINIA ETHICS REPORTER** is published by West Virginia Ethics Reporter, Inc., P.O. Box 1403, Charleston, WV 25325 and is in no way affiliated with the West Virginia Ethics Commission. For subscription information or subscriber services, call 1-304-545-8227. Copyright 2012 by West Virginia Ethics Reporter, Inc. All rights reserved. No part of this newsletter may be reproduced in any form, by microfilm, xerography, or otherwise, or incorporated into any information-retrieval system, without written permission of West Virginia Ethics Reporter, Inc.

**WEST VIRGINIA ETHICS COMMISSION**  
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**2012-03: [CORRECTED ADMINISTRATIVELY]**

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**2012-44:**

Permissibility of a state agency appropriating funds to an agency on whose board related public officials serve (See also STATE GOVERNMENT)

**MISCELLANEOUS**

NONE PUBLISHED

## ADVISORY OPINION NO. 2012-42

Issued On December 6, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

## OPINION SOUGHT

A **Conservation District** asks whether it may expend public funds to award a \$500.00 scholarship to a District supervisor's child who resides with his parents.

2012 DEC 10 AM 9:08  
OFFICE OF THE ATTORNEY GENERAL  
SECRETARY OF STATE

## FACTS RELIED UPON BY THE COMMISSION

Conservation Districts were created to conserve land from soil erosion. See W.Va. Code § 19-21A-2. The Districts are governed by the "Conservation Districts Law of West Virginia", codified in W.Va. Code § 19-21A-1, *et seq.* The Conservation Districts Law provides that a District's governing body shall consist of ten elected supervisors (sometimes referred to as "board of supervisors").

A District may consist of land in one or more counties. Land owners in one or more counties may form a District by petitioning the State Conservation Committee.<sup>1</sup> Each county in a District shall elect two non-partisan supervisors.<sup>2</sup> The majority of the Districts consist of two or more counties. However, the District at hand encompasses only one county.

There are 14 conservation Districts in West Virginia. They are overseen by the State Conservation Committee (sometimes referred to as "the Committee"), a state agency. See W.Va. Code § 19-21A-4. The Committee is charged with keeping the District supervisors organized and informed under the provisions of W.Va. Code § 19-21A-1, *et seq.* The Committee is authorized to expend its money, services or materials in part to the various conservation Districts in order to assist them in carrying on their operations. See W.Va. Code § 19-21A-4 (f)(6).

The Districts have statutory power to conduct investigations into the condition of soil erosion and floodwater and sediment damage. See W.Va. Code § 19-21A-8(1). The Districts are to carry out preventive and control measures and works of improvement within the district, including but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land. See W.Va. Code § 19-21A-8(3). The Districts have the power of condemnation. See W.Va. Code § 19-21A-8(5).

The statutory power to provide financial aid is limited. The Districts are authorized "to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the District in the carrying on of erosion-control and prevention operations and works of

<sup>1</sup> W.Va. Code § 19-21A-14 when read in conjunction with 19-21A-5 as amended in 2002.

<sup>2</sup> W.Va. Code § 19-21A-6. Counties which meet the population requirements shall elect additional supervisors in accordance with this code section. *Id.*

improvement within the District, subject to such conditions as the supervisors may deem necessary to advance the purposes of this article." See W.Va. Code § 19-21A-8(4).

The Requester has implemented a scholarship program through which it annually awards five (5) eligible applicants \$500.00 each to further their education in a major consistent with the District's mission statement.<sup>3</sup> The applicants must have graduated from the county high school to qualify. A resident child of one of the supervisors has applied for a scholarship.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W.Va. Code § 6B-2-5(b) 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.... The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

W. Va. Code § 6B-2-5(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... (2) In the absence of bribery or a purpose to defraud, an elected or appointed public official or public employee or a member of his or her immediate family or a business with which he or she is associated shall not be considered as having a prohibited financial interest in a public contract when such a person has a limited interest as an owner, shareholder or creditor of the business which is awarded a public contract. A limited interest for the purposes of this subsection is:  
(A) An interest which does not exceed one thousand dollars in the profits or benefits of the public contract or contracts in a calendar year; ...

W. Va. Code § 6B-2-5(j) reads, in relevant part:  
(1) Public officials... may not vote on a matter:

...  
(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest.  
...

(3) For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

---

<sup>3</sup> The District's mission statement declares: "Our mission is to provide local self-government leadership and initiative in the development and conservation of soil, water and natural resources. A balanced planning, education and management program that protects, restores and improves those resources will be accomplished in cooperation with landowners, government agencies and private organizations."

W. Va. Code § 61-10-15(a) states in part that ... It shall be unlawful for any member of a county commission...or any county or District officer ... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract ... [over] which as such ... member, officer... he may have any voice, influence, or control.

## **ADVISORY OPINION**

The question presented is whether the Requester may expend public funds to award a \$500.00 scholarship to a District supervisor's child who resides with his parents. Before addressing the propriety of awarding the money to a supervisor's child, we need to first decide whether the Requester has statutory authority to grant the scholarship in its current form. In determining whether an expenditure of public funds violates the Ethics Act, the Commission relies upon the common law, West Virginia Code, Legislative Rules, Attorney General Opinions and opinion letters issued by the Auditor's Office to determine whether there is express or implied authority for the expenditure.

The Commission is unable to find express or implied authority to use the Requester's public funds for the purpose of awarding scholarships. W.Va. Code §19-21A-8(4) authorizes Districts "to furnish financial or other aid to any . . . occupier of lands within the District in the carrying on of erosion-control and prevention operations and works of improvement within the District". This state code does not explicitly authorize a District to expend its public money on scholarships. Therefore, the Commission does not find any authority for the expenditures by the Districts for scholarships. The Commission recommends that the Requester seek an opinion from the W.Va. Attorney General's Office as to whether Conservation Districts are authorized to grant scholarships.

Assuming that the expenditures for scholarships are authorized, the Commission takes this opportunity to analyze whether the Requester could grant a scholarship to a child of a board member under the Ethics Act and West Virginia Code § 61-10-15.

### **The Ethics Act**

The Ethics Act prohibits public servants from using their public position for their own private gain or the private gain of another. See W.Va. Code § 6B-2-5(b). W.Va. Code § 6B-2-5(d) prohibits public servants from having a financial interest in a public contract. The Ethics Act defines a prohibited financial interest as one greater than \$1,000.00 per calendar year. W.Va. Code § 6B-2-5(d)(2)(A). A lesser interest is called a limited financial interest. This limited interest exception is available to elected officials. The part-time appointed member exception would not apply to a supervisor because he/she is elected, not appointed to the Board.

The Commission hereby finds that the scholarship is not a prohibited public contract because the scholarship amount is only \$500.00, less than the \$1,000.00 per calendar year threshold.

The Ethics Act prohibits public officials from voting on or participating in matters in which they or their immediate family members have a financial interest, even if the interest is a limited

financial interest. So, a resident child of a board of supervisors may be awarded a scholarship of \$500.00 per calendar year - as it is within the \$1000.00 per year threshold - so long as the decision is based on the merits, and not favoritism, and the supervisor recuses him/herself from all participation in the selection of the scholarship recipients, including determining eligibility for applicants, etc. 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. She/he may not informally "lobby" or otherwise attempt to influence voting members of or other decision-makers in, the government agency to select his/her child.<sup>4</sup> The supervisor would be in violation of the Ethics Act if the Requester granted a scholarship in an amount greater than \$1000.00 to the supervisor's son, absent a contract exemption, even if the supervisor properly recused himself/herself from the process.

W. Va. Code § 6B-2-5(j)(3) provides that for a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him/herself from voting on the issue.

### **West Virginia Code § 61-10-15**

W. Va. Code § 61-10-15(a) is a criminal misdemeanor statute that applies only to certain county officials. W.Va. Code § 61-10-15 contains a stricter standard than the Ethics Act, and imposes criminal penalties against any "member of a county commission, District school officer, . . . 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. This provision does not contain a \$1,000.00 limited interest exception nor exceptions for part-time appointed officials.

The Commission recently determined that Conservation Districts are not subject to West Virginia Code § 61-10-15 which was enacted in 1879. See A.O. 2010-20. The Commission found that there is no Supreme Court case or Attorney General Opinion specifically finding that Conservation Districts fall within the purview of this code section. The Commission reasoned that the Districts are unique to the extent that they are formed with the consent of a

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<sup>4</sup> Full recusal will also protect the supervisor from violating the prohibition against appearing before the Board in a representative capacity on behalf of his/her child to influence the expenditure of public funds. W. Va. Code § 6B-2-5 (g) (Limitation on practice before a board, agency, commission or department.) provides, in part, that: -- Except as otherwise provided in section three, four or five, article two, chapter eight-a of this code: (1) No elected or appointed public official and no full-time staff attorney or accountant shall ... appear in a representative capacity before the governmental entity in which he or she serves or served or is or was employed in the following matters: ...

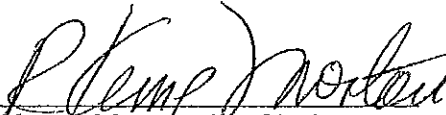
(E) To influence the expenditure of public funds.

(2) As used in this subsection, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person ...

**COPY**

State Board, *i.e.* the State Conservation Committee, not by the County Commission. Due to the unique nature of the Districts, and in the absence of clear language in West Virginia Code § 61-10-15 bringing them within its purview, the Commission found that they are not subject to West Virginia Code § 61-10-15. The Commission affirms its earlier opinion in A.O. 2010-20. If the supervisor was subject to the statute, a supervisor's child could not accept a scholarship even if it was less than \$1,000.00, under the stricter standards of West Virginia Code § 61-10-15.

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. Specifically, the Commission does not purport to determine whether the legislature authorized Conservation Districts to award scholarships to students. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

  
R. Kemp Morton, III, Chairperson

ADVISORY OPINION NO. 2012-43

Issued December 6, 2012 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **Local Health Department** asks whether it may, without violating the Ethics Act, serve as a pass-through for a grant from a private charitable foundation for the benefit of two private entities that focus on public health.

SECRETARY OF STATE  
WEST VIRGINIA

2012 DEC 10 AM 10:08

FACTS RELIED UPON BY THE COMMISSION

For the past year, the Requester, a local health department created pursuant to W. Va. Code § 16-1-1 *et seq.*, has been serving in the capacity as a pass-through between a private charitable foundation (Foundation) and two private entities.

The first private entity is a voluntary association of local health departments throughout the State (Association). The stated mission of the Association is to represent the interests of local health departments, and "to work together to leverage resources and influence public policy". Member health departments are required to pay annual dues to the Association based upon the per capita rate of the community serviced. All local health departments are eligible to be members of the Association. The Requester is a member of the Association.

According to the Requester, the Association is an unincorporated subsection of another state-wide association and is not a legally organized entity for purposes of eligibility to receive grants from the Foundation.

The second private entity is a private non-profit corporation formed by the Association to assist it in furthering its mission (Non-Profit, Inc.). Recently restructured, the board of directors of Non-Profit, Inc. does not contain any voting members from any of the local health departments or DHHR. While originally organized as a charitable non-profit entity under 501(c)(3) of the Internal Revenue Service Code, Non-Profit, Inc. is no longer classified as a public charity. Instead, according to the Requester, Non-Profit, Inc. is classified by the IRS as a private foundation.

According to the Requester, the Foundation approved and authorized a three-year grant to the Association and Non-Profit, Inc. to: cover the cost of hiring an Executive Director to operate both private entities; and provide financial support for operational needs and for infrastructure to support the operations of both entities. Thereafter, when it became apparent that Non-Profit, Inc. was ineligible to receive the funding directly from the Foundation, the Requester offered to serve as the grantee/applicant for the sole purpose of serving as a pass-through for the funds that the Foundation had already approved. The Requester states that "there is no benefit derived by the [Health]

Department from its services, other than support to the Association and [Non-profit, Inc.].” The Requester further states that “this is a grant from a private foundation, not public monies, and the grantor is aware of the relationships among the parties.” Finally, the Requester states:

Without funding through the ... Foundation, the Association and [Non-Profit, Inc.] would not be able to carry out their activities. Those activities enhance the Department’s ability to carry out its mission of promoting health, preventing disease, and educating the community on public health issues.

Following the Commission’s issuance of Advisory Opinion 2012-21, the Requester asks whether it is permissible under the Ethics Act for it to serve as the applicant/grantee so that the Foundation may follow through with its prior decision to award funding to support the two private entities.

The Requester further states that “there is no oversight granted to the Department over the activities of either the Association or [Non-Profit, Inc.], except that needed for grant accountability.” To that end, the Requester states that one of its members will serve as an ex-officio, non-voting member of Non-Profit, Inc. for grant accountability.

### **CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b) reads, in relevant part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

W. Va. Code 6B-2-5(c)(1) reads, in relevant part:

A public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family...

### **ADVISORY OPINION**

In establishing the Ethics Act, the West Virginia Legislature expressly held that “public

officials and public employees who exercise the powers of their office or employment for personal gain beyond the lawful emoluments of their position or who seek to benefit narrow economic or political interests at the expense of the public at large undermine public confidence in the integrity of a democratic government.”

Earlier this year, the Ethics Commission issued an advisory opinion involving the private entities involved herein, the Association and Non-Profit, Inc. Specifically, in Advisory Opinion 2012-21, a local health department asked whether it is permissible under the Ethics Act for it and/or its employees to be a member of a non-profit entity comprised entirely of public employees whose functions include oversight and distribution of grant funding to their own local health departments. Finding that an insoluble conflict existed, the Commission ruled that the public servant members of Non-Profit, Inc. were prohibited from handling, overseeing, and/or participating in funding decisions for which their employers were potential recipients. W. Va. Code § 6B-2-5(b).

The Commission wrote, “By prohibiting public employees whose employers are potential grant recipients from participating in the funding process, the Commission ensures transparency in the process and limits the potential for favoritism.” The opinion contains recommendations for bringing the situation into compliance with the Ethics Act, including: “for purposes of the Ethics Act, it could be permissible to use a non-profit organization to handle funding allocation matters under the following circumstances: **First**, if Non-Profit, Inc. and the Board were truly independent of the State of West Virginia and the local health departments....”

Subsequent thereto, according to the Requester, the composition of the board of directors of Non-Profit, Inc. was restructured to address the concerns raised in Advisory Opinion 2012-21. Specifically, the board of directors of Non-Profit, Inc. does not contain any voting members from any of the local health departments or DHHR. Thus, the insoluble conflict has been removed.

Now a different scenario has arisen involving the same two private entities. Independent of the Requester, they applied for and were awarded a grant from the Foundation for capacity building for the Association. Only after the Foundation awarded the grant was it discovered that the private entities were ineligible to be grantees. The Requester stepped in to offer the use of its eligible status for the sole purpose of ensuring that the private entities could receive the funding that the Foundation had already authorized, thereby allowing those entities to continue to provide and enhance public health services. The Foundation is aware of and agreeable to this arrangement.

One of the intended outcomes of the grant is:

[Non-Profit, Inc.] will identify and facilitate project and funding opportunities for [local health departments] to strengthen both individual [health departments] and the [Association] as an organization, ensuring sustainability in future years....

The Ethics Act prohibits public servants from using their public office or prestige of their public office for their own private gain or the private gain of another. W. Va. Code § 6B-2-5(b). The question, therefore, is whether a government entity may use its name and tax status for the private gain of another entity for purposes of realizing funding for the private entities to promote public health. This question is markedly different than the one that Advisory Opinion 2012-21 addressed, since here there are no public funds involved, only those the Foundation has already deemed appropriate for disbursement to the private entities.

The Ethics Act prohibits public servants from soliciting gifts unless the solicitation is for a charitable purpose. W. Va. Code § 6B-2-5(c). In Advisory Opinion 2005-02, the Commission ruled that "public health programs, which serve to protect the health and safety of West Virginia citizens, fall within the categories of activities or programs which are charitable." Thus, a County Board of Health was permitted to solicit funds from local businesses, groups and individuals to supplement public health programs.

Although applying for a grant does not fall within the definition of charitable solicitation, the Commission's rulings related to solicitation are relevant here, especially when taken together with exceptions to the Ethics Act's prohibition against use of public office for private gain. The statute specifically excepts from the definition of prohibited private gain incidental or de minimis use of public resources, and "the performance of usual and customary duties associated with the office or position or the advancement of public policy goals..." W. Va. Code § 6B-2-5(b).

According to the Requester:

Without funding through the ... Foundation, the Association and [Non-Profit, Inc.] would not be able to carry out their activities. Those activities enhance the [Requester's] ability to carry out its mission of promoting health, preventing disease, and educating the community on public health issues.

The situation here is similar to that described in Advisory Opinion 2011-12 where a Town was allowed to appropriate funds to a non-profit organization even though several Town officials were on the board of the non-profit.<sup>1</sup> The Ethics Commission found that the activity was "consistent with the performance of usual and customary duties associated with the office or position or the advancement of public policy, which the Ethics Act explicitly authorizes."

The Commission is persuaded that the Requester's action as hereinabove set forth constitutes the performance of usual and customary duties associated with its office and the advancement of public policy goals. Equally important, no employee or member of the Requester or business with which he or she is associated is party to or has an interest in the profits or benefits of the grant agreement or any other related contract.

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<sup>1</sup> As mentioned above, the board of directors of Non-Profit, Inc. does not contain any voting members from any of the local health departments or DHHR.

Although a member of the Association, the Requester derives no benefit in serving as the pass-through.

As a result of the foregoing, the Commission hereby finds that the Requester may serve as a pass-through for the subject grant for the benefit of two private entities without violating the Ethics Act. This opinion is limited to the analysis of whether the Ethic Act would be violated by the proposed conduct. The Ethics Commission is without authority to determine whether other laws or rules, including the policies of the Requester's government agency prohibit or otherwise restrict the proposed conduct. As a result, the Commission recommends that the Requester obtain a legal opinion to determine whether it may lawfully serve as a pass-through as proposed.

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.



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R. Kemp Morton, Chairperson

TRADE ASSOCIATIONS AND LOBBYISTS

ADVISORY OPINION NO. 2012-44

FILED

Issued On December 6, 2012 By The 2012 DEC 10 AM 10:08

WEST VIRGINIA ETHICS COMMISSION

OFFICE OF THE SECRETARY OF STATE

OPINION SOUGHT

A **State Agency**, statutorily charged with promoting volunteerism, asks whether it may appropriate \$1,500.00 to a related Association on whose board its executive director and chairperson serve.

FACTS RELIED UPON BY THE COMMISSION

A State Agency was created to assist West Virginians in strengthening their communities through service and volunteerism. It consists of a board of directors and employs an executive director and staff. Its primary function is to administer funding for AmeriCorps programs in West Virginia. The Requester also engages in other activities including assisting with hosting a leadership conference and administering a data base which matches interested parties with volunteer opportunities.

AmeriCorps grantees must either be non-profit associations or government entities. The State Agency provides technical assistance to these agencies and oversees programs once they are implemented.

The State Agency was originally created by Executive Order. Then, it was continued by Legislative Enactment. Some of its duties include:

- Coordinating with existing programs for service and volunteerism in order to prevent unnecessary competition for private sources of funding;
- (g) Providing technical assistance to service and volunteer programs, including the development of training methods and curriculum materials;
- (h) Developing a statewide recruitment and placement system for individuals who are interested in community service opportunities;
- (i) Preparing quarterly reports on progress for submission to the governor and preparing an annual report for submission to the governor and the Legislature on or before the first day of January of each year which shall detail the commission's activities for the preceding year; and
- (j) Serving as the state's liaison to national and state entities or other organizations which also promote national and community service and volunteerism.

Some of its powers are:

Applying for and accepting funds, grants, gifts and services from local government, the state or the federal government, or any of their agencies, or from any other public or private source. It is authorized to use funds derived from these sources to defray administrative costs and implement programs to fulfill the commission's duties and responsibilities.

The State Agency receives both Federal and State funding. According to its 2011 Financial report, its income/budget from Federal, State and other sources was approximately four million dollars and is presumably in that range for the current fiscal year.

The Requester also notes in its request that it has formed a non-profit organization to serve as the fiscal agent for various programs it administers. Three of the State Agency's Board Members serve on the board of this non-profit. The Requester does not seek guidance on its interaction with, and support of, the non-profit.

Recently, a non-profit association (Association) was formed in West Virginia. This association, like similar associations in other states, provides training, harnesses collective buying power, shares best practices and generally serves as a connector for non-profit entities and related State agencies. The State Agency's executive director, serves on the board of the Association. The Requester has encouraged her service on the Board. The State Agency's Chairperson also serves on the Association Board in his private capacity as an executive director of a large non-profit.

The State Agency has been considering ways to partner with the Association. For example, cross-promoting training, sharing duties relating to the annual conference for volunteers/non-profit, and developing training programs.

The Association is seeking a grant from a foundation. The Requester is considering providing \$1,500.00 in matching funds to allow the Association to secure the grant. Normally, the State Agency Board only approves expenditures in excess of \$3,000.00. Nevertheless, due to the service of the State Agency's Executive Director and Chairperson on the Association's Board, the Requester would first seek approval from its Board before distributing this funding. Before taking this action, the State Agency seeks guidance on the application of the Ethics Act.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

W. Va. Code § 6B-2-5(j) reads in relevant part:

(j) Limitations on Voting.

(1) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest...

...

(2) A public official may vote:

(A) If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses; or

...

### **ADVISORY OPINION**

The Requester is statutorily charged with the responsibility of serving as the State's liaison to national and state entities or other organizations which promote national and community service and volunteerism. The question presented here is whether it would run afoul of the Ethics Act for it to appropriate \$1,500.00 to an association comprised of non-profits for purposes of allowing the non-profit to secure a grant.

The Commission has previously ruled in a non-precedential opinion that a State agency may use a de minimis amount of State resources to support the efforts of a non-profit/foundation. While this opinion is not binding, the Commission finds its analysis relevant to deciding the issue before it. In considering the facts presented, and the fact that the Requester's budget is approximately four million dollars, the Commission finds the sum of \$1,500.00 to be de minimis; hence, for purposes of the Ethics Act, the agency may give this money to the Association for the intended purpose, i.e. providing matching funds to allow it to secure a grant.

The Commission cautions the Requester that in determining whether an expenditure of public funds violates the Ethics Act, the Commission relies upon the common law, West Virginia Code, Legislative Rules, Attorney General Opinions and opinion letters issued by the Auditor's Office to determine whether there is express or implied authority for the expenditure. See A.O. 2010-19. While a de minimis amount of public resources to support the Association is permissible for purposes of the Ethics Act, still, the Agency must consult with the State Auditor to determine whether the \$1,500.00 constitutes an authorized expenditure of funds. Moreover, it should consult with its attorney or the Attorney General, or both, on this issue.

If down the road the State Agency anticipates distributing more than a de minimis amount of public funds to the Association, then it should consider seeking an opinion from the Attorney General, or seeking clarification through a declaratory action, in regard to whether the power to use funds derived from the state or the federal government to defray administrative costs and implement programs to fulfill the commission's duties and responsibilities includes the power to appropriate its funds to foundations or associations. Or, the State Agency may consider clarifying its powers through the Legislative process by proposing legislation, or a legislative rule, to expressly authorize it to use its funds for this purpose. The Ethics Commission also advises this same course of action in regard to the non-profit the Requester has formed.

Next, the Commission must determine whether the Agency's Executive Director and Chairperson may be involved in their public capacity in matters relating to the Agency's decision to appropriate \$1,500.00 to the Association. The executive director is serving on the Association's Board at the request of the State Agency's Board. Since she is serving on the Board as part of her public job duties, the Commission finds that it does not run afoul of the Ethics Act for her to be involved in advising the Requester/State Agency in regard to whether it should distribute \$1,500.00 to the Association. Additionally she may be involved in other matters which affect the Association. This situation is different than the one considered by the Ethics Commission in A.O. 2012-17 wherein a non-profit comprised of local health department employees were responsible for overseeing the distribution of grant money to their public employees. Here, in contrast, the State Agency employee, as part of her job responsibilities, serves as a liaison to an Association whose mission is to assist other non-profit entities, **not** her own public employer.<sup>1</sup> This situation is more analogous to A.O. 2011-12 wherein this Commission authorized City Council Members to provide funding to non-profit groups despite their membership therein.

In regard to the Chairperson of the State Agency, while he is not compensated for his service on the Board of the Association, he does serve by virtue of his private employment with a large non-profit. To avoid the potential for conflict, the Commission finds that he should recuse himself from voting on contributing money to the Association, and upon other matters which affect it. A.O. 2009-18.

For recusal to be proper under the Ethics Act, he must disclose his interest and excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the discussion and vote on the matter. The minutes/record of the meeting must reflect the basis for the recusal and that he left the room during all deliberation, discussion and vote on the item under consideration. Additionally, he may not communicate with the Executive Director or other staff

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<sup>1</sup> The situation is also different than that presented in A.O. 2011-17 wherein the Commission found that a conflict existed for an agency's executive director to serve on the board of an association comprised of members it regulated. In the present case, the Requester does not regulate non-profits; instead, it is charged with assisting them.

members about matters affecting the Association.

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 similarly situated public servants unless and until it is amended or revoked, or the law is changed.

  
R. Kemp Morton, Chairperson

## ADVISORY OPINION NO. 2012-44

FILED

Issued On December 6, 2012 By The 2012 DEC 10 AM 10:08

## WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA  
SECRETARY OF STATEOPINION SOUGHT

A **State Agency**, statutorily charged with promoting volunteerism, asks whether it may appropriate \$1,500.00 to a related Association on whose board its executive director and chairperson serve.

FACTS RELIED UPON BY THE COMMISSION

A State Agency was created to assist West Virginians in strengthening their communities through service and volunteerism. It consists of a board of directors and employs an executive director and staff. Its primary function is to administer funding for AmeriCorps programs in West Virginia. The Requester also engages in other activities including assisting with hosting a leadership conference and administering a data base which matches interested parties with volunteer opportunities.

AmeriCorps grantees must either be non-profit associations or government entities. The State Agency provides technical assistance to these agencies and oversees programs once they are implemented.

The State Agency was originally created by Executive Order. Then, it was continued by Legislative Enactment. Some of its duties include:

- Coordinating with existing programs for service and volunteerism in order to prevent unnecessary competition for private sources of funding;
- (g) Providing technical assistance to service and volunteer programs, including the development of training methods and curriculum materials;
- (h) Developing a statewide recruitment and placement system for individuals who are interested in community service opportunities;
- (i) Preparing quarterly reports on progress for submission to the governor and preparing an annual report for submission to the governor and the Legislature on or before the first day of January of each year which shall detail the commission's activities for the preceding year; and
- (j) Serving as the state's liaison to national and state entities or other organizations which also promote national and community service and volunteerism.

Some of its powers are:

Applying for and accepting funds, grants, gifts and services from local government, the state or the federal government, or any of their agencies, or from any other public or private source. It is authorized to use funds derived from these sources to defray administrative costs and implement programs to fulfill the commission's duties and responsibilities.

The State Agency receives both Federal and State funding. According to its 2011 Financial report, its income/budget from Federal, State and other sources was approximately four million dollars and is presumably in that range for the current fiscal year.

The Requester also notes in its request that it has formed a non-profit organization to serve as the fiscal agent for various programs it administers. Three of the State Agency's Board Members serve on the board of this non-profit. The Requester does not seek guidance on its interaction with, and support of, the non-profit.

Recently, a non-profit association (Association) was formed in West Virginia. This association, like similar associations in other states, provides training, harnesses collective buying power, shares best practices and generally serves as a connector for non-profit entities and related State agencies. The State Agency's executive director, serves on the board of the Association. The Requester has encouraged her service on the Board. The State Agency's Chairperson also serves on the Association Board in his private capacity as an executive director of a large non-profit.

The State Agency has been considering ways to partner with the Association. For example, cross-promoting training, sharing duties relating to the annual conference for volunteers/non-profit, and developing training programs.

The Association is seeking a grant from a foundation. The Requester is considering providing \$1,500.00 in matching funds to allow the Association to secure the grant. Normally, the State Agency Board only approves expenditures in excess of \$3,000.00. Nevertheless, due to the service of the State Agency's Executive Director and Chairperson on the Association's Board, the Requester would first seek approval from its Board before distributing this funding. Before taking this action, the State Agency seeks guidance on the application of the Ethics Act.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

W. Va. Code § 6B-2-5(j) reads in relevant part:

(j) Limitations on Voting.

(1) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is associated have a financial interest...

...

(2) A public official may vote:

(A) If the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses; or

...

### **ADVISORY OPINION**

The Requester is statutorily charged with the responsibility of serving as the State's liaison to national and state entities or other organizations which promote national and community service and volunteerism. The question presented here is whether it would run afoul of the Ethics Act for it to appropriate \$1,500.00 to an association comprised of non-profits for purposes of allowing the non-profit to secure a grant.

The Commission has previously ruled in a non-precedential opinion that a State agency may use a de minimis amount of State resources to support the efforts of a non-profit/foundation. While this opinion is not binding, the Commission finds its analysis relevant to deciding the issue before it. In considering the facts presented, and the fact that the Requester's budget is approximately four million dollars, the Commission finds the sum of \$1,500.00 to be de minimis; hence, for purposes of the Ethics Act, the agency may give this money to the Association for the intended purpose, i.e. providing matching funds to allow it to secure a grant.

The Commission cautions the Requester that in determining whether an expenditure of public funds violates the Ethics Act, the Commission relies upon the common law, West Virginia Code, Legislative Rules, Attorney General Opinions and opinion letters issued by the Auditor's Office to determine whether there is express or implied authority for the expenditure. See A.O. 2010-19. While a de minimis amount of public resources to support the Association is permissible for purposes of the Ethics Act, still, the Agency must consult with the State Auditor to determine whether the \$1,500.00 constitutes an authorized expenditure of funds. Moreover, it should consult with its attorney or the Attorney General, or both, on this issue.

If down the road the State Agency anticipates distributing more than a de minimis amount of public funds to the Association, then it should consider seeking an opinion from the Attorney General, or seeking clarification through a declaratory action, in regard to whether the power to use funds derived from the state or the federal government to defray administrative costs and implement programs to fulfill the commission's duties and responsibilities includes the power to appropriate its funds to foundations or associations. Or, the State Agency may consider clarifying its powers through the Legislative process by proposing legislation, or a legislative rule, to expressly authorize it to use its funds for this purpose. The Ethics Commission also advises this same course of action in regard to the non-profit the Requester has formed.

Next, the Commission must determine whether the Agency's Executive Director and Chairperson may be involved in their public capacity in matters relating to the Agency's decision to appropriate \$1,500.00 to the Association. The executive director is serving on the Association's Board at the request of the State Agency's Board. Since she is serving on the Board as part of her public job duties, the Commission finds that it does not run afoul of the Ethics Act for her to be involved in advising the Requester/State Agency in regard to whether it should distribute \$1,500.00 to the Association. Additionally she may be involved in other matters which affect the Association. This situation is different than the one considered by the Ethics Commission in A.O. 2012-17 wherein a non-profit comprised of local health department employees were responsible for overseeing the distribution of grant money to their public employees. Here, in contrast, the State Agency employee, as part of her job responsibilities, serves as a liaison to an Association whose mission is to assist other non-profit entities, **not** her own public employer.<sup>1</sup> This situation is more analogous to A.O. 2011-12 wherein this Commission authorized City Council Members to provide funding to non-profit groups despite their membership therein.

In regard to the Chairperson of the State Agency, while he is not compensated for his service on the Board of the Association, he does serve by virtue of his private employment with a large non-profit. To avoid the potential for conflict, the Commission finds that he should recuse himself from voting on contributing money to the Association, and upon other matters which affect it. A.O. 2009-18.

For recusal to be proper under the Ethics Act, he must disclose his interest and excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the discussion and vote on the matter. The minutes/record of the meeting must reflect the basis for the recusal and that he left the room during all deliberation, discussion and vote on the item under consideration. Additionally, he may not communicate with the Executive Director or other staff

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<sup>1</sup> The situation is also different than that presented in A.O. 2011-17 wherein the Commission found that a conflict existed for an agency's executive director to serve on the board of an association comprised of members it regulated. In the present case, the Requester does not regulate non-profits; instead, it is charged with assisting them.

members about matters affecting the Association.

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 similarly situated public servants unless and until it is amended or revoked, or the law is changed.

  
R. Kemp Morton, Chairperson

# Jefferson County Public Service District

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## Jefferson County Public Service District Regular Board Meeting November 5, 2012

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, November 5, 2012 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemyer; Operations Manager, Joe Freeze; and District Legal Counsel, Jim Kelsh.

### CALL TO ORDER

Chairman Jim Cummins called the meeting to order at 7:00PM.

### PUBLIC COMMENTS

Fred Gates, engineer for Aspen Greens development, requested the approval from the Board to allow Mr. Summerfield to release drawings to him for the Aspen Greens development so they can continue to move forward on the plans. Mr. Gates also questioned the status of the alternate mainline extension agreement for Aspen Greens with the Public Service Commission.

### OLD BUSINESS

#### Review Minutes of October 1 Regular Board Meeting

The minutes of the October 1, 2012 regular Board meeting were approved as presented.

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the October 1, 2012 minutes as presented. Unanimously approved.**

#### Update on the Water Systems Improvement Project for Glen Haven and Cavaland

Mr. Kelsh informed the Board of a conference call with the Bureau for Public Health on November 7<sup>th</sup> to discuss the water project and requirements related to the funding for the project.

**Action: No action taken by the Board.**

### NEW BUSINESS

#### Consider Approval of Draft Financial Statement 6/30/12 Presentation by Chuck Young of Cox Hollida Price

Chuck Young from CoxHollida Price LLP, a certified public accounting and consultation firm out of Martinsburg, WV, presented a draft of the annual audit for the fiscal year of July 1, 2011 to June 30, 2012. The District had 116% coverage for the year which exceeds the 115% required for Bond coverage. There were no reportable findings. The Board thanked Mr. Young and staff for all their work in completing the audit.

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve the draft Financial Statement ending 6/30/12 as presented with revisions of changing the word "capital" to "capacity". Unanimously approved.**

#### Discuss Glen Haven Property Issue

Ms. Lawton updated the Board. The heirs of the estate would like to sell the house next to the well house and the lot which the District has a permanent easement. The realtor, Clarence Haymaker, was in the audience on behalf of his client, Mr. Robert Mason, Jr. for any questions the Board may have on a possible sale. Mr. Haymaker would like to clarify the Districts responsibilities of keeping up the property where the District's easements are for selling purposes. Mr. Cummins stated that with the District's tight budget, there is not much interest in any purchase but the Board could address maintenance issues on

the property. Mr. Cummins is going to visit the property with Ms. Lawton to address the properties maintenance.

**Action: No action taken by the Board.**

Consider Authorization for Jim Keish to Submit Certificate Application to Public Service Commission for Cavaland and Glen Haven Water Project

The Board will defer this discussion until the Rule 42 is completed.

**Action: No action taken by the Board.**

Discussion of any Expenses over Budget

There were no items over budget this month.

**Action: No action taken by the Board.**

Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for water expenses in the amount of \$4,393.89 and disbursements for the Public Service District expenses in the amount of \$150,803.07. Unanimously approved.**

Approve Transfer of \$1,644.38 from Renewal & Replacement Account to Sewer Operating for Omni-site Pump Station 1-12

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$1,644.38 from Renewal & Replacement Account into Sewer Operating for Omni-site pump station 1-12. Unanimously approved.**

Approve Transfer of \$3,626.02 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$3,626.02 from Sewer Security Deposit Account into Sewer Operating for Security Deposit Refunds. Unanimously approved.**

Approve Transfer of \$192.05 from Water Security Deposit Account to Water Operating for Security Deposit Refunds

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$192.05 from Water Security Deposit Account into Water Operating for Security Deposit Refunds. Unanimously approved.**

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

Cavaland Leak – District staff has been working to find leaks in the development contributing to the high water loss.

Security Measures – Ms. Lawton has been looking into security measures to better secure the office, specifically the front billing area.

**Action: No action taken by the Board.**

Public Comment

Lee Snyder addressed the Board to discuss the Public/Private Partnership the District entered into with Jefferson Utilities which is set to expire on December 31, 2012. Mr. Snyder must update the Public Service Commission twice a year and would like an update from the Board on the future of the contract and if the District wishes to continue the terms. The Board would like to wait for a decision on the Jefferson Utilities general investigation case currently at the Public Service Commission before making any decisions regarding the agreement. Ms. Lawton will go through the existing agreement to revise and re-evaluate.

Correspondence

None.

**Action:** Motion made by Mr. Strider seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.

Mr. Appignani excused himself from the discussions on the Jefferson Utilities, Inc General Investigation case currently at the Public Service Commission.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to return to public session. Unanimously approved.

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to change the employee benefits relating to annual leave to include the adjustment of 15-19 years of service for full time employees to be offered 8 hours per pay period equaling 26 days per year and the adjustment of 20 years and beyond to be offered 9.23 hours per pay period equaling a max of 30 days per year. Unanimously approved.

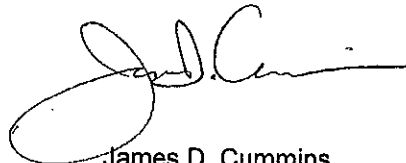
**Action:** Motion made by Mr. Cummins and seconded by Mr. Strider to authorize Mr. Kelsh to sign the Joint Stipulation for the Jefferson Utilities, Inc General Investigation case and to reiterate that Mr. Strider has negotiation authority for the Board. Approved 2-0. Mr. Appignani abstained.

**Action:** Motion made by Mr. Strider and seconded by Mr. Cummins to adjourn. Approved 2-0.

There being no further business at this time, the meeting was adjourned at 10:00PM

The next regular meeting is scheduled for Monday, December 3, 2012 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins  
Chairman



Peter L. Appignani  
Secretary



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**RECEIVED**

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

DEC 21 2012

December 14, 2012

**Jefferson County Commission**

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures over the next four years. This letter has been sent to inform you that a draft copy of the 2013-2018 STIP has been made available for public comment. A copy of the document may be viewed and/or downloaded on the web at [www.transportation.wv.gov](http://www.transportation.wv.gov), or may be viewed at Division of Highways (DOH) headquarters in Charleston or District offices in Charleston, Huntington, Parkersburg, Clarksburg, Burlington, Moundsville, Weston, Elkins, Lewisburg or Princeton and at the offices of Metropolitan Planning Organizations and Regional Planning and Development Councils throughout the State. If you cannot access the web and would like to receive a digital copy of the document, you may send a request to the address below.

All written comments are to be received no later than January 21, 2013 and should be addressed to:

Mr. Robert L. Pennington, Director  
Program Planning and Administration Division  
West Virginia Division of Highways  
Building 5, Room A-816  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Should you need additional information, please call (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,

A handwritten signature in cursive script, reading "Robert L. Pennington".

Robert L. Pennington, P. E., Director  
Program Planning and Administration Division

RLP:Cs

cc: Ms. Brigid Hynes Cherin, Federal Transit Administration – w/o attachment  
Ms. Kathleen Zubrzycki, Federal Transit Administration – w/o attachment  
Mr. Kevin Burgess, Federal Highway Administration – w/o attachment  
Ms. Susan O'Connell, Division of Public Transit – w/o attachment

Richard & Melinda Keuroglian  
286 Hite Road  
Kearneysville, WV 25430-5015  
(304) 728-1034

December 19, 2012

Apple Valley Waste  
362 West Burr Boulevard  
Kearneysville, WV 25430

Re: Account # 021852  
Invoice #229460

To Whom It May Concern:

Enclosed you will find the invoice referenced above which I am returning to you, simply because we do not owe you this money!

We cancelled our service over 2 years ago with Apple Valley Waste when your rates once again went up. Since then we have not availed ourselves of your service. In fact we had to ask your employees to leave our trash alone as we did not want to use your service! Just because a trash receptacle is near the road, does not mean you have the right to pick it up and bill us for a service we cancelled. Finally we gave up and moved our trash cans to the back of our property so your employees would leave them the heck alone. We live less than 1 mile from the Jefferson County Transfer Station and take our refuse there each month when it is **free**.

I am sending a copy of this letter to the Jefferson County Commission so they are aware of your tactics and how you brow beat citizens for money you are not entitled to collect. Please stop sending me invoices and leave my trash alone!

Sincerely,



Richard & Melinda Keuroglian

Enclosure

Cc: Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414



APPLE VALLEY WASTE

362 West Burr Blvd  
 Kearneysville, WV 25430  
 (304) 724-1834  
 www.applevalleywaste.com

INVOICE - PAGE 1 OF 1

|                                     |
|-------------------------------------|
| Account Number<br>021852            |
| Invoice Date<br>11/30/2012          |
| Invoice #<br>0000229460             |
| Service Period<br>Dec 2012-Feb 2013 |

S:9,279

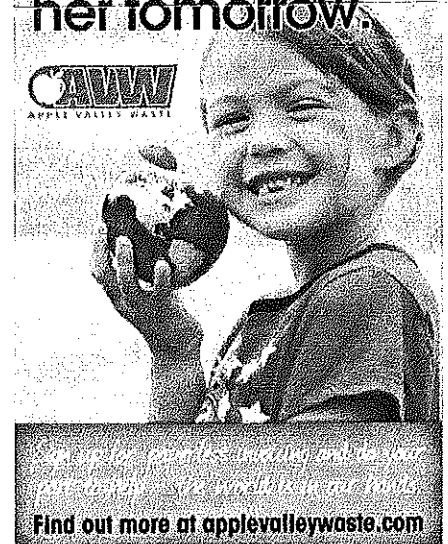
KEUROGLIAN, MELINDA  
 286 HITE RD  
 KEARNEYSVILLE, WV 25430

|                              |                             |                                  |                           |                               |
|------------------------------|-----------------------------|----------------------------------|---------------------------|-------------------------------|
| Balance Forward<br>\$ 161.17 | Pmts/<br>Credits<br>\$ 0.00 | Past Due<br>Balance<br>\$ 161.17 | New<br>Charges<br>\$ 0.00 | Total Amount Due<br>\$ 161.17 |
| PO Number                    |                             | Terms<br>Net 60 Days             |                           | Due Date<br>01/29/13          |

Past Due Balances are subjected to penalties

| Date                                                        | Description                     | Quantity | Rate     | Total     |
|-------------------------------------------------------------|---------------------------------|----------|----------|-----------|
| <b>Account History</b>                                      |                                 |          |          |           |
|                                                             | Balance Forward                 |          |          | \$ 161.17 |
| Total Past Due Balance                                      |                                 |          |          | \$ 161.17 |
| <b>New Charges: 001 - KEUROGLIAN, MELINDA - 286 HITE RD</b> |                                 |          |          |           |
| 12/01/12                                                    | 18 GALLON BIN - RECYCLE SERVICE | 0.00     | \$ 0.00  | \$ 0.00   |
| 12/01/12                                                    | RESIDENTIAL CURBSIDE TRASH SER  | 0.00     | \$ 24.77 | \$ 0.00   |
| Total New Charges                                           |                                 |          |          | \$ 0.00   |
| Total Amount Due                                            |                                 |          |          | \$ 161.17 |

Working today  
 to preserve  
 her tomorrow.



| 90+ Days Overdue | 60 Days Overdue | 30 Days Overdue | Current | Total Amount Due |
|------------------|-----------------|-----------------|---------|------------------|
| 161.17           | 0.00            | 0.00            | 0.00    | \$ 161.17        |

DETACH HERE AT PERFORATION



362 West Burr Blvd  
 Kearneysville, WV 25430  
 (304) 724-1834  
 www.applevalleywaste.com

| Account Number | Invoice Date | Due Date | Total Amount Due | Amt Enclosed |
|----------------|--------------|----------|------------------|--------------|
| 021852         | 11/30/2012   | 01/29/13 | \$ 161.17        |              |

RETURN THIS PORTION WITH PAYMENT

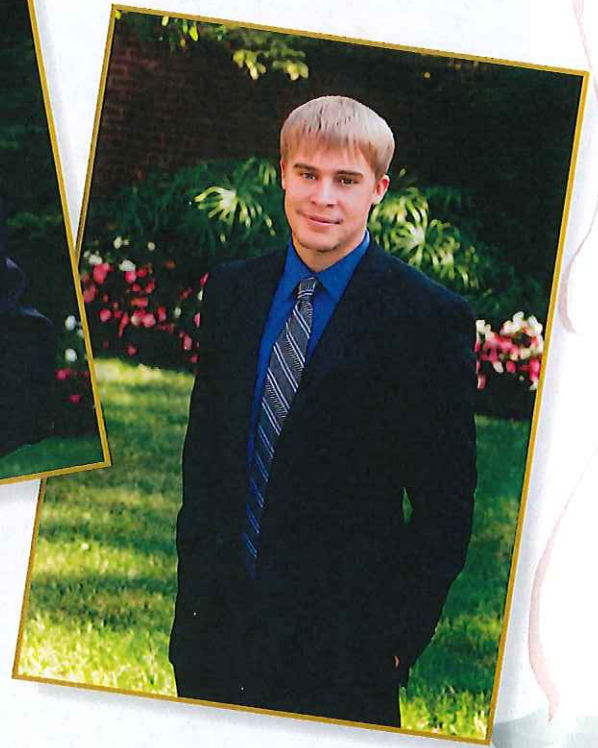
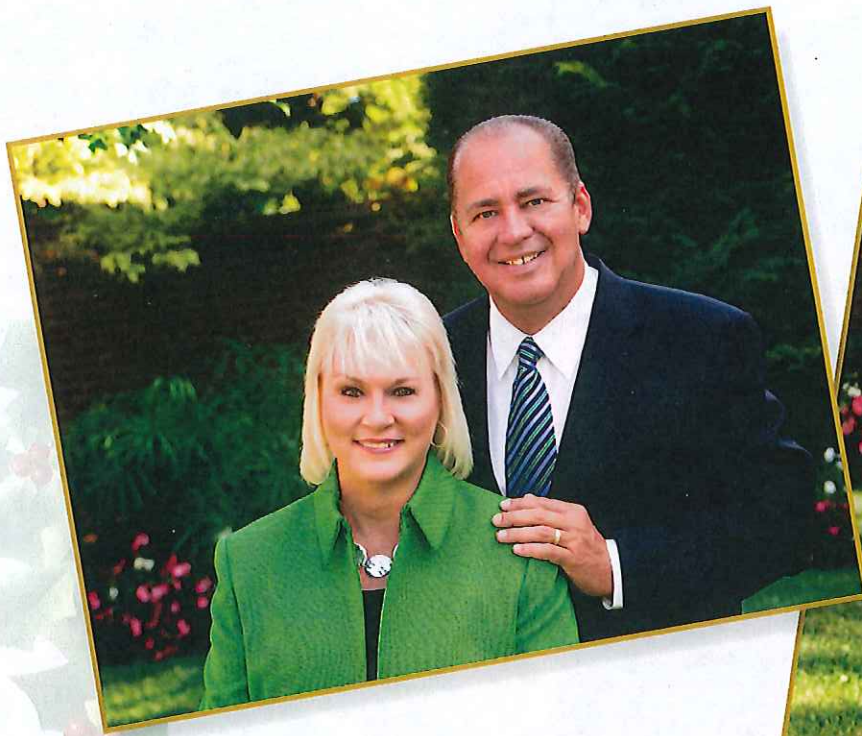
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BILLING ADDRESS

KEUROGLIAN, MELINDA  
 286 HITE RD  
 KEARNEYSVILLE, WV 25430

REMIT TO ADDRESS

Apple Valley Waste  
 PO Box 7117  
 Charleston, WV 25356-0117




*During this special time of year,  
we hope you take the time to cherish the  
treasures of the season – the warmth of home,  
the love of family and the company of good friends.*

*From our home to yours, we send out  
heartfelt wishes for a wonderful holiday and  
a peaceful, prosperous new year.*

**THE TOMBLIN FAMILY**

Governor Earl Ray, First Lady Joanne and son, Brent





May your *Christmas*  
be filled with joy and good cheer  
and the *New Year* bring you  
peace and happiness!  
Thank you for your membership and  
and continued support!

*County Commissioners' Association  
of West Virginia*



*Vivian*



*Jennifer*



*Ermel*

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                       | Week Ending<br>December 15, 2012 |
|--------------------------------------------------------|----------------------------------|
| <b>To be Deposited on:</b>                             | December 21, 2012                |
| Amount Played                                          | 54,790,145.29                    |
| Amount Won                                             | 49,158,864.98                    |
| Amount Promo                                           | 185,275.00                       |
| MWAP Contribution                                      | <u>3,599.81</u>                  |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>5,442,405.50</u></b>       |
| Administrative Costs @ 4%                              | 0.00                             |
| Excess Lottery Fund @ 4%                               | <u>217,696.23</u>                |
| <b>Net Terminal Revenue</b>                            | <b><u>5,224,709.27</u></b>       |
| Surcharge @ 10%                                        | 522,470.93                       |
| State Share Excess @ 58%                               | 303,033.14                       |
| Track Share of Capital Reinvestment @ 42%              | <u>219,437.79</u>                |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>210660.28</i>                 |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>8777.51</i>                   |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>4,702,238.34</u></b>       |
| Racetrack @ 46.50% / 42%                               | 1,974,940.10                     |
| Lottery Fund @ 30% / 0%                                | 0.00                             |
| Excess Lottery Fund @ 0% / 41%                         | 1,927,917.73                     |
| Race Track Purses @ 7% / 14% / 8%                      | 376,179.07                       |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                             |
| Employee Pension Fund @ 1% / .5%                       | 23,511.19                        |
| Greyhound Development @ .75%                           | 35,266.79                        |
| Thoroughbred Development @ .75%                        | 35,266.79                        |
| Racing Commission @ 1%                                 | 47,022.38                        |
| County/Municipality @ 2%                               | 94,044.76                        |
| <b>3% Funds:</b>                                       |                                  |
| Tourism Promotion Fund @ 1.375%                        | 64,655.78                        |
| Development Office Promotion Fund @ .375%              | 17,633.39                        |
| Research Challenge Fund @ .5%                          | 23,511.19                        |
| Capitol Renovation and Improvement Fund @ .6875%       | 32,327.89                        |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 2,938.90                         |
| <b>1% Funds:</b>                                       |                                  |
| State Capitol Complex Parking Garage @ 1%              | 0.00                             |
| Cultural Facilities and Capitol Resources @ .5%        | 23,511.19                        |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>23,511.19</u>                 |
|                                                        | <b><u>4,702,238.34</u></b>       |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2013

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% |
|--------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| Week Ending: |                              |                           |                      |                  |                           |                           |                  |                             |
| 07/07/12     | \$ 161,637.92                | \$ 161,637.92             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/14/12     | \$ 129,458.04                | \$ 129,458.04             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/21/12     | \$ 130,037.00                | \$ 130,037.00             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/28/12     | \$ 137,164.44                | \$ 137,164.44             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/04/12     | \$ 132,931.16                | \$ 132,931.16             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/11/12     | \$ 134,212.88                | \$ 134,212.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/18/12     | \$ 133,861.76                | \$ 110,241.90             | \$ 23,619.86         | \$ 1,934.47      | \$ 9,731.38               | \$ 529.08                 | \$ 8,214.99      | \$ 3,209.94                 |
| 08/25/12     | \$ 132,419.80                | \$ 66,209.90              | \$ 66,209.90         | \$ 5,422.59      | \$ 27,278.48              | \$ 1,483.10               | \$ 23,027.80     | \$ 8,997.93                 |
| 09/01/12     | \$ 134,266.84                | \$ 67,133.42              | \$ 67,133.42         | \$ 5,498.23      | \$ 27,658.97              | \$ 1,503.79               | \$ 23,349.00     | \$ 9,123.43                 |
| 09/08/12     | \$ 148,058.80                | \$ 74,029.40              | \$ 74,029.40         | \$ 6,063.01      | \$ 30,500.11              | \$ 1,658.26               | \$ 25,747.42     | \$ 10,060.60                |
| 09/15/12     | \$ 123,676.08                | \$ 61,838.04              | \$ 61,838.04         | \$ 5,064.54      | \$ 25,477.27              | \$ 1,385.17               | \$ 21,507.27     | \$ 8,403.79                 |
| 09/22/12     | \$ 113,993.80                | \$ 56,996.90              | \$ 56,996.90         | \$ 4,668.05      | \$ 23,482.72              | \$ 1,276.73               | \$ 19,823.52     | \$ 7,745.88                 |
| 09/29/12     | \$ 123,222.80                | \$ 61,611.40              | \$ 61,611.40         | \$ 5,045.97      | \$ 25,383.90              | \$ 1,380.10               | \$ 21,428.44     | \$ 8,372.99                 |
| 10/06/12     | \$ 125,430.40                | \$ 62,715.20              | \$ 62,715.20         | \$ 5,136.37      | \$ 25,838.66              | \$ 1,404.82               | \$ 21,812.35     | \$ 8,523.00                 |
| 10/13/12     | \$ 121,420.36                | \$ 60,710.18              | \$ 60,710.18         | \$ 4,972.17      | \$ 25,012.59              | \$ 1,359.91               | \$ 21,115.00     | \$ 8,250.51                 |
| 10/20/12     | \$ 124,666.16                | \$ 62,333.08              | \$ 62,333.08         | \$ 5,105.08      | \$ 25,681.23              | \$ 1,396.26               | \$ 21,679.44     | \$ 8,471.07                 |
| 10/27/12     | \$ 116,147.08                | \$ 58,073.54              | \$ 58,073.54         | \$ 4,756.22      | \$ 23,926.30              | \$ 1,300.85               | \$ 20,197.98     | \$ 7,892.19                 |
| 11/03/12     | \$ 113,090.60                | \$ 56,545.30              | \$ 56,545.30         | \$ 4,631.06      | \$ 23,296.66              | \$ 1,266.61               | \$ 19,666.46     | \$ 7,684.51                 |
| 11/10/12     | \$ 112,221.92                | \$ 56,110.96              | \$ 56,110.96         | \$ 4,595.49      | \$ 23,117.72              | \$ 1,256.88               | \$ 19,515.39     | \$ 7,625.48                 |
| 11/17/12     | \$ 114,864.72                | \$ 57,432.36              | \$ 57,432.36         | \$ 4,703.71      | \$ 23,662.13              | \$ 1,286.49               | \$ 19,974.97     | \$ 7,805.06                 |
| 11/24/12     | \$ 131,777.72                | \$ 65,888.86              | \$ 65,888.86         | \$ 5,396.30      | \$ 27,146.21              | \$ 1,475.91               | \$ 22,916.14     | \$ 8,954.30                 |
| 12/01/12     | \$ 100,486.68                | \$ 50,243.34              | \$ 50,243.34         | \$ 4,114.93      | \$ 20,700.26              | \$ 1,125.45               | \$ 17,474.63     | \$ 6,828.07                 |
| 12/08/12     | \$ 101,541.92                | \$ 50,770.96              | \$ 50,770.96         | \$ 4,158.14      | \$ 20,917.64              | \$ 1,137.27               | \$ 17,658.14     | \$ 6,899.77                 |
| 12/15/12     | \$ 94,044.76                 | \$ 47,022.38              | \$ 47,022.38         | \$ 3,851.13      | \$ 19,373.22              | \$ 1,053.30               | \$ 16,354.39     | \$ 6,390.34                 |
| Subtotal     | \$ 2,990,633.64              | \$ 1,951,348.56           | \$ 1,039,285.08      | \$ 85,117.46     | \$ 428,185.45             | \$ 23,279.98              | \$ 361,463.33    | \$ 141,238.86               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

| FY 2009    |            | FY 2010    |            | FY 2011    |            | FY 2012    |            | FY 2013    |            |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 7/5/2008 * | 169,912.56 | 7/4/2009 * | 128,262.42 | 07/03/2010 | 115,402.58 | 7/1-2/2011 | 69,824.12  | 07/07/2012 | 161,637.92 |
| 07/12/2008 | 176,592.38 | 07/11/2009 | 168,815.08 | 07/10/2010 | 205,731.64 | 07/09/2011 | 171,717.28 | 07/14/2012 | 129,458.04 |
| 07/19/2008 | 160,344.08 | 07/18/2009 | 160,652.98 | 07/17/2010 | 161,386.76 | 07/16/2011 | 143,019.52 | 07/21/2012 | 130,037.00 |
| 07/26/2008 | 162,982.74 | 07/25/2009 | 158,869.08 | 07/24/2010 | 160,368.28 | 07/23/2011 | 146,508.00 | 07/28/2012 | 137,164.44 |
| 08/02/2008 | 178,171.04 | 08/01/2009 | 174,493.08 | 07/31/2010 | 157,802.08 | 07/30/2011 | 144,510.28 | 08/04/2012 | 132,931.16 |
| 08/09/2008 | 123,538.04 | 08/08/2009 | 138,408.80 | 08/07/2010 | 136,494.98 | 08/06/2011 | 151,495.28 | 08/11/2012 | 134,212.88 |
| 08/16/2008 | 82,482.89  | 08/15/2009 | 81,222.14  | 08/14/2010 | 78,376.68  | 08/13/2011 | 117,350.38 | 08/18/2012 | 110,241.90 |
| 08/23/2008 | 76,426.18  | 08/22/2009 | 76,260.31  | 08/21/2010 | 76,199.02  | 08/20/2011 | 71,614.12  | 08/25/2012 | 66,209.90  |
| 08/30/2008 | 89,459.86  | 08/29/2009 | 80,472.92  | 08/28/2010 | 72,460.03  | 08/27/2011 | 63,432.14  | 09/01/2012 | 67,133.42  |
| 09/06/2008 | 91,644.46  | 09/05/2009 | 80,798.15  | 09/04/2010 | 76,362.84  | 09/03/2011 | 80,837.76  | 09/08/2012 | 74,029.40  |
| 09/13/2008 | 79,729.93  | 09/12/2009 | 86,286.92  | 09/11/2010 | 82,969.36  | 09/10/2011 | 84,845.80  | 09/15/2012 | 61,838.04  |
| 09/20/2008 | 71,269.36  | 09/19/2009 | 70,010.15  | 09/18/2010 | 67,638.78  | 09/17/2011 | 66,748.62  | 09/22/2012 | 56,996.90  |
| 09/27/2008 | 79,735.73  | 09/26/2009 | 69,316.87  | 09/25/2010 | 70,435.06  | 09/24/2011 | 68,929.80  | 09/29/2012 | 61,611.40  |
| 10/04/2008 | 75,186.22  | 10/03/2009 | 72,286.04  | 10/02/2010 | 71,013.86  | 10/01/2011 | 68,871.64  | 10/06/2012 | 62,715.20  |
| 10/11/2008 | 77,139.04  | 10/10/2009 | 69,650.63  | 10/09/2010 | 69,311.50  | 10/08/2011 | 70,866.90  | 10/13/2012 | 60,710.18  |
| 10/18/2008 | 80,668.26  | 10/17/2009 | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  |
| 10/25/2008 | 64,379.44  | 10/24/2009 | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  |
| 11/01/2008 | 68,352.42  | 10/31/2009 | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/03/2012 | 56,545.30  |
| 11/08/2008 | 70,823.02  | 11/07/2009 | 63,741.59  | 11/06/2010 | 61,337.62  | 11/05/2011 | 70,673.88  | 11/10/2012 | 56,110.96  |
| 11/15/2008 | 65,565.50  | 11/14/2009 | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  |
| 11/22/2008 | 63,883.80  | 11/21/2009 | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  |
| 11/29/2008 | 69,850.12  | 11/28/2009 | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/01/2012 | 50,243.34  |
| 12/06/2008 | 55,696.68  | 12/05/2009 | 51,006.51  | 12/04/2010 | 53,215.08  | 12/03/2011 | 59,429.94  | 12/08/2012 | 50,770.96  |
| 12/13/2008 | 60,178.04  | 12/12/2009 | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  |
| 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  |            |            |
| 01/03/2009 | 96,504.65  | 01/02/2010 | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  |            |            |
| 01/10/2009 | 53,286.62  | 01/09/2010 | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  |            |            |

|               |           |            |           |            |           |            |           |
|---------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 01/17/2009    | 56,068.87 | 01/16/2010 | 60,551.28 | 01/15/2011 | 54,005.90 | 01/14/2012 | 58,901.92 |
| 01/24/2009    | 71,474.63 | 01/23/2010 | 69,943.53 | 01/22/2011 | 60,924.74 | 01/21/2012 | 61,819.92 |
| 01/31/2009    | 61,089.80 | 01/30/2010 | 48,527.75 | 01/29/2011 | 48,036.94 | 01/28/2012 | 62,898.78 |
| 02/07/2009    | 83,539.63 | 02/06/2010 | 37,155.14 | 02/05/2011 | 60,777.44 | 02/04/2012 | 72,154.66 |
| 02/14/2009    | 76,054.44 | 02/13/2010 | 44,334.00 | 02/12/2011 | 67,471.84 | 02/11/2012 | 66,429.04 |
| 02/21/2009    | 91,838.41 | 02/20/2010 | 76,946.12 | 02/19/2011 | 72,018.54 | 02/18/2012 | 77,455.88 |
| 02/28/2009    | 80,806.88 | 02/27/2010 | 72,024.40 | 02/26/2011 | 75,544.02 | 02/25/2012 | 77,611.78 |
| 03/07/2009    | 48,837.13 | 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 |
| 03/14/2009    | 96,025.39 | 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 |
| 03/21/2009    | 79,002.82 | 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 |
| 03/28/2009    | 79,250.83 | 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 |
| 04/04/2009    | 75,968.30 | 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 |
| 04/11/2009    | 75,964.94 | 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 |
| 04/18/2009    | 80,598.22 | 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 |
| 04/25/2009    | 75,571.46 | 04/24/2010 | 68,714.11 | 04/23/2011 | 67,674.14 | 04/21/2012 | 68,055.08 |
| 05/02/2009    | 73,957.05 | 05/01/2010 | 68,799.06 | 04/30/2011 | 66,807.50 | 04/28/2012 | 72,880.66 |
| 05/09/2009    | 76,697.22 | 05/08/2010 | 67,403.54 | 05/07/2011 | 66,379.74 | 05/05/2012 | 71,582.30 |
| 05/16/2009    | 71,925.70 | 05/15/2010 | 70,186.32 | 05/14/2011 | 66,699.76 | 05/12/2012 | 63,357.92 |
| 05/23/2009    | 81,395.43 | 05/22/2010 | 64,695.71 | 05/21/2011 | 63,210.44 | 05/19/2012 | 78,984.36 |
| 05/30/2009    | 82,161.55 | 05/29/2010 | 67,157.40 | 05/28/2011 | 64,724.06 | 05/26/2012 | 67,396.24 |
| 06/06/2009    | 74,895.74 | 06/05/2010 | 77,371.80 | 06/04/2011 | 74,952.34 | 06/02/2012 | 76,959.44 |
| 06/13/2009    | 67,327.23 | 06/12/2010 | 66,106.29 | 06/11/2011 | 62,203.12 | 06/09/2012 | 63,584.86 |
| 06/20/2009    | 75,500.53 | 06/19/2010 | 64,888.48 | 06/18/2011 | 61,200.76 | 06/16/2012 | 59,436.12 |
| 06/27/2009    | 67,354.10 | 06/26/2010 | 63,950.29 | 06/25/2011 | 65,470.44 | 06/23/2012 | 55,921.30 |
| 6/30/2009 *** | 32,059.58 | 06/30/2010 | 29,667.19 | 06/30/2011 | 34,351.16 | 06/30/2012 | 58,207.40 |

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TOTALS **4403564.04**

**4041141.56**

**4016541.01**

**4124906.8**

**1951348.56**

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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        |
| May, 2012              | 137,905.13        |
| June, 2012             | 129,235.38        |
| <b>Total 2011-2012</b> | <b>1602900.84</b> |

| <b>Date</b>            | <b>Amount</b>    |
|------------------------|------------------|
| July, 2012             | 138,663.64       |
| August, 2012           | 133,245.83       |
| September, 2012        | 127,532.40       |
| October, 2012          | 126,482.02       |
| <b>Total 2011-2012</b> | <b>525923.89</b> |

**Table Game Revenue Distribution - Jefferson County School Board**

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2011             | 425,154.03          |
| August, 2011           | 412,421.76          |
| September, 2011        | 331,125.75          |
| October, 2011          | 372,821.82          |
| November, 2011         | 363,356.61          |
| December, 2011         | 421,529.79          |
| January, 2012          | 413,438.04          |
| February, 2012         | 428,310.03          |
| March, 2012            | 455,536.38          |
| April, 2012            | 383,586.78          |
| May, 2012              | 413,715.39          |
| June, 2012             | 387,706.12          |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> |

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2012             | 415,990.92          |
| August, 2012           | 399,737.49          |
| September, 2012        | 382,597.20          |
| October, 2012          | 379,446.06          |
| <b>Total 2011-2012</b> | <b>1,577,771.67</b> |